

CASE B: PD15-23946-BOS

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BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT AMENDMENT

CASE NUMBER: PD15-23496-BOS, PELICAN LANDING RESIDENTIAL
PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED
DEVELOPMENT (CPD) AMENDMENT

HEARING DATE: AUGUST 4, 2020 (ZONING BOARD-CMT)
AUGUST 5, 2020 (CITY COUNCIL 2nd READING)

PLANNER: JOHN DULMER, AICP
JACQUELINE GENSON, AICP

APPLICATION SUMMARY:

- A. Applicant/Contract Purchaser: WCI COMMUNITIES, LLC / London Bay Homes
- B. Agent: Pavese Law Firm; Coleman, Yovanovich & Koester, PA; and Waldrop Engineering
- C. Request: To amend Lee County Zoning Resolution No. 94-014 to incorporate the following:
- a. Rezone 20+/- acres from Kersey Smoot RPD to the Pelican Landing CPD/RPD; and
 - b. Amend Condition 9 to create "F1" in the RPD land development area; and
 - c. Add Continuing Care Facility (CCF), Assisted Living Facility (ALF), Independent Living Facility (ILF), and Health Care Facilities, Groups I, II, and III to the list of permitted uses; and
 - d. Amend Condition 12 associated with Deviation 12 to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road in reference to RPD land development area "F1."
- D. Location: The subject property is located within the Pelican Landing Golf Resort (a/k/a Raptor Bay) at the northwest intersection of Coconut Point Resort Drive and Coconut Road, Bonita Springs, FL 34134.

- E. Future Land Use Map Designation: Outlying Suburban and Wetlands (Lee County FLUM)
- F. Current Zoning: Lee County Zoning Resolutions No. 98-066 (Kersey Smoot), as subsequently amended, and No. 94-014 (Pelican Landing RPD/CPD), as subsequently amended
- G. Current Land Use: Golf Course
- H. Size of Property: ± 55 acres

By this reference, the Applicant's Application in its entirety and correspondence is made part of this record and is available at the City Clerk's and Community Development's Offices.

BACKGROUND:

History and Overview

Pursuant to Section 171.062(2), *Florida Statutes*, the property is subject to the Lee County Comprehensive Plan (Lee Plan) and the County's Land Development Code (LDC) in effect as of March 26, 2014, until the City adopts a comprehensive plan amendment that includes the annexed area. A comprehensive plan amendment was filed in 2015 to assign the property a city future land designation consistent with the Annexation Agreement, but the request was denied at the City Council adoption hearing in February 2016. At that time, the Applicant requested a remand of its companion rezoning petition to the Zoning Board for review of its request pursuant to the Lee Plan and Lee County LDC that were in effect at the time of annexation.

This request has been scheduled as part of on-going litigation between the City of Bonita Springs and WCI Communities, LLC, over the Raptor Bay project. This rezoning petition was remanded in February 2016 to the City of Bonita Springs Board for Land Use Hearing and Adjustment and Zoning Board of Appeals for review pursuant to the Lee Plan and the County's LDC that were in effect at the time of annexation (March 26, 2014). In addition to the remand, the Applicant filed multiple lawsuits against the City stemming from the Annexation Agreement. The Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 stated that the Annexation Agreement is enforceable. The Court ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, was approved.

WCI Communities, LLC, has entered into a contract purchase agreement with London Bay Homes (LBH). LBH is requesting to satisfy the Zoning Board remand and obtain the requisite zoning ordinance memorializing the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966. LBH is also requesting additional changes beyond that of the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966. These changes include a modification to the schedule of uses to add Assisted Living Facilities; Continuing Care Facilities; Health Care Facilities, Groups I, II, and III; and Independent Living Units. Other changes include confirming the maximum number of dwellings units remaining in the DRI and RPD/CPD, establishing development standards for the RPD land development area F1 area and supplemental residential uses (*i.e.*, perimeter setbacks and open space requirements), and identifying two (2) potential future pedestrian and vehicular interconnections to the Bayview on Estero Bay project.

The City, Village of Estero, and Lee County Staff have reviewed this request pursuant to the Lee Plan and the County's LDC in effect at the time of annexation.

The Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966

The Applicant is requesting the City to memorialize the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 where the Court ordered and adjudged that Lee County Zoning Resolution No. 94-014 was amended to incorporate the following changes:

- a. Condition 9 is amended to create RPD land development area F1 consisting of 55+/- acres; and
- b. Condition 12 associated with deviation 12 is amended to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road in reference to the RPD land development area F1 request; and
- c. Twenty (20) +/- acres from the Kersey Smoot RPD is added to the Pelican Landing CPD/RPD and rezoned to RPD land development area F1; and
- d. Thirty-five (35) +/- acres from RPD Land Development Area E is added to RPD land development area F1.

Additional Changes

LBH is requesting additional changes beyond that of the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966. These changes include a modification to the schedule of uses to add Assisted Living Facilities; Continuing Care Facilities; Health Care Facilities, Groups I, II, and III; and Independent Living Units. Other changes include confirming the maximum number of dwellings units remaining in the DRI and RPD/CPD, establishing development standards for the RPD land development area F1 area and supplemental residential uses (i.e., perimeter setbacks and open space requirements), and identifying two (2) potential future pedestrian and vehicular interconnections to the Bayview on Estero Bay project.

Current Future Land Use Map

The subject property is designated as Wetlands and Outlying Suburban on the Lee County Future Land Use Map. No changes to the Future Land Use Map are contemplated at this time.

Current Zoning

The subject property totals 55 +/- acres. Twenty (20) +/- acres are from the Kersey Smoot RPD, approved by Lee County in Z-98-066, as amended by Z-03-029 and Z-07-031. Thirty-five (35) +/- acres from Pelican Landing RPD/CPD RPD Land Development Area E, approved by Lee County in Z-94-014, as amended in Z-00-031. The Final Judgment approved the amendment to Condition 9 to create RPD land development area F1 for the subject property.

Schedule of Uses

The original RPD/CPD resolution conditioned the project by CPD and then RPD. The RPD schedule of uses are regulated by land development area in Conditions 8 thru 10 of Z-94-014. The Final Judgment approved the creation of RPD land development area F1 into Condition 9 of Z-94-014. The Final Judgment also approved the rezoning of twenty (20) acres from the Kersey

Smoot RPD and thirty-five (35) +/- acres from the Pelican Landing RPD/CPD RPD Land Development Area E to RPD land development area F1. The supplemental request by LBH seeks to confirm the remaining dwelling units and to add Assisted Living Facilities; Continuing Care Facilities; Health Care Facilities, Groups I, II, and III; and Independent Living Units to the approved schedule of uses. Condition 9 already allows a variety of residential uses, golf course uses, and other amenity and recreational uses. In 1996, Lee County approved an amendment to add Assisted Living Facilities as a permitted use in RPD land development area D, subject to conditions.

The Court ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, was approved to allow a maximum of four (4) residential buildings. The City Staff has reviewed the Applicant's unit count information and finds the request for 503 units to be consistent with the dwelling units approved in the Pelican Landing DRI and Pelican Landing RPD/CPD, as subsequently amended.

Property Development Regulations

The RPD property development regulations are set forth by land development area in Conditions 11 and 12 of Z-94-014. The Final Judgment approved a modification to Condition 12 to add RPD land development area F1 and to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road. Condition 12 approved Deviation 12, which addressed development of buildings exceeding seventy-five (75) feet above minimum flood elevation. The supplemental requests by LBH seek to establish perimeter setbacks and open space requirements.

Deviations:

No new deviations have been sought as part of this application. The changes approved by the Final Judgment and supplemental requests by LBH require modifications to Deviation 12 (Condition 12 of Z-94-014). Some of the supplemental changes are necessary in order to further clarify the development standards for the RPD land development area F1 area. All other deviations previously granted remain in effect.

CONCLUSIONS:

The following conclusions are based upon the Applicant's Application being reviewed pursuant to the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 and for compliance with the Lee Plan and the County's LDC in effect as of March 26, 2014. Attachment "A," which is attached hereto and made a part hereof, demonstrates the type of analysis that was done. The Applicant's application materials and exhibits are included in Attachment "B." Attachment "C" includes the 2014 version of the Lee Plan and the County's LDC that was utilized for the review and analysis of this request.

The Applicant hosted a public informational session in 2016 as required by the Lee Plan. This Application was found sufficient prior to the City enacting its Neighborhood Meeting requirement. Therefore, no additional neighborhood meetings were held. Additional methods of public notice included mailed notices to property owners located within 375 feet of the subject property, and rezoning property posting signs along Coconut Road and within the timeshare development. Legal ads were placed in the newspaper for the Zoning Board and City Council public hearings.

A review of the Lee Plan shows that the subject property is designated as Wetlands and Outlying Suburban on the Lee County Future Land Use Map. The proposed development, as conditioned,

is consistent with the requirements and standards of the Lee Plan and the County's LDC in effect as of March 26, 2014.

RECOMMENDATION

The City Staff recommends APPROVAL of Petition PD15-23946-BOS, Pelican Landing RPD/CPD City Council to amend Lee County Zoning Resolution No. 94-014 in accordance with the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 and in addition to the following changes.

For Condition 2b, all new text shown with a single underline indicates changes resulting from the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966. New text with double underline indicates changes requested by LBH.

Conditions:

1. In accordance with the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966, the City acknowledges Lee County Zoning Resolution No. 94-014 was deemed amended to incorporate the following changes:
 - a. Condition 9 is amended to create RPD land development area F1 consisting of 55+/- acres; and
 - b. Condition 12 associated with deviation 12 is amended to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road in reference to the RPD land development area F1 request; and
 - c. Twenty (20) +/- acres from the Kersey Smoot RPD is added to the Pelican Landing CPD/RPD and rezoned to RPD land development area F1; and
 - d. Thirty-five (35) +/- acres from RPD Land Development Area E is added to RPD land development area F1.

2. The following conditions apply to those requests beyond that of the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966:
 - a. The development of this project must be consistent with the Master Concept Plan (MCP) entitled Pelican Landing RPD/CPD Area F-1 Conceptual Master Plan (**Exhibit A**), stamped received July 7, 2020, except as modified by the conditions contained herein. This development must comply with all requirements of the County's LDC in effect as of March 26, 2014, at time of local development order approval, except as may be granted by deviation as part of this planned development. Approval of a Final Zoning Plan is still required in accordance with Condition 1 of Lee County Resolution Z-94-014.

 - b. Conditions 9 and 12 of Lee County Resolution Z-94-014 are hereby amended for the development of this project.

Residential Planned Development

8. Permitted uses in RPD land development Area A:

Zero lot line, Single-Family, Two-Family Attached
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing
Speculative Home
Temporary Sales and/or Construction Office
Administrative Offices
Home Occupation
Entrance Gates and Gatehouses
Public and Private Parks, Playgrounds, Tot Lots, Community Swimming Pools, Tennis Courts or other community recreational amenity, Playfields and Commonly Owned Open Space
Essential Services
Signs

9. Permitted Uses in RPD land development Areas B, C, D, and F, and F1 (Area F-1 limited to a maximum of 503 dwelling units):

Residential Uses, including but not limited to:
- Zero lot line
- Two family attached
- Townhouse
- Duplex
- Single family
- Multiple family buildings
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
- Private boat docks (where permitted by DRI Development Order)
Model Homes, Model Units and Model Display Center,
limited to residential uses within Pelican Landing
Temporary Sales and/or Construction Office
Administrative Offices
Golf Courses, Golf Course Accessory and Associate Uses, including but not limited to:
- Club house
- Maintenance facility
- Pro shop
- Alcoholic beverage consumption in the club house
- Snack bar at the ninth hole or other appropriate location
- Ball washers
- Restrooms and other uses which are normal and accessory to the golf course

Assisted Living Facility (ALF) (at a density of 4 ALF beds: 1 residential dwelling unit), limited to area F-1. (An ALF is also permitted in RPD Area D on the parcel located at the southeast corner of Spring Creek Road and Coconut Road pursuant to Z-96-055).

ALF/CCF Accessory uses and structures, ALF/CCF including, but not limited to: small-scale retail and personal services for use by residents such as ATM's, auditoriums, banking, barber and/or beauty shop, spa services, laundry and/or dry cleaning (Group I and II), medical offices, pharmacy, postal services, rehabilitation facilities, sundries, and other community recreational facilities and similar uses)

Club, country

Club, private

Continuing Care Facility (CCF), calculated at a density of 2 CCF units: 1 residential dwelling units, limited to area F-1

Health Care Facilities, Groups I, II, and III, limited to area F-1

Home Occupation

Independent Living Units (ILF), calculated at a density of 2 ILF units: 1 residential dwelling units, limited to area F-1

Entrance Gates and Gatehouse

Public and Private Parks

Playground, Tot Lots

Community Swimming Pools

Tennis Courts or other community recreational amenity

Playfields

Essential Services

Essential Service Facilities

Signs

Excavation-water retention

12. Deviation (12) is approved for RPD Area F, F1, and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide one foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands north of Coconut Road, the setback for structures in excess of 75 feet in CPD Area B, ~~and the RPD Area F,~~ and RPD Area F-1 that is adjacent to Coconut Road may be per LDC Section 34-2174.

The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:

a. Minimum Lot Area and Dimensions

Lot Size	10,000 square feet
Lot Area per Unit	1,000 square feet
Width	100 feet

Depth 100 feet

b. Minimum Setbacks

Private Road	25 feet
Side Yard	25 feet
Rear Yard	25 feet
Waterbody	25 feet

c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.

d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted south of Coconut Road. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel). The F-1 parcel located north of Coconut Road may be developed with four (4) multi-family buildings up to twenty (20) habitable floors over two (2) floors of parking and additional buildings with a height less than seventy-five (75) feet are also permitted; OR parcel F-1 may be developed with single-family, zero lot line, duplex, townhouse, and multi-family buildings up to 120 feet over parking.

e. A minimum of 15% open space shall be provided for each multi-family building site/Continuing Care Facility (CCF) that is or exceeds 75 feet in height.

3. Environmental Conditions-Subject to modification

- a. No further clearing or development is permitted west of the 50' offset development line (generally the existing vegetation line).
- b. Wetland impacts are prohibited.
- c. Fertilizer ordinance. The City's Fertilizer Ordinance will supersede any conflicting conditions within the previously approved Planned Development and DRI approvals.
- d. Mangrove trimming. In an effort to promote the health of the mangroves that provide hurricane protection and contribute to the health of the Estero Bay Aquatic Preserve, mangrove trimming is prohibited within or abutting RPD land development area F-1.
- e. Upon redevelopment of the golf course, the Applicant will undertake semiannual surface water quality monitoring for a period of three (3) years post construction and during the wet and dry seasons every third year thereafter. If results are outside of state recognized acceptable parameters, golf course management practices will be adjusted, and semi-annual monitoring will continue until parameters are within acceptable levels. Redevelopment of the golf course and related lake systems will continue to comply with Audubon International Standards.

4. Transportation

- a. Village of Estero. Before the issuance of any local development order ,The developer is required to enter into an agreement for the fair share contribution towards the design and construction of a traffic signal at the intersection of US 41 and Pelican Colony Boulevard or to reimburse the Village of Estero should the Village proceed with the design and construction.
 - b. The Applicant shall coordinate with the Village of Estero on their impact to Coconut Road as it relates to the KCA Traffic Technical Memorandum.
- 5. All development must be consistent with the applicable provisions of the Lee County LDC and the terms and conditions of Z-94-014, as subsequently amended.
 - 6. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the County's LDC, in effect as of March 26, 2014, may be required to obtain a local development order.

Deviations: No new deviations have been sought as part of this application. All deviations previously granted remain in effect.

SUBJECT PROPERTY:

The Applicant indicates the STRAP/Folio number as: STRAP: 07-47-25-B2-00000.0010 / Folio ID: 10566375

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property stamped received April 16, 2016
- B. Master Concept Plan stamped received July 7, 2020

ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
 - ii. Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 Annexation Agreement
 - iii. Annexation Agreement
- B. Applicant's Informational Analysis
 - i. Application
 - ii. Mailing Labels
 - iii. Aerial Location Map
 - iv. List of Zoning Approvals
 - v. Copies of Lee County Zoning Resolutions for Kersey Smoot (Z-98-066, as amended by Z-03-029 and Z-07-031), Pelican Landing RPD/CPD(Z-94-014, as amended in Z-00-031), and Pelican Landing DRI, Resolution No. 13-08-06 (County DRI)
 - vi. Project Request Narrative Amended by LBH
 - vii. Proposed Conditions by LBH
 - viii. DRI Unit Count information
 - ix. 2016 Lee Plan and Lee County LDC Consistency
 - x. Traffic Impact Statement

- xi. Topographic Elevation Data Map
 - xii. Soils Map
 - xiii. Protected Species Management and Human-Wildlife Coexistence Plan
 - xiv. Surface Water Management Plan
 - xv. Bonita Springs Utilities Service Availability
 - xvi. Tall Structures Determination
- C. Lee Plan and Sections of the Lee County LDC in effect as of March 26, 2014 (available upon request by City Clerk or the online agenda packet via FTP link).

PROPERTY DESCRIPTION

PARCEL "A"
A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID SECTION 7, NORTH 01°34'55" WEST, A DISTANCE OF 462.67 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE CONTINUE ALONG SAID LINE, NORTH 01°34'55" WEST, A DISTANCE OF 1,047.21 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE LEFT; THENCE SOUTHEASTERLY 160.75 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 610.00 FEET, A CENTRAL ANGLE OF 15°05'55", (CHORD BEARING SOUTH 56°49'22" EAST, A DISTANCE OF 160.28 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 68.10 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 675.00 FEET, A CENTRAL ANGLE OF 05°46'48", (CHORD BEARING SOUTH 61°28'55" EAST, A DISTANCE OF 68.07 FEET) TO A POINT ON A COMPOUND CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 273.04 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 60°10'09", (CHORD BEARING SOUTH 28°30'27" EAST, A DISTANCE OF 260.66 FEET); THENCE SOUTH 01°34'37" WEST, A DISTANCE OF 129.72 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHERLY 147.14 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 37°28'04", (CHORD BEARING SOUTH 20°18'39" WEST, A DISTANCE OF 144.53 FEET); THENCE SOUTH 39°02'41" WEST, A DISTANCE OF 55.64 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHERLY 225.28 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 67°56'02", (CHORD BEARING SOUTH 05°04'40" WEST, A DISTANCE OF 212.31 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 294.51 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 108°52'02", (CHORD BEARING SOUTH 25°32'39" WEST, A DISTANCE OF 252.17 FEET); THENCE SOUTH 79°58'40" WEST, A DISTANCE OF 20.36 FEET; THENCE SOUTH 01°34'55" EAST, A DISTANCE OF 30.26 FEET; THENCE SOUTH 88°25'05" WEST, A DISTANCE OF 26.60 FEET; THENCE NORTH 01°34'55" WEST, A DISTANCE OF 84.84 FEET; THENCE SOUTH 89°04'08" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.50 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL "B"
A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID SECTION 7, NORTH 01°34'55" WEST, A DISTANCE OF 2,541.19 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID LINE, NORTH 01°34'55" WEST, A DISTANCE OF 106.67 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE RUN ALONG SAID NORTH LINE, SOUTH 89°21'21" WEST, A DISTANCE OF 1,336.61 FEET; THENCE NORTH 02°49'58" WEST, A DISTANCE OF 21.41 FEET; THENCE NORTH 46°12'33" WEST, A DISTANCE OF 68.47 FEET; THENCE NORTH 17°55'59" WEST, A DISTANCE OF 45.26 FEET; THENCE NORTH 20°33'16" WEST, A DISTANCE OF 57.29 FEET; THENCE NORTH 15°28'57" EAST, A DISTANCE OF 73.32 FEET; THENCE NORTH 02°31'16" EAST, A DISTANCE OF 63.41 FEET; THENCE NORTH 12°17'57" WEST, A DISTANCE OF 66.88 FEET; THENCE NORTH 35°08'27" WEST, A DISTANCE OF 62.53 FEET; THENCE NORTH 19°13'15" WEST, A DISTANCE OF 42.97 FEET; THENCE NORTH 14°30'57" WEST, A DISTANCE OF 81.14 FEET; THENCE NORTH 74°27'51" EAST, A DISTANCE OF 702.39 FEET; THENCE SOUTH 36°38'48" EAST, A DISTANCE OF 37.55 FEET; THENCE SOUTH 05°27'07" WEST, A DISTANCE OF 410.85 FEET; THENCE SOUTH 32°11'36" EAST, A DISTANCE OF 104.97 FEET; THENCE NORTH 58°26'45" EAST, A DISTANCE OF 537.28 FEET; THENCE SOUTH 36°07'42" EAST, A DISTANCE OF 153.86 FEET;

PROPERTY DESCRIPTION (CONTINUED)

THENCE NORTH 59°35'17" EAST, A DISTANCE OF 62.68 FEET; THENCE SOUTH 21°42'41" EAST, A DISTANCE OF 4.51 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHEASTERLY 60.98 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 13°32'33", (CHORD BEARING SOUTH 28°28'57" EAST, A DISTANCE OF 60.84 FEET); THENCE SOUTH 35°15'14" EAST, A DISTANCE OF 155.79 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHERLY 186.50 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 32°22'48", (CHORD BEARING SOUTH 19°03'50" EAST, A DISTANCE OF 184.02 FEET); THENCE NORTH 89°17'12" EAST, A DISTANCE OF 11.43 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE SOUTHERLY 120.30 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 25°03'52", (CHORD BEARING SOUTH 11°48'24" WEST, A DISTANCE OF 119.35 FEET) TO THE POINT OF BEGINNING.

CONTAINING 14.81 ACRES, MORE OR LESS.

RECEIVED
CITY OF BONITA SPRINGS
APR 16 2016
COMMUNITY DEVELOPMENT
DEPARTMENT

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING N 1°34'55" W.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

NOT COMPLETE WITHOUT SHEETS 1 - 2 OF 2

THIS IS NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	PLAA
SCALE:	N/A
DATE:	25 JUNE 2015
FILE:	14-24-SL
SHEET:	1 of 2



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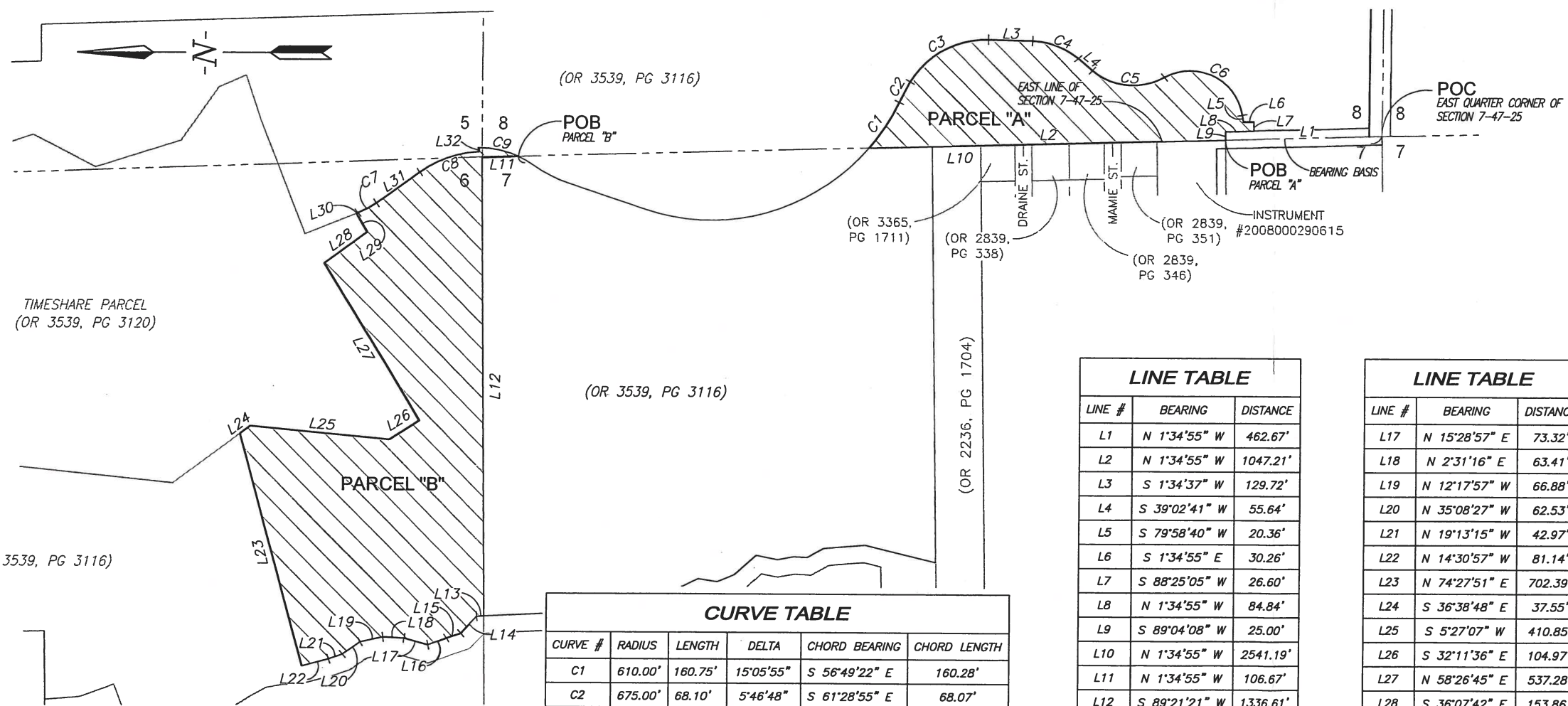
SKETCH AND DESCRIPTION

A PORTION OF
 OFFICIAL RECORDS BOOK 3539, PAGE 3116

LYING IN
 SECTIONS 5, 6 7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

6/29/15
 DATE SIGNED

Donald L. Saintenoy III
 DONALD L. SAINTENOY III, P.S.M.
 FL LICENSE #1761
 FOR THE FIRM



CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	610.00'	160.75'	15°05'55"	S 56°49'22" E	160.28'
C2	675.00'	68.10'	5°46'48"	S 61°28'55" E	68.07'
C3	260.00'	273.04'	60°10'09"	S 28°30'27" E	260.66'
C4	225.00'	147.14'	37°28'04"	S 20°18'39" W	144.53'
C5	190.00'	225.28'	67°56'02"	S 5°04'40" W	212.31'
C6	155.00'	294.51'	108°52'02"	S 25°32'39" W	252.17'
C7	258.00'	60.98'	13°32'33"	S 28°28'57" E	60.84'
C8	330.00'	186.50'	32°22'48"	S 19°03'50" E	184.02'
C9	275.00'	120.30'	25°03'52"	S 11°48'24" W	119.35'

LINE #	BEARING	DISTANCE
L1	N 1°34'55" W	462.67'
L2	N 1°34'55" W	1047.21'
L3	S 1°34'37" W	129.72'
L4	S 39°02'41" W	55.64'
L5	S 79°58'40" W	20.36'
L6	S 1°34'55" E	30.26'
L7	S 88°25'05" W	26.60'
L8	N 1°34'55" W	84.84'
L9	S 89°04'08" W	25.00'
L10	N 1°34'55" W	2541.19'
L11	N 1°34'55" W	106.67'
L12	S 89°21'21" W	1336.61'
L13	N 2°49'58" W	21.41'
L14	N 46°12'33" W	68.47'
L15	N 17°55'59" W	45.26'
L16	N 20°33'16" W	57.29'

LINE #	BEARING	DISTANCE
L17	N 15°28'57" E	73.32'
L18	N 2°31'16" E	63.41'
L19	N 12°17'57" W	66.88'
L20	N 35°08'27" W	62.53'
L21	N 19°13'15" W	42.97'
L22	N 14°30'57" W	81.14'
L23	N 74°27'51" E	702.39'
L24	S 36°38'48" E	37.55'
L25	S 5°27'07" W	410.85'
L26	S 32°11'36" E	104.97'
L27	N 58°26'45" E	537.28'
L28	S 36°07'42" E	153.86'
L29	N 59°35'17" E	62.68'
L30	S 21°42'41" E	4.51'
L31	S 35°15'14" E	155.79'
L32	N 89°17'12" E	11.43'



SCALE: 1" = 400'
 THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS

LEGEND
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 OR OFFICIAL RECORDS BOOK
 PG PAGE(S)

THIS IS NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	PLAA
SCALE:	1" = 400'
DATE:	25 JUNE 2015
FILE:	14-24-SL
SHEET:	2 of 2



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NOT COMPLETE WITHOUT SHEETS 1-2 OF 2

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ATTACHMENT "A"

BACKGROUND AND INFORMATIONAL ANALYSIS

Introduction/Synopsis

This rezoning petition was remanded in February 2016 to the City of Bonita Springs Board for Land Use Hearing and Adjustment and Zoning Board of Appeals for review pursuant to the Lee Plan and the Lee County (LDC) that were in effect when the subject property was annexed into the City. In addition to the remand, the Applicant filed multiple lawsuits against the City stemming from the Annexation Agreement. The Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966 stated that the Annexation Agreement is enforceable. The Court ordered and adjudged that WCI Communities, LLC's rezoning application, PD15-23946-BOS, was approved.

WCI Communities, LLC, has entered into a contract purchase agreement with London Bay Homes (LBH). LBH is requesting to satisfy the Zoning Board remand and obtain the requisite zoning ordinance memorializing the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966.

The Court ordered and adjudged that Lee County Zoning Resolution No. 94-014 was amended to incorporate the following changes:

- a. Condition 9 is amended to create RPD land development area F1 consisting of 55+/- acres; and
- b. Condition 12 associated with deviation 12 is amended to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road in reference to the RPD land development area F1 request; and
- c. Twenty (20) +/- acres from the Kersey Smoot RPD is added to the Pelican Landing CPD/RPD and rezoned to RPD land development area F1; and
- d. Thirty-five (35) +/- acres from RPD Land Development Area E is added to RPD land development area F1.

LBH is requesting additional changes beyond that of the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966. These changes include a modification to the schedule of uses to add Assisted Living Facilities; Continuing Care Facilities; Health Care Facilities, Groups I, II, and III; and Independent Living Units. Other changes include confirming the maximum number of dwellings units remaining in the DRI and RPD/CPD, establishing development standards for the RPD land development area F1 area and supplemental residential uses (*i.e.*, perimeter setbacks and open space requirements), and identifying two (2) potential future pedestrian and vehicular interconnections to the proposed Bayview on Estero Bay project.

This staff report primarily focuses on the additional changes requested by LBH, since the Court ordered and adjudged that Lee County Zoning Resolution No. 94-014 was amended based on WCI's rezoning application, PD15-23946-BOS, in the Final Judgment Confirming Final Arbitration Order for Case 17-CA-3966.

Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: RPD, Pelican Landing Golf Resort	Lee County Wetlands and Lee County Outlying Suburban
East: RPD, Pelican Landing Golf Resort	Lee County Wetlands and Lee County Outlying Suburban
South: AG-2, Mobile Home Planned Development, CPD; Estero Bay Marina redevelopment (a/k/a Weeks Fish Camp) and vacant residential/ Pending City of Bonita Springs Mixed Use Planned Development (under review)	Lee County Wetlands and Lee County Outlying Suburban/Pending City of Bonita Springs Coconut Village (Text and Map Change under review)
West: RPD, Pelican Landing Golf Resort, and Estero Bay	Lee County Wetlands

Neighborhood Compatibility

The subject property is located near the western terminus of Coconut Road and Coconut Resort Drive. This annexed portion of the City is primarily commercialized with hotel, resort, and timeshare uses. The subject property is located within, and is a part of, the Hyatt Residence Club and Raptor Bay Golf Club development, which consists of resort accommodations and a golf course.

To the north and east is property owned by Pelican Landing Golf Resort Ventures L P (owner), Pelican Landing Timeshare Ventures c/o Jeffrey D. Hartung, and Pelican Landing Timeshare Ventures Limited Partnership. These properties are also a part of the Hyatt Residence Club and Raptor Bay Golf Club development. The resort uses include several four (4) story buildings for hotel room accommodations, a clubhouse (restaurant) and amenity area, fitness center, and five (5) pools.

To the south are conservation lands within the Raptor Bay development and the proposed Bayview on Estero Bay project (f/k/a Estero Bay Marina and the Weeks Fish Camp). The Bayview on Estero Bay project is currently under review for the development of a maximum of 300 multi-family residential units or a CCF containing 300 ILF units and seventy-five (75) ALF beds and a public and private marina. The rezoning petition includes multiple buildings at seventy-five (75) feet and one (1) building pedestal with two (2) structures at 245 feet and at 115 feet, respectively. The proposed comprehensive plan amendments for the Bayview on Estero Bay project are scheduled for a transmittal hearing before City Council on August 5, 2020. The rezoning petition is tentatively scheduled for the September Zoning Board meeting and then second reading before City Council on October 21, 2020.

To the west is the proposed conservation and preservation lands for the Bayview on Estero Bay project owned by Pelican Landing Golf Resort Ventures L P (owner). No development is permitted within those conservation and preservation lands based on the Lee Plan, the Pelican Landing Development of Regional Impact (DRI), and/or Pelican Landing RPD/CPD.

Master Concept Plan

The request includes a one (1) page Master Concept Plan (Exhibit "B") for the RPD Area F-1 development area. It depicts the F-1 boundary, existing development and infrastructure (*i.e.*, internal roadway, timeshare sales facility, and vegetation under conservation easement), surface water management lakes, residential development envelope, and two (2) potential interconnections to the proposed Bayview on Estero Bay project. Additional Conditions in Z-94-014 set forth the conditions under which the project will be developed. For example, the project will require Final Zoning Plan Approval pursuant to Condition 1 of Z-94-014. This is an administrative review prior to local development order approval that ensures development within the RPD is consistent with the DRI Development Order, the Zoning Resolution, and the County's LDC.

Environmental Considerations

Existing Conditions

This parcel has already been developed with a golf course, lakes, clubhouse, the Coconut Point Resort Drive roadway, and the conservation area to the west under the Kersey Smoot RPD.

Wetlands and Water Quality

Lee County Zoning Resolution Z-98-066 specified that no more than five (5) acres of wetlands could be filled as part of the Kersey-Smoot RPD. Per the Applicant's response dated October 16, 2015, to the City's RAI letter, these five (5) acres have already been filled and mitigated. A condition has been proposed (Condition 5) that no wetland impacts are permitted as a part of this amendment request on this parcel.

The Kersey-Smoot MCP shows several lines along the western preserve. There is a mangrove line, a wetland jurisdictional line, and an offset development line to the east of the wetland jurisdictional line. Per the Applicant's response dated October 16, 2015, to the City's RAI letter, golf course and lake development have already occurred up to the fifty (50) foot offset development line. A condition has been proposed (Condition 4) that no further clearing and development is permitted west of the fifty (50) foot offset development line which is generally the existing vegetation line.

The Pelican Landing RPD/CPD allows for mangrove trimming in some areas but is prohibited for any saltwater wetlands abutting the Kersey-Smoot PD. The mangroves within this project area are for preservation of indigenous vegetation and should be allowed to grow normally as native vegetation in other indigenous vegetation preserves are growing. A condition has been proposed (Condition 6) that no mangrove trimming will be allowed to promote the health of these trees that provide hurricane protection and contribute to the health of the Estero Bay Aquatic Preserve.

The Pelican Landing RPD/CPD allows fertilization above and beyond that allowed by the City's current Fertilizer Ordinance. Condition 7 has been proposed to limit this project's fertilizer use to that which is allowed by the City's Fertilizer Ordinance.

Due to the proximity to the Estero Bay Aquatic Preserve and past commitments by the communities, the Applicant has committed to an additional water quality condition with the following suggested additions. (Condition 8).

Upon redevelopment of the golf course, the Applicant will undertake semiannual surface water quality monitoring for a period of three (3) years post construction and during the wet and dry seasons every third year thereafter. If results are outside of state recognized acceptable parameters, golf course management practices will be adjusted, and semi-annual monitoring will continue until parameters are within acceptable levels. Redevelopment of the golf course and related lake systems will continue to comply with Audubon International Standards.

Listed Species

This parcel is outside of the 660-foot Eagle Buffer Zone on the parcel to the north. Gopher tortoises were found on the parcel and will be relocated to an adjacent existing upland preserve. Other listed species found on the site include American alligator and several species of wading birds which are addressed in the project's Preserve Management and Human-Wildlife Co-Existence Management Plan.

Traffic

The request has been reviewed by the City's Community Development, Lee County Department of Transportation, and the Village of Estero. The Village of Estero has concerns regarding development along Coconut Road as it relates to capacity and intersection operations. The Village of Estero retained Kisinger Campo & Associates (KCA), whom prepared a Traffic Technical Memorandum dated October 2019, which included only 400 of the 503 dwelling units. As required under the Pelican Landing DRI, the Developer is required to pay for the design, permitting, and construction of the Traffic Signal at US 41 and Pelican Colony Boulevard. City Staff is recommending a condition of approval that requires the Applicant to coordinate with the Village of Estero on their impact to Coconut Road as it relates to the KCA Traffic Technical Memorandum. The Village of Estero has also recommended a condition regarding the traffic signal at US 41 and Pelican Colony Boulevard based on the Applicant's traffic analysis, which assumes the completion of the signal and diversion of the project's traffic off of Coconut Road. The Village of Estero states that there is no plan at the present time for the signal installation. They recommend that, if the City Council approves the project, that a condition be added to ensure that the signal is constructed and installed in a timely manner with an appropriate cost share to be provided by the Applicant.

Stormwater/Drainage

The Applicant provided a stormwater narrative as part of the 2016 review under the County's LDC. (See Attachment "B"). The City Staff has no objections to the narrative. The supplemental request by LBH is beyond the Final Judgment and does not impact the stormwater narrative. Additional compliance with the applicable comprehensive plan and LDC will be reviewed at time of local development order application.

Comprehensive Plan Considerations

Pursuant to Section 171.062(2), *Florida Statutes*, the property is subject to the Lee County Comprehensive Plan (Lee Plan) and the County's LDC that were in effect as of March 26 2014, until the City adopts a comprehensive plan amendment that includes the annexed area. A comprehensive plan amendment was filed in 2015, consistent with the Annexation Agreement, but was denied at the City Council adoption hearing in February 2016. Therefore, this rezoning petition was remanded to the City of Bonita Springs Board for Land Use Hearing and Adjustment and Zoning Board of Appeals for review pursuant to the Lee Plan and the County's LDC that were in effect at the time of annexation.

As previously stated, the Court ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, was approved. Therefore, this analysis is limited to an evaluation on the requests beyond that of the Final Judgment.

Attachment B includes the Applicant's Lee Plan and Lee County LDC Consistency Analysis and a Design Standards and Design Decision Making Narrative. LBH has also provided a justification document addressing the appropriateness of its requests. All such documents are included in Attachment "B."

A majority of the subject property, and the adjoining properties to the north and east, are located in the Lee County Wetlands and Outlying Suburban future land use categories. These future land use categories are described in the Lee Plan as follows:

Future Land Use Element and Map

The Future Land Use Map Designation for this property is currently Lee County Outlying Suburban and Wetlands Future Land Use Classification Category (FLUCC).

LEE PLAN POLICY 1.1.6: *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre)*

OBJECTIVE 1.5: WETLANDS. *Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)*

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)*

POLICY 1.5.2: *When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)*

POLICY 1.5.3: *Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most*

stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from nonconservation wetlands. (Added by Ordinance No. 98-09)

POLICY 2.1.4: *Any facility licensed under Chapter 10A-5, F.A.C. (e.g. an adult congregate living facility) will be deemed a residential use and limited to locations and densities appropriate for residences. (Ordinance No. 94-30, 00-22)*

The Court ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, was approved to allow a maximum of four (4) residential buildings north of Coconut Road. Lands within the Outlying Suburban FLUCC that are within this RPD land development area had previously been reviewed for consistency with the Lee Plan and the County's LDC for multi-family development. Pursuant to the Lee Plan, any facility licensed under Chapter 10A-5, F.A.C. (e.g., an adult congregate living facility) is deemed a residential use. Therefore, the additional uses requested are consistent with prior approvals for residential uses.

The City Staff has also reviewed the Applicant's unit count information and finds the request for 503 units to be consistent with the dwelling units approved in the Pelican Landing DRI and Pelican Landing RPD/CPD, both as subsequently amended.

Conservation and Coastal Management Element

Conservation and Coastal Management Goals 102, 105, 109, and 110 are currently reserved based on Lee County Lee Plan amendments approved in 2018. The City Staff has still included an analysis consistent with Florida Statutes, which requires the City to review this request pursuant to the Lee Plan and the County's LDC that were in effect at the time of annexation (March 26, 2014).

GOAL 102: PEOPLE WITH SPECIAL NEEDS. *To assist in the emergency preparedness requirements of the county's elderly, frail, infirmed, or handicapped (people with special needs).*

Policy 102.1.1. *New hospital, nursing home, adult congregate living facility, or developmentally disabled projects must prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order. (Amended by Ordinance No. 00-22)*

At time of local development order, an Emergency Preparedness Plan will be reviewed by the City Staff and Lee County Emergency Management. The Applicant has the option to construct facilities so residents may shelter in place or they may enter into a binding agreement with the City to memorialize a mitigation plan. State licensed facilities are required by statute or rule to have an approved comprehensive emergency management plan (CEMP) by the Agency for Health Care administration (AHCA).

GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. *To protect human life and developed property from natural disasters. (See also Goal 110.) (Amended by Ordinance No. 94-30)*

POLICY: 105.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19).

The Court ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, was approved to allow a maximum of four (4) residential buildings. The City Staff has reviewed the Applicant's unit count information and finds the request for 503 units to be consistent with the dwelling units approved in the Pelican Landing DRI and Pelican Landing RPD/CPD, both as subsequently amended.

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

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, o(-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. (Amended by Ordinance No. 00-22, 16-07).

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(8), 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.

(Added by Ordinance No. 09-17, Amended by Ordinance No. 16-07)

POLICY 109.2.3: On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection,

emergency power where needed, water supplies, and other basic needs. (Amended by Ordinance No. 94-30, 00-22, 07-12)

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)*

No comprehensive plan amendment is required as part of this development request. At time of local development order, an Emergency Preparedness Plan will be reviewed by the City Staff and Lee County Emergency Management. The Applicant has the option to construct facilities so residents may shelter in place or they may enter into a binding agreement with the City to memorialize a mitigation plan. State licensed facilities are required by statute or rule to have an approved comprehensive emergency management plan (CEMP) by the Agency for Health Care administration (AHCA).

Florida Statute 163.3178(8)(a) Coastal Management

(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

- 1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or*
- 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or*
- 3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.*

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

No comprehensive plan amendment is required as part of this development request. At time of local development order, an Emergency Preparedness Plan will be reviewed by the City Staff and Lee County Emergency Management. The Applicant has the option to construct facilities so residents may shelter in place or they may enter into a binding agreement with the City to memorialize a mitigation plan. State licensed facilities are required by statute or rule to have an approved comprehensive emergency management plan (CEMP) by the Agency for Health Care administration (AHCA).

Planned Development Analysis, Formal Findings Lee County LDC 34-145 and LDC 34-377

This summary is limited to the requests beyond that of the Final Judgment.

Review criteria	Yes – Mostly - Partly - No
Demonstrate compliance with the Lee Plan, the Lee County LDC, and any other applicable code or regulation; and	Yes, as conditioned.
The request meets or exceeds performance and locational standards set forth for the potential uses allowed by the request; and	Yes, appropriate levels of service are in place or will be in place at time of local development order.
The request is consistent with the densities, intensities, and general uses set forth in the Lee Plan; and	Yes, the DRI set forth the maximum density for the entire DRI boundary. Lee County has previously transferred density from other areas of the DRI into existing or new planned developments.
The request is compatible with existing or planned uses in the surrounding area; and	Yes, the Lee Plan classifies the additional uses as residential in character.
The request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and	The requested additional uses are projected to have a lower trip generation, which will minimize the impact to the transportation network. Recommended conditions include coordination with the Village of Estero for impacts to Coconut Road.
The request will not adversely affect environmentally critical areas or natural resources; and	The requested additional uses and development regulations will not adversely

	affect environmentally critical areas or natural resources.
The proposed mix of uses is appropriate at the subject location; and	This area has been reviewed and approved previously by Lee County for consistency with the Lee Plan and the County's LDC for residential development and recreational uses (golf)
The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development; and	Yes.
Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use; and	Yes. Recommended conditions include coordination with the Village of Estero for impacts to Coconut Road.
The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC 34, to protect the public health, safety and welfare.	No additional deviations have been sought as part of this application. The modifications to Deviation 12 are consistent with the Final Order and provide development standards. All other deviations previously granted remain in effect.

4/8/2020 2:16 PM Filed Lee County Clerk of Court

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY FLORIDA, CIVIL DIVISION**

WCI COMMUNITIES, LLC, et al.,

Plaintiffs,

v.

CITY OF BONITA SPRINGS, FLORIDA,
a Florida municipal corporation,

CASE NO.: 17-CA-3966

Defendant.

FINAL JUDGMENT CONFIRMING FINAL ARBITRATION ORDER

THIS CAUSE having come before the Court on the entry of a Final Arbitration Order following the Parties' participation in this Court's Ordered Non-Binding Arbitration on September 19, 2019, and upon the expiration of the deadline for a party to move for trial de novo with no such motion being filed by either party, and upon consideration of the Final Arbitration Order, the submission from the Parties, and otherwise being fully advised in the premises, this Court finds:

BACKGROUND

1. In 2014, the City of Bonita, Florida ("City"), and the Plaintiffs' predecessor-in-interest entered into an Annexation Agreement, pursuant to which the Plaintiffs' predecessor-in-interest agreed to allow the City to voluntarily annex approximately 55.16± acres of property located within Lee County ("**Property**"). In exchange for the voluntary annexation, the City agreed to, among other things, initiate and grant a Comprehensive Plan Amendment and a rezoning that would allow the construction of up to four (4) multi-family buildings with the permitted height of twenty (20) habitable floors over two (2) floors of parking on the Property. The Annexation Agreement provided that, if any party breached its terms, the prevailing party would be entitled to an award of attorney's fees.

2. On February 3, 2016, the City Council denied the proposed Comprehensive Plan Amendment. The Plaintiffs' rezoning application remains pending.

3. The Plaintiffs sued the City. The Plaintiffs' Second Amended Complaint contains two counts against the City, seeking: (1) damages related to the City's failure to grant the promised Comprehensive Plan Amendment; and (2) specific performance of the outstanding obligation to approve the Plaintiffs' pending rezoning application. The City answered the Second Amended Complaint, raising numerous affirmative defenses.

THE ARBITRATOR'S FINDINGS

4. This Court ordered the parties to non-binding arbitration, which occurred on September 20, 2019. The Arbitrator found in favor of the Plaintiffs on the Second Amended Complaint as follows

- a. The Annexation Agreement is enforceable.
- b. The City breached the Annexation Agreement by not granting the Comprehensive Plan Amendment.
- c. The Arbitrator found the City had not granted the Plaintiffs' pending rezoning application and, therefore, ordered the City to grant the Plaintiffs' pending rezoning application.
- d. The Arbitrator ordered the City to pay economic damages of six million three hundred thousand dollars and 00/100 (\$6.3 Million) to the Plaintiffs, with no prejudgment interest.
- e. The Arbitrator found the Plaintiffs entitled to contractual attorney's fees and costs.

5. Neither party timely sought a trial de novo from the arbitrator's award and, therefore, pursuant to Fla. R. Civ. P. 1.820(h), this Court enters a final judgment pursuant to the arbitrator's award.

CONCLUSION

The Final Arbitration Order rendered on October 14, 2019, is confirmed in its entirety, and judgment is entered in favor of Plaintiffs, WCI COMMUNITIES, LLC, a Delaware limited liability company, as successor-in interest for Pelican Landing Golf Resort Ventures Limited Partnership, a dissolved Delaware limited partnership, and WCI COMMUNITIES, INC., a Delaware corporation, in the amount of **\$6,300,000.00** and against Defendant City of Bonita Springs, Florida. The parties have informed the Court that the City has made such payment in full and, therefore, such amount has been fully satisfied.

The Court reserves jurisdiction to determine the amount of attorneys' fees and costs to which the Plaintiffs are entitled.

It is further ordered and adjudged that WCI's rezoning application, PD15-23946-BOS, currently pending before the City is approved as follows:

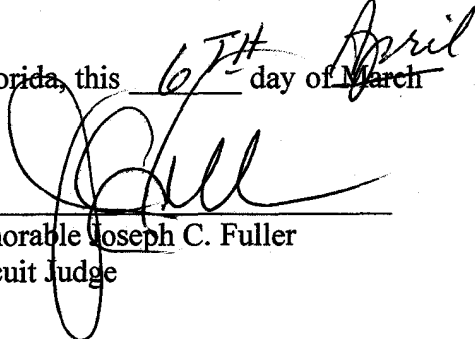
Lee County Zoning Resolution No. 94-014 is hereby amended to incorporate the following changes:

1. Condition 9 is amended to create RPD land development area F1 consisting of 55+/- acres; and
2. Condition 12 associated with deviation 12 is amended to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet above minimum flood elevation north of Coconut Road in reference to the RPD land development area F1 request; and
3. Twenty (20) +/- acres from the Kersey Smoot RPD is added to the Pelican Landing CPD/RPD and rezoned to RPD land development area F1; and

4. Thirty-five (35) +/- acres from RPD Land Development Area E is added to RPD land development area F1.

A true and correct copy of the Final Arbitration Order is attached as **Exhibit "A"** and incorporated herein by reference.

DONE and **ORDERED** in Fort Myers, Lee County, Florida, this 6th day of April 2020.



Honorable Joseph C. Fuller
Circuit Judge

Conformed Copies to All Parties and Counsel of Record:

- ✓ Carl Joseph Coleman, Esq. (joe.coleman@bipc.com)
- ✓ Hala Sandridge, Esq. (hala.sandridge@bipc.com)
- ✓ Victoria Oguntoye, Esq. (victoria.oguntoye@bipc.com)
- ✓ David A. Theriaque, Esq. (dat@theriaquelaw.com)
- ✓ S. Brent Spain, Esq. (sbs@theriaquelaw.com)
- ✓ Benjamin R. Kelley, Esq. (brk@theriaquelaw.com)

NO COPIES/ENVELOPES
PROVIDED

**IN THE CIRCUIT COURT IN AND FOR LEE COUNTY, FLORIDA
TWENTIETH JUDICIAL CIRCUIT COURT
CIRCUIT CIVIL DIVISION**

WCI COMMUNITIES, LLC., et al.,

Plaintiffs,

vs.

Case No. 17-CA-003966

CITY OF BONITA SPRINGS, FLORIDA,

Defendant.

FINAL ARBITRATION ORDER

Pursuant to the Arbitration Hearing held on **September 19, 2019**, before Arbitrator, Larry S. Pivacek, the Plaintiffs and Defendant being present on said date and counsel for the Plaintiffs and the Defendant therein being present, it is hereby, ORDERED and ADJUDGED as follows:

Procedural Posture of the Case Presented to the Arbitrator

This matter comes before the Arbitrator for determination and ruling on the Plaintiffs *Second Amended Complaint, Count I and Count II*. The Defense has asserted numerous *Affirmative Defenses* in response to the Plaintiffs *Second Amended Complaint*.

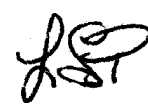


[Handwritten signature]

Final Order of the Arbitrator
Plaintiff's Second Amended Complaint – Count I

The Arbitrator finds in favor of the Plaintiffs as to the *Second Amended Complaint – Count I*. Specifically, the Arbitrator Orders as follows:

- 1.t The *Annexation Agreement* between the Plaintiffs and the Defendant is enforceable.t
- 2.t The Defendant breached said *Annexation Agreement* by not, to date, granting a Comprehensive Plan Amendment.t
- 3.t The Plaintiffs are award economic damages and the Defendant is ordered to pay the Plaintiffst economic damages in the amount of six-million-three-hundred thousand (\$6.30 Million) dollarst and 00/100.t
- 4.t The Plaintiffs request a determination of contractual entitlement to attorney fees. The Arbitrator GRANTS Plaintiffs entitlement to attorney fees. The specific amount of attorney fees to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.t
5. The Plaintiffs request a determination of costs. he Arbitrator GRANTS Plaintiffs entitlement to costs. The specific amount of costs to which the Plaintiffs may be entitled shall be reserved tot the discretion of the trial court.t
- 6.t The Plaintiffs request for an award of prejudgment interest at the prevailing statutory rate ist DENIED, in whole.t
- 7.t There exist Five (5) *Affirmative Defenses* plead by the Defendant in response and relation to thet Plaintiffs *Second Amended Complaint – Count I*. *Affirmative Defenses Nos. 1, 2, 4 and 10*, aret DENIED. *Affirmative Defense No. 3* has been plead and proved to the satisfaction of thet Arbitrator such that it works to reduce the award of economic damages herein-above awarded tot the Plaintiffs. Also, *Affirmative Defense No. 3* provides a basis for the Arbitrator to deny thet Plaintiffs request for pre-judgment interest. (See Paragraph 2. C., *supra*. See also, Paragraph 2.t F., *supra*.)



Final Order of the Arbitrator
Plaintiff's Second Amended Complaint – Count II

The Arbitrator finds in favor of the Plaintiffs as to the *Second Amended Complaint – Count II*. Specifically, the Arbitrator Orders as follows:

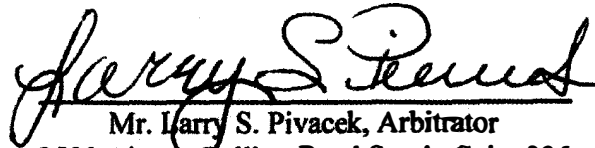
- 8.t The *Annexation Agreement* between the Plaintiffs and the Defendant is enforceable.t
- 9.t The Defendant has not granted, to date, the Plaintiffs currently pending rezoning application.t
The Arbitrator orders the Defendant to GRANT the Plaintiffs currently pending rezoning application.t
10. The Plaintiffs request a determination of contractual entitlement to attorney fees. The Arbitrator GRANTS Plaintiffs entitlement to attorney fees. The specific amount of attorney fees to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.t
- 11.tThe Plaintiffs request a determination of costs. The Arbitrator GRANTS Plaintiffs entitlement to costs. The specific amount of costs to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.t
- 12.tThe Plaintiffs request that the Arbitrator find that an anticipatory breach of the *Annexation Agreement* by the Defendant. The request for a finding of anticipatory breach is DENIED.t
Because the Arbitrator has found that the Defendant has, to date, still failed to grant the Plaintiffst pending rezoning application and because the Arbitrator has furthermore ordered the Defendantt to grant said rezoning application, the question of anticipatory breach is rendered moot and/or irrelevant.t
- 13.tThere exist Seven (7) *Affirmative Defenses* plead by the Defendant in response to the Plaintiffst *Second Amended Complaint – Count II*. *Affirmative Defenses Nos. 1, 5, 6, 7, 8, 9 and 10*, aret DENIED.t

L.S.P.

Conclusion

WHEREFORE, the Plaintiffs are awarded, and the Defendant shall pay to the Plaintiffs the amount of \$6,300,00.00 in economic damages. Furthermore, the Defendant is ordered to GRANT the Plaintiffs currently pending rezoning application.

ORDERED on this 14th day of October, 2019.



Mr. Larry S. Pivacek, Arbitrator
2500 Airport Pulling Road South, Suite 306
Naples, Florida 34112-8442

Mr. Carl Joseph Coleman, Esquire, Counsel for Plaintiffs
Ms. Hal Sandridge, Esquire, Counsel for Plaintiffs
Mr. David A. Theriaque, Esquire, Counsel for Defendant
Mr. Brent Spain, Esquire, Counsel for Defendant
Final Arbitration Order (WCI Communities, LLC, et al. - City of Bonita Springs)



ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (hereinafter, "Agreement"), effective as provided herein, is entered into by and between Pelican Landing Golf Resort Ventures Limited Partnership, a Delaware limited partnership, whose address for purposes of this Agreement is 24301 Walden Center Drive, Bonita Springs FL 34134 (hereinafter, "Owner"), and the CITY OF BONITA SPRINGS, a municipal corporation of the State of Florida, whose address for purposes of this Agreement is 9101 Bonita Beach Road, Bonita Springs, Florida 34135 (hereinafter, "City").

WHEREAS, Owner is the owner of approximately 55.16 +/- acres of property located within Lee County legally described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter, "PROPERTY"); and

WHEREAS, the PROPERTY is contiguous to the boundary of the City, is reasonably compact, and otherwise meets the requirements for voluntary annexation established in Chapter 171, Florida Statutes; and

WHEREAS, the City finds that annexing the PROPERTY into its boundaries will be beneficial to the City of Bonita Springs; and

WHEREAS, Owner has agreed to annex the PROPERTY into the City upon the terms and conditions stated herein; and

WHEREAS, the parties have set forth herein the agreements and understandings reached between them as of the date hereof for their mutual protection and convenience, and to establish mechanisms for resolving any remaining details relating to the annexation and future development of the PROPERTY, which effort will entail considerable resources of time, energy, and money of the parties.

NOW, THEREFORE, in consideration of the mutual benefits, covenants, and conditions contained herein, the sufficiency of which is acknowledged by both parties hereto, Owner and the City do hereby agree as follows:

I. Recitals and Agreed Findings

1.1 Owner is the owner of PROPERTY legally described in Exhibit "A" and, as such, represents that it is authorized to enter into this Agreement. Owner represents that no obligation or undertaking under this Agreement is barred or prohibited by contractual agreement with any other person or entity. Owner will consent to the annexation of the PROPERTY described in Exhibit "A" in accordance with the terms of this Agreement.

1.2 The City has determined and finds that annexation of the PROPERTY will be of substantial benefit to the City and that annexation of the PROPERTY is in the public interest.

1.3 The PROPERTY is reasonably compact and contiguous to the boundary of the City, no part of the PROPERTY is located within any other municipality, the PROPERTY is

located entirely within Lee County, annexation of the PROPERTY as contemplated under this Agreement will not result in the creation of an enclave, and annexation will otherwise generally comply with the requirements of Section 171.044, Florida Statutes.

II. Application for Annexation

2.1 This agreement will be treated by the parties as the Petition for Voluntary Annexation of the PROPERTY into the City. Owner and the City will use their best efforts to process the application in good faith to the successful completion of the annexation of the PROPERTY into the City.

2.2 Annexation of the PROPERTY into the City will be accomplished on or before November 1 2014. If not accomplished by this date, this Agreement will terminate and be of no further force and effect, unless an amendment to this Agreement is entered into by the Parties extending the date for accomplishing the annexation.

III. Comprehensive Plan Amendment and Classification of the PROPERTY

3.1 Owner and the City recognize the benefits of fixing with reasonable certainty the planning, zoning and development parameters of the PROPERTY, and agree to the procedures specified herein for conversion of existing zoning, comprehensive plan designation, and other development parameters from Lee County's regulations to the City's regulations.

3.2 The parties acknowledge that the PROPERTY is part of a development subject to the Pelican Landing DRI, established by the adopted Pelican Landing DRI Development Order State DRI #1-9293-121, the Pelican Landing RPD/CPD Lee County Resolutions Z-94-014, Z-95-061, Z-97-073, and the Kersey-Smoot RPD Lee County Resolutions Z-07-031, Z-03-029, Z-07-031, which are incorporated by reference into this agreement. The CITY acknowledges Owner's right to develop the PROPERTY in a manner consistent with the existing approved DRI DO and zoning resolutions. The City further agrees that the City supports and will approve an application to provide for a development plan that will allow a portion of the existing approved units within the DRI to be clustered and constructed in up to four multi-family buildings with the permitted height of twenty (20) habitable floors over two (2) floors of parking. The multi-family buildings will be located within the areas currently approved for golf development. In the alternative the City further agrees that the City supports and will approve an application to provide for development of single-family, zero lot line, duplex, townhouse, and multi-family buildings up to one hundred twenty (120) feet in height over parking. The Owner has the discretion to determine the ultimate development program and the City agrees to the development of the four multi-family buildings up to twenty (20) habitable floors over two (2) floors of parking or the clustering of units in a number of multi-family buildings at a height less than 120 feet in height over parking as long as the buildings are generally consistent with the property development regulations set forth in the zoning resolutions delineated above. The units will not be located in areas currently subject to a conservation easement. The units may be allocated from any of the zoning resolutions identified above as long as the total number of units within the DRI are not exceeded.

3.2 The City agrees to process as a City initiated amendment to the City comprehensive plan an amendment that will permit the PROPERTY annexed into the City as part of this Agreement to be subject to the twenty (20) habitable floors over two floors of parking height restriction set forth herein and not the 75 foot height limit for structures as currently permitted by the City of Bonita Springs Comprehensive Plan. The City agrees to begin the amendment within sixty (60) days after the execution of this agreement, and complete the amendment within one year of the execution of this agreement.

3.3 The City agrees that the PROPERTY annexed into the City pursuant to this Agreement will be designated "Moderate Density Mixed-Use/Planned Development" or other comparable future land use district that is consistent with the development rights approved in the Pelican Landing DRI DO and related zoning resolutions as set forth herein.

3.4 The PROPERTY that is the subject of this Agreement was originally approved in Lee County based on a pro forma that includes the 80% reduction in road impact fees approved by Lee County in March of 2013. All multi-family units in the PROPERTY that is subject to this Agreement shall only be required to pay Nine Hundred and Thirty-one Dollars and Eighty Cents (\$981.30) road impact fees required by the County, which is an eighty percent reduction in the \$4,659.00 fee, and all single-family units in the PROPERTY that is subject to this Agreement shall only be required to pay One Thousand Three Hundred Forty Dollars and Twenty Cents (\$1,340.20), an eighty percent reduction in the \$6,701.00 fee. The 80% reduction will terminate when the County terminates the reduction or allows the reduction to expire, at which time the units in the PROPERTY under this Agreement will pay City road impact fees based on the schedule in effect at the time of building permit.

3.5 The City will initiate and process a plan amendment to designate the PROPERTY on the Future Land Use Map of the Bonita Plan as "Moderate Density Mixed Use/Planned Development or the comparable table land use district that is consistent with this Agreement with a classification that permits the PROPERTY to be developed with the amount of development approved in the DRI DO, consistent with the development footprint and type of development permitted its existing zoning, and the type of development addressed in this Agreement. Any approved change as determined appropriate by City Council will be processed in conjunction with the amendment of other similarly situated lands within the City, if determined to be appropriate by the City. After all necessary hearings and review, the City will adopt said plan amendment if it finds the amendment in compliance with the required criteria of Chapter 163, Florida Statutes. The City has undertaken a review of Chapter 163, Florida Statutes and agrees that the comprehensive plan amendments addressed in this agreement are consistent with the criteria of Chapter 163, F.S.

3.6 Once annexed into the City, until such time as the PROPERTY is designated as described in paragraph 3.6 above, the Parties agree that the PROPERTY will retain its comprehensive plan future land use category as described in the Lee Plan as well as the current rights permitted in the DRI Development Order and all approved Planned Developments, as amended to date.

3.7 The City agrees that no fee will be charged for the processing of an application to modify the DRI and zoning resolutions to permit residential development as proposed in

paragraph 3.1 and to remove the PROPERTY that is the subject of this Agreement from the Lee County Pelican Landing DRI Development Order in order to add the PROPERTY to the City of Bonita Springs Pelican Landing DRI Development Order.

3.8 The City agrees that no fee will be charged for the processing of an application to amend the Planned Development Zoning(s) to provide for the form of development described herein which includes the ability to cluster units in four towers with twenty (20) habitable floors over two floors of parking or an alternative residential plan containing multiple structures of a lesser height.

IV. Continuation and Termination of Current Uses

4.1 The City acknowledges that the PROPERTY is presently zoned planned development, and further acknowledges that a portion of the PROPERTY is presently developed and utilized in accordance with said zoning. The City acknowledges that Owner can continue to develop and utilize the PROPERTY in accordance with zoning and development order approvals previously obtained from Lee County and other regulatory agencies. The City further recognizes that it cannot require that Owner's zoning or development approvals be revised from their existing approvals except in the event Owner desires to modify same as provided herein. Upon annexation into the City, Owner will be permitted to continue to utilize the PROPERTY in accordance with existing development approvals. The PROPERTY will be subject to all ordinances of general applicability adopted by the City, provided no such ordinance will impair, restrict, or otherwise limit the ability of Owner to utilize the PROPERTY for the purposes permitted by and in accordance with the terms and conditions of development approvals existing for the PROPERTY as of the date of annexation or as otherwise agreed to herein.

V. Facilitation of Development Improvements

5.1 The City agrees to review Owner's applications for future development of the PROPERTY, including but not limited to future rezonings, development orders, plats and building permits, in a timely and expeditious manner.

5.2 Owner warrants that the PROPERTY is being maintained and will continue to be maintained in such a manner as to comply with applicable local, state and federal environmental rules and regulations. .

VI. Miscellaneous

6.1 Time is of the essence in this Agreement.

6.2 This Agreement shall be construed and enforced in accordance with the laws of the State of Florida. This Agreement shall run with the PROPERTY and be binding upon and inure to the benefit of the parties hereto, their successors and assigns, including but not limited to future grantees of all or a portion of the PROPERTY.

6.3 Any waiver or amendment by either party of any provision of this Agreement or any other instrument ancillary hereto must be in writing and shall not operate or be construed as a waiver of any other provision or subsequent breach hereof.

6.4 Jurisdiction for any litigation arising hereunder shall lie with a court of competent jurisdiction located in Lee County, Florida. In any litigation arising hereunder, the prevailing party shall be entitled to recover attorney fees and costs, including fees and costs incurred in any appeal therefrom.

6.5 This Agreement shall not be recorded in the official records of Lee County or any county in the State of Florida so as to create an impairment to the PROPERTY.


6.6 This Agreement represents the sole and entire agreement between the parties hereto and shall be binding upon the parties as provided herein. No promise, representation or inducement not included in this Agreement shall be binding on either party hereto. This Agreement may only be modified by written instrument executed by both parties hereto.

6.7 This Agreement shall become effective on the date approved by the City as evidenced by the signature of its Mayor.


IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement the day and year indicated below.

PELICAN LANDING GOLF RESORT
VENTURES LIMITED PARTNERSHIP,
a Delaware limited partnership


By: Pelican Landing Golf Resort
Ventures, Inc.,
a Delaware corporation, its
sole general partner

By: 
Paul Erhardt

Its: Vice President


Witness

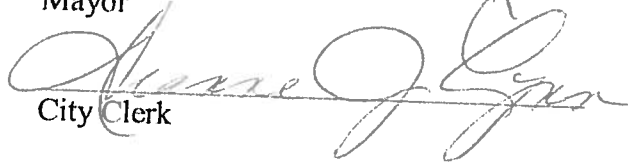
MARGARET A. SISK
(Printed Name of Witness)


Witness

Barry Ernst
(Printed Name of Witness)

CITY OF BONITA SPRINGS, FLORIDA

Mayor

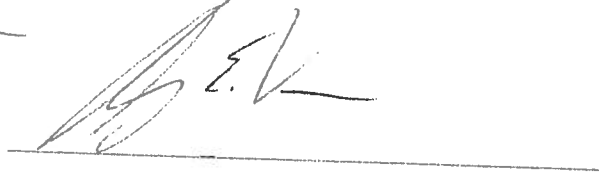


City Clerk

Date:

3-26-14

Approved as to form by City Attorney:





WCI COMMUNITIES, INC.

The Experience Is Everything.®

24301 Walden Center Drive
Bonita Springs, FL 34134
239-498-8200
wcommunities.com

March 21, 2014

Audrey F. Vance, Esq.

City Attorney

City of Bonita Springs

9101 Bonita Beach Road

Bonita Springs, FL 34135

RE: Annexation Agreement- Pelican Landing Golf Resort Ventures LP Lands

Dear Audrey:

I have enclosed the original executed Annexation Agreement between the City and Pelican Landing Golf Resorts Ventures LP for a portion of the Raptor Bay property. The Agreement has been executed by Paul Erhardt, Vice President of Pelican Landing Golf Resort Ventures, Inc.

If you have any questions on the agreement, please let me know.

Sincerely,

David Caldwell

Manager CDD/HOA

Enc.

Cc: Barry Ernst

PROPERTY DESCRIPTION

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID SECTION 7, NORTH 01°34'55" WEST, A DISTANCE OF 462.67 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THE SAME BEING A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) NORTH 01°34'55" WEST, A DISTANCE OF 880.42 FEET; 2) THENCE SOUTH 89°05'34" WEST, A DISTANCE OF 1,212.36 FEET; THENCE LEAVING SAID BOUNDARY NORTH 13°36'27" EAST, A DISTANCE OF 214.73 FEET; THENCE NORTH 04°33'38" WEST, A DISTANCE OF 58.94 FEET; THENCE NORTH 05°14'01" WEST, A DISTANCE OF 61.67 FEET; THENCE NORTH 29°07'44" WEST, A DISTANCE OF 55.22 FEET; THENCE NORTH 03°24'33" EAST, A DISTANCE OF 41.25 FEET; THENCE NORTH 10°18'11" WEST, A DISTANCE OF 47.92 FEET; THENCE NORTH 11°11'55" EAST, A DISTANCE OF 64.15 FEET; THENCE NORTH 41°16'32" WEST, A DISTANCE OF 86.46 FEET; THENCE NORTH 21°14'54" WEST, A DISTANCE OF 48.07 FEET; THENCE NORTH 25°51'43" WEST, A DISTANCE OF 7.57 FEET; THENCE NORTH 09°18'31" EAST, A DISTANCE OF 55.14 FEET; THENCE NORTH 25°53'52" WEST, A DISTANCE OF 66.56 FEET; THENCE NORTH 24°53'47" WEST, A DISTANCE OF 40.99 FEET; THENCE NORTH 04°22'59" WEST, A DISTANCE OF 34.66 FEET; THENCE NORTH 11°26'20" EAST, A DISTANCE OF 58.90 FEET; THENCE NORTH 10°26'24" WEST, A DISTANCE OF 67.98 FEET; THENCE NORTH 28°05'58" WEST, A DISTANCE OF 55.04 FEET; THENCE NORTH 18°54'08" WEST, A DISTANCE OF 43.64 FEET; THENCE NORTH 13°38'07" WEST, A DISTANCE OF 42.86 FEET; THENCE NORTH 02°49'58" WEST, A DISTANCE OF 263.13 FEET; THENCE NORTH 46°12'33" WEST, A DISTANCE OF 68.47 FEET; THENCE NORTH 17°55'59" WEST, A DISTANCE OF 45.26 FEET; THENCE NORTH 20°33'16" WEST, A DISTANCE OF 57.29 FEET; THENCE NORTH 15°28'57" EAST, A DISTANCE OF 73.32 FEET; THENCE NORTH 02°31'16" EAST, A DISTANCE OF 63.41 FEET; THENCE NORTH 12°17'57" WEST, A DISTANCE OF 66.88 FEET; THENCE NORTH 35°08'27" WEST, A DISTANCE OF 62.53 FEET; THENCE NORTH 19°13'15" WEST, A DISTANCE OF 42.97 FEET; THENCE NORTH 14°30'57" WEST, A DISTANCE OF 81.14 FEET; THENCE RUN NORTH 74°27'51" EAST, A DISTANCE OF 702.39 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3120, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY FOR THE FOLLOWING SIX (6) COURSES AND DISTANCES, SOUTH 36°38'48" EAST, A DISTANCE OF 37.55 FEET; THENCE SOUTH 05°27'07" WEST, A DISTANCE OF 410.85 FEET; THENCE SOUTH 32°11'36" EAST, A DISTANCE OF 104.97 FEET; THENCE NORTH 58°26'45" EAST, A DISTANCE OF 537.28 FEET; THENCE SOUTH 36°07'42" EAST, A DISTANCE OF 153.86 FEET; THENCE NORTH 59°35'17" EAST, A DISTANCE OF 62.68 FEET; THENCE LEAVING SAID BOUNDARY, RUN SOUTH 21°42'41" EAST, A DISTANCE OF 4.51 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHEASTERLY 60.98 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 13°32'33", (CHORD BEARING SOUTH 28°28'57" EAST, A DISTANCE OF 60.84 FEET); THENCE SOUTH 35°15'14" EAST, A DISTANCE OF 156.79 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHERLY 186.50 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 32°22'48", (CHORD BEARING SOUTH 19°03'50" EAST, A DISTANCE OF 184.02 FEET); THENCE SOUTHERLY 172.83 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 114.3 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT; THENCE SOUTHERLY 172.83 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 36°00'30", (CHORD BEARING SOUTH 17°16'43" WEST, A DISTANCE OF 170.00 FEET) TO A POINT ON A REVERSE CURVE TO THE LEFT; THENCE SOUTHWESTERLY 111.56 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 375.00 FEET, A CENTRAL ANGLE OF 17°02'40", (CHORD BEARING SOUTH 26°45'38" WEST, A DISTANCE OF 111.15 FEET); THENCE SOUTH 18°14'18" WEST, A DISTANCE OF 245.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHEASTERLY 879.51 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 610.00 FEET, A CENTRAL ANGLE OF 82°36'37", (CHORD BEARING SOUTH 23°04'01" EAST, A DISTANCE OF 805.28 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 68.10 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 675.00 FEET, A CENTRAL ANGLE OF 05°46'48", (CHORD BEARING SOUTH 61°28'55" EAST, A DISTANCE OF 68.07 FEET) TO A POINT ON A COMPOUND CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 273.04 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 260.00 FEET, A CENTRAL ANGLE OF 60°10'09", (CHORD BEARING SOUTH 28°30'27" EAST, A DISTANCE OF 260.66 FEET); THENCE SOUTH 01°34'57" WEST, A DISTANCE OF 128.72 FEET TO A POINT ON A CURVE TO THE RIGHT; THENCE SOUTHERLY 147.14 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 37°28'04", (CHORD BEARING SOUTH 20°18'39" WEST, A DISTANCE OF 144.53 FEET); THENCE SOUTH 39°02'41" WEST, A DISTANCE OF 55.64 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE SOUTHERLY 225.28 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 190.00 FEET, A CENTRAL ANGLE OF 67°56'02", (CHORD BEARING SOUTH 05°04'40" WEST, A DISTANCE OF 212.31 FEET) TO A POINT ON A REVERSE CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 294.51 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 108°52'02", (CHORD BEARING SOUTH 25°32'39" WEST, A DISTANCE OF 252.17 FEET); THENCE SOUTH 79°58'40" WEST, A DISTANCE OF 20.36 FEET; THENCE SOUTH 01°34'55" EAST, A DISTANCE OF 30.26 FEET; THENCE SOUTH 88°25'05" WEST, A DISTANCE OF 26.60 FEET; THENCE NORTH 01°34'55" WEST, A DISTANCE OF 84.84 FEET; THENCE SOUTH 89°04'08" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 55.16 ACRES, MORE OR LESS.

EXHIBIT "A"

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING IN 13°4'55" W.
2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

NOT COMPLETE WITHOUT SHEETS 1 - 2 OF 2

THIS IS NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLG
JOB CODE:	WCIRBHR
SCALE:	N/A
DATE:	12 MARCH 2014
FILE:	14-24-001
SHEET:	1 of 2



GradyMinor

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

SKETCH AND DESCRIPTION

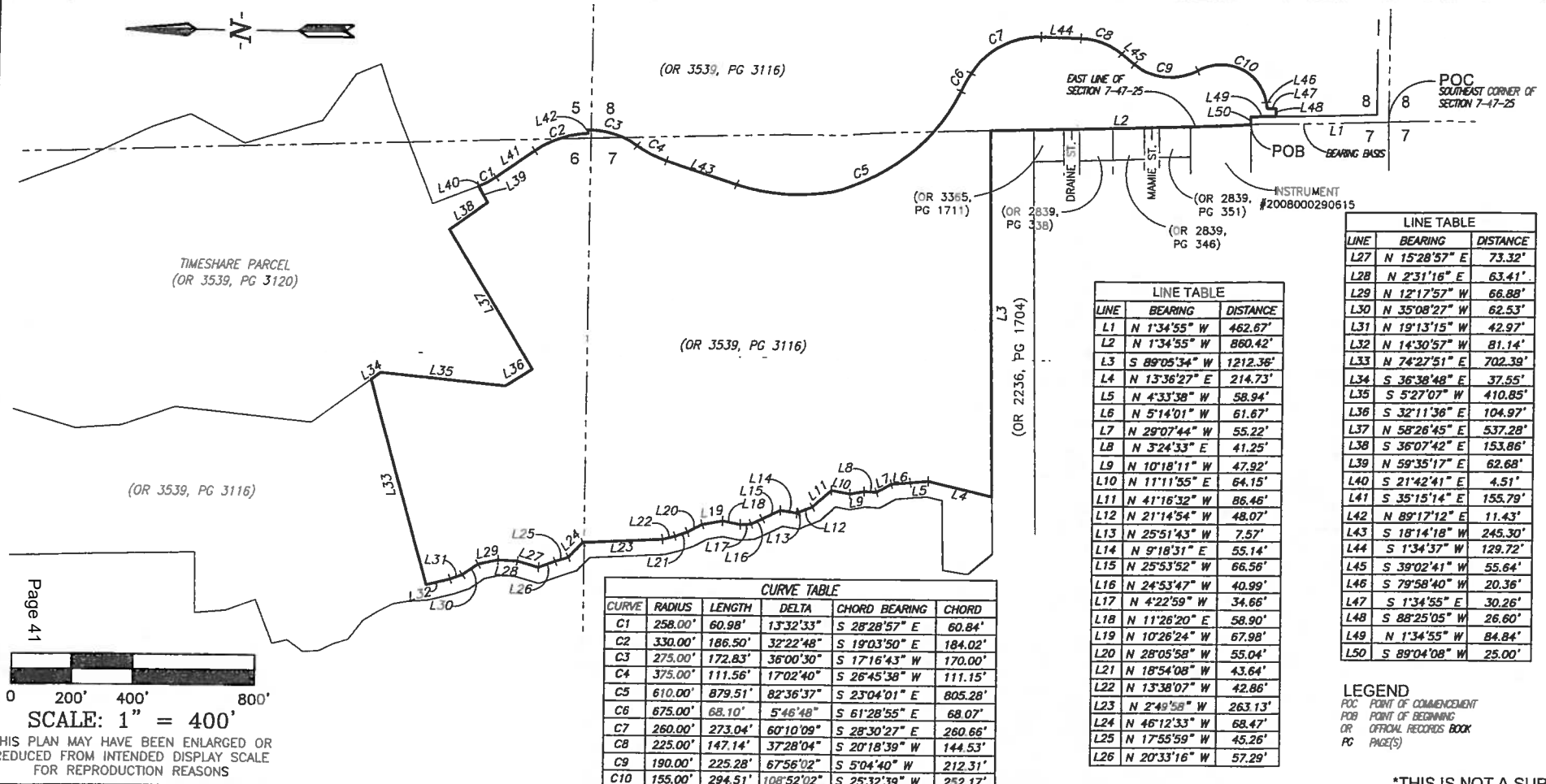
A PORTION OF
OFFICIAL RECORDS BOOK 3539, PAGE 3116
LYING IN
SECTIONS 5, 6 7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

3/14/14
DATE SIGNED
RS

DONALD L. SANTEN III, P.S.M.
FL LICENSE #6761
FOR THE FIRM

G:\SURVEY\PROJECT SURVEY 2014\24 - RAPTOR BAY SURVEY\14-24-001.DWG

EXHIBIT "A"
G:\SURVEY\PROJECT SURVEY 2014\24 - RAPTOR BAY SURVEY\14-24-001.DWG



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1	258.00'	60.98'	13°32'33"	S 28°28'57" E	60.84'
C2	330.00'	186.50'	32°22'48"	S 19°03'50" E	184.02'
C3	275.00'	172.83'	36°00'30"	S 17°16'43" W	170.00'
C4	375.00'	111.56'	17°02'40"	S 26°45'38" W	111.15'
C5	610.00'	879.51'	82°36'37"	S 23°04'01" E	805.28'
C6	675.00'	68.10'	5°46'48"	S 61°28'55" E	68.07'
C7	260.00'	273.04'	60°10'09"	S 28°30'27" E	260.66'
C8	225.00'	147.14'	37°28'04"	S 20°18'39" W	144.53'
C9	190.00'	225.28'	67°56'02"	S 5°04'40" W	212.31'
C10	155.00'	294.51'	108°52'02"	S 25°32'39" W	252.17'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 1°34'55" W	462.67'
L2	N 1°34'55" W	860.42'
L3	S 89°05'34" W	1212.36'
L4	N 13°36'27" E	214.73'
L5	N 4°33'38" W	58.94'
L6	N 5°14'01" W	61.67'
L7	N 29°07'44" W	55.22'
L8	N 3°24'33" E	41.25'
L9	N 10°18'11" W	47.92'
L10	N 11°11'55" E	64.15'
L11	N 4°16'32" W	86.46'
L12	N 21°14'54" W	48.07'
L13	N 25°51'43" W	7.57'
L14	N 9°18'31" E	55.14'
L15	N 25°53'52" W	66.56'
L16	N 24°53'47" W	40.99'
L17	N 4°22'59" W	34.66'
L18	N 11°26'20" E	58.90'
L19	N 10°26'24" W	67.98'
L20	N 28°05'58" W	55.04'
L21	N 18°54'08" W	43.64'
L22	N 13°38'07" W	42.86'
L23	N 2°49'58" W	263.13'
L24	N 46°12'33" W	68.47'
L25	N 17°55'59" W	45.26'
L26	N 20°33'16" W	57.29'

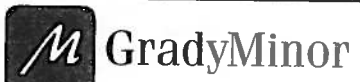
LINE TABLE		
LINE	BEARING	DISTANCE
L27	N 15°28'57" E	73.32'
L28	N 2°31'16" E	63.41'
L29	N 12°17'57" W	66.88'
L30	N 35°08'27" W	62.53'
L31	N 19°13'15" W	42.97'
L32	N 14°30'57" W	81.14'
L33	N 74°27'51" E	702.39'
L34	S 36°38'48" E	37.55'
L35	S 5°27'07" W	410.85'
L36	S 32°11'36" E	104.97'
L37	N 58°28'45" E	537.28'
L38	S 36°07'42" E	153.86'
L39	N 59°35'17" E	62.68'
L40	S 21°42'41" E	4.51'
L41	S 35°15'14" E	155.79'
L42	N 89°17'12" E	11.43'
L43	S 18°14'18" W	245.30'
L44	S 1°34'37" W	129.72'
L45	S 39°02'41" W	55.64'
L46	S 79°58'40" W	20.36'
L47	S 1°34'55" E	30.26'
L48	S 88°25'05" W	26.60'
L49	N 1°34'55" W	84.84'
L50	S 89°04'08" W	25.00'

LEGEND
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 OR OFFICIAL RECORDS BOOK
 PG PAGE(S)

Page 41
 0 200' 400' 800'
SCALE: 1" = 400'
 THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS

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DRAWN BY: K.J.G.
 CHECKED BY: DLS
 JOB CODE: WCIRBHR
 SCALE: 1" = 400'
 DATE: 12 MARCH 2014
 FILE: 14-24-001
 SHEET: 2 of 2



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SKETCH AND DESCRIPTION
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 LYING IN
 SECTIONS 5, 6 7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

NOT COMPLETE WITHOUT SHEETS 1-2 OF 2



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Pelican Landing CPD/RPD

Request: Rezone from: Kersey Smoot RPD To: Pelican Landing CPD/RPD

Type: Major PD Minor PD DRI w/Rezoning PRFPD
 Major PD Amendment Minor PD Amendment

Summary of Project:

Please see Request Statement

FILE
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**PART 1
APPLICANT/AGENT INFORMATION**

A. Name of Applicant: WCI Communities LLC
Address: 24301 Walden Center Drive
City, State, Zip: Bonita Springs, FL 34134
Phone Number: 239.947.2600
E-mail Address: barryernst@wci-communities.com

- B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
- Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
 - Applicant has been authorized by the owner(s) to represent them for this action. [34-202(b)(1)b. & c.]
 - Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

1. Company Name: Q. Grady Minor and Associates, P.A.
Contact Person: D. Wayne Arnold
Address: 3800 Via Del Rey
City, State, Zip: Bonita Springs, FL 34134
Phone Number: 239.947.1144 Email: warnold@gradymenor.com

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. [34-202(b)(1)c.]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]

Name: Same as Applicant

Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____

B. Disclosure of Interest [34-201; 34-204]:

Attach Disclosure of Interest Form. [34-201; 34-204]

C. Multiple parcels:

Property owners list. [34-202(a)(5)]

Property owners map. [34-202(a)(5)]

D. Certification of Title and Encumbrances [34-202(a)(3)]

1. Title certification document, no greater than 90 days old. [34-202(a)(3)]

2. Date property was acquired by present owner(s): December 2001

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**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): [Attach extra sheets if additional space is needed.]

07-47-25-B2-00000.0010

B. Street Address of Property: N/A Golf Course

C. Legal Description (must submit) [34-202(a)(1)]:

Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(2); 34-373(a)(4)a.]:

A Boundary survey, tied to the state plane coordinate system.

OR

Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. List of surrounding property owners. [34-202(a)(6)]

2. Map of surrounding property owners. [34-202(a)(7)]

3. One set of mailing labels. [34-202(a)(6)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: Kersey Smoot RPD

Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(a)(8)]

F. Use(s) of Property [34-202(a)(8)]:

1. Current uses of property are: Golf Course

2. Intended uses of property are: Residential

G. Future Land Use Classification (Lee Plan) [34-202(a)(8)]:

Outlying Suburban	<u>17.73±</u>	Acres	<u>87.25</u>	% of Total
Wetlands	<u>2.59±</u>	Acres	<u>12.75</u>	% of Total
		Acres		% of Total

H. Property Dimensions [34-202(a)(8)]:

1. Width (average if irregular parcel):	<u>1,300</u>	Feet		
2. Depth (average if irregular parcel):	<u>700</u>	Feet		
3. Total area:	<u>20.32</u>	Acres or square feet		
4. Frontage on road or street:	<u>N.A.</u>	Feet on _____		Street
2 nd Frontage on road or street:	<u>N.A.</u>	Feet on _____		Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. [34-202(a)(10)]

- Not Applicable
- Estero Planning Community. [33-54(a)&(b); Lee Plan Policy 19.5.3]
- Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- North (Upper) Captiva Community Plan area. [33-1711]
- Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- North Fort Myers Planning Community. [33-1532(a)&(b)]
- North Olga Community Plan area. [33-1663(a)&(b)]

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J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-202(a)]

**PART 4
TYPES OF LAND AREA ON PROPERTY**

A. Gross Acres (total area within described parcel)	<u>20.32</u>	Acres
1. Submerged land subject to tidal influence	_____	Acres
2. a. Preserved freshwater wetlands	_____	Acres
b. Impacted wetlands	_____	Acres
c. Preserved saltwater wetlands	<u>2.59</u>	Acres
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)	<u>2.59</u>	Acres
3. R-O-W providing access to non-residential uses	_____	Acres
4. Non-residential use areas ^{(1) (2)}	_____	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).	<u>0</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾	<u>20.32</u>	Acres
D. Gross residential acres (by Land Use Category)		
1. a. Intensive Development – upland	_____	Acres
b. Intensive Development – preserved freshwater wetlands	_____	Acres
c. Intensive Development – impacted wetlands	_____	Acres
2. a. Central Urban – upland	_____	Acres
b. Central Urban – preserved freshwater wetlands	_____	Acres
c. Central Urban – impacted wetlands	_____	Acres
3. a. Urban Community or Suburban – upland	_____	Acres
b. Urban Community or Suburban – preserved freshwater wetlands	_____	Acres
c. Urban Community or Suburban – impacted wetlands	_____	Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	17.73	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	2.59	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
TOTAL (should equal "C" above)			20.32	Acres

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Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

**PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS**

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Outlying Suburban

		Lee Plan Table 1(a)	
		Max. standard density	Units
1. Standard Units			
a.	Total upland acres (from Part 4, D.)	_____ x _____	equals _____
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals _____
c.	Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals _____
d.	Total Allowed Standard Units ⁽¹⁾		_____
2. Bonus Units ^{(2) (3)}			
a.	Low-moderate-housing density		_____
b.	TDR units		_____
c.	Sub-total		_____
3. Total Permitted Units ⁽¹⁾			_____

(see notes on next page)

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
- (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.
- (3) In Intensive Development, Central Urban, and Urban Community categories only.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

A. Commercial		Height	Total Floor Area (Square Feet)
1. Medical		N.A.	N.A.
2. General Office		N.A.	N.A.
3. Retail		N.A.	N.A.
4. Other:		N.A.	N.A.
5. TOTAL FLOOR AREA			N.A.
B. Industrial		Height	Total Floor Area (Square Feet)
1. Under Roof		N.A.	N.A.
2. Not Under Roof		N.A.	N.A.
3. TOTAL FLOOR AREA			N.A.
C. Mining		Depth	Total Acres
1. Area to be excavated		N.A.	N.A.
D. Assisted Living Facilities		Height	Total Beds/Units
1. Dependent Living Units		N.A.	N.A.
2. Independent Living Units		N.A.	N.A.
3. TOTAL BEDS/UNITS			N.A.
E. Hotels/Motels (Room Size)		Height	Total Rental Units
1. < 425 sq. ft.		N.A.	N.A.
2. 426-725 sq. ft.		N.A.	N.A.
3. 725 < sq. ft.		N.A.	N.A.
4. TOTAL UNITS			N.A.

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**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
 - 1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**

2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. [34-373(a)(8)]
3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

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**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)d.iv.]
Included with Review #1 Response submittal

- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:

- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed: N.A.
The 20.32+/- acre property being added to the Pelican Landing RPD is not located adjacent to navigable natural waters, no shoreline stabilization is proposed.

- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
Included with Review #1 Response submittal
- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
Included with initial submittal
- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

**PART 9
SANITARY SEWER & POTABLE WATER FACILITIES**

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
N.A.

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including: N/A
 1. Method and degree of treatment:
N.A.

 2. Quality of the effluent:
N.A.

 3. Expected life of the facility:
N.A.

4. Who will operate and maintain the internal collection and treatment facilities:
N.A.

5. Receiving bodies or other means of effluent disposal:
N.A.

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N.A.

2. Current water table conditions:
N.A.

3. Proposed rate of application:
N.A.

4. Back-up system capacity:
N.A.

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PART 10
ADDITIONAL REQUIREMENTS

A. **Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(2)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):** N.A.

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**

6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
 YES (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(b)(8)]**
 NO (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(b)(8)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(b)(7)] N.A.**
- G. **Flood Hazard: [34-202(a)(8)]**
 Not applicable
 The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
 The minimum elevation required for the first habitable floor is AE-EL10 NAVD (MSL)
- H. **Excavations/Blasting: [34-202(b)(6)]**
 No blasting will be used in the excavation of lakes or other site elements.
 If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Bonus Density: [34-202(b)(5)]**
 Not Applicable
 Bonus density will be used. Provide a copy of the Bonus Density application showing calculations.
- J. **Hazardous Materials Emergency Plan for Port Facilities: [34-202(b)(4)]**
 Not Applicable
 Provide a Hazardous materials emergency plan.
- K. **Mobile Home Park: [34-203(d)]**
 Not Applicable
 Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- L. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
 Not Applicable
 Property is located within _____ Airport Noise Zone: **[34-1004]**
 Property is located within Airport Protection Zone. Indicate which Zone below. **[34-1005]**
 Property is located within Airport Runway Clear Zone: **[34-1006]**
 Property is located within Airport School Protection Zone: **[34-1007]**
 Property is located within Airport Residential Protection Zone: **[34-1009]**
 Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1009]**
 A Tall Structures Permit is required. **[34-1010]**

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 DEPARTMENT

**PART 5
SUBMITTAL REQUIREMENT CHECKLIST**

Clearly label your attachments as noted in bold below

Copies Required		SUBMITTAL ITEMS
13	<input type="checkbox"/>	Completed application for Public Hearing [34-201(b)]
1	<input type="checkbox"/>	Filing Fee - [34-202(a)(9)]
3	<input type="checkbox"/>	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	<input type="checkbox"/>	Additional Agents [34-202(b)(1)c.]
3	<input type="checkbox"/>	Multiple Owners List (if applicable) [34-201; 34-204]
3	<input type="checkbox"/>	Disclosure of Interest Form (multiple owners) [34-201(b)(2)a]
5	<input type="checkbox"/>	Legal description (must submit) [34-202(a)(1)]
	<input type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	<input type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
5	<input type="checkbox"/>	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(2); [34-373(a)(4)a.]
3	<input type="checkbox"/>	Property Owners list (if applicable) [34-202(a)(5)]
3	<input type="checkbox"/>	Property Owners map (if applicable) [34-202(a)(5)]
3	<input type="checkbox"/>	Confirmation of Ownership/Title Certification [34-202(a)(3)]
3	<input type="checkbox"/>	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
1	<input type="checkbox"/>	List of Surrounding Property Owners [34-202(a)(6)]
1	<input type="checkbox"/>	Map of Surrounding Property Owners [34-202(a)(7)]
1	<input type="checkbox"/>	Mailing labels [34-202(a)(6)]
13	<input type="checkbox"/>	List of Zoning Resolutions and Approvals [34-202(a)(8)]
13	<input type="checkbox"/>	Summary of Public Informational Session (if applicable) [34-202(a)(10)]
13	<input type="checkbox"/>	Waivers from Application Submission Requirements (if applicable)
13	<input type="checkbox"/>	Preliminary Density Calculations (if applicable)
13	<input type="checkbox"/>	Request Statement
5	<input type="checkbox"/>	Traffic Impact Statement (TIS) (not required for existing development) [34-341(b)(2)d.1.]
13	<input type="checkbox"/>	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
13	<input type="checkbox"/>	Schedule of Uses [34-373(a)(8)]
13	<input type="checkbox"/>	Schedule of Deviations and Written Justification [34-373(a)(9)]
4	<input type="checkbox"/>	Topography (if available) [34-373(a)(4)d.iv.]
4	<input type="checkbox"/>	Soils Map [34-373(a)(4)b.v.]
4	<input type="checkbox"/>	FLUCCS Map [34-373(a)(4)c.]
4	<input type="checkbox"/>	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
4	<input type="checkbox"/>	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
4	<input type="checkbox"/>	Surface Water Management Plan (if applicable) [34-373(b)(1)]
13	<input type="checkbox"/>	Phasing Program (if applicable) [34-373(b)(3)]
4	<input type="checkbox"/>	Protected Species Survey (if applicable) [34-373(b)(2)]
13	<input type="checkbox"/>	Proof of Notice (if applicable) [34-373(c)]
13	<input type="checkbox"/>	Binding Letter from DCA (if applicable) [34-373(d)(2)]
13	<input type="checkbox"/>	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)]

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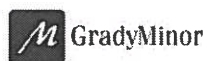
5	<input type="checkbox"/>	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1]]
5	<input type="checkbox"/>	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
5	<input type="checkbox"/>	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
5	<input type="checkbox"/>	Environmental Assessment (if applicable) [34-941(g)(2)]
13	<input type="checkbox"/>	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
4	<input type="checkbox"/>	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(b)(8)]
4	<input type="checkbox"/>	Existing Agricultural Use Affidavit (if applicable) [34-202(b)(7)]
4	<input type="checkbox"/>	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
4	<input type="checkbox"/>	Bonus Density Application (if applicable) [34-202(b)(5)]
3	<input type="checkbox"/>	Hazardous Materials Emergency Plan (if applicable) [34-202(b)(4)]
3	<input type="checkbox"/>	Mobile Home Park Dislocated Owners Information (if applicable) [34-203(d)]
3	<input type="checkbox"/>	Tall Structures Permit (if applicable) [34-1001]

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Pelican Landing DRI / CPD / RPD

Additional Agents

Neale Montgomery
Pavese Law Firm
1833 Hendry Street
Fort Myers, FL 33901
P 239.344.2195
NealeMontgomery@paveselaw.com



FILE
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AFFIDAVIT OF AUTHORIZATION

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APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

APR 21 2017
COMMUNITY DEVELOPMENT
DEPARTMENT

I, Darin I. McMurray (name), as Vice President (owner/title) of WCI Communities, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

3/28/17

Date

Darin I. McMurray as Vice President of WCI Communities, LLC

*******NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on MAR 28, 2017 by Darin L McMurray as Vice President of WCI Communities, LLC, who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Margaret A Sisk

Signature of Notary Public

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

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JUN 19 2020

COMMUNITY DEVELOPMENT DEPARTMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as RAPTOR BAY AT PELICAN LANDING GOLF COURSE and legally described in exhibit A attached hereto. (street address) as described in Ord 14-10, Strap 07-47-25-B2-00000.0010

The property described herein is the subject of an application for planned development zoning. We hereby designate Waldrop Engineering, P.A., & Coleman, Yovanovich & Koester, P.A. & London Bay Homes as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to the City of Bonita Springs.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by the City of Bonita Springs.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, City of Bonita Springs can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The City of Bonita Springs will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the City may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

Owner
Darin I. McMurray as Vice President of WCI Communities, LLC
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19 day of June 2020, by Darin McMurray, who is personally known to me or who has produced _____ as identification.

Christine Snow
Notary Public
Christine Snow
(Name typed, printed or stamped)
(Serial Number, if any)



**DISCLOSURE OF INTEREST
AFFIDAVIT**

**FILE
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT**

BEFORE ME this day appeared Darin L McMurray, as Vice President of WCI Communities, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at Raptor Bay, STRAP # 07-47-25-B2-00000.0010 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	
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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

[Handwritten signature]

FILE
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Property Owner

Darin L McMurray, as Vice President of WCI Communities, LLC

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on MAR 28, 2017 by DARIN McMURRAY (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Margaret A Sisk

Signature of Notary Public

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2016 FOREIGN LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# M09000003277

Entity Name: WCI COMMUNITIES, LLC

Current Principal Place of Business:

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134

Current Mailing Address:

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134

FEI Number: 27-0601855

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

HASTINGS, VIVIEN
24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title MGRM
Name WCI COMMUNITIES, INC.
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title P
Name BASS, KEITH
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name DEVENDORF, RUSSELL
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVPS
Name HASTINGS, VIVIEN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name ERHARDT, PAUL
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name MCGOLDRICK, JOHN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name MESA, REINALDO
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name GREEN, CHRISTINE
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Continues on page 2

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: VIVIEN HASTINGS

SVP

04/27/2016

Electronic Signature of Signing Authorized Person(s) Detail

Date

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DEPARTMENT

Authorized Person(s) Detail Continued :

Title VP
Name FERRY, JOHN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name LEITH, SHEILA
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name BOWLES, SCOTT
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name MARTIN, DEBBIE
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name THOMAS, DWIGHT
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name BARBER, RICHARD
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name WOLF, MICHAEL
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP, ASSISTANT SECRETARY
Name SWARTZ, NICOLE
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SENIOR VICE PRESIDENT
Name RAPAPORT, JONATHAN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

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2016 FOREIGN PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# F09000003307

FILED
Apr 29, 2016
Secretary of State
CC1378983539

Entity Name: WCI COMMUNITIES, INC.

Current Principal Place of Business:

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134

Current Mailing Address:

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134

FEI Number: 27-0472098

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

HASTINGS, VIVIEN
24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FL 34134 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title P
Name BASS, KEITH
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name DEVENDORF, RUSSELL
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVPS
Name HASTINGS, VIVIEN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name ERHARDT, PAUL
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name FERRY, JOHN
Address 24301 WALDEN CIRCLE DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name MCGOLDRICK, JOHN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name MESA, REINALDO
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name BARBER, RICHARD
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Continues on page 2

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: VIVIEN HASTINGS

SVPS

04/29/2016

Electronic Signature of Signing Officer/Director Detail

Date

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DEPARTMENT

Officer/Director Detail Continued :

Title VP
Name BOWLES, SCOTT
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name LEITH, SHEILA
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name IVIN, DAVID
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP
Name GREEN, CHRISTINE
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title VP, ASSISTANT SECRETARY
Name SWARTZ, NICOLE
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

Title SVP
Name RAPAPORT, JONATHAN
Address 24301 WALDEN CENTER DRIVE
City-State-Zip: BONITA SPRINGS FL 34134

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DEPARTMENT

Prepared by, and after recording,
Return to:
WCI Communities, LLC
Legal Department
24301 Walden Center Drive
Bonita Springs, FL 34134

INSTR # 2016000230429, Pages 3
Doc Type AFF, Recorded 10/31/2016 at 03:11 PM,
Linda Doggett, Lee County Clerk of Circuit Court
Rec. Fee \$27.00
Deputy Clerk CFELTMAN
#1

AFFIDAVIT

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COMMUNITY DEVELOPMENT
DEPARTMENT

STATE OF FLORIDA)
) SS
COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Nicole Swartz, Vice President of WCI Communities, LLC, who being first duly sworn says ("Affiant"):

1. Affiant is a Vice President of WCI COMMUNITIES, LLC, a Delaware limited liability company.
2. On October 4, 2016, Pelican Landing Golf Resort Ventures Limited Partnership, a Delaware limited partnership, merged into WCI Communities, LLC, a Delaware limited liability company with WCI Communities, LLC being the surviving entity.
3. A true and correct certified copy of the Certificate of Merger from the Delaware Secretary of State is attached hereto as Exhibit "A".

FURTHER AFFIANT SAYETH NOT.

FILE
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT

WCI COMMUNITIES, LLC, a Delaware limited liability company

By: [Signature]
Nicole Swartz, Vice President

The foregoing instrument was acknowledged before me this 25th day of October, 2016, by Nicole Swartz, as Vice President of WCI Communities, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me.

[Signature]
Print Name: LEDIA METAJ
Notary Public - State of Florida
Commission No.: #FF051798
Commission Expires: 11/3/2017



Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"PELICAN LANDING GOLF RESORT VENTURES LIMITED PARTNERSHIP", A DELAWARE LIMITED PARTNERSHIP,

WITH AND INTO "WCI COMMUNITIES, LLC" UNDER THE NAME OF "WCI COMMUNITIES, LLC", A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE ON THE FOURTH DAY OF OCTOBER, A.D. 2016, AT 1:58 O`CLOCK P.M.

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Jeffrey W. Bullock, Secretary of State

4704305 8100M
SR# 20166059353

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203108632
Date: 10-04-16

Exhibit "A"

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF A
DOMESTIC LIMITED PARTNERSHIP
INTO A
DOMESTIC LIMITED LIABILITY COMPANY**

Pursuant to Title 6, Section 17-211 of the Delaware Statutes and Title 6, Section 18-209 of the Delaware Limited Liability Company Act, the undersigned limited liability company executed the following Certificate of Merger:

FIRST: The name of the surviving Limited Liability Company is **WCI Communities, LLC**, a Delaware Limited Liability Company (File Number 4704305).

SECOND: The name of the Limited Partnership being merged into this surviving Limited Liability Company is **Pelican Landing Golf Resort Ventures Limited Partnership** (File Number 2967946).

THIRD: The Agreement of Merger has been approved and executed by both entities.

FOURTH: The name of the surviving Limited Liability Company is **WCI Communities, LLC**, a Delaware Limited Liability Company.

FIFTH: the executed Agreement of Merger is on file at 24301 Walden Center Drive, Bonita Springs, Florida 34134, the principal place of business of the surviving Limited Liability Company.

SIXTH: A copy of the Agreement of Merger will be furnished by the surviving Limited Liability Company or any person holding an interest in any other business entity which is to merge or consolidate.

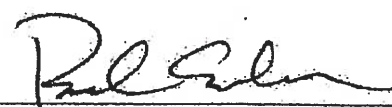
IN WITNESS WHEREOF, said Limited Liability Company has caused this certificate to be signed by an authorized person this 3rd day of October, A.D., 2016.

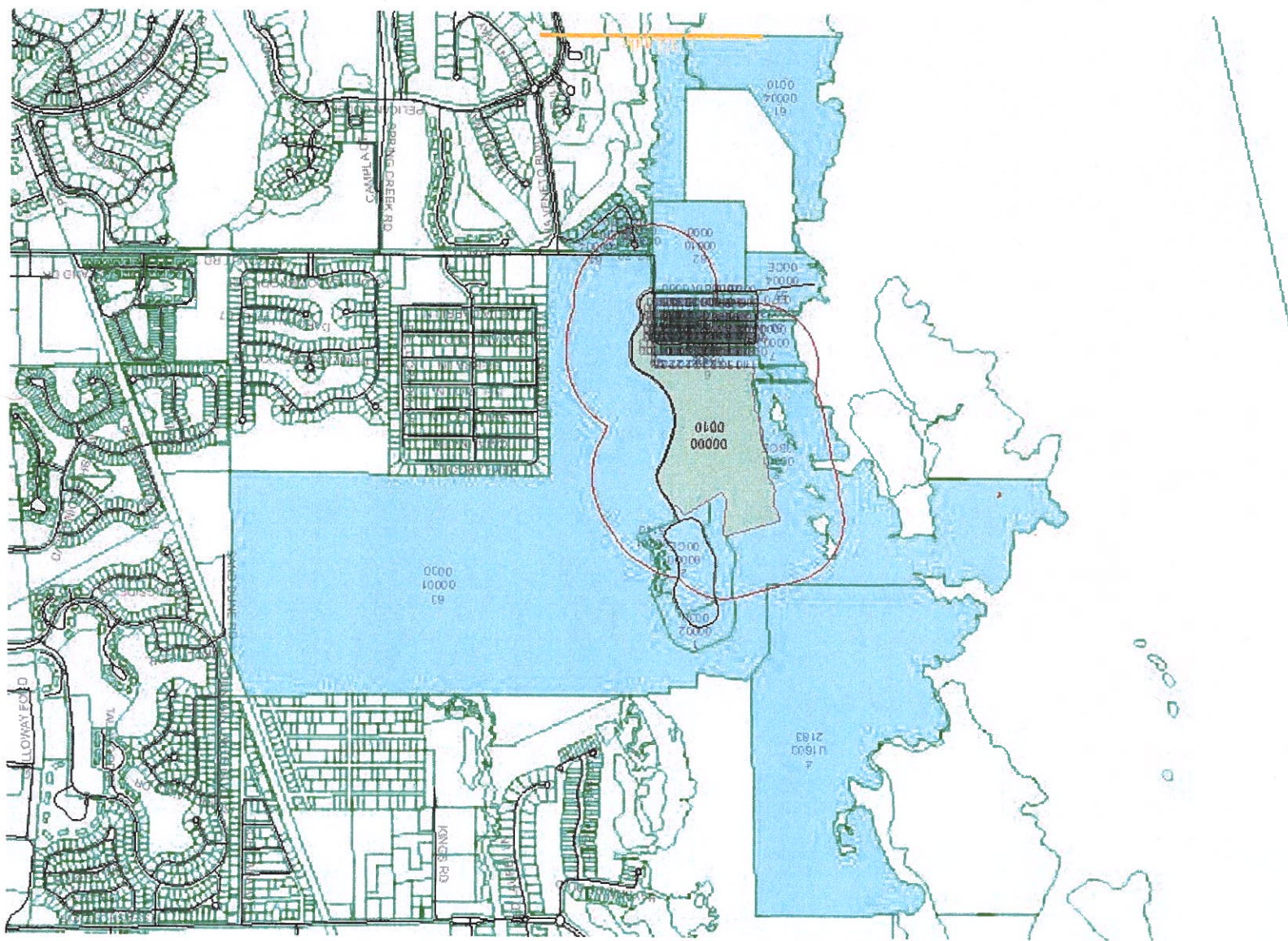
**RECEIVED
CITY OF BONITA SPRINGS**

FEB 03 2017

**COMMUNITY DEVELOPMENT
DEPARTMENT**

WCI Communities, LLC

By: 
Name: Paul Erhardt
Title: Senior Vice President





 **AREA TO BE REMOVED FROM KERSEY-SMOOTH RPD 20± ACRES**

GradyMinor
 Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

PELICAN LANDING DRI CPD RPD RECEIVED
CITY OF BONITA SPRINGS
 AERIAL LOCATION MAP
 JUN 02 2015

SCALE:	N.T.S.
JOB CODE:	PLAA
DATE:	NOVEMBER 2015
FILE NAME:	PD AERIAL (ZONEBRD)
SHEET	1 OF 1

COMMUNITY DEVELOPMENT DEPARTMENT

LOCAL FILES \PLANNING\FACT - PELICAN LANDING ANNEXATION \DRAWINGS\PD AERIAL (ZONEBRD)DWG 12/10/2015 1:12 AM

Zoning Approvals

Planned Development

Pelican Landing CPD/RPD DRI

Development Type: DRI

Status: Approved/W Amendments

Estero Planning Community

RECEIVED

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

Project Approvals

Category Sub Category	Acres Totals/Sub Category	Units Totals/Sub Category	Square Feet Totals/Sub Category
Commercial	118.95	965	778,200
Commercial Marina <i>Units=slips; 150 dry and 65 wet</i>	5.00	215	0
Commercial Office	47.00		475,000
Commercial Retail	35.50		300,000
Commercial-service <i>Maint. Bldg includes 800 sq ft office</i>	1.45		3,200
Hotel/Motel <i>2 hotels: 450 room and 300 room</i>	25.50	750	
Other Commercial <i>Approval for up to 16 temporary construction trailers for three years ending 4/19/2008. Prior to expiration of this approval the applicant, based on need, may apply for up 2 consecutive extensions, up to 18 months each</i>	4.50		0
Conservation	822.31		0
Wetlands/Conservation <i>Includes wetlands and upland habitat preserve</i>	822.31		0
Public	908.89	77	0
Non-County Golf Course <i>Units = golf holes</i>	447.64	77	0
Residential Amenities	46.30		0

<i>Beach facility, beach park, and community park</i>			
ROW/Other <i>Public and private ROW; also includes 0.1 acre cemetery parcel; also includes 3.2 acre accessory parking lot</i>	165.46		0
Surfacewater Management <i>Water management lakes</i>	247.49		0
Utilities	2.00		0
Residential	675.00	3,912	0
Multi Family Residential <i>Includes (4) 6-story , 24 unit Buildings. Includes 20 story, 118 unit and a single 4 unit building in a project known as Ravenna. Reduced from 3735 mfu</i>	0.00	2,982	
Single Family Residential <i>Increased from 665 units</i>	0.00	930	
Total Residential <i>Total acreage = 2516 acres (31/24/00)</i>	675.00		0
Project Total	2,525.15	4,954	778,200

Project Hearings

Resolution #	Case Number	Hearing Date	Approved	
ADD2012-00064 Go To E-Connect Click For Resolution	ADD2012-00064	08/31/2012	Yes	Final Zoning Plan Approval, parcels & G
ADD2010-00073 Go To E-Connect Click For Resolution	ADD2010-00073	02/15/2011	Yes	Request on 4.42 + / - acres to split lot with numerous deviations from the Land Development Code.
Z-06-069 Go To E-Connect Click For Resolution	DRI2005-00001	12/04/2006	Yes	NOPC - add 1.45 + / - ac
Z-06-069 Go To E-Connect Click For Resolution	DCI2005-00005	12/04/2006	Yes	Rezone 1.45 +/- acres from RS-1 to RPD/CPD for construction and operations of districts landscaping maintenance facility.
	ADD2006-00170	10/17/2006	Yes	Final Plan Approval to RPD on Parc "P" at the Colony

2006-00170					
Go To E-Connect Click For Resolution					
ADD2005-00212	ADD2005-00212	03/23/2006	Yes	Final plan approval for 1-6story office bldg w/attached 4-story pkg garage, amenities, infrastructure and water mgt	
Go To E-Connect Click For Resolution					
ADD2006-00007	ADD2006-00007	02/06/2006	Yes	Final Plan Approval for RPD project known as Ravenna the The Colony Golf and Bay Club for a 20 story 11 mult-family unit building and an additional building with 4 Multi-family dwellings units.	
Go To E-Connect Click For Resolution					
BZO-05-018	DCI2002-00063	11/19/2005	Yes	To amend the RPD/CPD for Pelican Landing to add residential uses, including: single-family, two-family townhouse, duplex, multiple-family; zero lot line; model homes; model units; temporary construction offices; and uses that serve the residential community for area known as Baywinds. Referred to as Area H on Master Plan. Does not add any more residential units.	
Go To E-Connect Click For Resolution					
ADD2005-00046	ADD2005-00046	07/25/2005	Yes	Final zoning plan approval for a 20 story 117 mf unit development, known as Florencia at The Colony Golf and Bay Club	
Go To E-Connect Click For Resolution					
ADD2005-00018	ADD2005-00018	04/19/2005	Yes	Request to approve 4.512 + / - ac, the west side of Pelican Colony Boulevard, for a temporary construction trailer site	
Go To E-Connect Click For Resolution					
ADD2004-00188	ADD2004-00188	10/12/2004	Yes	Final Zoning Plan Approval for Treviso at the Colony (Bonita Sprin Portion)	
Go To E-Connect Click For Resolution					
ADD2004-00179	ADD2004-00179	09/20/2004	Yes	Final Plan Approval to allow reduce setback and easement encroachment for Golf Course Rest Shelter	
Go To E-Connect Click For Resolution					
ADD2004-00090	ADD2004-00090	07/08/2004	Yes	Final Plan approval for Castella at the Colony	
Go To E-Connect Click For Resolution					

ADD2004-00098 Go To E-Connect Click For Resolution	ADD2004-00098	05/20/2004	Yes	Final Plan approval for Treviso (see also http://www.lee-county.com/docimg/dcd/getdoc.a:DOC_ID=13387)
ADD2003-00100a Go To E-Connect Click For Resolution	ADD2003-00100a	04/05/2004	Yes	FPA for highrise #5 "Navona"
ADD2003-00100 Go To E-Connect Click For Resolution	ADD2003-00100	08/26/2003	Yes	Final Plan Approval for highrise in RPD area F- "Navona" 20 stories over 1 story of parking
BZ-02-046 Go To E-Connect Click For Resolution	DRI2002-00002	10/07/2002	Yes	Extends and adjusts the buildout at termination date to May 20, 2009 and May 20, 2012 respectively.
ADD2002-00087 Go To E-Connect Click For Resolution	ADD2002-00087	08/13/2002	Yes	Build (4) 6-story , 24 unit Mid-Rise Buildings on project known as The Colony at Pelican Landing Mid Rise 2.
Z-99-048A Go To E-Connect Click For Resolution	ADD2002-00063	07/08/2002	Yes	RE: Distribution of Final Resolution due to correction of the Legal Description within resolution Z-99-048
BZ-02-002 Go To E-Connect Click For Resolution	DRI2000-00022	02/26/2002	Yes	Adopts separate DO for that portion of the DRI within the Bonita city limits; corrects legal description problems; no changes to approved density/intensity
Z-00-044 Go To E-Connect Click For Resolution	DRI2000-00002	09/18/2000	Yes	Adds 140 acres to DRI (see DCI2000 00017)
BZ-00-44 Go To E-Connect Click For Resolution	DCI2000-00017	09/18/2000	Yes	Rezone 140 acres from AG-2 to RPI to permit golf course use
BZ-00-23 Go To E-Connect Click For Resolution	DRI964557	08/07/2000	Yes	Amends DRI to add 3.2 acres for parking lot
BZ-00-31 Go To E-Connect Click For Resolution	DCI2000-00014	07/17/2000	Yes	Amends RPD/CPD (Resolution Z-94-014) to allow golf course uses in RF Area E
	95-01-050.03Z 05.01	12/20/1999	Yes	

Z-99-080						Rezone 38 acres from RS-1 and RM- to RPD - add to DRI
Go To E-Connect						
Click For Resolution						
Z-99-065	95-01-050.04Z	09.01	12/06/1999	Yes		Adds 72 acres to DRI - Baywinds
Go To E-Connect						
Click For Resolution						
Z-99-048	95-01-050.03Z	04.01	10/04/1999	Yes		Rezone 3.2 acres from RS-1 to RPD for accessory parking lot
Go To E-Connect						
Click For Resolution						
Z-99-024	95-01-050.04Z	08.01	06/21/1999	Yes		Baywinds Rezoning - 72 Acres
Go To E-Connect						
Click For Resolution						
FPA-98-094	95-01-050.04A	03.01	01/15/1999	Yes		Plan approval for parcel "E"
Go To E-Connect						
Click For Resolution						
FPA-98-095	95-01-050.04A	02.02	01/10/1999	Yes		Hyatt Regency
Go To E-Connect						
Click For Resolution						
PD-98-070	95-01-050.13A	16.01	10/26/1998	Yes		Amends wording of Z-94-014
Go To E-Connect						
Click For Resolution						
Z-98-066	95-01-050.04Z	07.01	09/21/1998	Yes		Rezone 204 acres AG-2 to RPD, add to DRI (Kersey-Smoot)
Go To E-Connect						
Click For Resolution						
FPA-98-048	95-01-050.04A	01.01	07/22/1998	Yes		Plan approval for Colony Corporate Ctr
Go To E-Connect						
Click For Resolution						
PD-98-026/1A	95-01-050.13A	14.02	06/30/1998	Yes		Lot depth deviation
Go To E-Connect						
Click For Resolution						
PD-98-035	95-01-050.13A	15.01	05/21/1998	Yes		Approval for Pelican Brooks Ctr
Go To E-Connect						
Click For Resolution						
PD-98-026-2	95-01-050.13A	14.01	05/07/1998	Yes		Plan approval for Parcel "R"
Go To E-Connect						
Click For Resolution						
PD-98-026-1	95-01-050.13A	14.01	05/06/1998	Yes		parcel "R" deviations
Go To E-Connect						
Click For Resolution						

PD-97-055 Go To E-Connect Click For Resolution	95-01-050.13A 12.01	12/24/1997	Yes	amends Coconut Rd access
PD-97-056 Go To E-Connect Click For Resolution	95-01-050.13A 13.01	12/11/1997	Yes	Parcel "R" deviations
PD-97-051 Go To E-Connect Click For Resolution	95-01-050.13A 11.01	11/19/1997	Yes	Plan approval for "Villas @ Pelican Landing"
PD-97-045 Go To E-Connect Click For Resolution	95-01-050.13A 10.01	11/17/1997	Yes	Private access
Z-97-073 Go To E-Connect Click For Resolution	95-01-050.04Z 06.01	11/17/1997	Yes	Adds hotel use to area "D"
PD-97-038 Go To E-Connect Click For Resolution	95-01-050.13A 09.01	08/15/1997	No	DENIED
PD-97-032 Go To E-Connect Click For Resolution	95-01-050.13A 08.01	07/22/1997	Yes	Allows schools
PD-97-020 Go To E-Connect Click For Resolution	95-01-050.13A 07.01	05/09/1997	Yes	Plan approval for "Tuscany Isle"
PD-97-012 Go To E-Connect Click For Resolution	95-01-050.13A 06.01	03/21/1997	Yes	Cul-de-sac deviation in "Addison Place"
Z-96-055 Go To E-Connect Click For Resolution	95-01-050.04Z 05.01	11/04/1996	Yes	Amends DRI D.O. - changed mix of uses
PD-96-040 Go To E-Connect Click For Resolution	95-01-050.13A 04.01	08/29/1996	Yes	Temp. parking surface at "Coconut Point"
PD-96-039 Go To E-Connect Click For Resolution	95-01-050.13A 03.01	08/28/1996	Yes	allows paver bricks
PD-96-026 Go To E-Connect Click For Resolution	95-01-050.13A 02.01	06/28/1996	Yes	Cul-de-sac deviation in "Colony Estates"



Approved

RESOLUTION NUMBER Z-00-031

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Watermark Communities, Inc., to amend the Pelican Landing RPD/CPD; and

WHEREAS, a public hearing was advertised and held on May 25, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00014; and

WHEREAS, a second public hearing was advertised and held on July 17, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Pelican Landing RPD/CPD approved in accordance with Resolution Z-94-014 to modify Condition 10 of Resolution Z-94-014 to allow golf course and related uses in RPD Area E adjacent to the Kersey Smoot RPD. The property is located in the Outlying Suburban and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Pelican Landing RPD/CPD Master Concept Plan," as prepared by Watermark Communities, Inc., dated February 1, 1999, last revised January 20, 1999, and stamped received at the Zoning Counter on February 25, 2000, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

CASE NO:DCI2000-00014

Z-00-031
Page 1 of 6

a. Schedule of Uses

Essential Services

Essential Service Facilities, Group I

Golf Course

Accessory uses including but not limited to:

Snack Bar

Restrooms, halfway house, shelters and other similar uses which are accessory to the golf course.

Tennis courts, swimming pools, parks, playgrounds, canoe park and similar recreational amenities

Signs, in compliance with Chapter 30

b. Site Development Regulations

Minimum Setbacks - Accessory Structures

Street: 20 feet

Development Perimeter: 25 feet

Waterbody: 25 feet

3. All terms and conditions of Resolution Z-94-014, and any amending resolutions, remain in full force and effect except as modified by the conditions herein.
4. The development of this project must be in compliance with the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, dated January 7, 1999, last revised July 7, 1999, and stamped received at the zoning counter on October 7, 1999.
5. The Developer must employ management practices to prevent pesticide/chemical pollution of groundwater and surface water receiving areas, including, but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development, use and operation of a golf course and water management areas.
6. The management practices that the Developer must follow are as follows:
 - a. The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water run-off or leaching to the groundwater.
 - b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible,

the use of pesticides, and will include the use of the USDA-SCS (United States Department of Agriculture-Soil Conservation Service) Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to run-off depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

- c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce run-off and the leaching of any applied pesticides and nutrients.
 - d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer run-off into the surface water and the leaching of those same fertilizers into the groundwater.
 - e. The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
7. The Developer must amend the existing Pelican Landing DRI management plan for the application of herbicides, pesticides, and fertilizers to the golf course to include Parcel E. The plan must include Parcel E prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended plan must:
- a. include a groundwater and surface water monitoring plan;
 - b. provide for testing to assess whether there is degradation of surface or groundwater quality;
 - c. identify the locations for the groundwater monitoring and testing on a map(s); and
 - d. set forth the testing and reporting requirements.

The Developer must continue to submit the test reports to the County with the annual monitoring report. The surface and groundwater monitoring program must be established and operated at the expense of the Developer, the Bayside Improvement Community Development District, or other comparable legal entity charged with the legal responsibility of managing the golf course as stated in an approved surface and groundwater monitoring plan. This plan must be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.

8. The Developer must submit an amendment to the existing surface and groundwater quality management plan as approved by Lee County and Florida Department of Community Affairs (FDCA). The amended plan must be approved by FDCA prior to the application of

chemicals to the proposed golf course.

- a. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.
 - b. The golf course within Parcel E must be set back a minimum of 100 feet (on average) from any saltwater wetlands. There will be no point where this setback is less than 75 feet in width. Water management facilities permitted by the South Florida Water Management District (SFWMD) and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the parcel.
 - c. The water management system for the golf course must be designed so untreated run-off is directed away from the saltwater wetland system. Any treated run-off to be discharged into the saltwater wetland system must utilize spreader swales with multiple outfalls, or other technology such as a filter marsh system, to evenly distribute the treated discharge. Lee County Environmental Sciences' Staff agrees that Applicant's proposed system with outfall into the freshwater canal and then into the mangrove forest system, if approved by SFWMD, meets the intent of this condition.
9. Transportation mitigation must be provided as outlined in the DRI Development Order. However, site-related improvements and additional conditions may be required at the time of local development order in accordance with the provisions of the LDC.
 10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b); however, nothing in this condition alters the County's obligation to reserve acreage pursuant to Condition III.14, Pelican Landing DRI Development Order.
 11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of July, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle B. Zeigler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Chairman

Approved as to form by:

David E. Appert
County Attorney's Office

FILED JUL 21 2000

MINUTES OFFICE

mgl

EXHIBIT "A"
LEGAL DESCRIPTION

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

February 24, 2000

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

PROPOSED PELICAN LANDING RPD PARCEL 1

Tracts or parcels lying in Section 5 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less:

CARL E. JOHNSON
1911-1968

Parcels in Section 5:

Lots 8b, 9b, 10b, 11b, 12b, and lots 21b, 22b, 23b, 24b, and 25b of Florida Gulf Land Company's Subdivision, all in Section 5, Lee County, Florida (recorded in Plat Book 1 at page 59 of the public records of Lee County, Florida), consisting of 100 acres, more or less.

Also:

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW-1/4) of the Southwest Quarter (SW-1/4) of said Section 5, consisting of 30 acres, more or less.

Also:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 5, consisting of 26.67 acres, more or less.

Parcels in Section 8:

The East Two-Thirds (E-2/3) of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of said Section 8, consisting of approximately 53.55 acres, more or less, less the southerly 40.00 feet for the right-of-way of Coconut Road.

Also:

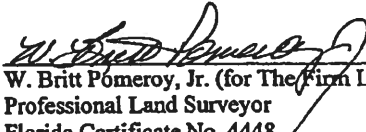
Lot 8, block 14 of El Dorado acres, an unrecorded subdivision shown in Deed Book 310 at page 183, said public records.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
JOSEPH W. EBNER
ARCHIE T. GRANT, JR.
CHRIS D. HAGAN
KENTON R. KEILING
PATRICIA H. NEWTON
W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN


W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checkec

by gm 5/1/2000

19981008\parcel 1(rpd)-022400

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 2

All of Government Lot 1, Section 7, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the northeast corner of Government Lot 1 of said Section 7 run S 01° 07' 45" E along the east line of said Section 7 for 1324.52 feet to the southeast corner of said Government Lot 1; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1747.82 feet to a concrete post at the waters of Estero Bay; thence run northerly and westerly along the waters of Estero Bay to an intersection with the north line of said Section 7; thence run N 89° 48' 31" E along said north line for 2575 feet, more or less, to the Point of Beginning.
Containing 60 acres, more or less.

CARL E. JOHNSON
1911-1968



W. Britt Pomeroy, Jr. (for the Firm)

LB-642)

Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked

by gms 5/1/2000

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
JOSEPH W. EBNER
ARCHIE T. GRANT, JR.
CHRIS D. HAGAN
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W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN

19981008\parcel 2(rpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
FORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

FEBRUARY 25, 2000

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

PROPOSED PELICAN LANDING RPD PARCEL 3

A tract or parcel of land lying in Sections 7, 8, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road (50 feet wide) to the Point of Beginning.

From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along the southerly right-of-way of said Spring Creek Road: S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run southeasterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 16' 46" E) (chord 324.72) (delta 10° 48' 05") for 325.20 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence run southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 feet to an intersection with the north right-of-way of a 30 foot wide road as recorded in deed book 305 at page 276 of the public records of Lee County, Florida; thence run N 89° 59' 08" W along said right-of-way for 287.38 feet to the southeast corner of lands described in Official Record Book 411 at page 759 of said public records; thence run N 01° 31' 36" E along the east line of said lands for 960.34 feet; thence run N 89° 59' 08" W along the north line of said lands for 2200.77 feet to an intersection with the east line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 58' 17" W along the north line of the south 990 feet of Government Lot 2 for 2081 feet, more or less, to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6490 feet, more or less, to an intersection with the south line of Government Lot 2 of said Section 7; thence run N 89° 40' 05" E along said south line for 745 feet, more or less; thence run S 00° 19' 55" E for 650.00 feet; thence run N 89° 40' 05" E for 1107.21 feet to an intersection with the west line of said Section 8; thence run N 00° 23' 24" W along the west line of said Section for 625.00 feet to an intersection with the south line of said Coconut Road and said Point of Beginning.


Containing 54.7 acres, more or less.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
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MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN


W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

Attorney's Legal Checks
gm 5/1/2000
19981008\parcel 3(rpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
FORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

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FORT MYERS, FLORIDA
33902-1550

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 3A

CARL E. JOHNSON
1911-1968

A tract or parcel of land lying in Section 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the east quarter corner of said Section 18 run N 01° 31' 36" E along the east line of said Section for 990.34 feet; thence run S 89° 58' 17" W along the north line of the south 990 feet of Government Lot 2, said Section 18, for 2081.27 feet to an intersection with a bulkhead line established by Paul T. O' Hargan, Florida Professional Land Surveyor No. 1936 and duly approved by the County of Lee on September 27, 1967 and the State of Florida on November 21, 1967 and the Point of Beginning.

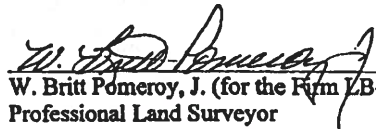
From said Point of Beginning run N 89° 58' 17" E along the aforementioned north line for 1100.00 feet; thence run S 00° 01' 43" E for 180.00 feet; thence run S 89° 58' 17" W, parallel with the said north line of the south 990 feet of Government Lot 2 for 814.13 feet to an intersection with said bulkhead line; thence run the following courses and distances along said bulkhead line: N 18° 39' 48" W for 62.41 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, a central angle of 59° 50' 20", a chord of 99.76 feet and a chord bearing of N 48° 34' 58" W to a point of tangency; N 78° 30' 08" W for 144.73 feet to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, a central angle of 32° 21' 45", a chord of 55.74 feet and a chord bearing of N 62° 19' 15" W to the Point of Beginning. Containing 3.71 acres, more or less.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
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BARRY E. SYREN


W. Britt Pomeroy, J. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked
by gm 5/1/2000

19981008\parcel 3a(rpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

February 24, 2000

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PROPOSED PELICAN LANDING RPD PARCEL 3B

CARL E. JOHNSON
1911-1988

A portion of the west 2200 feet of the south 990 feet of the North Half (N-1/2) of Section 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the west quarter corner of said Section 17 run N 01° 31' 36" E along the west line of said Section 17 for 990.34 feet; thence run S 89° 59' 08" E along a line parallel to and 990.00 feet distant (measured at right angles) from the south line of said North Half (N-1/2) of said Section 17 for 2200.77 feet; thence run S 01° 31' 36" W along a line parallel with and 2200.00 feet distant (measured at right angles) from the west line of said Section 17 for 960.34 feet to the north right-of-way of a 30 foot wide road as recorded in deed book 305, page 276 of the public records of Lee County, Florida, said north right-of-way being 30 feet northerly of and parallel to the south line of said North Half (N-1/2) of Section 17; thence along said north right-of-way line N 89° 59' 08" W for 430.89 feet; thence along the lands known locally as Spring Creek Estates, an unrecorded plat, N 00° 00' 52" E for 510.00 feet; thence run N 89° 59' 08" W for 885.06 feet to a point of curvature; thence along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, a central angle of 33° 56' 23", a chord of 227.66 feet and a chord bearing of S 73° 02' 41" W to a point on the curve; thence run S 00° 00' 52" W for 167.10 feet; thence run S 31° 38' 00" W for 130.70 feet to the northeast corner of lands described in Official Record Book 1194 at page 1085 of said public records; thence westerly along said lands and the waters of a canal 106 feet more or less to the northeast corner of lands described in Official Record Book 1057 at page 38 of said public records; thence southwesterly and westerly along said lands and said canal 400 feet more or less to the northwest corner of lands described in Official Record Book 1453 at page 495 of said public records; thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of said North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the Point of Beginning.

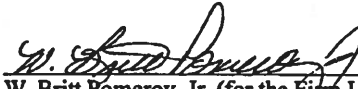
Containing 34.5 acres, more or less.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
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BARRY E. SYREN


W. Britt Pomeroy, Jr. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Check
by gm 5/1/2000

19981008\parcel 3b(rpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

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PORT CHARLOTTE

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February 24, 2000

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PROPOSED PELICAN LANDING RPD PARCEL 4

CARLE E. JOHNSON
1911-1968

A tract or parcel of land lying in Sections 8 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the northwest corner of the Southwest Quarter (SW-1/4) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, run S 00° 41' 48" E along the west line of said Section 9 for 5.00 feet to an intersection with the south line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at page 2538 of the Public Records of Lee County, Florida and the Point of Beginning.

From said Point of Beginning run S 00° 39' 58" E continuing along said west line for 2606.06 feet to the southwest corner of said Section 9; thence run S 00° 41' 04" E along the west line of Section 16, Township 47 South, Range 25 East, Lee County, Florida for 504.83 feet to a point on a curve; thence run along the arc of a curve to the right of radius 2760.00 feet (delta 21° 21' 52") (chord bearing S 5° 03' 10" W) (chord 1023.20 feet) for 1029.15 feet; thence N 20° 00' 00" W for 580.12 feet; thence N 89° 52' 02" W for 657.66 feet to an intersection with the east line of Spring Creek Road as described in County Commissioners Minute Book 6 at page 210, said Public Records; thence run N 00° 07' 58" E along said east line for 240.32 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 8; thence continue N 00° 07' 17" E along said east line for 343.49 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said east line for 499.94 feet to the southwest corner of lands described in Official Record Book 428 at page 349, said Public Records; thence run S 89° 21' 02" E along the south line of said lands for 536.00 feet; thence run N 00° 07' 17" E along the east line of said lands for 474.33 feet; thence run N 89° 21' 02" W along the north line of said lands for 546.00 feet to an intersection with the easterly line of said spring creek road; thence run N 00° 07' 17" E along said east line for 1292.76 feet to an intersection with the south line of said Coconut Road; thence run S 89° 16' 14" E along the south line of said Coconut Road for 1802.38 feet to an intersection with the west line of said Section 9 and the Point of Beginning.

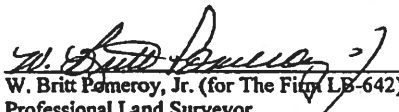
Containing 124.18 acres, more or less.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
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W. Britt Pomeroy, Jr. (for The Firm LE-642)
Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked
by gm 5/1/2000

19981008\parcel 4(rpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

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February 25, 2000

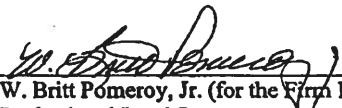
PROPOSED PELICAN LANDING CPD PARCEL 3

CARL E. JOHNSON
1911-1999

A tract or parcel of land lying in the Southeast Quarter (SE-1/4) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter (SE-1/4) of said Section 9 run N 01° 00' 24" W along the west line of said Southeast Quarter (SE-1/4) for 587.77 feet to a point on a non-tangent curve; thence along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S 80° 33' 52" E) (chord 568.50 feet) for 579.67 feet to a point of tangency; thence run N 79° 53' 56" E for 70.57 feet to an intersection with the west line of Tamiami Trail (State Road No. 45); thence run S 10° 06' 04" E along said west line for 507.09 feet to an intersection with the south line of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the Point of Beginning.

Containing 7.73 acres, more or less.


W. Britt Pomeroy, Jr. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

CHAIRMAN
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PRESIDENT
STEVEN K. MORRISON

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BARRY E. SYREN

Applicant's Legal Checked

by gm 5/1/2000

19981008\parcel 3(cpd)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

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February 24, 2000

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PROPOSED PELICAN LANDING RPD/CPD PARCEL 1

A tract or parcel of land lying in Section 7, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the northeast corner of the Southeast Quarter (SE-1/4) of said Section 7 run S 00° 23' 24" E along the east line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road (50 feet wide) and the Point of Beginning.

From said Point of Beginning run S 00° 23' 24" E along the east line of said Section 7 for 625.00 feet; thence run S 89° 40' 05" W for 1107.21 feet; thence run N 00° 19' 55" W for 650.00 feet to an intersection with the south line of Government Lot 2 of said Section 7; thence run S 89° 40' 05" W along said south line for 745 feet, more or less, to an intersection with the waters of Estero Bay; thence run along the waters of Estero Bay for 1810 feet, more or less, to a point which intersects the north line of the South Half (S-1/2) of said Government Lot 2; thence run N 89° 32' 15" E along said north line of the South Half (S-1/2) of said Government Lot 2 for 545 feet, more or less, to the northwest corner of lands described in Official Record Book 1895 at page 3817 of the public records of Lee County, Florida; thence S 08° 50' 45" E along the west line of said lands for 199.50 feet; thence N 89° 32' 15" E along the south line of said lands for 247.50 feet; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet to an intersection with the south line of said Coconut Road; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.55 feet to the Point of Beginning.

LESS AND EXCEPT lands described in Official Record Book 1677 at page 3516, said public records.

Containing 39.1 acres, more or less.

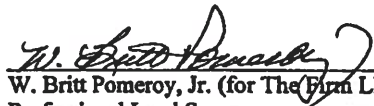
CARL E. JOHNSON
1911-1948

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
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BARRY E. SYREN


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Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked
by gm 5/1/2000

19981008\parcel 1(RPD-CPD)-022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

February 24, 2000

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33902-1550

PROPOSED PELICAN LANDING RPD/CPD PARCEL 2

CARL E. JOHNSON
1971-1988

A tract or parcel of land lying in the South Half (S-1/2) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the northwest corner of the Southwest Quarter (SW-1/4) of said Section 9 run N 00° 41' 48" W for 5.00 feet to the south right-of-way line of Coconut Road (50 foot R.O.W.); thence run S 89° 35' 50" E for 1863.14 feet to the centerline of a certain Florida power and light transmission line easement (100 feet wide) as described in deed book 229 at page 48 of the public records of Lee County, Florida, and the Point of Beginning.

From said Point of Beginning continue S 89° 35' 50" E along said south right-of-way line for 1301.22 feet to an intersection with the west line of Tamiami Trail (State Road No. 45); thence run S 00° 10' 56" W along said west line for 621.81 feet to a point of curvature; thence run along the arc of a curve to the left of radius 5797.58 feet (delta 10° 17' 00") (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 230.98 feet; thence run S 79° 53' 56" W for 70.57 feet to a point of curvature; thence run along the arc of a curve to the right of radius 650.00 feet (delta 49° 49' 26") (chord bearing N 75° 11' 21" W) (chord 547.59 feet) for 565.23 feet to a point of reverse curvature; thence along the arc of a curve to the left of radius 840.00 feet (delta (22° 49' 21") (chord bearing N 61° 41' 18" W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve; thence along the arc of a curve to the left of radius 180.00 feet (delta 27° 59' 03") (chord bearing N 06° 54' 21" W) (chord 87.04 feet) for 87.91 feet to a point of tangency on the western line of said Florida power and light easement; thence run N 20° 53' 52" W along said western easement line for 721.03 feet to a point of curvature; thence along the arc of a curve to the left of radius 330.00 feet (delta 68° 41' 58") (chord bearing N 55° 14' 51" W) (chord 372.40 feet) for 395.68 feet to a point of cusp; thence run S 89° 35' 50" E for 56.51 feet to a point of curvature; thence run along the arc of a curve to the right of radius 530.00 feet (delta 27° 42' 00") (chord bearing S 75° 44' 50" E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement; thence run N 20° 53' 52" W along said centerline for 748.16 feet to an intersection with the south line of said Coconut Road and the Point of Beginning.


Containing 42.44 acres, more or less.

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
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DAN W. DICKEY
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W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked

by Jim 5/1/2000

19981008\parcel 2(rpd-cpd)022400

CASE NO:DCI2000-00014

JOHNSON ENGINEERING, INC.

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33902-1550

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 2

CARLE E. JOHNSON
1911-1968

All of Government Lot 1, Section 7, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the northeast corner of Government Lot 1 of said Section 7 run S 01° 07' 45" E along the east line of said Section 7 for 1324.52 feet to the southeast corner of said Government Lot 1; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1747.82 feet to a concrete post at the waters of Estero Bay; thence run northerly and westerly along the waters of Estero Bay to an intersection with the north line of said Section 7; thence run N 89° 48' 31" E along said north line for 2575 feet, more or less, to the Point of Beginning.

Containing 60 acres, more or less.



W. Britt Pomeroy, Jr. (for the Firm)

LB-642)

Professional Land Surveyor
Florida Certificate No. 4448

Applicant's Legal Checked

by gjm 5/1/2000

CHAIRMAN
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CHRIS D. HAGAN
KENTON R. KEILING
PATRICIA H. NEWTON
W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN

19981008\parcel 2(rpd)-022400

CASE NO:DCI2000-00014

The applicant has indicated that the STRAP numbers of the subject property are:
07-47-25-00-00001.0000 and 07-47-25-00-00001.0010

CASE NO:DCI2000-00014

ZONING MAP

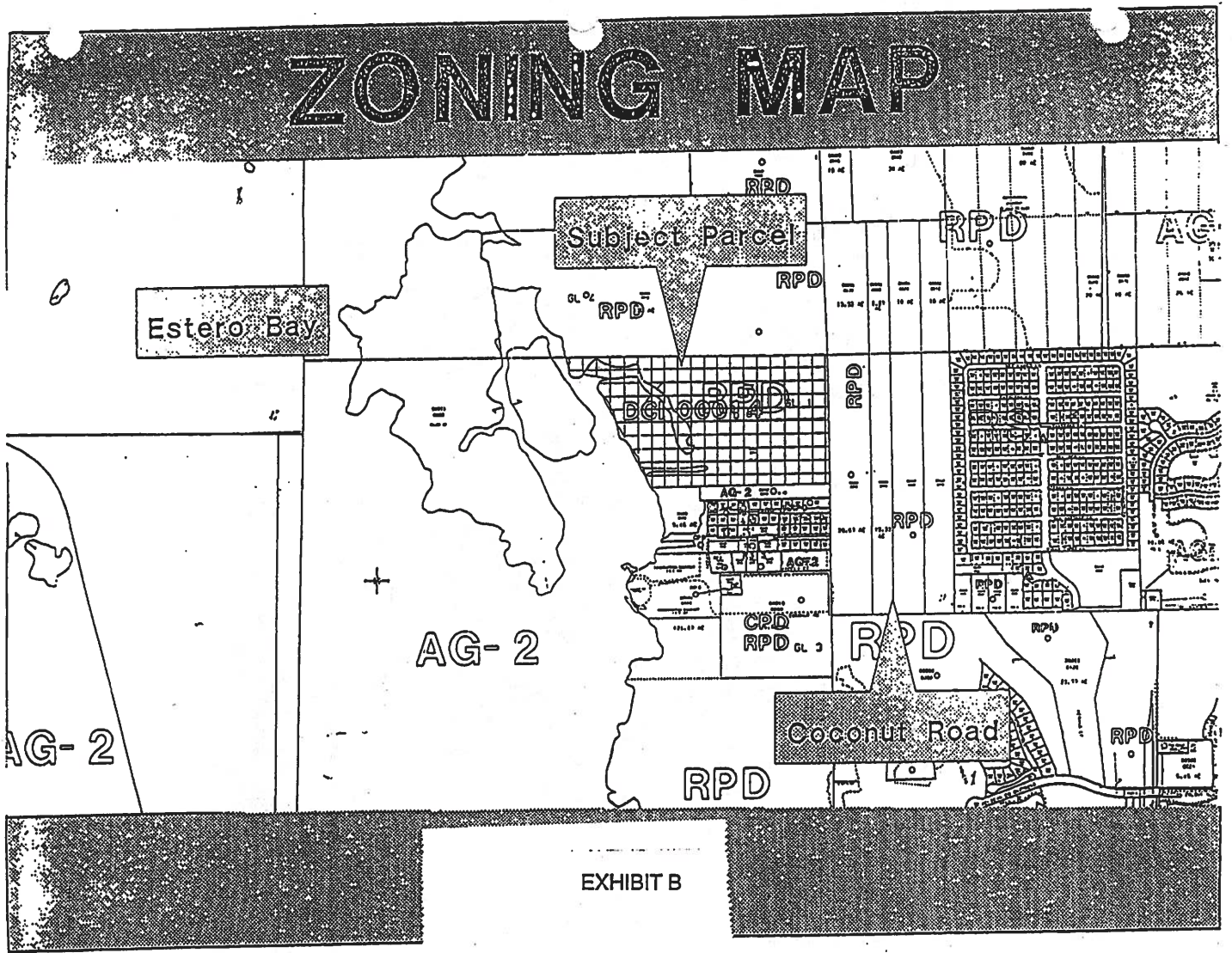


EXHIBIT B

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Pelican Landing Communities, Inc., formerly Westinghouse Bayside Communities, Inc., in reference to Pelican Landing DRI and Pelican Landing CPD/RPD, has properly filed an application for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) on 2,100± acres known as Pelican Landing, State DRI #1-9293-121; and
- b) A rezoning of a portion of the DRI from AG-2, RPD, TFC-2 and IM to Residential Planned Development and Commercial Planned Development districts, to permit 2,616 dwelling units, 520,000 square feet of office commercial and a 450 unit convention hotel on a total of 1,121.5± acres. Building heights are proposed to range from 35 feet above average grade to 200 feet above flood elevation; and

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to north and south of Coconut Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

DRI Parcel 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW1/4) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,
 N34°24'12"W for 230.22 feet,
 N30°59'12"W for 174.93 feet,
 N24°25'16"E for 120.83 feet,
 S65°47'43"E for 219.32 feet,
 N18°24'43"E for 158.11 feet,
 N75°11'47"W for 351.71 feet,
 N65°09'33"W for 451.88 feet,
 N84°18'44"W for 351.75 feet,
 N66°54'31"W for 445.79 feet,
 S63°24'43"W for 134.16 feet,
 S03°23'22"E for 170.29 feet,
 S50°30'17"W for 220.23 feet,
 N84°49'43"W for 331.36 feet,
 S62°13'07"W for 214.71 feet,
 S22°08'36"W for 291.55 feet,
 S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW1/4) of said Section 20;

THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;

continued...

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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

THENCE run along said centerline the following courses:
 N09°13'28"W for 137.34 feet,
 N29°08'22"W for 590.59 feet,
 N38°31'58"W for 278.03 feet,
 N65°16'43"W for 254.95 feet,
 N37°18'28"W for 286.01 feet,
 N32°51'05"E for 252.39 feet,
 N20°11'00"E for 236.69 feet,
 N27°23'47"W for 369.25 feet,
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
 THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
 THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE1/4) of said Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE1/4) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
 THENCE run S89°58'35"E along said South line for 739.45 feet;
 THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE1/4) of said Section 17;
 THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
 THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
 THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
 THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
 THENCE continue N00°07'17"E along said East line for 343.54 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section;
 THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
 THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
 THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
 THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
 THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE1/4) of said Section 16;
 THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE1/4) of Section 16;

continued...

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE1/4) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE1/4) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW1/4) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW1/4) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW1/4) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S1/2) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

continued ...

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI Parcel 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;

ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Western Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW1/4) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

continued...

DRI Beach Parcel

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet,
N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet,
N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet,
N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet,
N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet,
N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet,
N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet,
N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico;
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;
THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

RPD Parcel 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

continued...

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59), consisting of 100 acres more or less.

ALSO:

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 30 acres, more or less.

ALSO:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 26.67 acres, more or less.

The East Two-Thirds (E-2/3) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08, consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

RPD Parcel 2

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

RPD Parcel 3

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,478.58 feet to the POINT OF BEGINNING;
THENCE continue S89°16'14"E along said South line for 1,774.42 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 1,612.27 feet;
THENCE run N89°52'02"W for 5.00 feet to a point on a curve;
THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;
THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;

continued...

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(10875):

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THENCE continue N89°59'08"W for 1,840 feet, more or less, to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less, to an intersection with the South line of Government Lot 2, of said Section 07;
THENCE run N89°40'05"E along said South line for 745 feet, more or less;
THENCE run S00°19'55"E for 650.00 feet;
THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
THENCE run S00°23'24"E along the West line of said Section for 375.11 feet;
THENCE run S89°15'18"E for 1,458.78 feet;
THENCE run N00°44'42"E for 1,000.00 feet to an intersection with the South line of said Coconut Road and said POINT OF BEGINNING.

Containing 513.7 acres, more or less.

RPD Parcel 4

A tract or parcel of land lying in Sections 08, 09, 16 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida;
THENCE run S89°35'50"E along said South line for 1,549.14 feet to a POINT OF CUSP;
THENCE run along the arc of a curve to the left of radius 30.00 feet (delta 90°00'00") (chord bearing S45°24'10"W) (chord 42.43 feet) for 47.12 feet to a POINT OF TANGENCY;
THENCE run S00°24'10"W for 336.31 feet to a POINT OF CURVATURE;
THENCE run along the arc of the curve to the left of radius 270.00 feet (delta 90°00'00") (chord bearing S44°35'50"E) (chord 381.84 feet) for 424.12 feet to a POINT OF TANGENCY;
THENCE run S89°35'50"E for 99.41 feet to a POINT OF CURVATURE;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet;
THENCE run S20°53'52"E for 1,008.12 feet to a point on a non-tangent curve;
THENCE run along the arc of a curve to the left of radius 840.00 feet (delta 34°20'28") (chord bearing N66°42'56"W) (chord 495.96 feet) for 503.47 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,652.50 feet (delta 21°34'22") (chord bearing S85°19'39"W) (chord 618.53 feet) for 622.20 feet;
THENCE S15°27'32"E along a radial line for 10.00 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 1,642.50 feet (delta 34°59'45") (chord bearing S57°02'36"W) (chord 987.70 feet) for 1,003.22 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,120.00 feet (delta 21°31'30") (chord bearing S28°55'59"W) (chord 412.53 feet) for 414.90 feet to a POINT OF REVERSE CURVATURE;
THENCE along the arc of a curve to the right of radius 935.00 feet (delta 43°04'19") (chord bearing S39°51'23"W) (chord 686.45 feet) for 702.88 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the right of radius 2,760.00 feet (delta 24°20'33") (chord bearing S73°33'49"W) (chord 1,163.81 feet) for 1,172.61 feet;
THENCE N20°00'00"W for 580.12 feet;
THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

continued...

THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.49 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°41'48"W along said West line for 25.00 feet to the POINT OF BEGINNING.

Containing 222.36 acres, more or less.

CPD Parcel 1

A tract or parcel of land lying in Sections 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 1,478.58 feet;
THENCE run S00°44'42"W for 1,000.00 feet;
THENCE run N89°15'18"W for 1,458.78 feet to an intersection with the West line of said Section 08;
THENCE run N00°23'24"W along said West Section line for 375.11 feet;
THENCE run S89°40'05"W for 1,107.21 feet;
THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
THENCE run S89°40'05"W along said South line for 745 feet, more or less, to an intersection with the waters of Estero Bay;
THENCE run along the waters of Estero Bay for 1,810 feet, more or less, to a point which intercepts the North line of the South Half (S1/2) of said Government Lot 2;
THENCE run N89°32'15"E along said North line of the South Half (S1/2) of said Government Lot 2 for 545 feet, more or less, to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.

Containing 72.8 acres, more or less.

continued...

HEARING NUMBER 94-04-05-DRI-01
(10875);

RESOLUTION NUMBER Z-94-014
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CPD Parcel 2

A tract or parcel of land lying in the South Half (S1/2) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;

THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a POINT OF TANGENCY;

THENCE run S10°06'04"E along said Westerly line for 230.98 feet;

THENCE run S79°53'56"W for 70.57 feet to a POINT OF CURVATURE;

THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a POINT OF REVERSE CURVATURE;

THENCE along the arc of a curve to the left of radius 840.00 feet (delta 16°23'49") (chord bearing N58°28'33"W) (chord 239.57 feet) for 240.39 feet;

THENCE run N20°53'52"W for 1,756.27 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 41.09 acres, more or less.

CPD Parcel 3

A tract or parcel of land lying in the Southeast Quarter (SE1/4) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE1/4) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE1/4) for 587.77 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a POINT OF TANGENCY;

THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);

THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;

THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on May 31, 1994, and subsequently continued to June 1, 2, 3, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners on August 29, 1994; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the rezoning of AG-2, RPD, TFC-2, and IM to RPD and CPD districts with the following conditions and deviations:

1. The development of the subject property shall be in accordance with the three-page Master Concept Plan for Pelican Landing RPD/CPD, stamped received on May 16, 1994, except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development shall be in accordance with all applicable local development regulations, including the Pelican Landing Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.

As a prerequisite to approval of any local Development Order for property located within the Commercial Planned Development and Residential Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular site. The objective of the process is to ensure compliance with the DRI Development Order, Zoning Resolution, and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the development flexibility to respond to changing conditions. Application materials shall be the same as for an Administrative Amendment supplemented per Condition 18.b. Any substantial change in the type, intensity, or configuration of development within the RPD/CPD will require further review through a public hearing. The necessity of said review shall be determined by the Director of Community Development.

Commercial Planned Development

2. Permitted uses in CPD land development Area A: Marina

Administrative Offices
Bait and Tackle Shop
Boat Parts Store
Cocktail Lounge, only in conjunction with a restaurant
Club, Private
Consumption on Premises, only in conjunction with a restaurant
Food Store, Group I
Fishhouse
Specialty Retail, Group I
Marina (df) including those uses defined with a maximum 150 space dry boat storage building and 48 wet slips
Rental and Charter Facilities for Boats, limited to residents and guests in Pelican Landing
Restaurants, Standard
Sale of Fuel and Lubricants
School, Commercial limited to sailing, water safety and other marine oriented schools
Shower and Restroom Facilities

The following property development regulations shall apply to CPD land development Area A: Marina

- a. Minimum building setbacks for all Marina/Commercial District uses:

Street	-	1/2 right-of-way plus 20 feet
Side	-	10 feet
Water Body	-	0 feet
Wetlands	-	20 feet

- b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

- c. Maximum building height - 45 feet above minimum flood elevation

- d. Dry boat storage shall be limited to a height of 45 feet.

- e. Prior to any local Development Order for the marina, a parking plan shall be submitted which demonstrates location and adequacy of parking and methods of vehicular and pedestrian movement. County staff shall ensure protection of public safety and compliance with applicable standards. Should vacation of a portion of Coconut Road not occur, developer shall be restricted accordingly.
 - f. Live-aboards (defined by Ordinance 85-21, as amended) and personal watercraft (defined by Ordinance 90-15, as amended) are prohibited.
 - g. Marina sanitation facilities are required.
3. Permitted uses in CPD land development Area B:

Hotel/Convention Center (per Ord.):

Hotel or Motel, Convention

Hotel or Motel Accessory Uses - including, but not limited to:

- Tennis Courts
- Swimming Pools
- Bar or Cocktail Lounge
- ATM within the Hotel or Other Building
- Consumption on Premises and
- Package Store within the Hotel or Motel
- Conference Meeting Rooms

Club, Private

Resort

Restaurant, Standard - Groups I, II and III with Consumption on Premises

Specialty Retail Shops - Groups I and II

Business Services - Group I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)

Studios

Dwelling Units, including but not limited to:

- Two Family Attached
- Townhouse
- Duplex
- Multiple Family Building

Residential Accessory Uses, including but not limited to:

- private garages, carports and parking areas
- private swimming pools and enclosures
- private tennis courts

Model Homes, Model Units and Model Display Center - limited to residential uses within Pelican Landing

Home Occupation

Entrance Gates and Gatehouses

The following property development regulations shall apply to CPD land development Area B: Hotel and Conference Center:

a. Minimum building setbacks:

- | | | |
|------------|---|--|
| Street | - | 1/2 right-of-way plus 20 feet |
| Side | - | 0 feet or 10 feet for an interior lot and 15 feet for a corner lot |
| Water Body | - | 20 feet |
| Wetlands | - | 20 feet |

b. Minimum distance between buildings:

- | | | |
|---|---|---------|
| Single story buildings | - | 10 feet |
| Multiple story buildings | - | 20 feet |
| Multiple story buildings with sprinkler systems | - | 15 feet |

c. Maximum building height - no more than 20 habitable floors

d. Development of CPD Area B for Hotel and Conference Center shall comply with Condition 12 (High Rise Development Regulations).

4. Permitted Uses in CPD land development Area C: Office

Administrative Offices
Bank and Financial Establishments - Group I and II
Day Care (child/adult)
Food and Beverage Service
Insurance Companies
Library
Medical Office
Business Services - Group I (excluding blood banks, blood donor stations,
bail bonding, check exchange, detective agencies)
Pharmacy
Post Office
Restaurants
Business Services - Group II (no outdoor storage of vehicles or equipment
is permitted)
Contractors and Builders - Group I (no storage facilities permitted)
Cultural Facilities, limited to Art Gallery or Museum
Health Care Facilities - Group III
Personal Services - Group II (health club or beauty spa only)
Commercial School, limited to:
- Art School
- Business School
- Clerical
- Computer Drafting
- Law
- Real Estate
- Aerobics
Social Services - Group I (limited to family and marriage counseling or
nutritionists counseling)

The following property development regulations shall apply to CPD land
development Area C: Office

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	25 feet
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 95 feet above minimum flood
elevation, with no more than
8 habitable floors

5. Permitted Uses in CPD land development Area D: Mixed Use Commercial

Administrative Offices
Business Services - Group I (excluding blood banks, blood donor
stations, bail bonding, check exchange, detective agencies)
Business Services - Group II (no outdoor storage of vehicles or
equipment)
Banks and Financial Establishments - Groups I and II with drive-thru
Broadcasting Studio
Commercial Radio and Television
Place of Worship
Religious Facilities
Private Club
Food Store - Group I
Repair Shops - Groups I and II
Restaurant, Standard - Groups I, II and III with consumption on premises
Specialty Retail Shops - Groups I, II and III

Used Merchandise Shops - Group I
 Pharmacy and Drug Stores
 Commercial School
 Social Services - Group I (excluding Public Welfare Centers)
 Studios
 Health Care Facilities - Group III
 Adult Congregate Living Facilities
 Insurance Companies
 Medical Office
 Standard Offices
 Cocktail Lounge
 Consumption on Premises
 Package Store
 Automobile Service Station
 Self-Service Fuel Pumps
 Convenience Food and Beverage Store
 Residential Uses, including but not limited to:
 - Two family attached
 - Townhouse
 - Duplex
 - Multi-family building
 Residential Accessory Uses, including
 - Private garages, carports, parking areas
 - Swimming pools, tennis courts
 - Model Homes, Model Units and Model Display Centers
 - Home Occupation
 Clothing Stores, General
 Contractors and Builders - Group I (no outdoor storage of heavy equipment)
 Cultural Facilities (limited to Art Galleries, Museums)
 Hobby, Toy, Game Shops
 Household/Office Furnishings - Groups I and II
 Personal Services - Group I
 (excluding coin operated laundries Laundromat)
 Personal Services - Group II (limited to hearing aids, optical supplies and other similar health related devices (excluding massage establishments, massage parlors, steam or Turkish baths)
 Personal Services - Group IV (limited to debt counseling, portrait copying, and tax return service)
 Recreation, Commercial (limited to Health Club)
 Theatres

The following property development regulations shall apply to CPD Area D: Mixed Use Commercial

a. Minimum building setbacks:

Street	-	1/2 right-of-way plus 20 feet
Side	-	0 feet or 10 feet for an interior lot and 15 feet for a corner lot
Water Body	-	20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)
Wetlands	-	20 feet

b. Minimum distance between buildings:

Single story buildings	-	10 feet
Multiple story buildings	-	20 feet
Multiple story buildings with sprinkler systems	-	15 feet

c. Maximum building height - 95 feet above minimum flood elevation with no more than 8 habitable floors

6. Permitted uses in CPD land development Area E: Retail

Administrative Offices
 Club, Private
 Food Store - Group I

Personal Services - Groups I (limited to ATM, beauty shop only) and II
 (limited to Health Club only)
 Restaurant, Standard - Groups I, II and III with consumption on premises
 Specialty Retail Shops - Groups I, II and III
 Studios
 Cocktail Lounge, only in conjunction with a restaurant
 Multiple Family Residential Uses, including but not limited to:
 - Two family attached
 - Townhouse
 - Duplex
 - Multiple family building
 Residential Accessory Uses, including but not limited to:
 - Private garages, carports and parking areas
 - Private swimming pools and enclosures
 - Private tennis courts
 Model Homes, Model Units and Model Display Center, limited to
 residential uses within Pelican Landing
 Home Occupation
 Entrance Gates and Gatehouses
 Used Merchandise, Group I, excluding Pawn Shops

The following property development regulations shall apply to CPD Area E:

- a. Minimum building setbacks:
- | | | |
|------------------|---|--|
| Internal Streets | - | 1/2 right-of-way plus 20 feet |
| Side | - | 0 feet or 10 feet for an interior lot
and
15 feet for a corner lot |
| Water Body | - | 20 feet (0 feet for seawalled/bulkheaded,
manmade water bodies) |
| Wetlands | - | 20 feet |
- b. Minimum distance between buildings:
- | | | |
|--|---|---------|
| Single story buildings | - | 10 feet |
| Multiple story buildings | - | 20 feet |
| Multiple story buildings
with sprinkler systems | - | 15 feet |
- c. Maximum building height - 75 feet above minimum flood elevation
7. The following property development regulations apply to residential uses permitted in CPD Areas B, D, and E:

The residential uses in the CPD land development areas shall be permitted only when in conjunction with at least 50,000 square feet or more of commercial uses.

- a. Minimum building setbacks:
- | | | |
|------------|---|---|
| Street | - | 1/2 right-of-way plus 20 feet |
| Side | - | 0 feet or 10 feet for an interior lot and
15 feet for a corner lot |
| Water Body | - | 20 feet |
| Wetlands | - | 20 feet |
- b. Minimum distance between buildings:
- | | | |
|--|---|---------|
| Single story buildings | - | 10 feet |
| Multiple story buildings | - | 20 feet |
| Multiple story buildings
with sprinkler systems | - | 15 feet |
- c. Maximum building height - 75 feet above minimum flood elevation in CPD Areas B & E;
95 feet above minimum flood elevation in CPD Area D

Residential Planned Development

8. Permitted uses in RPD land development Area A:

Zero lot line, Single-Family, Two-Family Attached
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
Model Homes, Model Units and Model Display Center, limited to residential
uses within Pelican Landing
Speculative Home
Temporary Sales and/or Construction Office
Administrative Offices
Home Occupation
Entrance Gates and Gatehouses
Public and Private Parks, Playgrounds, Tot Lots, Community
Swimming Pools, Tennis Courts or other community recreational amenity,
Playfields and Commonly Owned Open Space
Essential Services
Signs

9. Permitted Uses in RPD land development Areas B, C, D and F:

Residential Uses, including but not limited to:
- Zero lot line
- Two family attached
- Townhouse
- Duplex
- Single family
- Multiple family buildings
Residential Accessory Uses, including but not limited to:
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
- Private boat docks (where permitted by DRI Development Order)
Model Homes, Model Units and Model Display Center,
limited to residential uses within Pelican Landing
Temporary Sales and/or Construction Office
Administrative Offices
Golf Courses, Golf Course Accessory and Associate Uses,
including but not limited to:
- Club house
- Maintenance facility
- Pro shop
- Alcoholic beverage consumption in the club house
- Snack bar at the ninth hole or other appropriate location
- Ball washers
- Restrooms and other uses which are normal and accessory to the golf
course
Club, country
Club, private
Home Occupation
Entrance Gates and Gatehouse
Public and Private Parks
Playground, Tot Lots
Community Swimming Pools
Tennis Courts or other community recreational amenity
Playfields
Essential Services
Essential Service Facilities
Signs
Excavation-water retention

10. Permitted uses in RPD land development Area E:

Residential uses, including but not limited to:
- Zero Lot Line
- Two Family
- Town House

Duplex	
Street	= 1/2 ROW + 20 feet (except for cul-de-sac 1/2 ROW + 15)
Side	= 7 feet (no side setback required from common side lot line)
Rear	= 20 feet
Waterbody	= 20 feet

c. Building heights:

RPD Areas B and D located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable stories.

RPD Areas A, C and D located in the Urban Community land use category shall have maximum building height of 95 feet above minimum flood elevation with no more than 8 habitable stories.

RPD Area E located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable floors.

12. Deviation (12) is approved for RPD Area F, and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide one foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands north of Coconut Road, the setback for structures in excess of 75 feet in CPD Area B and the RPD Area F that is adjacent to Coconut Road may be per LDC Section 34-2174.

The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:

a. Minimum Lot Area and Dimensions:

Lot Size	10,000 square feet
Lot Area per Unit	1,000 square feet
Width	100 feet
Depth	100 feet

b. Minimum Setbacks

Private Road	25 feet
Side Yard	50 feet
Rear Yard	10 feet
Waterbody	20 feet

- c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.
- d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel).
- e. A minimum of 15% open space shall be provided for each multi-family building site that is or exceeds 75 feet in height.

ECO-PARK

13. Permitted Uses in Eco-Park (RPD AREA G):

Uses permitted in the Eco-Park District are limited to activities which make this area available for resource-based recreational activities, enjoyment of nature and educational enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with management plan required per FGFWFC.

INTERFACE AREA

14.a. Permitted Uses in the Interface Area:

Uses permitted in the Interface Area are limited to golf courses, developed to the guidelines similar to the New York Audubon Society Standards and any related appurtenances or uses, stormwater management; and created wetland marsh and any other created vegetative system or lake system which will promote wildlife diversity, activities which make this area available for resource-based recreational activities, enjoyment of nature and education enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, access to the southern segmented ridge, on-going maintenance and removal of invasive exotic vegetation and compliance with the wildlife diversity monitoring plan prepared in conjunction with the Lee County School Board Department of Environmental Education.

- b. The Zoning Master Concept Plan shall be adjusted, including revisions to the legal description. The changes shall reflect the terms of this condition and be consistent with the exhibit entitled "Pelican Landing Interface Area Illustration", stamped received August 26, 1994. The shifts in the zoning Master Concept Plan will allow for the Interface Area described above. The western boundary of the Interface Area is the jurisdictional mangrove wetland line. The Interface area is 100 feet in width at the north and south ends of the property, and it is approximately 500 feet in width elsewhere. The creation of the Interface Area will cause Residential Development Area F to shift to the east. RPD Area F will begin at the eastern boundary line of the Interface Area. The CPD Area B (the hotel use) will shift to the west to the present location of CPD Area E/ RPD Area E and RPD Area B on the May 16, 1994, Zoning Master Concept Plan, and shall be a third alternative development scenario for that property. RPD Area D, located west of Spring Creek Drive, will be reduced in size due to the relocation of RPD Area F. That portion of the former CPD Area B that does not become the Interface Area will become an RPD Area F. The internal traffic circulation will be adjusted to accommodate the revised design. The southern upland area (proposed RPD Area E) bounded by the south property line, with estuarine wetlands and upland buffers to the west, and the oak hammock to the east shall be redesignated Residential Development Area E. No development can occur within CPD Areas E or B, or RPD Areas E, F, or D until a final zoning plan approval is obtained through the final administrative review process which properly reflects the Interface Area as described herein.
- c. The Interface Area will serve two purposes. First, it allows for a buffer area or interface between the residential high-rise development areas and the jurisdictional mangrove wetlands to the west. The buffering function will also extend to some of the interior wetland and upland systems. Residential units within Residential Development Area F shall be located a minimum of 500 feet from the jurisdictional mangrove area, except for the RPD Area F located at the site of the former CPD Area B (hotel site). No golf course uses shall be located any closer to the jurisdictional mangrove system than 100 feet. Secondly, the Interface Area will provide habitat and a vegetative corridor which will enable wildlife to safely access the onsite interior wetland systems.
- d. All invasive exotic vegetation shall be removed from the Interface Area. The invasive exotic removal process shall coincide with the construction of a surface water management system within the Interface Area.
- e. Where necessary, a vegetation restoration program shall commence subsequent to the removal of the invasive exotics. The program should facilitate diversity in wildlife. The revegetation shall commence within six months of invasive exotic removal. Vegetation to facilitate wildlife diversity shall be used in the restorative planting.

- f. Where appropriate, and subject to permitting approval, the developer will construct "kidney filter" marshes for additional water quality treatment prior to final outfall. These marshes will most likely be located in areas currently infested with invasive exotic vegetation, and will be replanted with plant species such as juncus and spartina grass, cabbage palms and slash pines.
- g. The developer has volunteered to monitor the Interface Area to assess its effectiveness in facilitating wildlife diversity. Information on flora and fauna produced for the DRI shall be the baseline data for the monitoring. The database shall be updated through a program of Winter/Summer monitoring. The monitoring shall generally consist of looking for, and reporting on, evidence of foraging, nesting, scat, and other territorial markings. This monitoring program shall be for a period of five years from the commencement of development activity in the Interface Area. The information gathered through the monitoring program shall be provided to the Lee County Division of Natural Resources Management and the Lee County Schools, Department of Environmental Education.
- h. Subject to permitting approval, the treated stormwater from the Residential and Commercial Development Areas will be conveyed across the Interface Area via a series of excavated lakes and created marsh areas that will emphasize both the water management function and the improvement of wildlife diversity within the Interface Area. The lakes will be designed and located to mimic natural flows and to enhance wildlife values.
- i. The access to the southern segmented ridge has been shifted to the south to the location previously approved by the BOCC in Resolution #Z-88-193. There are less wetland impacts with the southerly access.

GENERAL/ADMINISTRATION

- 15. All conditions relating to the Development of Regional Impact Development Order are hereby incorporated by this action. If conflicting conditions exist between this approval and the DRI Development Order, the more restrictive shall apply.
- 16. Transportation mitigation shall be provided as outlined in the Development of Regional Impact Development Order. However, site related improvements may be required at the time of local Development Order in accordance with the provisions of the Land Development Code. Also, a Traffic Impact Statement (TIS) shall be submitted with each application for a local Development Order. The TIS must include:
 - a. The trip generation data for the type of development being proposed, using the trip generation rates in the latest edition of ITE, Trip Generation or those of the Lee County FSUTMS.
 - b. The distribution of traffic at the entrance(s) to that specific area to be developed.
 - c. An analysis of the need for turn lanes or other site related improvements at the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at buildout of the DRI.
 - d. An analysis of each intersection of a minor collector with the same or higher functionally classified road internally to Pelican Landing that is influenced by traffic from that proposed development. Influence is measured as project traffic as 5% or more of Level of Service D service volume. That analysis to be based on existing traffic counts, plus traffic from the specific development.

- e. A table showing each segment of minor collectors and higher classified roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.
 - f. A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.
17. The development shall comply with the Lee Plan's 2010 Overlay as it may be amended, and pursuant to DRI Development Order Condition III.14.
- 18.a. Prior to any development within that area legally described as Pelican Landing RPD/CPD (that property rezoned as a result of this action) the applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners regarding this rezoning and DRI approval.
- b. Prior to any local Development Order approval within the land development areas delineated on the MCP as revised, pursuant to the final decision by the Lee County Board of County Commissioners, the developer must receive approval of a Final Zoning Plan.

The following information shall be provided:

- Uses: type and amount, i.e. number of dwelling units or square feet of commercial use
 - access
 - location and dimensions of internal roadways
 - location and dimensions of buildings/structures
 - boundary of development tract
 - adjacent zoning and land uses
 - Master Concept Plan
 - A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage and marina development that have received local Development Order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning).
19. The density of the residential units within both the RPD and CPD districts approved by this rezoning shall be flexible regarding the distribution of the residential dwelling units as long as they do not exceed the following parameters:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 350 residential units.
 - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 2,266 residential units.
20. The maximum amount of commercial square footage within the RPD and CPD districts approved by this rezoning shall be as stated below:
- a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 390,000 square feet of floor area of retail use and 125,000 square feet of office use.
 - b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 110,000 square feet of floor area of retail use and 45,000 square feet of office use. Of the retail uses, up to 20,000 square feet may be permitted if ancillary to the marina and up to 30,000 square feet may be permitted if ancillary to the hotel. Up to 60,000 square feet may be developed within CPD Areas E. Prior to approval of any Administrative Amendment for commercial use ancillary to the marina or hotel, the developer shall demonstrate that the retail is in fact ancillary to the principal use.

ENVIRONMENTAL

21. Open space commitments shall be consistent with the open space table on the Master Concept Plan as restated below:

Indigenous Open Space in Preserve:

Upland Preserve 106.13+ acres
(Eco-Park, Indian Mound, Northern & Southern Upland "Islands" and Historical Cemetery)
Wetland Preserve 371.19+ acres
(Freshwater and Saltwater)

Golf Course Open Space:

Golf Course 100.00+ acres minimum
(To include extra indigenous preservation where possible)

Commercial Open Space to be Provided by Percentage:

All Commercial (except Marina Parcel) 20% minimum on each lot,
tract or outparcel
Marina Parcel 10% of tract

Residential Private Open Space to be Provided by Percentage:

All Single-Family lots 10% minimum
Multi-Family Parcels 15% minimum

22. If a proposed bald eagle management plan includes development within 750 feet of an eagle's nest, the plan must be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.
23. As a condition of approval, the County and FGFWFC shall review and approve the results of all studies and surveys required for implementation of a Final Management Plan required by the preliminary management plan approved as part of local Development Order 90-10-003.00D. These approvals shall be obtained prior to Certificate of Compliance for local Development Order #90-10-003.00D, or new/amended local Development Orders on the beach park.
24. The area identified as the Pelican Landing Eco-Park on the Master Concept Plan will be set aside as a 78+ acre preserve area of xeric scrub and pine flatwoods to mitigate the impacts to gopher tortoise habitat.
25. The developer shall obtain an Incidental Take Permit prior to development within any gopher tortoise habitat areas. The gopher tortoises addressed by the Incidental Take Permit must be relocated to the Eco-Park, or other appropriate open space areas within Pelican Landing.
26. Should any orchids, wild pine air plants, Florida Coontie, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, then best efforts must be used to relocate these plants to open space and landscaped areas.
27. All areas designated as Preserve on the adopted Master Concept Plan and the DRI Map H must remain undeveloped and be owned, maintained, and managed by a Uniform Community Improvement District or other similar legal entity. No lot lines shall be allowed within any Preserve area. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks. Trimming of mangroves for visual access shall be prohibited in wetland areas #14 and 21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).
28. Boardwalk location and alignment within "Preserve Areas" shall be submitted to and approved by the Division of Natural Resources Management prior to construction. The maximum width must be limited to that which

is adequate for pedestrian and handicap access. With the exception of wheelchairs, motorized vehicle use is prohibited. Nothing herein prohibits the developer from seeking permits in the future to establish a tramway via an alignment which proceeds as directly as feasible from the hotel to Coconut Point.

29. As part of local Development Order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local Development Orders are obtained.
30. The developer must incorporate native vegetation into the design of future golf holes, open space and landscaped areas, where feasible.
31. The developer must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.
32. Areas identified as saltern (FLUCCS Designation 720) must be preserved and protected from human activity through the installation of signage or other measures. Areas identified as Cabbage Palm Hammock (FLUCCS 428, also included in areas identified as 433) may be developed using techniques designed to avoid impacts and retain the native vegetative community as much as possible.
33. Deviation (9) - Withdrawn. Deviations (3) and (7) are hereby approved. Deviations (1), (2), (4), (5), (6), (8), (10), (11), (12) and (13) are hereby approved, with conditions.

Deviation (1) is a request to deviate from the requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances, Zoning Ordinance Section 202.11.B.1. b.1 [LDC Section 34-1574], Development Standards Ordinance Section 7.C.4. [LDC Section 10-253] and Ordinance 86-31 Section 6.03 [LDC Section 14-298], to allow access road crossings. Deviation (1) is hereby APPROVED with the following conditions:

- a. A maximum of 1.74± acres of Lee County jurisdictional wetlands may be impacted within the entire Pelican Landing DRI. A mitigation plan, subject to Division of Natural Resources Management approval, must be submitted prior to local Development Order approval for each wetland impact. Each mitigation plan must include the following minimum criteria:
 - 1) The designated mitigation ratio of 5:1, 5:1 acres of mitigation for each acre of impact.
 - 2) Replacement plants of like species as those removed.
 - 3) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio).
 - 4) An exotic removal maintenance plan.
 - 5) A monitoring plan.

Deviation (2) is a request to deviate from the requirement that all parking lots shall be designed so as to permit vehicles exiting the

parking lot to enter the street right-of-way or easement in a forward motion, Zoning Ordinance Section 202.16.C.1. [LDC Section 34-2013(a)], to allow individual parking spaces to back onto right-of-way easement. Deviation (2) is hereby APPROVED with the following condition:

This deviation shall apply to guest parking internal to the residential development areas.

Deviation (3) is a request to deviate from the minimum setback from a structure to a water body of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC Section 34-2194(b)] to allow 20 feet. Deviation (3) is hereby APPROVED.

Deviation (4) is a request to deviate from the minimum setback from a structure to a seawalled natural body of water of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC 34-2194(b)], to 0 feet. Deviation (4) is hereby APPROVED with the following condition:

This deviation shall apply to the marina site only.

Deviation (5) is a request to deviate from the requirement that internal roads with drives shall not be closer to the development perimeters than 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15-foot minimum. Deviation (5) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (6) is a request to deviate from the requirement that all buildings shall set back from the development perimeter at a distance of 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15 feet. Deviation (6) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (7) is a request to deviate from the requirement that recreation centers and ancillary facilities shall be located at least 40 feet away from any residential dwelling, Zoning Ordinance Section 526.C.2.c.6. [LDC Section 34-2474 (b)(6)], to allow a minimum of 20 feet. Deviation (7) is hereby APPROVED.

Deviation (8) is a request to deviate from the requirement that a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, Development Standards Ordinance Table 9-3 [LDC Section 10-296(b) Table 3.], to allow roadway width to coincide with back of curb. Deviation (8) is hereby APPROVED with the following condition:

This deviation shall only apply to roads classified as local streets within each of the RPD development areas.

DEVIATION (9) IS WITHDRAWN.

Deviation (10) is a request to deviate from the requirement that no portion of a buffer area that consists of trees and shrubs shall be located in any easement, Development Standards Ordinance Section 13.D.1. [LDC Section 10-414], to allow planted buffers in easements. (The maintenance and replacement responsibility shall rest with the developer or homeowner's association or the improvement district). Deviation (10) is hereby APPROVED with the following condition:

Should any required buffer plantings, which have been planted within an easement, have to be removed, then the property owner shall replace these plantings, at no cost to Lee County, with like size and species of plants.

Deviation (11) is a request to deviate from the Lee County Sign Ordinance 85-26, as amended, Section IV.B.2. [LDC Section 30-152], which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to 0 feet. Deviation (11) is hereby APPROVED with the following conditions:

A minimum sight distance of 200 feet shall be maintained, and this shall only be permitted on a right-of-way internal to the overall Pelican Landing development.

Deviation (12) is a request to deviate from the requirement limiting the height of buildings in the Residential Planned Development zoning category within the Outlying Suburban land use category of 45 feet, Zoning Ordinance Section 480.04.F.3.e. [LDC Section 34-935(f)(3)(e)], to allow 20 stories over parking. Deviation (12) is hereby APPROVED subject to condition 12.

Deviation (13) is a request to deviate from the minimum setback from a non-roofed structure to a seawalled artificial body of water, Zoning Ordinance Section 202.18.B.4. [LDC Section 34-2194], to allow a 0-foot setback. Deviation (13) is hereby APPROVED with the following condition:

The required lake maintenance easement shall be provided.

Site Plan 94-014 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD and CPD zoning:

- A. That Estero Bay is an aquatic preserve and an Outstanding Florida Water.
- B. That the mangrove wetlands on the western edge of Applicant's property are not contained within the aquatic preserve, but are part of the estuarine ecosystem that supplies waters to Estero Bay.
- C. That the proposed development constitutes a Development of Regional Impact (DRI) under the provisions of Section 380.06, Florida Statutes, and that all adverse impacts are appropriately conditioned in the DRI Development Order.
- D. That the eastern portion of the DRI has been developing pursuant to a Preliminary Development Agreement with the Florida Department of Community Affairs.
- E. That the westernmost uplands portion of the DRI site lies in a FEMA Zone A Flood Zone, and is susceptible to being flooded in a minimal tropical storm or severe coastal storm event.
- F. That there is no error or ambiguity which must be corrected by the approval of the DRI or the CPD/RPD rezoning.
- G. That the area surrounding the DRI site is being developed with several large mixed residential/commercial developments, which make approval of this DRI and RPD/CPD appropriate.
- H. That the RPD/CPD zoning, as conditioned herein, will not have an adverse effect on the intent of the Zoning chapter of the Land Development Code.
- I. That the RPD/CPD zoning, as conditioned herein, is consistent with the Goals, Objectives, Policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.
- J. That the RPD/CPD zoning, as conditioned herein, meets or exceeds all performance and locational standards set forth for the proposed uses.
- K. That the RPD/CPD zoning, as conditioned herein, will protect, conserve or preserve environmentally critical areas and natural resources.

- L. That the RPD/CPD zoning, as conditioned herein, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.
- M. That the RPD/CPD zoning, as conditioned herein, will not place an undue burden upon the transportation or other services and facilities, and will be served by streets having the capacity to carry traffic generated by the development.
- N. That the RPD/CPD zoning, as conditioned herein, will comply with all other applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in the Land Development Code.
- O. That the proposed mix of uses, as conditioned herein, is appropriate at the subject location.
- P. That the recommended conditions in the DRI Development Order and the RPD/CPD zoning and other applicable Lee County regulations provide sufficient safeguards to the public interests.
- Q. That all recommended conditions in the DRI Development Order and the RPD/CPD zoning are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- R. That each approved deviation enhances the achievement of the objectives of the planned development.
- S. That each approved deviation preserves and promotes the general intent of the Zoning chapter of the Land Development Code to protect the public health, safety and welfare.
- T. That the Lee Plan Amendment of the 2010 Overlay reallocating residential and commercial acreages from the subdistricts containing the Westinghouse/Gateway DRI must be approved prior to the approval of this DRI and CPD/CPD zoning.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of August, A.D., 1994.

ATTEST: *Charlie Green*
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ruth Traynor*
Deputy Clerk

BY: *Ray Judah*
Chairman

FILED

SEP 28 1994

Approved as to form by:

Dannal Marie Collins
County Attorney's Office

CLERK CIRCUIT COURT
BY: *Ruth Traynor* D.C.

HEARING NUMBER 94-04-05-DRI-01
(10875):

RESOLUTION NUMBER Z-94-014
Page 25 of 25

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Pelican Landing Timeshare Ventures, LP, filed an application on behalf of the property owner, HTS-Coconut Point, Inc., to amend Zoning Resolution Z-98-066, as amended by Z-03-029, in reference to a project known as Kersey-Smoot RPD; and,

WHEREAS, a public hearing was originally advertised for May 9, 2007, but was continued to July 11, 2007. The July 11, 2007 hearing was continued to August 24, 2007; and,

WHEREAS, the hearing was ultimately held on August 24, 2007, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2006-00091; and,

WHEREAS, a second public hearing before the Lee County Board of Commissioners was advertised and held on January 7, 2008. The Board gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Kersey-Smoot RPD Zoning Resolution Z-98-066, as amended by Z-03-029, to:

1. increase the height for multiple-family dwelling units from 45 feet above flood elevation or three habitable floors (whichever is less) to 75 feet above flood elevation or six habitable floors (whichever is less); and,
2. reduce the number of multiple-family buildings from 14 to 10 (with seven of the 10 buildings remaining to be constructed), while maintaining the same number of dwelling units previously approved (362); and,
3. amend the RPD Master Concept Plan (MCP) to reflect a bald eagle nest protection zone.

The property is located in the Outlying Suburban and Wetlands Future Land Use Categories. It consists of 204± acres and is legally described in attached **Exhibit A**.

The request to amend the Kersey-Smoot RPD zoning approvals is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or set forth in the Lee County Land Development Code (LDC).

1. Development must be consistent with the one-page MCP, Drawing Number 2 of 4, entitled "Kersey Smoot RPD Amendment," revised May 5, 2008, date-stamped "Received May 06, 2008 Community Development," and attached hereto as **Exhibit C**, except as modified by the conditions below. Development must comply with all requirements of the Pelican Landing DRI Development Order and the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. Development of the Hyatt Timeshare Resort must be in substantial compliance with the single-page plan (Drawing 3 of 4) entitled "Residential Development Area Plan," revised April 21, 2008, date-stamped "Received Apr 24, 2008 Community Development," attached hereto as **Exhibit D**.
3. The terms and conditions of Resolution Z-98-066, ad amend by Z-03-029, remain in full force and effect except as amended herein.
4. Property Development Regulations.
 - a. The approved Property Development Regulations for the Kersey-Smoot RPD set forth in Section B.3.c.2, Resolution Z-98-066, are amended as follows:

Setbacks:

Street: 20 feet
Side: 20 feet
Rear: 20 feet

- b. The approved Property Development Regulations for the Kersey-Smoot RPD set forth in Section B.3.c.3), Resolution Z-98-066, are amended as follows:

Building Height:

Single-family, Zero Lot Line, Two-Family Attached, Town House and Duplex	Maximum of 45 feet, above flood elevation, or 3 stories (whichever is less)
Multiple-Family	Maximum of 75 feet, above flood elevation, or 6 stories over parking (whichever is less)
Golf Club and Dry Storage Facility	Maximum of 45 feet, above flood elevation, or 3 stories (whichever is less)

5. Environmental Conditions:

- a. The requirements of Section II.E.1. of the Pelican Landing DRI Development Order pertaining to vegetation and wildlife/wetlands are included herein as a condition.
 - b. Prior to local development order approval, the developer must incorporate a Southern Bald Eagle Habitat Management Plan approved by Lee County into the development order plans. The Eagle Management Plan, approved by Lee County, must include, at a minimum, the conservation measures in the US Fish and Wildlife Service Biological Opinion, dated December 15, 2006, and the Conservation Measures Addendum, dated July 14, 2006, attached hereto as **Exhibit E**, along with the following conditions:
 - i. Prior to local development order approval, the development order plans must delineate the location of the eagle nest (LE-028C) and habitat preserve, as shown in the Conservation Easement Map, attached hereto as **Exhibit F**; and,
 - ii. Prior to local development order approval, the developer must submit a draft conservation easement over the eagle protection zone, whose legally described boundaries must encompass the existing native vegetation area within the residential tract as approximately shown on the Conservation Easement Map, for County review and approval. The conservation easement must be recorded in the Public Records of Lee County, Florida, and must include language that the 75-foot building height is contingent upon the grant of the conservation easement. The developer must submit a copy of the recorded conservation easement to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and,
 - iii. During the nesting season, exterior construction is prohibited within 660 feet of the eagle nest tree. Cranes or other temporary vertical structures must be dismantled by October 1st; and,
 - iv. The development order plans must delineate a minimum four-foot high fence or native hedge maintained at a minimum four-foot height to prevent human activities in the area, as depicted in **Exhibit G**, attached hereto; and,
 - v. If the southern bald eagle nest is abandoned, as defined in LDC §14-111, and if the abandonment is prior to the construction of any buildings exceeding 45 feet in height, the conservation easement will not be required to be recorded in the public records of Lee County, Florida. A public hearing will be required if the developer wishes to pursue the placement of buildings within the area defined in the legal description of the conservation easement.
6. The conditions for Kersey-Smoot RPD set forth in Resolution Z-98-066 (**Exhibit H**) is further amended by adding a Condition z, to Section B.3., as follows:

- z. Development blasting is prohibited unless approved at a public hearing as an amendment to the planned development.
- 7. The side and rear setbacks for the multi-family district, adjacent to the golf course, may be reduced subject to an administrative amendment for buildings one, two, and five, as set forth on the Residential Development Area Plan (**Exhibit D**).

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan, date-stamped "Received May 06, 2008 Community Development"
- Exhibit D: Residential Development Area Plan, date-stamped "Received April 24, 2008 Community Development"
- Exhibit E: US Fish and Wildlife Service Biological Opinion, dated December 15, 2006, and the Conservation Measures Addendum, dated July 14, 2006
- Exhibit F: Conservation Easement Map
- Exhibit G: Bald Eagle Protection Fence Location Map
- Exhibit H: Zoning Resolutions Z-98-066, Fifth Development Order Amendment for Pelican Landing, a Development of Regional Impact and Z-03-029

The applicant has indicated that the STRAP numbers for the subject property are:

06-47-25-00-00002.0030
06-47-25-08-00000.00CE
06-47-25-08-00001.5140
08-47-25-00-00001.0030

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the amendment to the RPD development approvals by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
- 2. The amendment to the Kersey-Smoot RPD, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

- e. will not adversely affect environmentally critical areas or natural resources.
3. The amendment satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
 4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.
 5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of January 2008.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah, Chair



RECEIVED

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

RECEIVED
MINUTES OFFICE
MN

2008 MAY 29 PM 3: 25

Exhibit A
 Legal Description
 Property located in Lee County,
 Florida
 Page 1 of 5

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 5, 6, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUATER OF SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN SOUTH 01°07'45" EAST, ALONG THE WEST LINE OF THE WEST THIRD OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 2,609.03 FEET TO A POINT ON LYING 40.00 FEET NORTH OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN SOUTH 89°16'14" EAST, PARALLEL WITH, AND 40.00 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 8, FOR A DISTANCE OF 422.64 FEET TO A POINT ON THE EAST LINE OF THE WEST THIRD OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE RUN NORTH 01°05'25" WEST, ALONG THE EAST LINE OF THE WEST THIRD OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 8 FOR A DISTANCE OF 2,610.08 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF THE AFOREMENTIONED SECTION 8; THENCE RUN NORTH 01°22'22" WEST, ALONG THE EAST LINE OF THE WEST THIRD OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FOR A DISTANCE OF 1,304.29 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE RUN NORTH 89°55'55" WEST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 107.10 FEET TO A POINT ON THE EAST LINE OF THE WEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE RUN NORTH 01°22'50" WEST, ALONG SAID EAST LINE, FOR A DISTANCE OF 1,303.77 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE RUN SOUTH 89°34'40" WEST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 323.89 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE RUN SOUTH 01°26'22" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, FOR A DISTANCE OF 92.71 FEET; THENCE RUN SOUTH 89°10'55" WEST FOR A DISTANCE OF 349.43 FEET; THENCE RUN SOUTH 00°49'50" EAST FOR A DISTANCE OF 162.49 FEET; THENCE RUN NORTH 81°20'47" WEST FOR A DISTANCE OF 600.53 FEET; THENCE RUN SOUTH 46°11'51" WEST FOR A DISTANCE OF 523.67 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE AFOREMENTIONED SECTION 6; THENCE RUN SOUTH 00°48'29" EAST, ALONG SAID WEST LINE FOR A DISTANCE OF 775.70 FEET TO A POINT ON THE NORTH LINE OF GOVERNMENT LOT 4, LOCATED IN SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN SOUTH 89°41'23" WEST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 2,774.49 FEET; THENCE RUN SOUTH 02°17'19" EAST FOR A DISTANCE OF 1,292.56 FEET TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED SECTION 6; THENCE RUN NORTH 89°48'31" EAST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 4,097.56 FEET TO THE POINT OF BEGINNING, CONTAINING, 203.0 ACRES MORE OR LESS.

AND

THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1677 AT PAGE 3516 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, CONTAINING, 1.0 ACRE MORE OR LESS.

NOTES

BEARINGS REFER TO THE WEST LINE OF THE WEST THIRD OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S01°07'45" E.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.

DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

RECEIVED

AUG 30 2016

CITY OF BONITA SPRINGS
 COMMUNITY DEVELOPMENT
 DEPARTMENT

RECEIVED
 JAN 31 2007

COMMUNITY DEVELOPMENT

Q. GRADY MINOR AND ASSOCIATES, P.A.
 SIGNED 1-31-07
 STEPHEN V. BURGESS
 STATE OF FLORIDA
 P. S.M. #6408
 STATE OF FLORIDA
 PROFESSIONAL

DCI 2006-00091

REVISION:		Applicant's Legal Description by <i>[Signature]</i> 1/31/07 GRADY MINOR AND ASSOCIATES, P.A. CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS 3800 VIA DEL REY BONITA SPRINGS, FLORIDA 34134 PHONE : (239) 947-1144 FAX : (239) 947-0375 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151		LEGAL DESCRIPTION KERSEY-SMOOT RPD A PORTION OF SECTIONS 5,6,7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
JOB CODE: HRC/HRP	SHEET: 1 OF 5			DATE: JANUARY, 2007	DRAWING: B-2276-2
SCALE: 1" = N/A	DRAWN: JD				

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ESTERO BAY

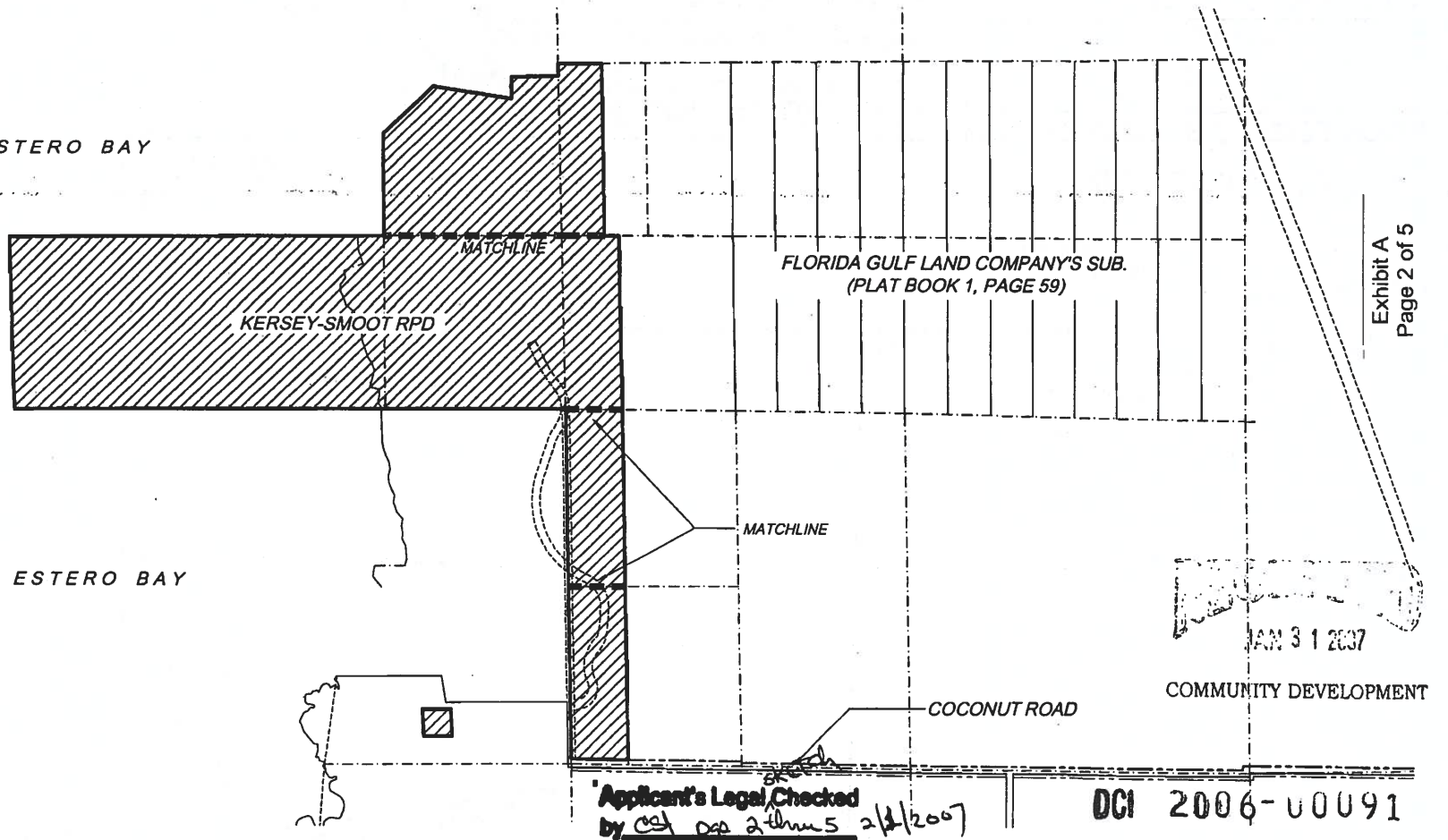
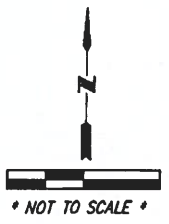


Exhibit A
Page 2 of 5



NOT A SURVEY

REVISION:	
JOB CODE: HRCHPR	SHEET: 2 OF 5
SCALE: 1" = N/A	DRAWN: JD

Q. GRADY MINOR AND ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 3800 VIA DEL REY
 BONITA SPRINGS, FLORIDA 34134
 PHONE : (239) 947-1144 FAX : (239) 947-0375
 CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

INDEX MAP	
KERSEY-SMOOTH RPD A PORTION OF SECTIONS 5,6,7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: JANUARY, 2007	DRAWING: B-2276-2

LINE TABLE		
LINE	BEARING	LENGTH
L2	N 89°55'55" W	107.10'
L3	S 89°34'40" W	323.89'
L4	S 01°26'22" E	92.71'
L5	S 89°10'55" W	349.43'
L6	S 00°49'50" E	162.49'

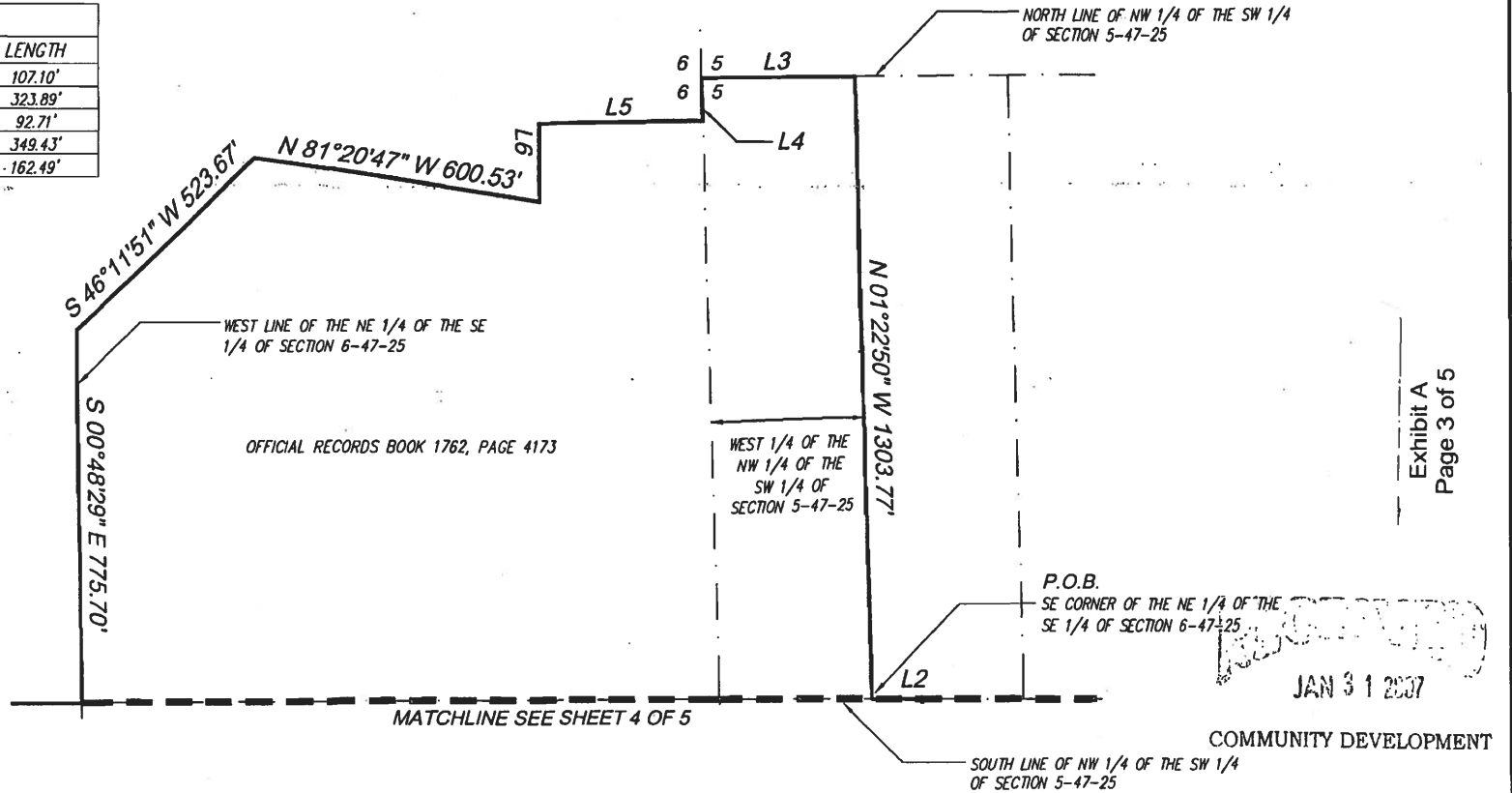
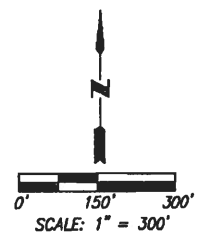


Exhibit A
Page 3 of 5

JAN 31 2007

DCI 2006-00091

LEGEND
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT



NOT A SURVEY

REVISION:	
JOB CODE: HRCHPR	SHEET: 3 OF 5
SCALE: 1" = 300'	DRAWN: JD

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE : (239) 947-1144 FAX : (239) 947-0375
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
KERSEY-SMOOT RPD A PORTION OF SECTIONS 5,6,7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: JANUARY, 2007	DRAWING: B-2276-2

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S 02°17'19" E 1292.56'

S 89°41'23" W 2774.49'

MATCHLINE SEE SHEET 3 OF 5

P.O.B.
SE CORNER OF THE NE 1/4 OF THE
SE 1/4 OF SECTION 6-47-25

NORTH LINE OF
GOVERNMENT LOT 4,
SECTION 6-47-25

WEST LINE

WEST 1/3 OF THE SW 1/4
OF THE SW 1/4 OF
SECTION 5-47-25

N 01°22'22" W 1304.29'

Exhibit A
Page 4 of 5

MEAN HIGH WATERLINE

COCONUT
POINT RESORT DRIVE

COMMUNITY DEVELOPMENT

N 89°48'31" E 4097.56'

SOUTH LINE OF
SECTION 6-47-25

P.O.C. (O.R. 1762, PG. 4173)

SE CORNER OF THE SE 1/4 OF
SECTION 6-47-25

SEE SHEET 5 OF 5
MATCHLINE-A

SOUTH LINE
OF THE SW
1/4 OF THE
SW 1/4 OF
SECTION
5-47-25

DCI 2006-00091

LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

REVISION:

JOB CODE: HRCPR SHEET: 4 OF 5
SCALE: 1" = 300' DRAWN: JD



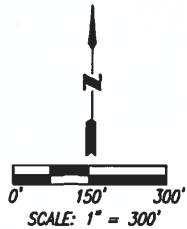
Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134

PHONE : (239) 947-1144 FAX : (239) 947-0375
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

KERSEY-SMOOTH RPD
A PORTION OF
SECTIONS 5,6,7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

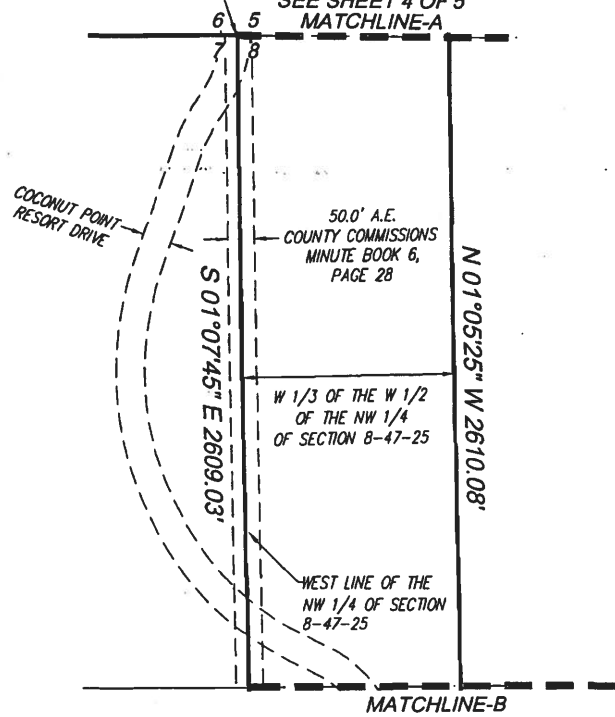
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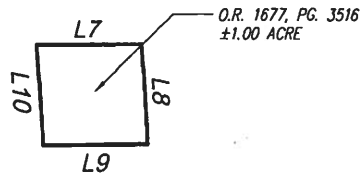
NOT A SURVEY

P.O.C. (O.R. 1762, PG. 4173)
SE CORNER OF THE SE 1/4 OF
SECTION 6-47-25

SEE SHEET 4 OF 5
MATCHLINE-A



LINE TABLE		
LINE	BEARING	LENGTH
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L7	N 89°40'04" E	216.33'
L8	S 03°20'55" E	202.00'
L9	S 89°40'05" W	216.00'
L10	N 03°26'30" W	202.02'



MATCHLINE-B

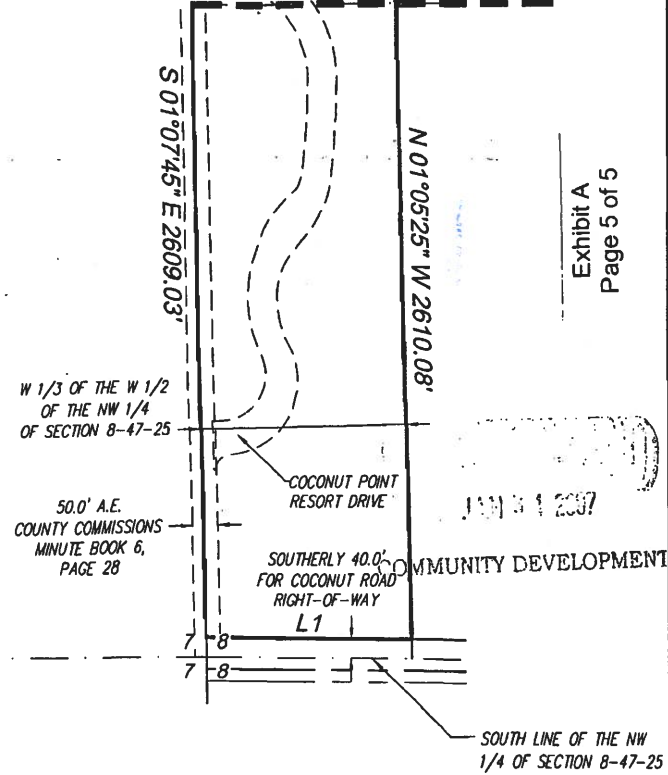


Exhibit A
Page 5 of 5

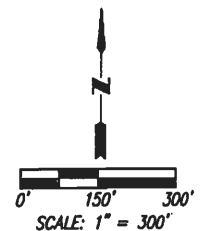
LEGEND
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT

REVISION:	
JOB CODE: HRCHPR	SHEET: 5 OF 5
SCALE: 1" = 300'	DRAWN: JD

Q. GRADY MINOR AND ASSOCIATES, P.A.
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BONITA SPRINGS, FLORIDA 34134
PHONE : (239) 947-1144 FAX : (239) 947-0375
CERTIFICATE OF AUTHORIZATION NUMBER LB 5151

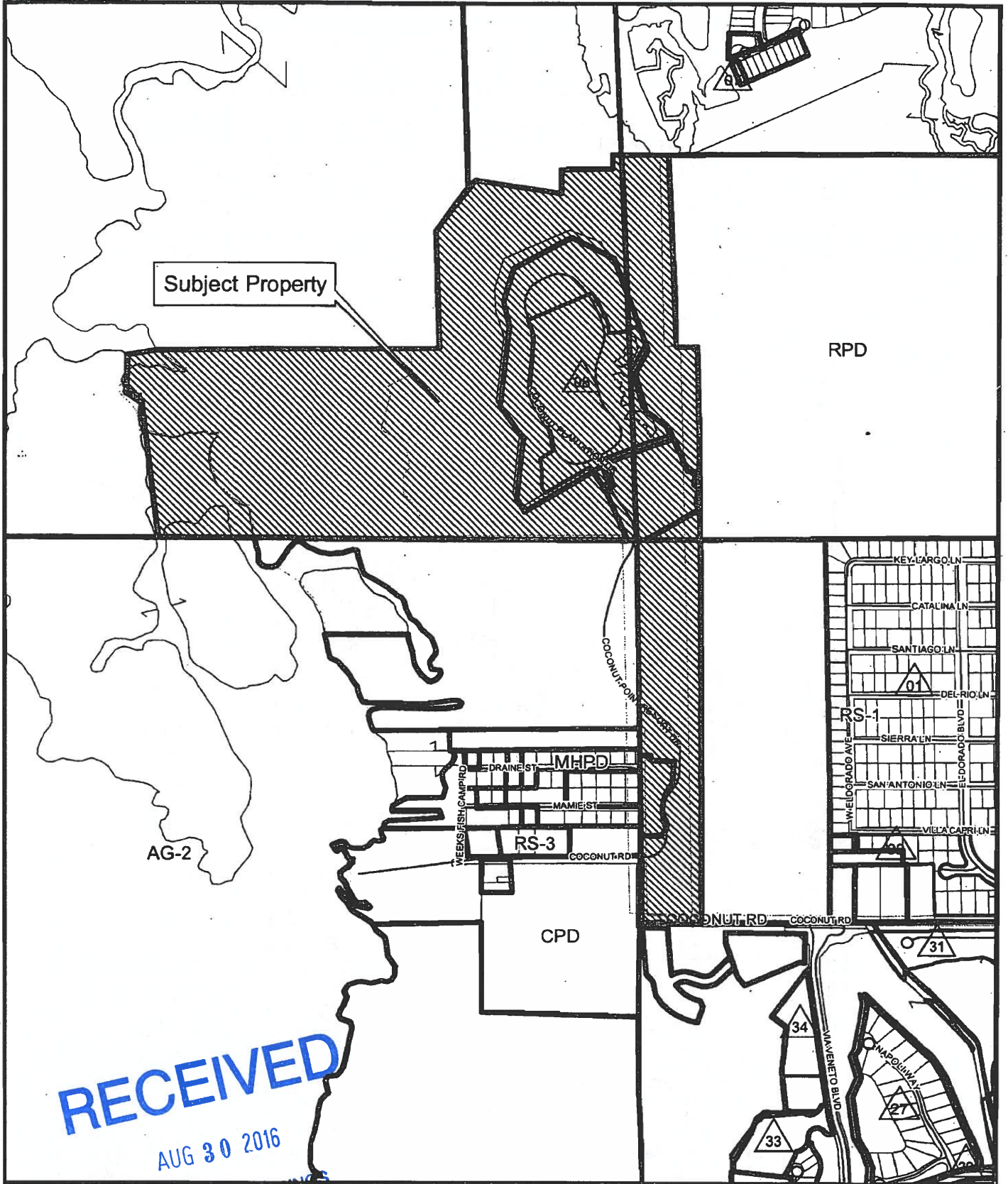
SKETCH TO ACCOMPANY LEGAL DESCRIPTION	
KERSEY-SMOOTH RPD A PORTION OF SECTIONS 5,6,7 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
DATE: JANUARY, 2007	DRAWING: B-2276-2

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COMMUNITY DEVELOPMENT
DEPARTMENT



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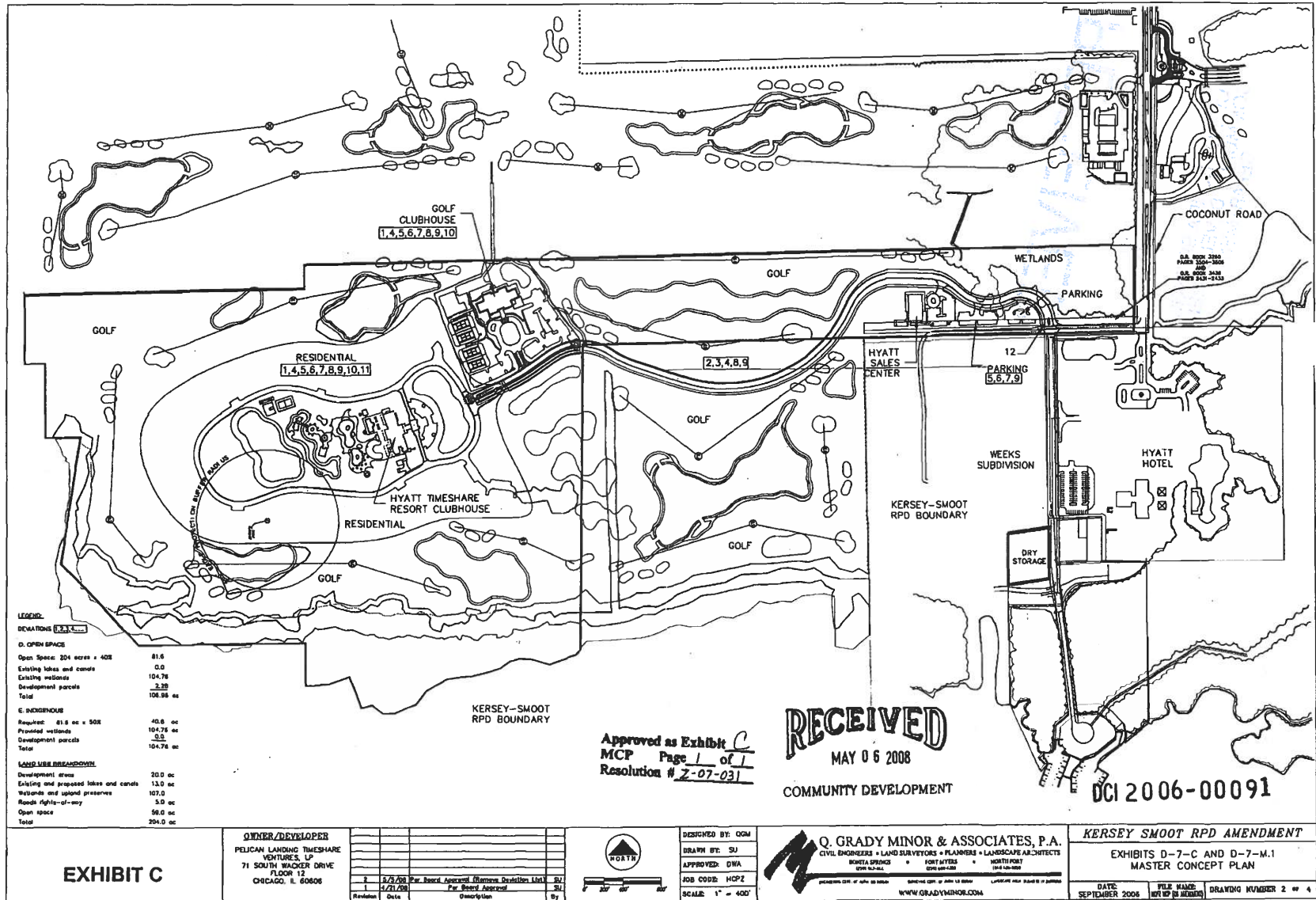


EXHIBIT C

OWNER/DEVELOPER			
PELICAN LANDING TIMESHARE VENTURES, LP			
71 SOUTH WACKER DRIVE FLOOR 12 CHICAGO, IL 60606			
Revision	Date	Description	By
1	1/15/08	Per Board Approval Minimum Qualities List	SU
2	4/21/08	Per Board Approval	SU



DESIGNED BY: OGM
 DRAWN BY: SU
 APPROVED: DWA
 JOB CODE: HOPZ
 SCALE: 1" = 400'

Q. GRADY MINOR & ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS
 BENTON SPRING • FORT MYERS • NORTH FORT
 (941) 689-4300
 LICENSED UNDER BOARD OF PROFESSIONAL ENGINEERS OF FLORIDA • LICENSED UNDER BOARD OF PROFESSIONAL LAND SURVEYORS OF FLORIDA
 WWW.GRADYMINOR.COM

KERSEY SMOOT RPD AMENDMENT		
EXHIBITS D-7-C AND D-7-M.1 MASTER CONCEPT PLAN		
DATE: SEPTEMBER 2006	FILE NAME: HOPZ MCZP (06 AMENDMENT)	DRAWING NUMBER 2 of 4

Approved as Exhibit C
 MCP Page 1 of 1
 Resolution # Z-07-031
RECEIVED
 MAY 06 2008
 COMMUNITY DEVELOPMENT

DCI 2006-00091

EXHIBIT C

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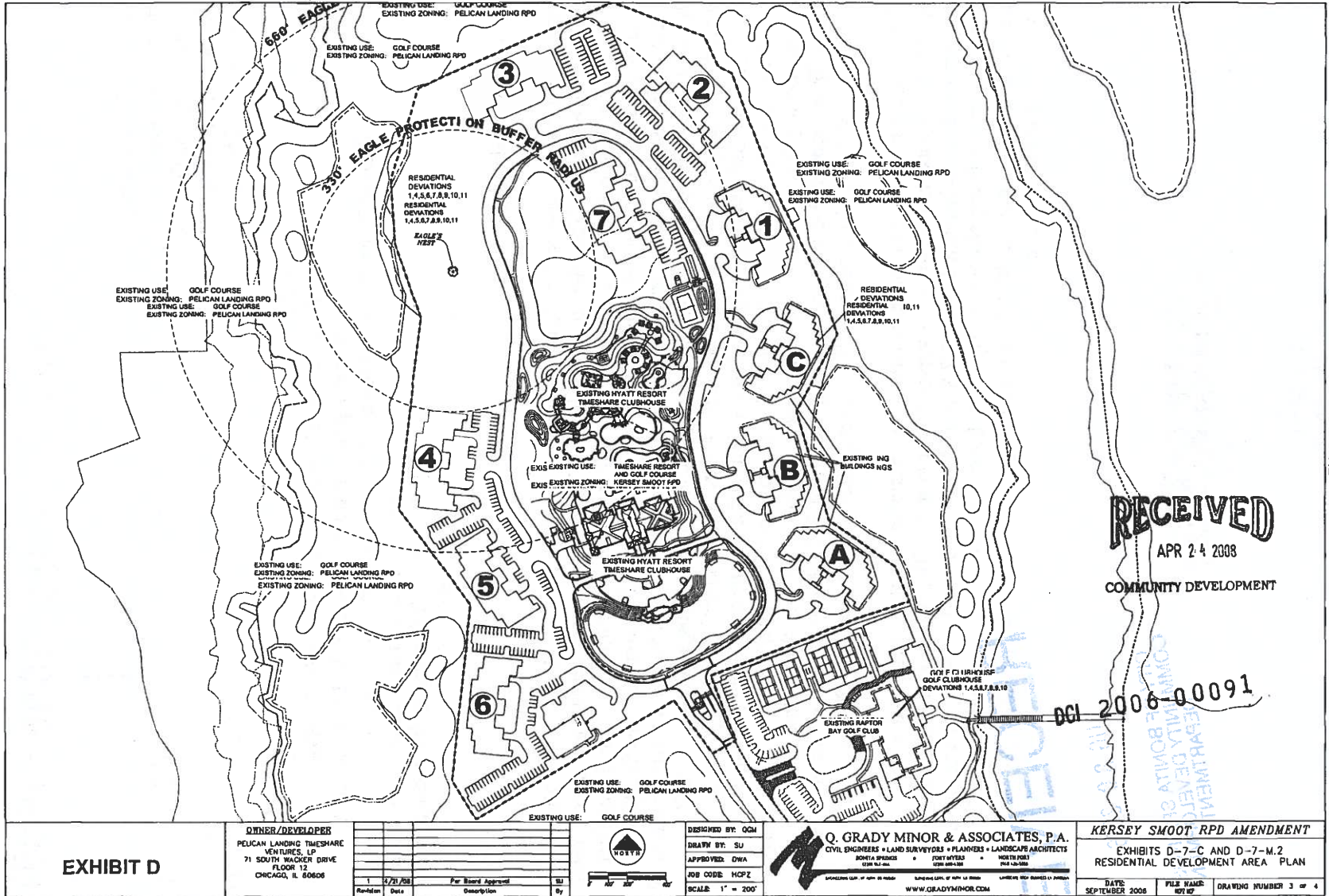


EXHIBIT D



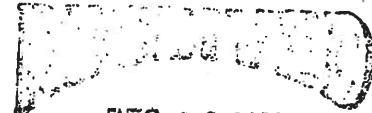
United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

December 15, 2006

001 2006-00091



DEC 20 2006

Colonel Paul L. Grosskruger
District Commander
U.S. Army Corps of Engineers
701 San Marco Boulevard, Room 372
Jacksonville, Florida 32207-8175

COMMUNITY DEVELOPMENT

Service Federal Activity Code: 41420-2007-FA-1238
Service Consultation Code: 41420-2007-F-0899
Corps Application No.: SAJ-2000-396 (MOD-MAE)
Date of Reinitiation of Formal Consultation: October 25, 2006
Project: Pelican Landing DRI Community
Applicant: WCI Communities, Incorporated
County: Lee

Dear Colonel Grosskruger:

This letter constitutes an addendum to the November 16, 2004, Biological Opinion for the project referenced above. The Fish and Wildlife Service (Service) has received new information regarding the establishment of a new bald eagle (*Haliaeetus leucocephalus*) nest on the project site, identified as LE-028C by the Florida Fish and Wildlife Conservation Commission (FWC). This nest was constructed after authorized work began on the Coconut Plantation Resort phase of development within the approved Pelican Landing Development of Regional Impact (DRI) Community (Project) permitted under U.S. Army Corps of Engineers' (Corps) application number SAJ-2000-396 (MOD-MAE), which was issued for this development project and bald eagle nest LE-065. The Project is located approximately 3 miles north of the Lee County and Collier County lines. It is bounded on the west by Estero Bay, on the north by the West Bay Club residential development, on the east by U.S. Highway 41, and on the south by Spring Creek, Section 22, Township 47 South, Range 25 East, Lee County, Florida.

The Service has reviewed the new information for consistency with current bald eagle management guidance and provides its views in accordance with Section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*). The following sections add to the existing November 16, 2004, Biological Opinion assess the effects of the authorized Coconut Plantation Resort phase of the approved Pelican Landing Development on the new bald eagle nest LE-028C.

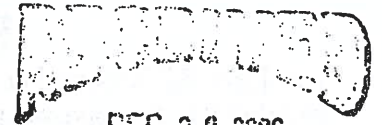
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COMMUNITY DEVELOPMENT
DEPARTMENT



EXHIBIT E
24 Pages



In December 2003, bald eagle nest LE-028C was discovered. The nest did not appear to be completed, and nesting did not occur until the 2004 and 2005 nesting season.

COMMUNITY DEVELOPMENT

On February 23, 2006, Service staff met with representatives of WCI Communities, Incorporated (Permittee) and Breedlove, Dennis and Associates, Incorporated (BDA) to discuss measures to minimize adverse impacts to bald eagle nest LE-028C during ongoing construction of the phased Project. The Permittee proposed additional conservation measures to compensate the potential adverse effects for bald eagles.

On July 14, 2006, the Permittee's environmental consultants, Boylan Environmental Consultants, Incorporated and BDA, provided the Service and the Corps with an amended bald eagle management plan (BEMP) for bald eagle nest LE-028C, which provides measures for minimizing and monitoring project effects on the nest and the adult eagles. The Service and the Corps were requested by the Permittee to review the BEMP and provide assistance to amend the existing Corps' permit to give appropriate coverage for continuation of work with the approved development project.

October 17, 2006, by email the Corps requested that the Service provide a letter amending the Biological Opinion issued on November 16, 2004, for the subject activity.

PROJECT DESCRIPTION

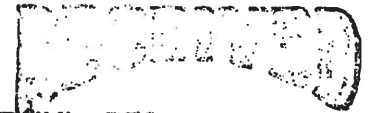
The Project is a 2,580-acre DRI located approximately 3 miles north of the Lee County and Collier County lines, bounded on the west by Estero Bay. The original Development Order for the Project was issued by Lee County on August 29, 1994; construction has been phased and continuous since 1995. More than 1,100 acres of fresh water marshes, estuaries and various upland communities have been preserved, restored and enhanced within the Project for benefit of these natural systems and the wildlife they support in perpetuity. Bald eagles have been a prominent species featured in the conservation measures designed for the Project, with the first BEMP approved for the Project on January 31, 1994, with subsequent revisions following to accommodate additional nesting bald eagles.

AMENDMENTS TO THE BIOLOGICAL OPINION

ADDITION TO THE DESCRIPTION OF PROPOSED ACTION

Construction of the 33.4-acre Coconut Plantation Resort phase of development within the authorized 2,580-acre Pelican Landing DRI Project site began in 2002. A bald eagle pair built the LE-028C nest in a live slash pine (*Pinus elliottii*) in December 2003. The nest is 70 feet east of the existing third fairway of the Raptor Bay Golf Course, which surrounds the Coconut Plantation Resort development on all four sides. Other features of the resort area built prior to the establishment of the LE-028C nest include all stormwater and utility infrastructure, the major entrance loop road for the development (Coconut Point Resort Drive), 3 of the permitted 11 condominiums, the clubhouse, and centrally located recreational amenities. The bald eagle

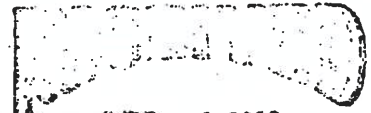
DCI 2006-00091



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COMMUNITY DEVELOPMENT

nest LE-028C is located on the site of a planned, future multi-family building (Building Number 9 in the approved plan), and sits 100 feet west of the existing Coconut Point Resort Drive. The existing central amenity area in the resort lies 220 feet southwest of LE-028C, and this area supports daily activities such as swimming and outdoor dining, including day and evening parties. Sounds from music and other outdoor recreational activities commonly emanate from the central area throughout each day. The three timeshare buildings that have been erected are approximately 750 feet or more to the southeast. Construction of a fourth timeshare is proposed to begin soon (Building Number 1 in Exhibit A), approximately 645 feet due east of the nest tree. The permittee has proposed the following additional conservation measures for the project to minimize and compensate the potential for project construction activities to adversely impact bald eagles:

1. The total number of fully approved buildings authorized for construction shall be reduced from 11 to 7 buildings to provide a protective buffer for the LE-028C nest tree.
2. A 330-foot buffer will be preserved around the LE-028C nest tree. No trees or other natural vegetation shall be removed within 330 feet of the nest tree. Exotic vegetation shall only be removed during the non-nesting season (May 16 to September 30), and the buffer preserve area maintained free of exotics.
3. All native vegetation on future building sites shall remain intact until site clearing is necessary for commencement of construction. Site clearing shall follow the same phasing schedule as the construction. Proposed modifications to the existing central lake (*i.e.*, stormwater pond), situated about 150 feet east of the nest tree, and required to facilitate construction of Building Number 7, shall be delayed as long as feasible. The necessary lake modification work, involving backfilling the eastern portion of the lake and excavating the new northern lake extension, shall only be conducted during non-nesting season.
4. Construction related traffic and all other resident vehicle traffic shall be prohibited along Coconut Point Resort Road within the 330-foot buffer zone during any period that nesting is active at LE-028C, but no later than October 1 of any given nesting season. Such prohibition shall be maintained with the placement of temporary barricades and signs across Coconut Point Resort Drive while active nesting occurs.
5. Any remaining infrastructure consisting of grading, clearing, filling, paving, laying foundation, guttering, installation of underground utilities, street lighting, excavation, and installation of stormwater management facilities within 330 feet of the LE-028C nest tree shall be initiated only during the non-nesting season; all other remaining infrastructure within 660 feet of the LE-028C nest tree may be installed at any time during the year. However, if any portion of such infrastructure installation extends into the following nesting season (October 1 to May 15) or occurs within an active nesting season, monitoring consistent with the Bald Eagle Monitoring Guidelines (Service 2006), or the latest revision, shall be promptly implemented to properly document and evaluate bald eagle nesting behavior (*i.e.*, courtship, nest tending, egg laying, incubation, brooding and/or the fledging of the young is occurring) and response to construction activities.



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COMMUNITY DEVELOPMENT

6. If eagle nesting has not commenced by February 1 of any given nesting season, and the Permittee is desirous of commencing with exterior activity, then the Permittee shall contact the Lee County Division of Environmental Sciences (LCDES) to confirm, in the field, that no eagle nesting or other incubation behavior is ongoing. Lee County staff shall confirm whether or not there is any ongoing nesting activity. Likewise, for the purposes of initiating exterior building work as early as possible, the Permittee may contact the LCDES at any time to confirm that eagle young have fledged the nest. The applicant may initiate exterior construction activity upon confirmation that all eagle chicks have fledged, or that no nesting activity is ongoing.

7. Condominium or timeshare residential buildings shall be constructed no closer than 330 feet from the nest tree. Exterior construction (e.g., framing, laying foundation, siding, windows, roofing, etc.) occurring during the nesting season between 330 feet and 660 feet of the nest would be accomplished under the Bald Eagle Monitoring Guidelines (Service 2006), or the latest revision, to document and evaluate bald eagle nesting behavior and response to construction activities. Exterior building construction would only commence during the non-nesting season, but may continue into and during nesting season, with appropriate Service eagle monitoring guidelines implemented. Interior and finish construction (e.g., electrical, dry wall, carpeting, landscaping, exterior painting, placement of paved driveways, etc.) may occur at any time, including during the nesting season, without monitoring.

8. Construction shall be phased with any combination of Building Numbers 1, 2, 5, and 6 (see Exhibit A) constructed during Phase One. Building Numbers 3 and 4 shall be constructed during Phase Two and Building Number 7 shall be constructed during Phase Three. The Permittee may change phasing of the Project with coordination and approval of Lee County. The actual timing of construction commencement would be dependent upon market conditions.

9. The use of any chemicals (fertilizers, pesticides or herbicides), which are known to be potentially toxic to wildlife, shall be prohibited during nesting season within all designated preserve areas.

10. All outdoor lighting installed within the Project site shall be subdued, shielded, and directed away from the nest tree.

The Permittee has agreed to provide a voluntary donation of \$35,100 to the Wildlife Foundation of Florida as additional financial support for aerial reconnaissance of bald eagle nests within the regional population in south Florida, which includes Lee County. The cost of \$35,100 was determined based on the following calculation:

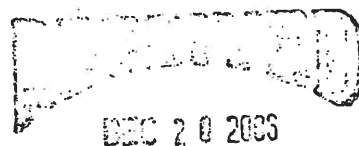
$$(\$650/\text{hour (includes salary and flight costs)}) \times (18 \text{ hours (estimated time to fly Lee County per year)}) \times (3 \text{ years}) = \$35,100$$

The applicant will contribute \$35,100 to FWC within 10 business days after final zoning modification approval of the revised site plan as granted by the Lee County Board of County

Commissioners (BCC). This requested zoning condition modification will allow a shift in the approved building locations, away from the nest tree. The revised site plan must first be approved by the BCC, prior to any site work or building construction. The referenced payment above shall be made to FWC prior to any additional building construction or other site work. The applicant will notify the Service on this transaction by sending the Service a copy of the deposit form and check to document the delivery of payment to the FWC.

Kathleen Hampton
Wildlife Foundation of Florida, Incorporated
620 South Meridian Street
Bryant Building, Room 138
Tallahassee, Florida 32399-1600
850-922-1066 phone
850-921-5788 fax
www.wildlifefoundationofflorida.com

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ADDITION TO ENVIRONMENTAL BASELINE

COMMUNITY DEVELOPMENT

Addition to Factors Affecting the Species within the Action Area

Construction of the Coconut Plantation Resort phase began in 2002 and is ongoing with approximately half the site remaining to be developed. The LE-028C bald eagle nest is surrounded on four sides by the Raptor Bay Golf Course, which is now open to public play. Other project features that are in place, or under construction, include the Coconut Point Resort Drive, all other roadways, subsurface infrastructure, a stormwater retention pond serving as a central lake feature of the development, and three timeshare condominium buildings. Accordingly, outdoor activities associated with these facilities could disturb the LE-028C bald eagle nest, and additional disturbances may result with proposed infrastructure and residential units depicted in Exhibit A.

ADDITIONS TO EFFECTS OF THE ACTION

Addition to Factors to be Considered

The LE-028C bald eagle nest was first constructed in December 2003 but the nest did not appear to be completed, and no nesting was attempted by the adult eagle pair during the 2003 and 2004 nesting season. The eagle pair returned for the 2004 and 2005 nesting season and successfully fledged two eaglets. The pair nested again during the 2005 and 2006 nesting season. Two eaglets were observed in the nest on January 1, 2006, but they were not seen after January 24, 2006, indicating a nest failure. No cause for the loss of the chicks was determined.

Addition to Analysis for the Effects of the Action

Beneficial Effects - The Permittee proposes to provide additional long-term conservation benefits to minimize and compensate for potential adverse effects to bald eagles in the action area and the bald eagle population in south Florida. Those conservation measures include a

001 2006-00091



voluntary donation of \$35,100 to Wildlife Foundation of Florida to provide additional financial support to the FWC for aerial reconnaissance of bald eagle nests within the regional population in south Florida, which includes Lee County.

Direct Effects - Bald eagles occupying the action area may be adversely affected by the proposed action. The Project may result in direct "take" of the eagles through harm and harassment as a result of the noise and disturbance generated from site work, construction of homes and infrastructure, and increased human activities after the Project has been constructed. These direct effects could cause the eagles to abandon the nest prior to egg laying, abandon the nest while eggs are in the nest resulting in embryo mortality, or abandon the nest when chicks are in the nest causing chick mortality.

COMMUNITY DEVELOPMENT

The construction of nest LE-028C within 70 feet of an existing golf course fairway, a principal roadway in the Project area carrying residential and construction traffic within 100 feet, existing residential development, and close to ongoing development activities makes it difficult to interpret, or predict, the biological response and tolerance of these individual bald eagles to human disturbance from the proposed Project. The Project generally proposes multi-family residential construction 330 feet or greater from the nest tree, with the height of the buildings not to exceed approximately 75 feet, and installation of some remaining infrastructure within 330 feet of the nest tree. It is anticipated the restrictions placed on construction activities during the nesting season will reduce the effects, if any, of construction-related disturbance on this nesting pair.

Indirect Effects - The types of indirect effects from the proposed action that could result in harm or harassment to the bald eagles at nest LE-028C could include the following:

1. Noise and other activities associated with construction of the Project, subsequent occupation of residential condominiums, and use of access roads by landscaping equipment, automobiles, garbage trucks, and motorcycles, may potentially disturb the eagles nesting at nest LE-028C. However, the eagles at nest LE-028C have been reproductively successful while nesting in close proximity to daily public activities and facilities that have already been constructed and are operating within the Coconut Plantation Resort project area. Given the distance and vegetative buffer between the proposed construction work and nest LE-028C, it can be reasonably assumed this eagle pair can tolerate some levels of noise and visual disturbances associated with the remaining construction and operation of the Coconut Plantation Resort phase of the Pelican Landing DRI Community.
2. The increased artificial lighting from the proposed residential development may adversely affect the bald eagle. However, the effects of street and house lighting should be ameliorated with installation of lighting fixtures that affect a downward focus of light on sidewalks and roadways. Further, visual disturbances will be buffered by the 330-foot screen of native vegetation between the nest and Project site.
3. Human activities within close proximity to the nest tree may affect the eagle pair nesting at LE-028C. Expected events include pedestrian traffic associated with commercial and residential buildings in close proximity to the nest. However, a stormwater management lake would be constructed between the Building Number 7 and nest LE-028C, which will provide

an enhanced buffer from the multi-story residential building. Furthermore, human activities, including use of the water park amenities, golf course, and other residential and commercial activities were ongoing at the time the nest was constructed and nesting occurred. The nest tree is located within a protection zone of 330 feet in radius that would be maintained in its natural state. The Permittee would post information around the nest area warning local residents of the presence of an eagle nest with the protection zone.

DEC 20 2005

4. Future development of Building Numbers 1 through 7 near the bald eagle protection area may disturb the nesting eagles. Bald eagle nest LE-028C would be situated within a 330-foot protection zone that would be managed solely for the eagle pair under a BEMP. Any future development proposed within this bald eagle's protection zone would require coordination with the Service pursuant to the BEMP and this opinion. It is expected the potential effects of any future action proposed within this nest's protection zone would be minimized through consultation with the Service.

These indirect effects could cause the eagles to abandon the nest prior to egg laying, abandon the nest while eggs are present resulting in embryo mortality, or abandon the nest when chicks are in the nest causing chick mortality. However, the measures proposed in the BEMP are likely to minimize the indirect effects of noise, artificial lighting, human activities near the nest, and future development on the nesting eagles.

AMENDMENTS TO THE INCIDENTAL TAKE STATEMENT

ADDITION TO AMOUNT OR EXTENT OF TAKE

The Service has reviewed the biological information for this species, information presented by the Permittee's consultants in the addendum to the BEMP, and other available information relevant to this action, and based on our review, incidental take, in the form of harm or harassment, is anticipated for the adult bald eagles, their eggs or their young at the LE-028C nest. Harm or harassment may result in the eagles abandoning the nest prior to egg laying, abandoning the nest while eggs are in the nest resulting in embryo mortality, or abandoning the nest when chicks are in the nest causing chick mortality. Incidental take as described above may occur during the 2006 and 2007 nesting season and/or subsequent nesting seasons for the life of the Project. Nesbitt (1999) analyzed Florida bald eagle nesting data for a 10-year period and reported an average of 1.57 bald eagle chicks produced per nesting territory. The Project may result in the take of 1.57 nestlings per year, for those nesting seasons occurring between the time of abandonment and construction of a new nest.

ADDITION TO REASONABLE AND PRUDENT MEASURES

The Service is required to give reasonable and prudent measures it considers necessary or appropriate to minimize the take, along with terms and conditions that must be complied with to implement the reasonable and prudent measures when providing an incidental take statement. Furthermore, the Service must also specify procedures to be used to handle or dispose of any individuals taken. The Service believes the following reasonable and prudent measures are

necessary and appropriate to reduce take and to minimize the direct and indirect effects of the proposed Project on the bald eagles, their eggs or their young, and their nesting territory at LE-028C nest:

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The Permittee shall implement the following conditions:

COMMUNITY DEVELOPMENT

The Permittee must take all necessary steps, for the duration of the Project, to minimize the potential for incidental take of bald eagles during each nesting season pursuant to their addendum to the Bald Eagle Management Plan dated July 14, 2006. WCI must make reasonable effort, during the construction of the Project, to prolong the integrity of the bald eagle nest tree, the nest, and the surrounding habitat. No monitoring of the eagle nest is necessary for projects occurring beyond 660 feet from the nest in accordance with provisions of the Bald Eagle Monitoring Guidelines (Service 2006).

ADDITION TO TERMS AND CONDITIONS

The Service has outlined the following terms and conditions for incidental take to implement the above reasonable and prudent measures. These terms and conditions must be complied with to implement the reasonable and prudent measure(s) for incidental take in accordance with the Interagency Cooperation Regulation (50 CFR 402).

1. The total number of fully approved buildings authorized for construction shall be reduced from 11 to 7 buildings to provide a protective buffer for the LE-028C nest tree.
2. A 330-foot buffer will be preserved around the LE-028C nest tree. No trees or other natural vegetation shall be removed within 330 feet of the nest tree. Exotic vegetation shall only be removed during the non-nesting Season (May 16 to September 30), and the buffer preserve area maintained free of exotics.
3. All native vegetation on future building sites shall remain intact until site clearing is necessary for commencement of construction. Site clearing shall follow the same phasing schedule as the construction. Proposed modifications to the existing central lake (*i.e.*, stormwater pond), situated about 150 feet east of the nest tree, and required to facilitate construction of Building Number 7, shall be delayed as long as feasible. The necessary lake modification work, involving backfilling the eastern portion of the lake and excavating the new northern lake extension, shall only be conducted during non-nesting season.
4. Construction related traffic and all other resident vehicle traffic shall be prohibited along Coconut Point Resort Road within the 330-foot buffer zone during any period that nesting is active at LE-028C, but no later than October 1 of any given nesting season. Such prohibition shall be maintained with the placement of temporary barricades and signs across Coconut Point Resort Drive while active nesting occurs.
5. Any remaining infrastructure consisting of grading, clearing, filling, paving, laying foundation, guttering, installation of underground utilities, street lighting, excavation, and installation of storm water management facilities within 330 feet of the LE-028C nest tree

shall be initiated only during the non-nesting season; all other remaining infrastructure within 660 feet of the LE-028C nest tree may be installed at any time during the year. However, if any portion of such infrastructure installation extends into the following nesting season (October 1 to May 15) or occurs within an active nesting season, monitoring consistent with the Bald Eagle Monitoring Guidelines (Service 2006), or the latest revision, shall be promptly implemented to properly document and evaluate bald eagle nesting behavior (i.e., courtship, nest tending, egg laying, incubation, brooding and/or the fledging of the young is occurring) and response to construction activities.

COMMUNITY DEVELOPMENT

6. If eagle nesting has not commenced by February 1 of any given nesting season, and the Permittee is desirous of commencing with exterior activity, then the Permittee shall contact LCDES to confirm, in the field, that no eagle nesting or other incubation behavior is ongoing. Lee County staff shall confirm whether or not there is any ongoing nesting activity. Likewise, for the purposes of initiating exterior building work as early as possible, the Permittee may contact the LCDES at any time to confirm that eagle young have fledged the nest. The applicant may initiate exterior construction activity upon confirmation that all eagle chicks have fledged, or that no nesting activity is ongoing.
7. Condominium or timeshare residential buildings shall be constructed no closer than 330 feet from the nest tree. Exterior construction (e.g., framing, laying foundation, siding, windows, roofing, etc.) occurring during the nesting season between 330 feet and 660 feet of the nest would be accomplished under the Bald Eagle Monitoring Guidelines (Service 2006), or the latest revision, to document and evaluate bald eagle nesting behavior and response to construction activities. Exterior building construction would only commence during the non-nesting season, but may continue into and during nesting season, with appropriate Service eagle monitoring guidelines implemented. Interior and finish construction (e.g., electrical, dry wall, carpeting, landscaping, exterior painting, placement of paved driveways, etc.) may occur at any time, including during the nesting season, without monitoring.
8. Construction shall be phased with any combination of Building Numbers 1, 2, 5, and 6 (see Exhibit A) constructed during Phase One. Building Numbers 3 and 4 shall be constructed during Phase Two and Building Number 7 shall be constructed during Phase Three. The Permittee may change phasing of the Project with coordination and approval of Lee County. The actual timing of construction commencement would be dependent upon market conditions.
9. The use of any chemicals (fertilizers, pesticides or herbicides), which are known to be potentially toxic to wildlife, shall be prohibited during nesting season within all designated preserve areas.
10. All outdoor lighting installed within the Project site shall be subdued, shielded, and directed away from the nest tree.
11. The Permittee has agreed to provide a voluntary donation of \$35,100 to the Wildlife Foundation of Florida as additional financial support for aerial reconnaissance of bald eagle nests within the regional population in south Florida, which includes Lee County. The

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amount of \$35,100 shall be donated to FWC within 10 business days after final zoning modification approval of the revised site plan as granted by the Lee County BCC. This requested zoning condition modification will allow a shift in the approved building locations away from the nest tree. The revised site plan must first be approved by the BCC, prior to any site work or building construction. The referenced payment above shall be made to FWC prior to any additional building construction or other site work. The Permittee shall notify the Service of this transaction by sending the Service a copy of the deposit form and check to document the delivery of payment to FWC.

12. Should a dead, injured or sick bald eagle be found at the Project site, the initial notification must be made to the Service's South Florida Ecological Services Office immediately at 772-562-3909. The reasonable and prudent measures with their implementing terms and conditions are designated to minimize the impact of individual take that might otherwise result from the proposed action. The Service believes no more than 1.57 nestlings per-year, will be incidentally taken as a result of the proposed action. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring initiation of consultation and review of the reasonable and prudent measures provided. The Federal agency must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modifications of the reasonable and prudent measures.

COORDINATION OF INCIDENTAL TAKE STATEMENT WITH OTHER LAWS, REGULATIONS, AND POLICIES

To the extent that this statement concludes that take of any threatened or endangered species of migratory bird will result from the agency action for which consultation is being made, the Service will not refer the incidental take of any such migratory bird or bald eagle for prosecution under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §§ 703-712), or the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. §§ 668-668d), if such take is in compliance with the terms and conditions (including amount and/or number) specified herein.

AMENDMENT TO CONSERVATION RECOMMENDATIONS

The Permittee has proposed and agreed to implement standard conservation measures to reduce the likelihood or minimize the level of take; these measures have been incorporated into the terms and conditions of this biological opinion. The Service has no further conservation recommendations to make for the LE-028C nest, based on the Permittee's voluntary commitment to carry out the minimization and compensation measures contained herein.

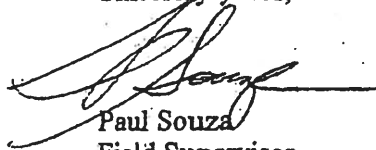
REINITIATION - CLOSING STATEMENT

This concludes formal consultation on the action outlined in the request. As provided in 50 CFR Section 402.16, reinitiation of formal consultation is required when discretionary Federal agency involvement or control over the action has been retained and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect ESA-listed species or critical habitat in a manner or to an extent not considered in this biological opinion; (3) the agency action is subsequently modified in a manner that causes an

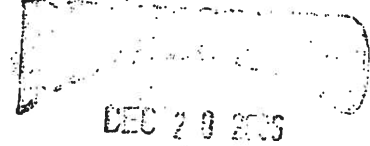
effect to the ESA-listed species or critical habitat not considered in this biological opinion; or (4) a new species is listed or critical habitat is designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Thank you for your cooperation and effort in protecting fish and wildlife resources. If you have any questions regarding this project, please contact Al Begazo at 772-562-3909, extension 234.

Sincerely yours,



Paul Souza
Field Supervisor
South Florida Ecological Services Office



COMMUNITY DEVELOPMENT

cc:

- Corps, Fort Myers, Florida (Melissa Ellis)
- Service, Jacksonville Ecological Services Office (Bald Eagle Species Lead)
- District, West Palm Beach, Florida
- FWC, Tallahassee, Florida (Brad Gruver)
- Lee County, Division of Planning and Environmental Sciences, Fort Myers, Florida
- Service, Atlanta, Georgia (Ken Graham)

LITERATURE CITED

U.S. Fish and Wildlife Service. 2006. Bald Eagle Monitoring Guidelines. Fish and Wildlife Service; Atlanta, Georgia.

4
2
FEET

Green: Flights leaving the nest
Red: Flights to the nest
Blue: Other flights

1500' Buffer

750' Buffer

330' Buffer

EAGLES NEST

* Flight Patterns for 2003/04 to 2005/06 nesting seasons
* Flight Information gathered during eagle monitoring conducted by Boylan Environmental Consultants from
1-26-2004 to 3-26-2004
2-16-2005 to 4-1-2005
2-8-2006 to 2-21-2006

PROJECT #: 30144
SCALE: 1" = 500'
DRAWN BY: AME
DATE: 3-8-2006

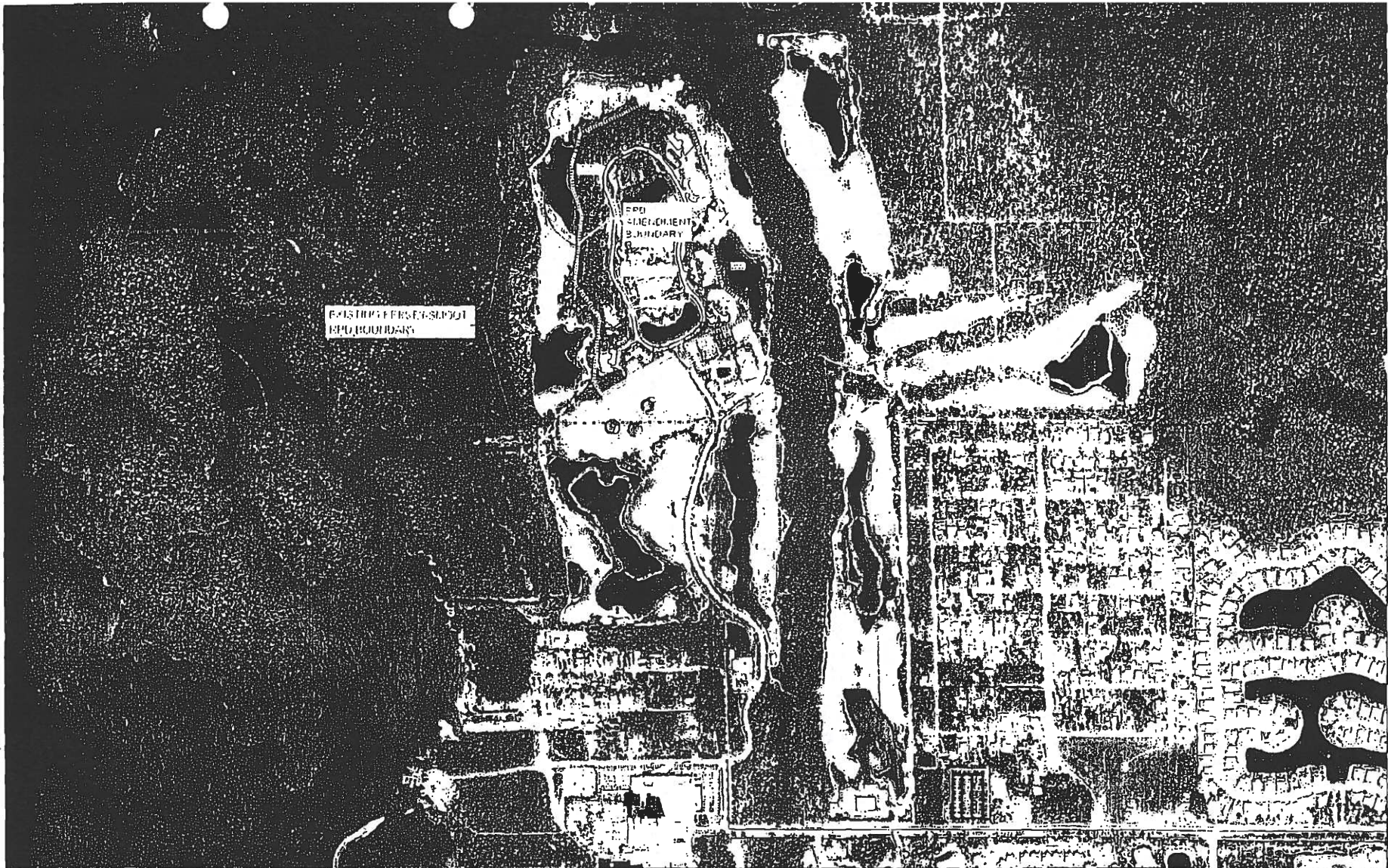
Raptor Bay Eagles
Eagle Flight Patterns
2003/04 thru 2005/06 nesting seasons
COMMUNITY DEVELOPMENT

DEC 26 2005
COUNTY: LEE
SECTION: 7
TOWNSHIP: 28 E
RANGE: 28 E
REVISIONS:

Boylan Environmental Consultants, Inc.
Established 1988
A Florida Corporation

11000 Metro Parkway, Suite 4
Ft. Myers, FL 33912
Office: (239) 418-0671
Fax: (239) 418-0672

DCI 2006-001191



EAST SIDE EGRESS ROUTE RPD BOUNDARY

KERSEY SMOOT RPD AMENDMENT BOUNDARY

DCI 2006-00097

OWNER/DEVELOPER
 OCEAN LANDING DEVELOPMENT
 WENSHAW, LP
 5 WICKER DR, 11 13
 CHICAGO IL 60606

Revision	Date	Description	By



DESIGNED BY: DGM
 DRAWN BY: SU
 APPROVED: DWA
 JOB CODE: MCP2
 SCALE: 1" = 600'

Q. GRADY MINOR & ASSOCIATES, P.A.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS
 1001 W. WASHINGTON ST. SUITE 1000 CHICAGO, IL 60606
 WWW.QGRADYMINOR.COM

KERSEY SMOOT RPD AMENDMENT

AERIAL EXHIBIT

DATE: OCTOBER 2006
 FILE NAME: 07140 (DWG) (R2B)
 DRAWING NUMBER: 1 of 1

MENT

DCF 2006-00091

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OCT 27 2006

COMMUNITY DEVELOPMENT

2004011-10.1

**COCONUT PLANTATION RESORT
CONSERVATION MEASURES
BALD EAGLE NEST LE-028C**

**ADDENDUM
TO
BALD EAGLE MANAGEMENT PLAN
PELICAN LANDING DRI COMMUNITY
LEE COUNTY, FLORIDA**

(Bald Eagle Management Plan
Approved by USFWS Biological Opinion November 16, 2004
U.S. Corps of Engineers Permit SAJ-2000-396 (MOD-MAE)
Revised December 22, 2004)

Prepared For:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
Contract No. 993481

Prepared By:

Breedlove, Dennis & Associates, Inc.
1167 Green Hill Trace
Tallahassee, Florida 32317
Phone: 850-942-1631

July 14, 2006

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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

ATTACHMENT H

**COCONUT PLANTATION RESORT
CONSERVATION MEASURES
BALD EAGLE NEST LE-028C**

**ADDENDUM
TO
BALD EAGLE MANAGEMENT PLAN
PELICAN LANDING DRI COMMUNITY
LEE COUNTY, FLORIDA
July 14, 2006**

These additional conservation measures are proposed as an addendum to the previously approved Bald Eagle Management Plan (BEMP) for the Pelican Landing DRI Community. The addendum is intended to facilitate continued construction of the residential features of the Coconut Plantation Resort while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles (*Haliaeetus leucocephalus*). The Coconut Plantation Resort is an existing timeshare condominium complex with large scale recreational amenities that include three swimming pools, a 1,000 foot lazy river, tiki bar, spa, sauna and 14,000 square foot clubhouse. Construction of this 33.4 acre parcel began in 2002. The timeshare parcel also is surrounded on all four sides by the Raptor Bay Golf Course. All storm water and utility infrastructure, the major entrance loop road for the development (Coconut Point Resort Drive), the first three existing timeshare condominium multi-family buildings, the clubhouse and the centrally located amenities were completed in 2003, prior to initial construction of a new bald eagle nest (LE-028C) in December 2003. The new nest was constructed in a slash pine (*Pinus elliottii*) that is within 70 feet of the 3rd fairway of the Raptor Bay Golf Course to the west. It is positioned on what was planned as a future multi-family building site (original Building No. 9). Coconut Point Resort Drive is an existing loop road, and lies within 100 feet to the east of the nest. The existing central amenity area at Coconut Plantation Resort is within 220 feet to the southeast of the nest. The public-play Raptor Bay Golf Course is maintained and used daily and the existing amenities are a major recreational feature within the Coconut Plantation Resort. The

amenities provide swimming and outdoor eating (daily and evening parties) activities, traffic, outdoor music and other sounds associated with the outdoor recreational activities that are common throughout each day. The three timeshare condominium buildings that are already constructed are 750 feet or beyond the nest to the southeast. Construction of the fourth timeshare [Building #1 (Exhibit A)] is proposed approximately 645 feet due east of the nest tree and northeast of the water park. The new nest has been used for nesting during the 2004-2005 and 2005-2006 Nesting Seasons under these ongoing construction and public use conditions. This eagle nest was constructed in late December 2003, but nesting was not attempted during that season. Two eaglets were fledged from the nest during the 2004-2005 nesting season. Two eaglets were documented in the nest on January 1, 2006, but neither chick was observed in the nest on January 24, 2006, indicating a nest failure for the 2005-2006 nesting season.

Eleven three-story, 45-foot condominiums remain to be constructed in accordance with approved zoning, parcel development order and building permits. However, due to the location of the new bald eagle nest, that plan has been redesigned by WCI Communities, Inc. (WCI) to reduce the number of buildings remaining for construction to only seven buildings (Exhibit A) The original site plan is shown as Exhibit B.

Construction will be phased as described in Condition #4 below. The heights of the proposed remaining buildings will be increased to up to 5 habitable floors for 3 buildings and 6 habitable floors for the other 3 buildings (no greater than 75 feet); ~~[(with the exclusion of Building #1 (Exhibit A), which will remain at three stories],~~ to recover a portion of the units lost with the elimination of four condominiums from the presently permitted design. Construction-related traffic (hauling of materials and construction equipment or transportation of workers) will be prohibited along Coconut Point Resort Drive and within 330 feet of the nest tree during any period that nesting is active at the nest. WCI has proposed the following additional conservation

measures for the new bald eagle nest to further minimize and compensate the potential for ongoing Project construction activities to adversely impact bald eagles:

1. Any remaining infrastructure (grading; clearing; filling; paving; laying foundation; guttering; installation of underground utilities; street lighting; excavation; and installation of storm water management facilities) located within 330 feet of the nest tree shall be initiated only during the Non-Nesting Season (May 16 - September 30); all other remaining infrastructure may be installed at any time during the year. However, if any portion of such infrastructure installation extends into the following Nesting Season or occurs within an active Nesting Season, monitoring consistent with the *Bald Eagle Monitoring Guidelines* (USFWS 2005) (Monitoring Guidelines) shall be promptly implemented to properly document and evaluate bald eagle nesting behavior (courtship, nest tending, egg laying, incubation, brooding and/or the fledging of the young is occurring) and response to construction activities. The applicant recognizes that when possible any significant exterior building work should commence as close to the end of the last Nesting Season, as practical (May 16). This is an effort to be as complete (as possible) with exterior work on the site and building structures, prior to the commencement of the next Nesting Season on October 1.

In addition, if eagle nesting has not commenced by February 1st of any given Nesting Season, and the applicant is desirous of commencing with exterior activity, then the applicant will be responsible to contact the Lee County Division of Environmental Sciences (LCDES) to confirm (in the

field) that no eagle nesting or other incubation behavior is ongoing. Lee County staff shall confirm as soon thereafter as is practical whether or not there is any ongoing nesting activity. Likewise, for the purposes of initiating exterior building work as early as possible, the applicant may contact the LCDES at any time to confirm that any eagle young have fledged the nest. Upon confirmation that all eagle chicks have fledged, or that no nesting activity is ongoing, the applicant may initiate exterior construction activity.

2. Construction related traffic (hauling of materials and construction equipment or transportation of workers) and all other resident vehicle traffic will be blocked and prohibited along Coconut Point Resort Drive, within 330 feet of the nest tree, during any period that nesting is active at the nest, but no later than October 1st of any given Nesting Season. Such prohibition will be maintained with the placement of temporary barricades and signs across Coconut Point Resort Drive while active nesting occurs.

3. Condominium or timeshare residential buildings shall be constructed no closer than 330 feet from the nest tree. Vertical exterior construction (e.g., framing, laying foundation, siding, windows, roofing, etc.) occurring during the Nesting Season (October 1 – May 15) shall be accomplished under the Monitoring Guidelines to document and evaluate bald eagle nesting behavior and response to construction activities. Exterior building construction may only commence during the Non-Nesting Season, but may continue into and during Nesting Season, with appropriate USFWS eagle monitoring guidelines implemented. Interior and finish construction (e.g.,

electrical, dry wall, carpeting, landscaping, exterior painting, placement of paved driveways, etc.) may occur at any time, including during the Nesting Season, without monitoring.

4. Construction shall be phased with any combination of Buildings #1, #2, #5, and #6 (Exhibit A) constructed during Phase One. Buildings # 3 and #4 will be constructed during Phase Two, and Building # 7 will be constructed during Phase Three. The applicant may change phasing of the project with approval of Lee County. The actual timing of construction commencement shall be dependant upon market conditions.

5. The eagle nest buffer area shall be preserved within a natural buffer within which no trees or other natural vegetation shall be removed within 330 feet of the nest tree. All exotics shall be removed from the buffer preserve area (and maintained free of exotics), only during the Non-Nesting Season. All native vegetation on the future building sites shall remain intact until site clearing is necessary for the purpose of construction commencement. Site clearing will follow the same phasing schedule as the construction. This measure shall provide additional (temporary) buffering for the eagle nest tree from any nearby site construction activities. Proposed modifications to the existing central lake, situated +/- 150 feet east of the nest tree, (and required to facilitate construction of Building #7) shall be delayed as long as feasible. The necessary lake modification work (backfilling the eastern

portion and excavating the new northern lake extension, as shown in Exhibit A) shall only be conducted during Non-Nesting Season.

6. The use of any chemicals (fertilizers, pesticides or herbicides), which are known to be potentially toxic to wildlife, shall be prohibited during Nesting Season within all designated preserve areas.
7. All outdoor lighting installed within the project site shall be subdued, shielded, and directed away from the nest tree.
8. A voluntary donation in the amount of \$35,000 shall be made to the Wildlife Foundation of Florida (Trust Fund) upon approval of this addendum to the BEMP and issuance of applicable permits. Such donation shall be to provide financial support of monitoring of the area bald eagle population. The Trust Fund is managed under the authority of the Florida Fish and Wildlife Conservation Commission (FWC), and the allocation of funds for this purpose shall be at the discretion of the FWC and U.S. Fish and Wildlife Service.

EXHIBIT A

**REVISED SITE PLAN FOR COCONUT PLANTATION RESORT,
PELICAN LANDING DRI COMMUNITY, LEE COUNTY, FLORIDA**

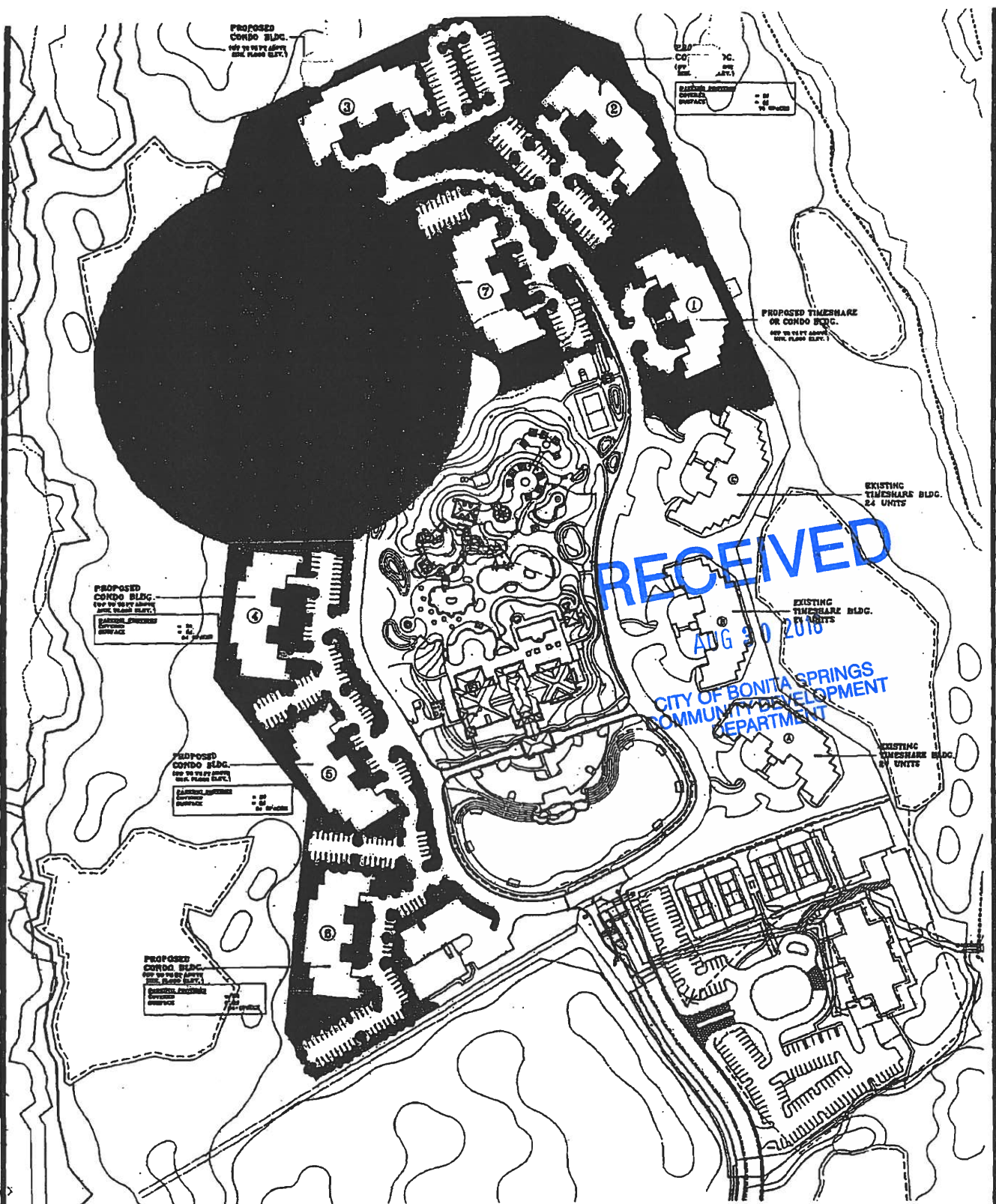
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EXHIBIT B

DEPARTMENT
COMMUNITY DEVELOPMENT
CITY OF BOCA RATON

**ORIGINAL SITE PLAN FOR COCONUT PLANTATION RESORT,
PELICAN LANDING DRI COMMUNITY, LEE COUNTY, FLORIDA**



PROPOSED CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

PROPOSED CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

PROPOSED TIMESHARE OR CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

EXISTING TIMESHARE BLDG.
24 UNITS

PROPOSED CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

EXISTING TIMESHARE BLDG.
24 UNITS

PROPOSED CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

EXISTING TIMESHARE BLDG.
24 UNITS

PROPOSED CONDO BLDG.
100 TO 200 SQ. FT. UNIT
SEE PLAN SHEET

Conceptual Site Plan

HYATT COCONUT PLANTATION SITE

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OCT 27 2006

WCI

COMMUNITY DEVELOPMENT

SYMBOLS	
1 - 100 to 200 sq. ft. unit	• 100 sq. ft.
2 - 200 to 300 sq. ft. unit	• 200 sq. ft.
3 - 300 to 400 sq. ft. unit	• 300 sq. ft.
4 - 400 to 500 sq. ft. unit	• 400 sq. ft.
5 - 500 to 600 sq. ft. unit	• 500 sq. ft.
6 - 600 to 700 sq. ft. unit	• 600 sq. ft.
7 - 700 to 800 sq. ft. unit	• 700 sq. ft.
8 - 800 to 900 sq. ft. unit	• 800 sq. ft.
9 - 900 to 1000 sq. ft. unit	• 900 sq. ft.
10 - 1000 to 1100 sq. ft. unit	• 1000 sq. ft.
11 - 1100 to 1200 sq. ft. unit	• 1100 sq. ft.
12 - 1200 to 1300 sq. ft. unit	• 1200 sq. ft.
13 - 1300 to 1400 sq. ft. unit	• 1300 sq. ft.
14 - 1400 to 1500 sq. ft. unit	• 1400 sq. ft.
15 - 1500 to 1600 sq. ft. unit	• 1500 sq. ft.
16 - 1600 to 1700 sq. ft. unit	• 1600 sq. ft.
17 - 1700 to 1800 sq. ft. unit	• 1700 sq. ft.
18 - 1800 to 1900 sq. ft. unit	• 1800 sq. ft.
19 - 1900 to 2000 sq. ft. unit	• 1900 sq. ft.
20 - 2000 to 2100 sq. ft. unit	• 2000 sq. ft.
21 - 2100 to 2200 sq. ft. unit	• 2100 sq. ft.
22 - 2200 to 2300 sq. ft. unit	• 2200 sq. ft.
23 - 2300 to 2400 sq. ft. unit	• 2300 sq. ft.
24 - 2400 to 2500 sq. ft. unit	• 2400 sq. ft.
25 - 2500 to 2600 sq. ft. unit	• 2500 sq. ft.
26 - 2600 to 2700 sq. ft. unit	• 2600 sq. ft.
27 - 2700 to 2800 sq. ft. unit	• 2700 sq. ft.
28 - 2800 to 2900 sq. ft. unit	• 2800 sq. ft.
29 - 2900 to 3000 sq. ft. unit	• 2900 sq. ft.
30 - 3000 to 3100 sq. ft. unit	• 3000 sq. ft.
31 - 3100 to 3200 sq. ft. unit	• 3100 sq. ft.
32 - 3200 to 3300 sq. ft. unit	• 3200 sq. ft.
33 - 3300 to 3400 sq. ft. unit	• 3300 sq. ft.
34 - 3400 to 3500 sq. ft. unit	• 3400 sq. ft.
35 - 3500 to 3600 sq. ft. unit	• 3500 sq. ft.
36 - 3600 to 3700 sq. ft. unit	• 3600 sq. ft.
37 - 3700 to 3800 sq. ft. unit	• 3700 sq. ft.
38 - 3800 to 3900 sq. ft. unit	• 3800 sq. ft.
39 - 3900 to 4000 sq. ft. unit	• 3900 sq. ft.
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41 - 4100 to 4200 sq. ft. unit	• 4100 sq. ft.
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44 - 4400 to 4500 sq. ft. unit	• 4400 sq. ft.
45 - 4500 to 4600 sq. ft. unit	• 4500 sq. ft.
46 - 4600 to 4700 sq. ft. unit	• 4600 sq. ft.
47 - 4700 to 4800 sq. ft. unit	• 4700 sq. ft.
48 - 4800 to 4900 sq. ft. unit	• 4800 sq. ft.
49 - 4900 to 5000 sq. ft. unit	• 4900 sq. ft.
50 - 5000 to 5100 sq. ft. unit	• 5000 sq. ft.
51 - 5100 to 5200 sq. ft. unit	• 5100 sq. ft.
52 - 5200 to 5300 sq. ft. unit	• 5200 sq. ft.
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59 - 5900 to 6000 sq. ft. unit	• 5900 sq. ft.
60 - 6000 to 6100 sq. ft. unit	• 6000 sq. ft.
61 - 6100 to 6200 sq. ft. unit	• 6100 sq. ft.
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64 - 6400 to 6500 sq. ft. unit	• 6400 sq. ft.
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67 - 6700 to 6800 sq. ft. unit	• 6700 sq. ft.
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69 - 6900 to 7000 sq. ft. unit	• 6900 sq. ft.
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71 - 7100 to 7200 sq. ft. unit	• 7100 sq. ft.
72 - 7200 to 7300 sq. ft. unit	• 7200 sq. ft.
73 - 7300 to 7400 sq. ft. unit	• 7300 sq. ft.
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75 - 7500 to 7600 sq. ft. unit	• 7500 sq. ft.
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91 - 9100 to 9200 sq. ft. unit	• 9100 sq. ft.
92 - 9200 to 9300 sq. ft. unit	• 9200 sq. ft.
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94 - 9400 to 9500 sq. ft. unit	• 9400 sq. ft.
95 - 9500 to 9600 sq. ft. unit	• 9500 sq. ft.
96 - 9600 to 9700 sq. ft. unit	• 9600 sq. ft.
97 - 9700 to 9800 sq. ft. unit	• 9700 sq. ft.
98 - 9800 to 9900 sq. ft. unit	• 9800 sq. ft.
99 - 9900 to 10000 sq. ft. unit	• 9900 sq. ft.
100 - 10000 to 10100 sq. ft. unit	• 10000 sq. ft.

BRADSHAW & ASSOCIATES - LANDSCAPE ARCHITECTURE AND PLANNING



DCT 2006-00091

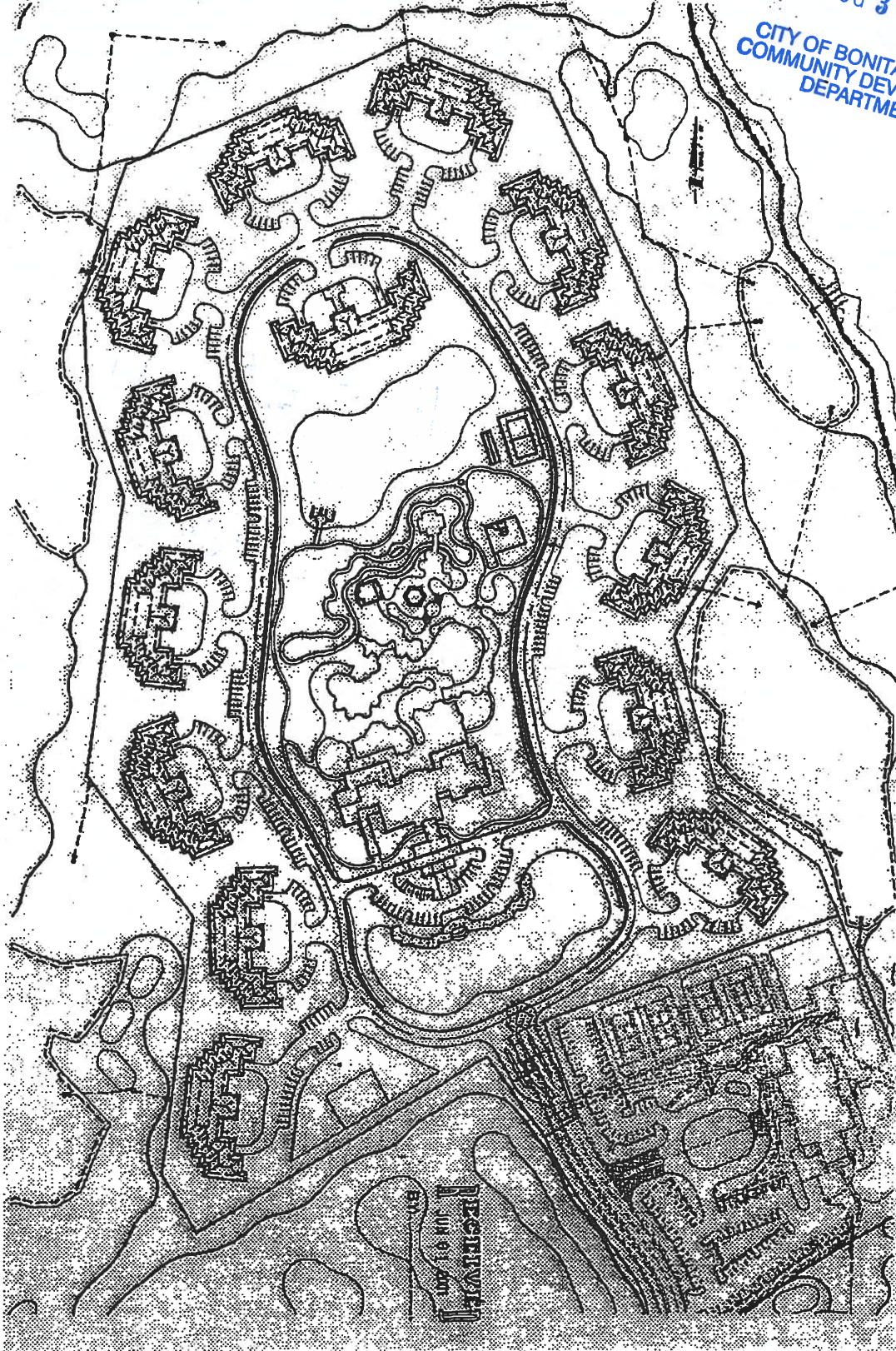
Exhibit B

Original Site Plan for Coconut Plantation Resort,
Pelican Landing DRI Community, Lee County, Florida.

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CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT



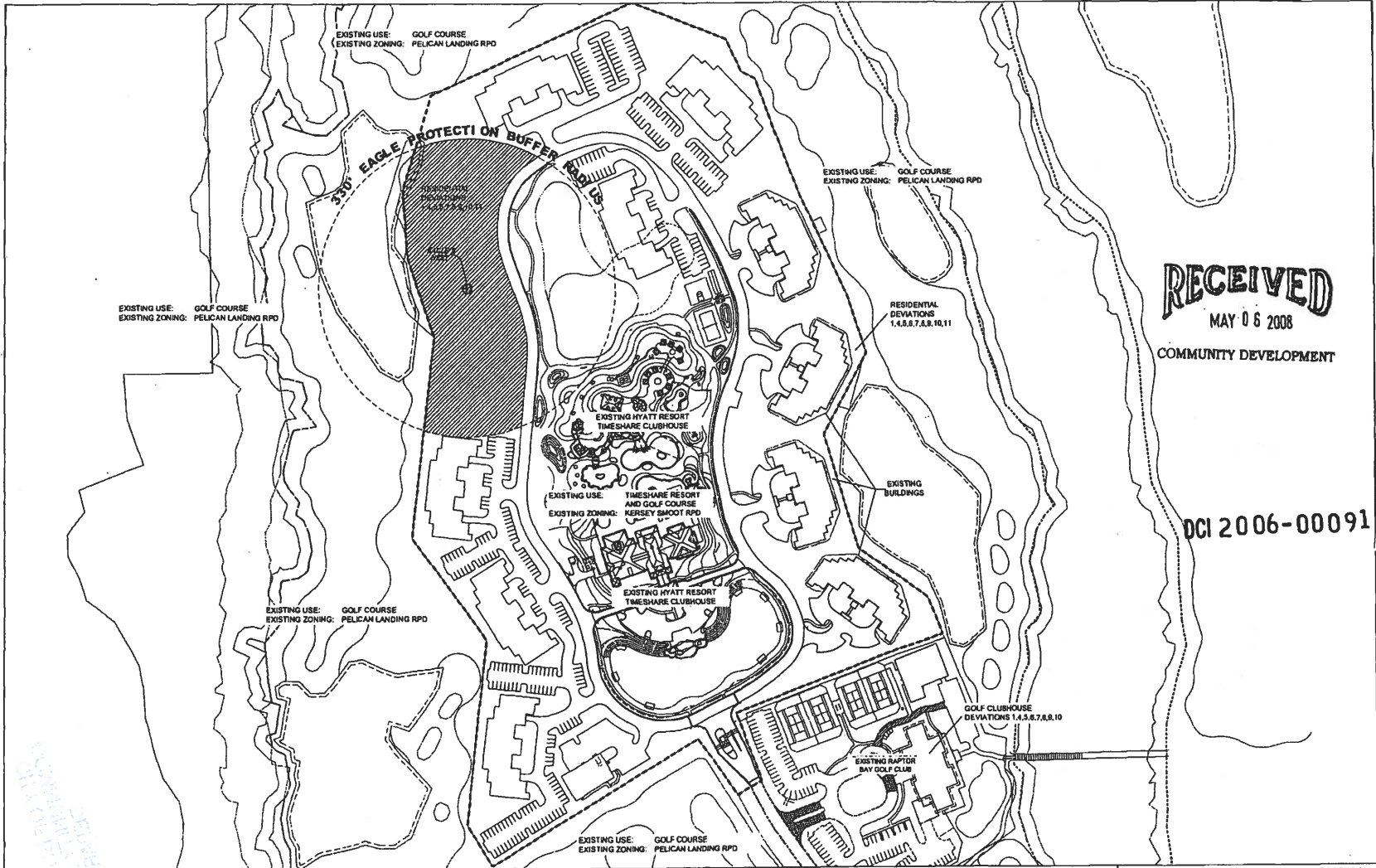
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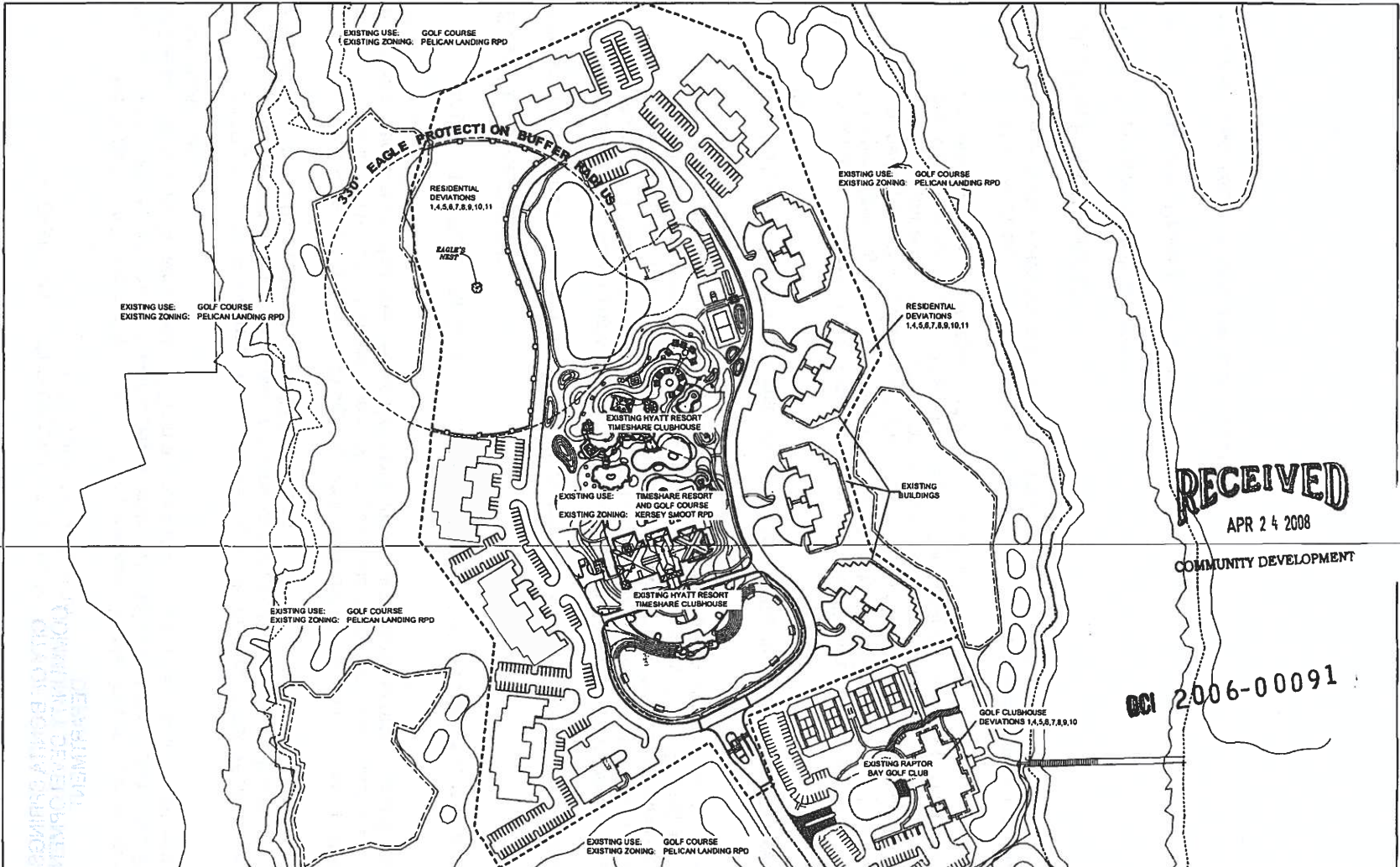
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EXHIBIT F

Page 159

<p>PROPOSED CONSERVATION EASEMENT</p>	<p>OWNER/DEVELOPER PELICAN LANDING TIMESHARE VENTURES, LP 71 SOUTH WACKER DRIVE FLOOR 12 CHICAGO, IL 60605</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Revision</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Revision	Date	Description	By																	 	<p>DESIGNED BY: OGM DRAWN BY: SJ APPROVED: DWA JOB CODE: HCFZ SCALE: 1" = 200'</p>	 <p>Q. GRADY MINOR & ASSOCIATES, P.A. CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS NORTH BRIDGE • FORT MYERS • NORTH PORT 1300 N.W. 12th Ave. • 33901-2201 WWW.GRADYMINOR.COM</p>	<p>KERSEY SMOOT RPD AMENDMENT</p> <p>PROPOSED CONSERVATION EASEMENT</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE SEPTEMBER 2006</td> <td>FILE NAME BY: SJ</td> <td>DRAWING NUMBER 1 OF 1</td> </tr> </table>	DATE SEPTEMBER 2006	FILE NAME BY: SJ	DRAWING NUMBER 1 OF 1
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EXHIBIT G

Page 160

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PROPOSED FENCE	OWNER/DEVELOPER PELICAN LANDING TIMESHARE VENTURES, LP 71 SOUTH WACKER DRIVE FLOOR 12 CHICAGO, IL 60606	<table border="1"> <thead> <tr> <th>Revision</th> <th>Date</th> <th>Per Board Approval</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4/21/08</td> <td></td> <td>SJ</td> </tr> </tbody> </table>	Revision	Date	Per Board Approval	By	1	4/21/08		SJ		DESIGNED BY: QGM DRAWN BY: SJ APPROVED: DWA JOB CODE: H0P2 SCALE: 1" = 200'	Q. GRADY MINOR & ASSOCIATES, P.A. CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS NORTH BRANCH • FORT MYERS • JACKSONVILLE 6720 641 ROAD • 239 499-1222 • 3842 12th Street JACKSONVILLE, FL 32216 WWW.GRADYMINOR.COM	KERSEY SMOOT RPD AMENDMENT PROPOSED FENCE LOCATION DATE: SEPTEMBER 2006 FILE NAME: RY107 DRAWING NUMBER: 1 OF 1
	Revision	Date	Per Board Approval	By										
1	4/21/08		SJ											

EXHIBIT H
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AUG 30 2016

RESOLUTION NUMBER Z-98-066

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

WHEREAS, WCI Communities, L.P., filed an application, in reference to Pelican Landing and Kersey-Smoot RPD, for an Amendment to a Development of Regional Impact (DRI) and a Rezoning to Residential Planned Development (RPD); in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on August 19, 1998 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # 95-01-050.04Z 07.01 and 98-03-262.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on September 21, 1998 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A - REQUESTS

The applicant made the following requests with respect to the property described in Exhibit A:

1. Amend the Pelican Landing Development of Regional Impact (DRI) Development Order (State DRI #1-9293-121), including Map H (the Master Concept Plan (MCP)) to add 204± acres contiguous to the Pelican Landing DRI, without increasing the overall DRI dwelling units beyond the approved 4,400 units or the dry boat slips beyond 150 slips; and to adjust the land use tabulations and Map H, attached to the DRI Development order, to reflect the proposed changes.
2. Find No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and
3. Rezone a 204 acre parcel located in the Outlying Suburban and Wetlands Land Use Category from Agricultural (AG-2) and Two Family Conservation (TFC-2) to Residential Planned Development (RPD) to permit a maximum of 362 dwelling units, not to exceed 45 feet in height with a maximum of three habitable floors, 150 dry boat storage slips not to exceed 45 feet in height, and a golf course. (The dwelling units and dry boat storage slips are already a part of the approved Pelican Landing DRI.)

The Lee County Board of County Commissioners APPROVES the Applicant's requests, in accordance with the conditions and deviations specified in Sections B and C.

SECTION B - CONDITIONS:

1. Deleted by Hearing Examiner.
2. Deleted by Hearing Examiner.

CASE NO: 95-01-050.04Z 07.01 and 98-03-262.02Z 01.01

Z-98-066
PAGE 1 OF 12

3. The following conditions apply to Request 3., the Kersey-Smoot RPD rezoning:
- a. The development of this project must comply with the one-page MCP entitled "Kersey-Smoot RPD," as prepared by WCI Communities, dated May 25, 1998, last revised July 29, 1998 and stamped received at the Permit Counter on July 31, 1998, the Pelican Landing DRI D.O. #1-9293-121, as amended, and DRI Map H last revised March 1, 1998 and stamped received at the Permit Counter on June 17, 1998.
 - b. The approved Schedule of Uses for the Kersey-Smoot RPD is limited to the following:
 - Residential Dwelling Units, (limited to 362 units) including
 - Single-family
 - Zero lot line units
 - Multiple-family buildings
 - Two-family attached
 - Townhouses
 - Duplexes
 - Timeshare Units
 - Residential Accessory Uses, including but not limited to:
 - Private garages, carports, and parking areas
 - Private swimming pools, spas and enclosures
 - Private tennis courts
 - 7-hole Golf Course, Golf Course Accessory Uses, including but not limited to:
 - Maintenance facility
 - Snack bar with alcoholic beverage consumption
 - Restrooms and other uses which are normal and accessory to the golf course
 - Accessory Uses, Buildings and Structures
 - Administrative Offices
 - Club, Private, with Consumption on Premises
 - Club, Country
 - Dry storage - maximum of 150 units, as approved in the Pelican Landing RPD/CPD
 - Entrance Gates and Gatehouses
 - Essential Services
 - Essential Service Facilities, Group I
 - Excavation, water retention
 - Food and Beverage services, limited
 - Home Occupation
 - Model Homes, Model Units, and Model Display Center
 - Parking lot, accessory and temporary
 - Private Parks
 - Recreation Center
 - Recreational Facilities, including but not limited to:
 - Boardwalks
 - Community swimming pools
 - Playground, tot lots
 - Play fields
 - Tennis Courts and community recreational amenities
 - Parking
 - Restaurant, Group I, II, III (in association with golf facilities)

Temporary Sales and/or Construction Office

c. The following Property Development Regulations will apply to the development of the subject property:

1) Minimum Lot Area and Dimensions:

Single-Family Units

Area: 5,000 square feet
Width: 40 feet
Depth: 100 feet
Lot Coverage: 50 percent

Zero Lot Line Units

Area: 5,000 square feet
Width: 40 feet
Depth: 100 feet
Lot Coverage: 50 percent

Multiple-Family

Area: 2,000 square feet per dwelling unit
Minimum lot size: 10,000 square feet
Width: 100 feet
Depth: 100 feet
Lot Coverage: 50 percent

Two-Family Attached and Townhouses

Area: 4,000 square feet per dwelling unit
Width: 32 feet
Depth: 100 feet
Lot Coverage: 50 percent

Duplex

Area: 14,000 square feet
Width: 90 feet
Depth: 100 feet
Lot Coverage: 50 percent

Golf Club and Dry Storage Facility

Area: 10,000 square feet
Width: 100 feet
Depth: 100 feet
Lot Coverage: 50 percent (golf club)
80 percent (dry storage)

2) Minimum Setbacks

Single-Family

Street: 20 feet or 15 feet for a side entry garage
Side: 5 feet

Rear: 15 feet for building
0 feet for pool, deck and enclosure
Waterbody: 20 feet

Zero-Lot Line Units

Street: 20 feet or 15 feet for side entry garages
Side: 10 feet on one side, 0 feet on opposite side
Rear: 15 feet for building
0 feet for pool, deck and enclosure
Waterbody: 20 feet

Multiple-Family

Street: 20 feet
Side: 20 feet
Rear: 20 feet for building
0 feet for pool, deck and enclosure
Waterbody: 20 feet
Building Separation: 20 feet or one-half the sum of building height,
whichever is greater

Two-Family Attached and Townhouse

Street: 20 feet
Side: 5 feet (no side setback required from common side lot
line)
Rear: 15 feet for building
0 feet for pool, deck and enclosure
Waterbody: 20 feet

Duplex

Street: 20 feet or 15 feet for a side entry garage
Side: 7 feet
Rear: 20 feet
0 feet for pool, deck and enclosure
Waterbody: 20 feet

Golf Club and Dry Storage Facility

Street: 20 feet
Side: 15 feet
Rear: 10 feet for building
0 feet for pool, deck and enclosures- golf facility only
Waterbody: 20 feet

3) Building Height

Single-Family, Zero Lot Line Two-Family Attached,
Town House and Duplex Maximum of 45 feet, above
flood elevation, or 3 stories
(whichever is less)

Multiple-Family Maximum of 45 feet, above
flood elevation, or 3 stories

(whichever is less)

Golf Club and Dry Storage Facility Maximum of 45 feet, above flood elevation, or 3 stories (whichever is less)

4) Timeshare Units

Timeshare units are defined and regulated by Florida Statute Chapter 721. Timeshare units are subject to the property development regulations set forth in Conditions c.1) and c.2). Timeshare units must be sold for a period of time of no less than one week, in accordance with the requirements of Chapter 721, Florida Statutes. Timeshare locations must be grouped and designated on the final zoning plan as conditioned in B.3.h., below.

- d. This development must comply with all requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development.
- e. An administrative approval will be required to determine the number and location of the model homes, model units, and model display center.
- f. An administrative approval will be required to determine the number and location of the temporary sales and/or construction office.
- g. The temporary sales and/or construction office will be limited to sales for the Pelican Landing Development.
- h. As a prerequisite to approval of any local development order for vertical construction on property located within the Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular tract. The objective of the process is to ensure compliance with the DRI development order, Zoning Resolution, and LDC; to allow detailed review of deviations conceptually approved herein; while allowing the development flexibility to respond to changing conditions. Application materials will be the same as for an Administrative Amendment supplemented as outlined below. Any substantial change in the type, intensity, or configuration of development within the RPD will require further review through a public hearing. The necessity of said review will be determined by the Director of Community Development.

The following information must be provided with the submittal for Final Zoning Plan Approval:

- Uses: types and amount, i.e., number of dwelling units or square feet of commercial use.
- Access: location and dimension
- Location and dimension of internal roadways
- Location and dimension of buildings/structures
- Boundary of development tract
- Adjacent zoning and land uses

-Master Concept Plan

- A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage, dry storage slips and marina development that have received local development order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning)

- i. Should any orchids, wild pine air plants, Florida Coonties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, reasonable efforts will be used to relocate these plants to open space and landscaped areas.
- j. The "Kersey/Smoot Property Environmental Management Plan", counter stamped June 15, 1998, must be implemented. Immediately prior to the commencement of construction activities, all occupied gopher tortoise burrows must be excavated and any resident gopher tortoises and commensal species must be relocated into appropriate open space areas (excluding golf holes) within Pelican Landing DRI. These areas must be fenced with gopher tortoise fencing prior to relocation to help prevent tortoises from entering construction areas.
- k. The design for the golf course and residential areas must incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner that will impair good golf course and residential design.
- l. No more than five acres of wetlands may be filled in conjunction with this project. This five acres is part of the total 13 acres of wetland impacts allowed for the entire Pelican landing DRI project. Mitigation for the wetlands impacts will be determined at the time of final permitting, but the mitigation should include the removal of invasive exotic vegetation, the restoration of historic hydroperiods, and a total of not more than 10 acres of littoral zone plantings.
- m. The Developer must employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development of a golf course and water management areas within 500 feet of the mangrove fringe of Estero Bay.
- n. The management practices that the Developer must follow are:
 - 1) The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.
 - 2) The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select

- pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.
- 3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
 - 4) The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
 - 5) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
- o. The Developer must amend the existing Pelican Landing DRI management plan to include the Kersey-Smoot parcel for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. This plan must be amended to include the Kersey-Smoot parcel prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended plan must continue to include: guidelines for the application of any herbicides, pesticides and fertilizers to the proposed golf course; an amended groundwater and surface water monitoring plan; to provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe; to identify the locations for the groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements. The Developer must continue to submit the test reports with the annual monitoring report. The monitoring program must continue to be operated at the expense of the Developer, the Bayside Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This amended plan must continue to be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.
- p. The Developer must amend the existing surface and groundwater quality management plan as approved by Lee County and Florida Department of Community Affairs (FDCA). The amended plan must be approved by FDCA prior to the application of chemicals to the proposed golf course.
- q. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, then the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.

- r. The mangrove line for the Kersey-Smoot parcel is off set 50 feet to over 250 feet west of the wetland jurisdictional line delineated along the entire western (Estero Bay) side of the Kersey-Smoot parcel. No portion of the proposed golf course may be located closer than 100 feet to this mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the Kersey-Smoot parcel. This includes both saltwater and freshwater wetlands contained within the boundary of this wetland jurisdictional line. The proposed golf course fairways, tees, and greens must be set back a minimum of 25 feet from the wetland jurisdictional line on the Kersey-Smoot parcel, except where wetland impacts are permitted by the South Florida Water Management District (SFWMD) and Army Corps of Engineers (ACOE). Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the Kersey-Smoot parcel.
- s. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines will be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek is prohibited in wetland areas #14 and #21 (as identified in DRI ADA), Bay Cedar Phase II (along Spring Creek), and any saltwater wetlands abutting the Kersey-Smoot parcels.
- t. A minimum of 99 acres of wetland preservation must be provided within the added 204 acres. A minimum of 10 percent open space must be provided within the individual development parcels.
- u. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The Applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the Applicant will continue to incorporate native vegetation into the open space and landscaped areas.
- v. Transportation mitigation will be provided as outlined in the DRI development order. However, site related improvements may be required at the time of local development order in accordance with the provisions of the LDC. Also, a Traffic Impact Statement (TIS) must be submitted with each application for a development order. The TIS must include:
 - 1) The trip generation data for the type of development being proposed, using the trip generation rates in the latest edition of ITE, Trip Generation Manual or those of the Lee County Florida Standard Urban Transportation Model Structure (FSUTMS).
 - 2) The distribution of traffic at the entrance(s) to that specific area to be developed.
 - 3) An analysis of the need for turn lanes or other site related improvements at

the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at build out of the DRI.

- 4) An analysis of each intersection of a minor collector with the same or higher functionally classified road, internal to Pelican Landing, that is influenced by traffic from that proposed development. Influence is measured as project traffic that is five percent or more of Level of Services D (LOS D) service volume. The analysis to be based on existing traffic counts, plus traffic from the specific development.
 - 5) A table showing each segment of minor collectors and higher classification roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.
 - 6) A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.
- w. All conditions relating to the DRI development order are hereby incorporated by this action. If conflicting conditions exist between this approval and the DRI development order, the more restrictive will apply.
- x. Prior to any development within the area legally described as Kersey-Smoot RPD, the Applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners (BOCC) regarding this rezoning and DRI approval.
- y. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C - DEVIATIONS:

Deviation (1) requests relief from the LDC Section 34-2013(a) requirement that all parking lots be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces to back onto right-of-way easements. This deviation is APPROVED with the following conditions:

- a. The deviation applies only to units with individual driveways and garages;
- b. The minimum dimension from the garage entrance to the street must be 25 feet, unless the garage is constructed with a side-facing entrance rather than a street-facing entrance; and
- c. The posted speed of the adjacent roadway must be 20 mph or less.

Deviation (2) requests relief from the LDC Section 34-935(c)(2) requirement that internal roads and drives be no closer than 25 feet to the development perimeter; to allow a zero-foot minimum. This deviation is APPROVED for a zero-foot separation for internal development parcels, and a 15-foot

separation for external parcels.

Deviation (3) requests relief from the LDC Section 10-291(3) requirement that residential developments larger than five acres provide two or more means of ingress or egress, to allow one entrance. This deviation is APPROVED with the following conditions:

- a. An emergency turnaround of adequate dimension is provided for emergency service providers within each development pod;
- b. Each multi-family pod with one means of ingress and egress will not exceed 362 dwelling units; and
- c. The local Fire and Emergency Service District must provide a letter of approval prior to local development order approval.

Deviation (4) requests relief from the LDC Section 10-417(b)(2)(f) requirement that no portion of a buffer area that consists of trees or shrubs may be located in an easement, to allow planted buffers in easements. This deviation is APPROVED provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the Developer or homeowners' association must replace these plantings with like size and species at no expense to Lee County. The replanting requirement must be clearly stated in the homeowners' documents.

Deviation (5) requests relief from the LDC Section 30-152 requirement that identification signs must be set back a minimum of 15 feet from any right-of-way easement, to allow a setback of zero feet. This deviation is APPROVED with the condition that, at the time of Final Zoning Plan submittal, the Applicant demonstrates that sight distance requirements are met, consistent with the LDC.

Deviation (6) requests relief from the minimum cul-de-sac diameter requirements of LDC Section 10-296(k)(1), to allow a 60-foot diameter (to edge of pavement). This deviation is APPROVED, with the condition that any reduction in the size of a cul-de-sac will require written approval from the local fire district at the time of Final Zoning Plan submittal.

Deviation (7) requests relief from the requirements in LDC Section 10-296(k)(3) and 10-714 establishing the transition radius for cul-de-sacs, to allow a transition radius of 50 feet. This deviation is APPROVED, with the condition that any reduction in the size of a cul-de-sac will require written approval from the local fire district at the time of Final Zoning Plan submittal.

Deviation (8) requests relief from LDC Section 10-296 Table 3, which requires a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, to allow roadway width to coincide with the back of the curb. This deviation is APPROVED, provided the required drainage and utility easements are located outside of the right-of-way and adequate provisions are made for road drainage and utilities.

Deviation (9) requests relief from the LDC Sections 10-296 Table 4(7)(c)(2) requirements setting minimum specifications for street wearing surfaces, to allow paver brick surfaces. This deviation is APPROVED, to allow paver bricks as an alternative surface PROVIDED that the minimum specifications of a "standard" LDC Section 10-296(7) Class C local road flexible pavement cross-section will be demonstrated prior to local development order approval.

Deviation (10) requests relief from the LDC Section 34-1176(b)(1)(a) setback requirement for a non-

roofed structure to a seawalled artificial body of water, to allow a zero-foot setback. The applicant will utilize vertical bulkheads along artificial bodies of water and will provide the minimum littoral zone slopes consistent with LDC Section 10-418(a)(2). This deviation is APPROVED for the community recreational pool facility only, with the CONDITION that adequate safety features are shown in the Final Zoning Plan to protect the public health, safety and welfare.

Deviation (11) requests relief from the LDC Section 34-2474(b)(6) requirement that recreation centers and ancillary facilities be located at least 40 feet from residential dwellings, to allow a minimum of 20 feet. This deviation is APPROVED for the internal development parcels in which they are located, but not for parcels adjacent to or external to the property.

SECTION D - EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Master Concept Plan - Kersey-Smoot RPD
- Exhibit C: Zoning Map
- Exhibit D: Fifth Development Order Amendment For Pelican Landing DRI

SECTION E - FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The requested zoning, as conditioned:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.
4. The proposed use or mix of uses is appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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SEP 28 1998

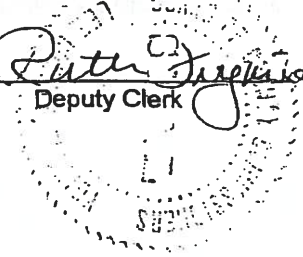
The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew Coy, and seconded by Commissioner Douglas St. Cerny and; upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 21st day of September, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia Ferguson*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*
Chairman

Approved as to form by:

Andrew E. Albion
County Attorney's Office

MINUTES DEPARTMENT

Quita F
FILED SEP 28 1998

RECEIVED

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 800 feet, more or less, to the waters of Spring Creek;

THENCE run along said waters for 5,765 feet, more or less to an intersection of the East line of the Southeast Quarter (SE¼) of said Section 20;

THENCE run S00°38'52"E along said East line for 91.00 feet to the approximate centerline of Spring Creek;

THENCE run along said centerline the following courses:

S78°50'00"W for 181.31 feet,

N34°24'12"W for 230.22 feet,

N30°59'12"W for 174.93 feet,

N24°25'16"E for 120.83 feet,

S65°47'43"E for 219.32 feet,

N18°24'43"E for 158.11 feet,

N75°11'47"W for 351.71 feet,

N65°09'33"W for 451.88 feet,

N84°18'44"W for 351.75 feet,

N66°54'31"W for 445.79 feet,

S63°24'43"W for 134.16 feet,

S03°23'22"E for 170.29 feet,

S50°30'17"W for 220.23 feet,

N84°49'43"W for 331.36 feet,

S62°13'07"W for 214.71 feet,

S22°08'36"W for 291.55 feet,

S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;

THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;

THENCE run along said centerline the following courses:

N09°13'28"W for 137.34 feet,

N29°08'22"W for 590.59 feet,

N38°31'58"W for 278.03 feet,

N65°16'43"W for 254.95 feet,

N37°18'28"W for 286.01 feet,

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N32°51'05"E for 252.39 feet,
 N20°11'00"E for 236.69 feet,
 N27°23'47"W for 369.25 feet,
 N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
 THENCE run along said Easterly shore for 1,280 feet, more or less to an intersection with
 the North line of said Section 20;
 THENCE run N89°15'13"E along said North line of said Section for 982 feet, more or less to
 a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said
 Section 20;
 THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said
 Section 17 for 2,674.38 feet to the Northwest corner of said Southeast Quarter (SE¼);
 THENCE run N00°31'29"E along the West line of the Northwest Quarter (NW¼) of said
 Section 17 for 3.40 feet to an intersection with the curved Southerly line of Spring Creek
 Road;
 THENCE run Northeasterly and Northerly along the arc of a curve to the left of radius
 1,130.00 feet (chord bearing N35°09'06"E) (chord 1,296.89 feet) (delta 70°02'16") for
 1,381.30 feet;
 THENCE run N89°52'02"W for 5.00 feet;
 THENCE run N00°07'58"E along the Easterly line of Spring Creek Road (50 feet wide) for
 1,611.94 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said
 Section 08;
 THENCE run N00°07'17"E along said East line for 343.49 feet;
 THENCE run S89°38'58"E for 10.00 feet;
 THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of
 lands described in Official Record Book 2039 at Page 3364 said Public Records;
 THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
 THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
 THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an
 intersection with the Easterly line of said Spring Creek Road;
 THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the
 South line of Coconut Road (50 feet wide);
 THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the
 West line of said Section 09;
 THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument
 marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
 THENCE run along said West line N00°40'07"W for 5.00 feet to an intersection with the
 South line of said Coconut Road as described in Official Record Book 1738 at Page 2538 of
 said Public Records;
 THENCE run S89°35'50"E along said South line for 1,549.14 feet;
 THENCE run Southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord
 bearing S45°24'10"W) (chord 42.43 feet) (delta 90°00'00") for 47.12 feet to a Point of
 Tangency;
 THENCE run S00°24'10"W for 336.31 feet to a Point of Curvature;
 THENCE run along the arc of a curve to the left of radius 270.00 feet (chord bearing
 S44°35'50"E) (chord 381.84 feet) (delta 90°00'00") for 424.12 feet to a Point of Tangency;
 THENCE run S89°35'50"E for 99.41 feet to a Point of Curvature;
 THENCE run along the arc of a curve to the right of radius 530.00 feet (chord bearing
 S75°44'50"E) (chord 253.74 feet) (delta 27°42'00") for 256.23 feet;
 THENCE run N20°53'52"W for 748.16 feet to an intersection with the aforementioned South
 line of Coconut Road;

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THENCE run along said South line S89°35'50"E for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said West line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.84 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;

THENCE run S00°07'17"W along said West line for 817.15 feet;

THENCE run N89°52'43"W for 14.27 feet to an intersection with a non-tangent curve;

THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,725.00 feet (chord bearing S05°52'51"W) (chord 346.22 feet) (delta 11°31'09") for 346.81 feet to a Point of Tangency;

THENCE run S11°38'26"W for 178.50 feet to a Point of Curvature;

THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 2,400.00 feet (chord bearing S00°28'49"W) (chord 929.06 feet) (delta 22°19'14") for 934.96 feet to a Point of Tangency;

THENCE run S10°40'48"E for 231.66 feet to a Point of Curvature;

THENCE run Southeasterly and Southerly along the arc of a curve to the right of radius

1,725.00 feet (chord bearing S05°16'46"E) (chord 324.72 feet) (delta 10°48'05") for 325.20 feet;
THENCE run S89°52'02"E for 16.47 feet;
THENCE run S00°07'58"W for 1,406.64 feet;
THENCE run N89°52'02"W for 5.00 feet;
THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,070.00 feet (chord bearing S37°51'54"W) (chord 1,309.62 feet) (delta 75°27'53") for 1,409.31 feet;
THENCE run N89°59'08"W along said North line for 287.38 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said public records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,816 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 793 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said public records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the public records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County; also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County; also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05; also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05; also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;

THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;

THENCE run N01°22'23"W for 1,304.41 feet;

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THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

ALSO

PARCEL 5 (Kersey-Smoot RPD)

Parcels lying in Sections 05, 06 and 08, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 05

The West Quarter (W $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); and

The West Third (W $\frac{1}{3}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$).

Parcels in Section 06

Government Lot 4 of said Section 06 and the Southeast Quarter (SE $\frac{1}{4}$) of the

Southeast Quarter (SE¼) of said Section 06; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast Quarter (SE¼) of Section 06, Township 47 South, Range 25 East, further bounded and described as follows:

Starting at the Southeast corner of said Southeast Quarter (SE¼) of Section 06; THENCE N01°33'16"W along the Easterly line of said fraction for 1,300.61 feet to the Southeast corner of the Northeast Quarter (NE¼) of said Southeast Quarter (SE¼), said point being the POINT OF BEGINNING of the herein described parcel; THENCE N01°30'16"W along the Easterly Line of said fraction for 1,208.36 feet; THENCE S89°10'55"W for 349.43 feet; THENCE S00°49'50"E for 162.49 feet; THENCE N81°20'47"W for 600.53 feet; THENCE S46°11'51"W for 523.67 feet; THENCE S00°48'29"E for 775.70 feet; THENCE N89°41'23"E along the Southerly line of the aforesaid fraction of a section for 1,339.45 feet to the POINT OF BEGINNING.

Parcel in Section 08

The West Third (W⅓) of the West Half (W½) of the Northwest Quarter (NW¼) of said Section 08, less the Southerly 40.00 feet for the right-of-way of Coconut Rd.

ALSO

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the Approximate

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Mean High Water Line of the Gulf of Mexico;
 THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida;
 THENCE run along said South line, along the arc of a curve to the right of radius 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
 THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
 THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
 THENCE run S19°13'48"E for 50.64 feet;
 THENCE run S04°34'15"E for 54.63 feet;
 THENCE run S24°53'12"E for 50.09 feet;
 THENCE run S27°10'29"E for 50.01 feet;
 THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records;
 THENCE run N65°00'00"E along said South line for 134 feet, more or less to the waters of Estero Bay;
 THENCE Northerly along said waters for 358 feet, more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
 THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

The applicant has indicated that the STRAP numbers for the subject property are:

05-47-25-00-00003.0000	08-47-25-18-00000.0040	09-47-25-21-00000.0380
05-47-25-00-00003.0010	08-47-25-18-00000.0050	09-47-25-21-00000.0390
05-47-25-00-00004.0000	08-47-25-18-00000.0060	09-47-25-21-00000.0400
05-47-25-00-00004.0010	08-47-25-18-0000D.0000	09-47-25-21-00000.0410
05-47-25-00-00004.0020	08-47-25-18-0000F.0000	09-47-25-21-00000.0420
05-47-25-00-00004.0030	08-47-25-18-0000G.0000	09-47-25-21-00000.0430
05-47-25-01-00003.0000	08-47-25-18-0000H.0000	09-47-25-21-00000.0440
05-47-25-01-00003.002C	08-47-25-18-0000A.0000	09-47-25-21-00000.0450
06-47-25-00-00002.0010	09-47-25-00-00001.0070	09-47-25-21-00000.0460
06-47-25-00-00002.1000	09-47-25-19-00000.0030	09-47-25-21-0000B.0000
07-47-25-00-00001.0000	09-47-25-19-00000.0040	09-47-25-21-0000C.0000
07-47-25-00-00001.0010	09-47-25-19-00000.0050	09-47-25-21-0000D.0000
07-47-25-00-00004.0000	09-47-25-19-00000.0060	09-47-25-21-0000A.0000
07-47-25-00-00005.0000	09-47-25-19-00000.0080	09-47-25-23-0000C.0000
07-47-25-00-00010.0000	09-47-25-19-00000.0090	09-47-25-23-0000D.0000
08-47-25-00-00001.0000	09-47-25-19-00000.0100	09-47-25-23-0000E.0000
08-47-25-00-00001.0010	09-47-25-19-0000B.0000	16-47-25-00-00001.0010
08-47-25-00-00001.0020	09-47-25-21-00000.0040	16-47-25-00-00002.1010
08-47-25-00-00001.0030	09-47-25-21-00000.0350	16-47-25-00-00004.1030
08-47-25-00-00008.0000	09-47-25-21-00000.0360	16-47-25-01-0000C.0000
08-47-25-01-00014.0080	09-47-25-21-00000.0370	16-47-25-06-0000A.0000

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16-47-25-07-0000F.0000
16-47-25-08-0000A.0000
16-47-25-09-0000C.0000
16-47-25-09-0000A.0000
16-47-25-11-0000J.0000
16-47-25-11-0000A.0000
16-47-25-12-0000B.0110
16-47-25-13-0000A.0000
16-47-25-15-0000F.0000
16-47-25-15-0000G.0000
16-47-25-19-00000.0110
17-47-25-00-00001.0000
17-47-25-00-00001.0020
17-47-25-00-00001.0060
17-47-25-00-00001.0080
17-47-25-00-00001.0090
17-47-25-00-00001.0100
17-47-25-00-00001.011A
17-47-25-00-00002.0000
17-47-25-11-0000A.0000
17-47-25-14-0000B.0000
17-47-25-18-0000E.0000
17-47-25-28-0000A.0000
18-47-25-00-00001.0000
18-47-25-00-00001.0010
20-47-25-28-0000K.0000
20-47-25-28-0000L.0000
20-47-25-28-0000N.0000

20-47-25-28-0000O.0000
20-47-25-28-0000P.0000
21-47-25-00-00001.0060
21-47-25-16-0000G.0000
21-47-25-16-0000E.0000
21-47-25-17-00000.0110
21-47-25-17-00000.0120
21-47-25-17-00000.0130
21-47-25-17-0000A.0000
21-47-25-18-00000.0130
21-47-25-18-00000.0140
21-47-25-18-00000.0150
21-47-25-18-00000.0160
21-47-25-18-00000.0180
21-47-25-18-00000.0190
21-47-25-18-00000.0200
21-47-25-18-00000.0210
21-47-25-18-00000.0220
21-47-25-18-00000.0230
21-47-25-18-00000.0240
21-47-25-18-00000.0250
21-47-25-18-00000.0260
21-47-25-18-00000.0270
21-47-25-18-00000.0280
21-47-25-18-0000A.0000
21-47-25-23-00000.0180
21-47-25-23-00000.0320

21-47-25-23-00000.0360
21-47-25-23-00000.0390
21-47-25-23-00000.0400
21-47-25-23-00000.0410
21-47-25-23-0000F.0000
21-47-25-23-0000A.0000
21-47-25-27-0000A.0000
21-47-25-28-0000B.0000
21-47-25-28-0000C.0000
21-47-25-28-0000A.0000
32-46-25-00-00002.0070
32-46-25-00-00002.2000
33-46-25-00-00001.0070
33-46-25-00-00022.0000
35-47-25-00-00001.0110

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FOURTH ~~FIFTH~~ DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE 95-01-050.04Z 07.01

RECEIVED

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

WHEREAS, on March 27, 1998, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 2) August 16, 1995, which incorporated the conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9; 3) November 4, 1996; 4) November 17, 1997; 5) and the conditions applicable to the proposed amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the Development Order are not a substantial deviation, as that term is defined and identified in Subsection 380.06(19)(e)2, Florida Statutes, and as such there is no need for further DRI review. The development order amendment approves the addition of 204 acres to the Pelican Landing DRI development as residential and golf course uses; and allows the provision of additional golf course opportunities within the present Pelican Landing development area. The amendment will not increase the external traffic impacts of the project; and

WHEREAS, the developer has acquired 204 acres that are contiguous with the Pelican Landing DRI; and

WHEREAS, Chapter 380, F.S. requires a developer seeking to develop property contiguous to a previously approved DRI to incorporate the property into the DRI; and

WHEREAS, the 204 acres will be added without increasing the number of dwelling units approved for Pelican Landing DRI; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order described in this document are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development regulations; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

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WHEREAS, the proposed changes are consistent with the State Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,373~~ 2,577± acres located approximately three miles north of the Lee/Collier County Line. 273± acres of the 2,577 acre total constitutes the Spring Creek West DRI. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 multi-family, 461,050 square feet of gross floor area of retail commercial, and 245,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,310 parking spaces and the office uses will provide up to 820 parking spaces. The project will also include 750 hotel/motel rooms, a 50,000 square foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, ~~507~~ 614 acres of salt and freshwater wetlands, ~~208~~ 227 acres of water management lakes, ~~440~~ 145 acres of public and private rights-of-way, 6 acres of utilities and a .11 acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout is the year 2002.

B. LEGAL DESCRIPTION: In Sections 05, ~~06~~ 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

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THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run along Spring Creek for 3,630 feet, more or less to an intersection of the East line of said Section 20 and the approximate centerline of Spring Creek;
THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most Easterly branch of said Spring Creek;
THENCE run along said centerline the following courses:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;

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THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;

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THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

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THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;

THENCE run N89°35'27"E for 666.22 feet;

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;

THENCE run S01°07'45"E along said West line for 488.63 feet;

THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;

THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;

THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;

THENCE run N01°22'55"W for 1,303.87 feet;

THENCE run N89°34'15"E for 2,593.81 feet;

THENCE run S00°26'45"E for 2,655.42 feet;

THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;

THENCE run N89°25'01"W for 587.55 feet;

THENCE run S00°50'16"E for 132.58 feet;

THENCE run N89°11'54"W for 75.00 feet;

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THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North
right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the
POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee
County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government
Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for
1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for
1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an
intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the
POINT OF BEGINNING.

Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's
Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public
Records of Lee County, Florida.

ALSO

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13, and Government
Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee
County, Florida, which tract or parcel is described as follows:

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D.
Station 19184.75 and N24°28'41"W along the northern prolongation of said
centerline of SR 865 for 266.00 feet;

THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;

THENCE run N20°00'41"W for 1,403.30 feet;

THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,

N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,

N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,

N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,

N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,

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N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°23'51"W for 247 feet more or less to an intersection with the
Approximate Mean High Water Line of the Gulf of Mexico;
THENCE run Northerly and Northeasterly along said waters for 1,140 feet more or
less to an intersection with the South line of lands described in Official Record
Book 198 at Page 188 of the Public Records of Lee County, Florida;
THENCE run along said South line, along the arc of a curve to the right of radius
12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters
for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and
passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF
BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°01'44"E for 42.51 feet to an intersection with the South line of
lands described in Official Record Book 2246 at Page 4413 of the Lee County
Records;
THENCE run N65°00'00"E along said South line for 134 feet, more or less to the
waters of Estero Bay;
THENCE Northerly along said waters for 358 feet, more or less to an intersection
with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF
BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25
East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the
Southwest One-Quarter (SW¼); and

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The West One-Third (W $\frac{1}{3}$) of the Southwest One-Quarter (SW $\frac{1}{4}$) of the Southwest One-Quarter (SW $\frac{1}{4}$).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE $\frac{1}{4}$) of the Southeast One-Quarter (SE $\frac{1}{4}$) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida;

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE $\frac{1}{4}$) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE $\frac{1}{4}$) of said Southeast One-Quarter (SE $\frac{1}{4}$). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W $\frac{1}{3}$) of the West One-Half (W $\frac{1}{2}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7.

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Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

Spring Creek West DRI Parcel

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

Subject to easements and restrictions of record.

Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.

Parcel contains 9.7 acres more or less.

TOGETHER WITH the right for ingress and egress over the following described parcel:

A strip of land 60 feet in width lying 30 feet on each side of the East and West Quarter Section line of Section 21, Township 47 South, Range 25 East, extending from the Northwest corner of the East Half (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).

Subject to any easements, restrictions, reservations and rights-of-way to record.

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C. The subject parcel is currently zoned AG-2, RS-1, RM-6, PUD, RPD, CPD, IFC-2 and RM-2; the property is partially developed.

D. This Application for Development Approval is consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern under the provisions of Sections 380.05 and 380.06 (14), Florida Statutes.

F. The proposed Development Order Amendment does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed pursuant to the conditions set forth herein.

G. The proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. The development, as proposed in the Application for Development Approval (ADA) and as modified by this Development Order Amendment, is generally consistent with the report and the recommendations of the SWFRPC pursuant to Section 380.06(11).

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order.

I. The proposed conditions below meet the criteria found in Section 380.06 (15) (d), Florida Statutes.

J. In accordance with the Development Order condition Section III. Condition 16. herein, the lands within the Spring Creek West DRI were incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in the Eighth Development Order Amendment for the Spring Creek West DRI. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that one annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16.

Fifth Development Order

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that conditions of the Development Order for the Pelican Landing DRI adopted on August 29, 1994, and amended on March 22, 1995, August 16, 1995, and November 4, 1996; and November 17, 1997, are further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order will remain in full force and effect.

For the purposes of this Development Order, the term "developer" or "Applicant" ~~shall~~ includes his/her/its successors or assigns, and all references to County Ordinances and codes include future amendments.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The developer ~~shall~~ will immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation and mitigation actions, if necessary.

B. Housing

1. There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends on December 31, 1997. Utilizing supply data not adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II (January, 1998, through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. The aforementioned data is based on the existing studies.

The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the DCA 1991 Draft methodology.

Fifth Development Order

2. The Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and Lee County accept the Developer's contribution of \$20,000.00 to assist existing and prospective employees within the Pelican Landing DRI to locate affordable housing. The \$20,000.00 will be contributed to the Lee County Affordable Housing Trust Fund by January 2, 1997. Lee County may use all, or a portion, of the funds to conduct a needs assessment study, and the County will commit to use SHIP funds to assist a minimum of 8 qualified employees within the Pelican Landing DRI obtain a home. Qualified employees must be first time home buyers, employed by a business located within the Pelican Landing DRI, including employees of WCI. The applicants for funding must meet the program guidelines including, but not limited to, income limitations and repayment obligations. The funds will only be used to provide interest free deferred payment assistance to qualifying home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. ~~Within six months, after the effective date of this DRI Development Order, the developer shall provide Lee County with the funds for the provision and connection of~~ a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer will be responsible for the initial electrical hook-up costs. The selection of the generator will be in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources staff, a brochure ~~which advises~~ advising all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their

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vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for any Hotel, the developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan shall must address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan shall must be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials months after the effective date of the DRI DO.

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

10. Conditions C.1. through C.3. address the hurricane mitigation requirements for the initial 4050 units. The developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying \$18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost

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Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

D. Marina Facilities

1. The developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000 foot conservation easement already required in Spring Creek. The location and extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The developer has constructed dock and channel markers within Estero Bay. The Lee County Division of Natural Resources Management will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the Lee County Division of Natural Resources Management.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures or Lee County regulations regarding the protection of manatees.

7. The developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.

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8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.

9. The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the Lee County Division of Natural Resources Management, Marine Sciences Program and Turtle Time.

10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the SFWMD.

11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.

12. Once a year the marina operator shall must host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall will provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County Emergency Management and the Lee County Division of Natural Resources Management, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices and on proper procedures, prior to and during a hurricane.

13. The dry storage facilities must be located in a building or structure which is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) guidelines and the Lee County Land Development Code. These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise.

1. There were three bald eagle's nests of concern prior to the original development order adoption. One nest is was on the Pelican Landing property in the Eco Park. The other two nests are were originally within 1500 to 1600 feet of Pelican Landing. One of these other nests was located on the Kersey parcel and declared abandoned by the

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USFWS in July 1998. The buffers that will affect Pelican Landing property will be we established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to any new development within ~~2500~~ 1500 feet of any active eagle nest other than the nest located within the Eco Park, the Developer shall must prepare an on-site eagle management plan, addressing the Pelican Landing DRI property only, which shall that will be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. ~~Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing.~~ The agencies must provide specific written objections or concerns if any, regarding the any new proposed management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the any lawful and timely objections. The agencies will review and respond to the management plan resubmittal, ~~and any successive resubmittals, within fifteen working days of submittal.~~ The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. ~~The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld.~~ If a proposed management plan includes development within 750 feet of an active eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

~~The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.~~

2. A local development order for the Hickory Island Beach Park has been issued which to permits construction of beach park infrastructure. This local development order included s a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated Lee County Division of Natural Resources Management (DNRM) and Florida Game and Fresh Water Fish Commission (FGFWFC) recommendations.

The PMP ~~requires~~ required the developer to provide the County with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP ~~permits~~ permitted a refinement of the conservation easement boundaries after completion of a one year utilization study. ~~The final conservation easement shall be~~ is consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., Section 704.06, F.S. will not preclude

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educational signage, and signage and land management activities required by the management plan, including but not limited to the removal of exotic vegetation.

The objectives of this one year study were: 1) determine shorebird utilization of land under Developer's ownership based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI DO.

The Developer ~~must submitted~~ a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA ~~will reviewed~~ the management plan, ~~within fifteen working days of submittal.~~ The DCA, and Lee County ~~must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns.~~ The agencies' response will specify how those concerns or objections can be addressed by the developer. The FGFWFC ~~must provide all lawful objections within the same fifteen working day time frame.~~ Lee County approved this plan and its implementation was certified in October 1996.

~~If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.~~

3. The projected gopher tortoise burrow count ~~is for the original Pelican Landing DRI area was~~ 439, based on an estimate of FGFWFC habitat guidelines, a minimum of 75 acres ~~to~~ of gopher tortoise habitat must be protected.

The Developer ~~will~~ has set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat for the original Pelican Landing DRI land area. This area ~~will be~~ is known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the original Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the Florida Game and Fresh Water Fish Commission on or about December 22, 1993 for the original Pelican Landing DRI. ~~The Developer shall submit a copy for the~~

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~~management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall will have a fifteen working day review period. The agencies shall will provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies' response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. A new protected species survey was conducted in March and April of 1998 on the addition to the Pelican Landing DRI known as the Kersey-Smooth parcel. The new survey revealed the presence of 114 active and inactive gopher tortoise burrows on 70 acres. The Developer has submitted for an Incidental Take Permit for the new gopher tortoise burrows located outside of the Eco-Park in the undeveloped ~~portion of Pelican Landing~~ Kersey-Smooth parcels. The Developer shall must obtain an Incidental Take Permit prior to proceeding with development within these new gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within these areas must be excavated and any resident gopher tortoises, or commensal species, relocated to open spaces within the Pelican Landing DRI.~~

~~The gopher tortoises addressed by the Incidental Take Permit shall must be relocated to the Eco-park, or other appropriate open space areas within Pelican Landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI. Impacts to gopher tortoise habitat within the Kersey-Smooth parcels will be mitigated through incidental take funds paid to the FGFWFC for the purpose of regionally significant gopher tortoise habitat.~~

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines shall will be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek shall ~~be~~ is prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek), and any saltwater wetlands abutting the Kersey-Smooth parcels.

The Developer will has granted a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to the FGFWFC ~~an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so~~

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~~as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be was drafted so as to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the management plan required per the FGFWFC. Educational and directional signage will be are permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, Florida Statutes applies to off-site signs and billboards. The removal of exotics, controlled burns and the maintenance of the vegetation in accordance with the Eco-Park management plan will be permissible in the conservation easement notwithstanding the provisions of Section 704.06, Florida Statutes which prohibiting the destruction of trees.~~

5. Should any orchids, wild pine air plants, Florida Coonties, Gatesby's lilies, leather ferns, royal ferns, or cabbage palms with gold polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The applicant must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which that is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which that forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced in the above, the approved management practices ~~shall then~~ will be considered a part of this development

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order for reinforcement purposes, and shall be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling ~~onto~~ of more than ~~8~~ 10 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting, emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

2. All business owners and operators must insure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.

3. Outdoor storage of hazardous waste is prohibited.

4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.

5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator ~~shall be~~ is responsible for compliance with this requirement and notice of this responsibility/obligation must be included on all deed transfers or lease agreements.

6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, ~~shall~~ must notify the Division of Natural Resources Management for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.

7. The developer, or any subsequent owner of the golf course, must insure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the developer will insure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and insure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

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8. The developer must investigate the feasibility of mulching trees and brush for on-site needs.

9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, shall ~~shall~~ must contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, and storage of hazardous materials ~~which will be~~ located on the premises.

10. If required by federal, state and/or local regulations:

a. The developer/property owner shall ~~shall~~ must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

b. The developer/property owner shall ~~shall~~ must establish an emergency notification system to be used in the event of a hazardous material release.

G. Stormwater Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the South Florida Water Management District "Basis of Review", and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside Improvement District (a district formed pursuant to Chapter 190, Florida Statutes), must insure that the portion of the system under the ownership and control of the district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit (construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or stormwater retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water Control Structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site stormwater wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The developer must establish and maintain, by supplemental planting if necessary, 80 percent

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cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside Improvement District, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall must establish all internal surface water management and wetland systems. The developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code ~~AC-13-16, dated August 8, 1991, see Attachment G~~) the following roadways and intersections:

<u>Planning Horizon I (1997)</u>	<u>Needed Improvement</u>
US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane

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- US 41/North Pelican Entrance
 - Northbound left turn lane
 - Southbound right turn lane
 - Eastbound left and right turn lanes
 - Signalization, if warranted
- US 41/Pelican Landing Parkway/Old 41
 - Southbound dual left turns
 - Signal retiming
- US 41/Pelican's Nest Drive
 - Northbound left and right turn lanes
 - Southbound left and right turn lanes
 - Eastbound left and thru/right lanes
 - Westbound left and thru/right lanes
 - Signalization, if warranted
 - Signal retiming
- US 41/Terry Street
 - Signal retiming
- US 41/Bonita Beach Road
 - Signal retiming
- Coconut Road/Spring Creek Road
 - Separate NB left & right turn lanes
 - Separate EB thru and right turn lanes
- Separate WB thru and left turn lanes

Buildout (2002)

- Corkscrew Road
 - Three Oaks Parkway to 1-75
 - Widen to 4 lanes
 - Old 41
 - Bonita Beach Road to Terry St.
 - Constrained (no widening possible; maximum v/c ratio of 1.85 per 1993 Lee Plan Policy 22.1.9)
- US 41
 - Immokalee Road to Old 41 (Collier County)
 - Widen to 6 lanes
 - Bonita Beach Road to West Terry Street
 - Widen to 6 lanes
 - West Terry Street to Pelican's Nest Drive
 - Widen to 6 lanes
 - Coconut Road to Williams Rd.
 - Widen to 6 lanes
 - Constitution Boulevard to Alico Road
 - Widen to 6 lanes
- US 41/Corkscrew Road
 - Separate EB left and thru/right lanes
 - Westbound dual left turn lanes
 - Signal retiming
- US 41/Williams Road
 - Signalization, if warranted
- US 41/Coconut Road
 - Separate EB left and right turn lanes
 - Signalization, if warranted
- US 41/Pelican Commercial Entrance
 - Northbound left turn lanes
 - Southbound right turn lane
 - Eastbound right turn lane

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- | | | |
|--------------------------------------|---|---------------------------------------|
| US 41/North Pelican Entrance | - | Northbound left turn lane |
| | - | Southbound right turn lane |
| | - | Eastbound left and right turn lanes |
| | - | Signalization, if warranted |
| US 41/Pelican Landing Parkway/Old 41 | - | Southbound dual left turn lanes |
| | - | Northbound dual left turn lanes |
| | - | Eastbound thru/right turn lane |
| | - | Westbound two thru lanes |
| | - | Signal retiming |
| US 41/Pelican's Nest Drive | - | Northbound left and right turn lanes |
| | - | Southbound left and right turn lanes |
| | - | Eastbound left and thru/right lanes |
| | - | Westbound left and thru/right lanes |
| | - | Signalization, if warranted |
| US 41/Terry Street | - | Northbound dual left turn lanes |
| | - | Separate WB thru and right turn lanes |
| | - | Signal retiming |
| US 41/Bonita Beach Road | - | Signal retiming |
| Coconut Road/Spring Creek Road | - | Separate NB left and right turn lanes |
| | - | Separate EB thru and right turn lanes |
| | - | Separate WB thru and left turn lanes |

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees are estimated to be \$8,900,000 for the land uses identified in Attachment B. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2002. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican

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Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph H.1.b., those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the Land Development Code.

c. The developer must dedicate 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance of 2,326 feet. The developer must construct, as a two-lane access road, Burnt Pine Drive North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code. Dedication of the roadway right-of-way and construction of Burnt Pine Drive will occur as follows:

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way dedication will be granted

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at the time of dedication, and must be consistent with the Land Development Code in effect at that time.

e. As a mitigation option, the developer may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study is currently scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points will be located and developed consistent with the Florida DOT's access management classification for US 41, unless otherwise approved by the Florida DOT. Improvements to those access points will be consistent with the Department's permitting requirements.

c. Site-related improvements will be as defined in the Land Development Code.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until buildout of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the

Fifth Development Order

submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and turning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season turning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b. as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b. as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

<u>Roadway</u>	<u>Segment</u>	<u>Improvement</u>	<u>Schedule</u>
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	1-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)
Bonita Beach Road	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (1997/98)

Fifth Development Order

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b. that have been constructed, and the program status of the remainder.

d. If the annual monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, or is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing more than 5% of level of service D service volume during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by the Florida Department of Transportation and/or Collier County.

f. In the event the developer confirms that no additional development occurred on any portion of the site for the year, even after the approval of a local development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside Improvement District must obtain a South Florida Water Management District Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.

2. Builders within Pelican Landing must utilize ultralow volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.

Fifth Development Order

3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.

4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the developer or Bayside Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.

5. The developer must provide written assurance that any hazardous commercial effluent, generated by the project, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.

6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.

7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities shall must be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, and any Fire Control District with jurisdiction.

8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.

3. The developer must provide for the emergency medical service impacts and fire protection impacts generated by the proposed development as defined by Lee County regulations.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the developer must install an override switch in a

Fifth Development Order

glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project.

5. The project's impact on fire protection and rescue service delivery will be met by the ad valorem taxes, EMS impact fees and fire impact fees.

K. Interface Zone

1. The Developer will design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of Resolution Number Z-94-014. Adjacent to the mangrove fringe means any golf course constructed within 500 feet of the mangrove fringe.

2. The Developer will employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, which that may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which that the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.

b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

Fifth Development Order

e. The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.

4. The Developer will prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed original Pelican Landing DRI golf course adjacent to the mangrove fringe of Estero Bay. ~~The This plan will~~ must be prepared amended to include the Kersey-Smoot parcels prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended management plan will must include a groundwater and surface water monitoring plan.; ~~The plan will~~ provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe.; ~~The plan will~~ identify the locations for the groundwater monitoring and testing on a map(s); ~~The plan will~~ and set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be established and operated at the expense of the Developer, the Bayside Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA will have 30 working days to review the management plan and approve or object to the plan in writing. The objections must be based on valid rules and regulations, and must identify how the concerns or issues can be addressed by the developer. The Developer must resubmit a revised water quality management plan to address the valid objections. DCA will have 30 days in which to review any revised management plan and must provide written comments or approval in the same manner as for the original management plan. Should DCA fail to provide a written response within the prescribed time frames, the plan will be deemed approved.

6. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by DCA will be implemented by the developer. The mitigation plan will be based on rules and regulations in effect at the time the plan is reviewed and approved. The approved mitigation plan will be enforceable as a condition of the Development Order.

7. The mangrove wetland jurisdiction line of Estero Bay will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for

Fifth Development Order

water management facilities permitted by the ~~South Florida Water Management District~~ SFWMD and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay south of Coconut Road.

The mangrove line for the Kersey-Smoot parcels is off set 50 feet, to over 250 feet west of the wetland jurisdictional line delineated along the western (Estero Bay) side of the Kersey-Smoot parcels. No portion of the proposed golf course may be located closer than 100 feet to this mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the Kersey-Smoot parcels. This includes both saltwater and freshwater wetlands contained within the boundary of the wetlands jurisdictional line. The proposed golf course fairways, tees and greens must be setback a minimum of 25 feet from all wetland jurisdictional lines on the Kersey-Smoot parcels, except where wetland impacts have been permitted by the SFWMD and the Army Corps of Engineers. Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the Kersey-Smoot parcels.

8. All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the DEP and the SFWMD. None of the Interface Zone conditions will be interpreted in a manner which is contrary to Section 403.021, Florida Statutes, the Florida Air and Water Pollution Control Act, and the rules adopted thereunder.

9. The Interface Zone conditions will not be interpreted in a manner contrary to public policy directives to utilize domestic reclaimed water. Pelican Landing will not be responsible for any harmful pollutants applied to the golf course via the reclaimed water, unless Pelican Landing has actual knowledge that the reclaimed water provided by the utility contains harmful pollutants.

10. The conditions set forth in this DRI DO do not preempt the authority of the ~~South Florida Water Management District~~ SFWMD and the ~~Department of Environmental Protection~~ (DEP). Section 373.016, Florida Statutes provides that the legislature has vested the authority in the DEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given preemptive authority, the requirements of the SFWMD and the DEP will control.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed

Fifth Development Order

by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

- (a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;
- (b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;
- (c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;
- (d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and
- (e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, last revised ~~May 27, 1997~~ March 1, 1998 and stamped received ~~June 13, 1997~~ June 17, 1998, is attached hereto as Attachment A and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the U.S. Army Corps of Engineers, SFWMD, FDEP and Lee County.

4. The Development Order is binding upon the developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order which that clearly apply only to the project developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

5. The terms and conditions set out in this document constitute a basis upon which the developer and the County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

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6. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of such proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

7. Any reference to a governmental agency will be construed to mean any future instrumentality which that may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the developer's responsibility to comply with all applicable federal, state, regional and local regulations.

10. Subsequent requests for local development permits will not require further review pursuant to Section 380.06, Florida Statutes, unless the Board of County Commissioners, after due notice and hearing, finds that one or more of the following is present:

- (a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans which that creates a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, the Board must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

12. The developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as

Fifth Development Order

Spring Creek Village, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. The Administrative Director of the Lee County Department of Community Development, or his/her designee, will be the local official responsible for assuring compliance with this Development Order.

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06 (18), Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. ~~The Developer applied for an amendment to the DRI DO months of the effective date of this Development Order. The amendment to~~ In compliance with a condition of the first development order amendment, the developer did amend this Development Order to incorporate the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment contained a legal description of that portion of the Spring Creek DRI, (and along with the conditions of the Spring Creek Development Order which that are applicable to the Spring Creek West property are now incorporated into this

Fifth Development Order

development order). The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation which that would require further analysis of Spring Creek West. The amendment was adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of the amendment.

17. The County will forward certified copies of this Development Order to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Coy and seconded by Commissioner St. Cerny and upon poll of the members present, the vote was as follows:

John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>
Ray Judah	<u>Nay</u>
Andrew W. Coy	<u>Aye</u>
John E. Albion	<u>Absent</u>

DULY PASSED AND ADOPTED this 21st day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Manning
(Chairman)

ATTEST:
Charlie Green, Ex - Officio Clerk
Board of County Commissioners
Clerk

By: Ruth R.
Deputy Clerk

FINAL ORI
09/21/98

APPROVED AS TO FORM

By: Andrew W. Coy
County Attorney's Office

MINUTES DEPARTMENT

Ruth R.
FILED SEP 28 1998

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State of Florida
County of Lee

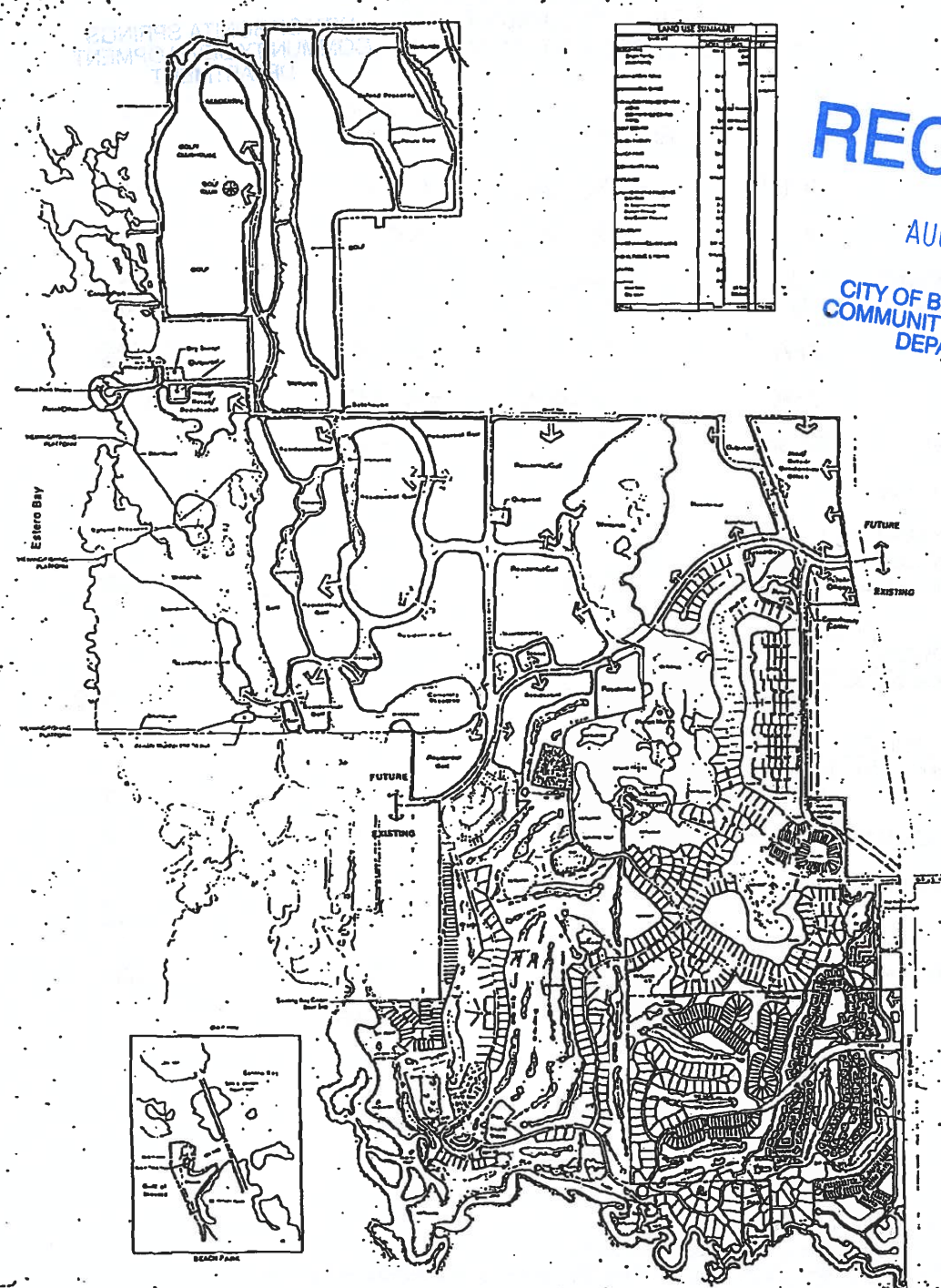
I, Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 28th day of September, A.D. 1998
CHARLIE GREEN, CLERK
By: Ruth R.
Deputy Clerk

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AUG 30 2016
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

LAND USE SUMMARY	
LAND USE	ACRES
Residential Single-Family	1,234.56
Residential Medium-Density	567.89
Residential High-Density	123.45
Commercial	89.01
Industrial	45.67
Public Use	23.45
Open Space	10.12
Water	3.21
Other	1.23
TOTAL	2,008.57



MAP H
Master Development Plan

PELICAN LANDING

- 1. All lots shown on this map are as shown by FDOT...
- 2. All lots shown on this map are as shown by FDOT...
- 3. All lots shown on this map are as shown by FDOT...

NOTICE: All notices shall be in full as required by FDOT...
 The City of Bonita Springs is not responsible for the accuracy of the information provided on this map. The user assumes all responsibility for the use of the information provided on this map.

PROJECT: PELICAN LANDING
 PROJECT TYPE: M/D

ATTACHMENT "A"

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AUG 30 2016

ATTACHMENT "B"
 FOURTH FIFTH AMENDMENT
 PELICAN LANDING DRI
 DEVELOPMENT PARAMETERS

CITY OF BONITA SPRINGS
 COMMUNITY DEVELOPMENT
 DEPARTMENT

Land Use	Units ¹	Existing	Planning Horizon-1	Buildout Total
		(1992) (1998)	(1997)	(2002)
Residential	DU	9691083	2,433	4,400
Single Family	DU	373402	625	665
Multi Family	DU	596	4,808	3,735
Retail ²	GFA	11,000	291,000	461,050
Office ³	GFA	40,000 106,838	450,000	245,000
Hotel/Motel	Rooms	0	750	750
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	2921	38	3830
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	019	9	919
Resort Golf Course/ Clubhouse Practice Range	Holes	0		19
Tennis Center	Courts	012	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	45	15
Other ⁴	Boat Slips			
	Wet	2	2	2

Footnotes:

- 1 Units
DU - Dwelling Units
GFA - Square Feet of Gross Floor Area
- 2 Includes conference center, community center and clubhouse/marina
- 3 Includes "Foundations"
- 4 Ancillary Use

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Michael J. Delate, P.E. and D. Wayne Arnold, AICP, filed an application on behalf of the property owner, WCI Communities Inc., to amend Resolution Z-98-066 in reference to Kersey-Smoot RPD; and

WHEREAS, a public hearing was advertised and held on May 14, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00050; and

WHEREAS, a second public hearing was advertised and held on June 16, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend Resolution Z-98-066 to add a Package Store, Convenience Food and Beverage store uses, with limitations (in conjunction with time share resort facilities) to the schedule of uses; provide for a time extension for the on-site sales facility; request a sign deviation; and revise the Master Concept Plan (MCP) to more accurately depict the as-built conditions of the RPD, on 204± acres.

The property is located in the Outlying Suburban and Wetlands Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the one page MCP entitled "Kersey-Smoot RPD," prepared by Q. Grady Minor and Associates, P.A., dated November 2002, last revised 6/6/03, and stamped received by Community Development on June 9, 2003, except as modified by the conditions below. This development must comply with the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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CASE NO: DCI2002-00050

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CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

2. The terms and conditions of Resolution Z-98-066 remain in full force and effect except as amended herein.
3. The approved Schedule of Uses for the Kersey-Smoot RPD set forth in Section B.3.b., Resolution Z-98-066, is amended by adding the following uses:

Residential Accessory Uses, including but not limited to:

Package Store (See Condition B.4.)

Convenience Food and Beverage Store, without fuel pumps (See Condition B.4)

Specialty Retail Shops, Group I, limited to golfing/tennis equipment and a gift and souvenir shop

SIGNS, in accordance with Chapter 30 of the LDC

4. Section B. of Resolution Z-98-066 is further amended by adding the following condition:

B.4. The combined area of the convenience food and beverage store, package store, and specialty retail shop, Group I, is limited to a maximum of 15% of total floor area of the Hyatt Vacation Club Coconut Plantation Clubhouse. Further, the convenience food and beverage store, package store, and specialty retail shop are only to be available to the residents and guests of the Hyatt Vacation Club Coconut Plantation development.

5. Section B.3.g. of Resolution Z-98-066 is amended by adding the following language:

The temporary sales and construction office will be limited to sales for the Pelican Landing Development. The sales office and model unit are limited as temporary uses to a 10-year period that commenced on November 22, 2001 (date the Certificate of Occupancy was issued for the sales center). The time limitations imposed on the sales center and model unit in ADD2000-00218 and ADD2001-00166 are superseded by this zoning approval.

6. Approval of this amendment to the zoning approvals does not guarantee local government order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

Deviation 12 seeks relief from the LDC § 30-152(2)(c)2 requirement to provide a maximum of two single-faced internal subdivision signs located on each side of the entranceway, to allow three single-faced signs to be located as a wall sign on one side of the entrance or exit, consistent with the detail shown in EXHIBIT "B" - Hyatt Resort Entrance Walls and Signage (Proposed). This deviation is APPROVED subject to the condition that the third panel must identify a facility located off Coconut Point Resort Drive that will assist the traveling public in locating that facility. The third panel may not be used to solely identify the Hyatt.

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Z-03-029
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SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property
- Exhibit B: Hyatt Resort Entrance Walls and Signage (Proposed)
- Exhibit C: Zoning Map (subject parcel identified with shading)
- Exhibit D: The Master Concept Plan stamped received on June 9, 2003

The applicant has indicated that the STRAP numbers for the subject property are:
06-47-25-00-00002.0030 & 08-47-25-00-00001.0030

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment to the zoning approvals by demonstrating compliance with the Lee Plan, the LDC, and any other applicable codes and regulations.
2. The amendment, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this amendment to the zoning approvals satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.

5. The approved deviation from LDC Section 30-152(2)(c)2, as conditioned, enhances the achievement of the planned development objectives and preserves and promotes the general intent of LDC Chapter 34 to protect the public health, safety, and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John Albion, seconded by Commissioner Andrew Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16th day of June 2003.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle J. Cooper
Deputy Clerk

BY: John E. Albion
Vice - Chairman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

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MINUTES OFFICE
mjc

2003 JUN 24 PH 4: 01

CASE NO: DCI2002-00050

Z-03-029
Page 4 of 4

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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

"Exhibit A"
Legal Description
Property located in Lee County, Florida
DCI2002-00050
Page 1 of 1

**LEGAL DESCRIPTION
KERSEY AND SMOOT PARCELS**

KERSEY PARCEL:

IN SECTIONS 5, 6, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:

PARCEL 1: THE WEST QUARTER (W 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5; AND PARCEL 2: THE WEST THIRD (W 1/3) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5; AND PARCEL 3: GOVERNMENT LOT 4 OF SAID SECTION 6; AND THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 6; AND PARCEL 4: A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1782, PAGE 4173, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PARCEL 5: THE WEST THIRD (W 1/3) OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, LESS THE SOUTHERLY 40.00 FEET THEREOF FOR THE RIGHT-OF-WAY OF COCONUT ROAD, THE AFOREMENTIONED BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5; THENCE N 89°34'40"E ON THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 324.04 FEET TO THE NORTHEAST CORNER OF THE WEST QUARTER (W 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5; THENCE S 01°22'52"E ON THE WEST LINE OF SAID FRACTION A DISTANCE OF 1303.84 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S 89°35'55"E ON THE NORTH LINE OF WEST THIRD (W 1/3) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5 A DISTANCE OF 107.09 FEET; THENCE S 01°22'24"E ON THE EAST LINE OF SAID FRACTION 1304.29 FEET TO THE SOUTHEAST CORNER (W 1/3) OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 8 A DISTANCE OF 2810.08 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE (AS MAINTAINED) OF COCONUT ROAD, BEING 40.00 FEET NORTH OF THE CENTERLINE OF COCONUT ROAD AS RECORDED IN COUNTY COMMISSIONERS MINUTE BOOK 8, PAGE 288 OF SAID PUBLIC RECORDS. SAID RIGHT-OF-WAY LINE BEING THE SOUTH LINE OF LANDS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3052, PAGE 1748 OF SAID PUBLIC RECORDS; THENCE N 89°16'14"W ON SAID MAINTAINED RIGHT-OF-WAY LINE FOR 422.64 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 6; THENCE N 01°07'45"W ON SAID WEST LINE FOR 1284.91 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE CONTINUE N 01°07'45"W ON SAID WEST LINE A DISTANCE OF 1324.52 FEET TO THE SECTION CORNER

COMMON TO SAID SECTIONS 5, 6, 7, AND 8; THENCE S 89°48'31"W ON THE SOUTH LINE OF SAID SECTION 8 A DISTANCE OF 2575 FEET MORE OR LESS TO THE EASTERLY WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 1500 FEET MORE OR LESS TO THE INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 4, SAID SECTION 6; THENCE N 89°41'24"E ON SAID NORTH LINE A DISTANCE OF 1807 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 1762, PAGE 4173 OF SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ON THE BOUNDARY OF SAID LANDS: N 00°48'29"W FOR 775.70 FEET; N 48°11'51"E FOR 523.67 FEET; S 81°20'47"E FOR 600.53 FEET; N 00°48'50"W FOR 182.48 FEET; N 89°10'55"E FOR 348.43 FEET; N 01°31'46"W FOR 92.78 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 5 AND THE POINT OF BEGINNING.

SMOOT PARCEL:

PARCEL - 6: That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows: Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.5 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

Overall parcel containing ± 126.36 ACRES more or less.

NOTES

- 1. BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N 89°41'24"E.
- 2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
- 3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

D. GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 6-3-02

Eric V. Sandoval
ERIC V. SANDOVAL

P.S.M. #3221
STATE OF FLORIDA

COMMUNITY DEVELOPMENT

ADD 2002-00038

LEGAL DESCRIPTION

**KERSEY, SMOOT PARCELS
AT THE HYATT RESORT**

SECTION 5, 6, 7, & 8 TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DATE: MAY, 2002 DRAWING #B-2876-A

SHEET: 1 OF 1
DRAWN: S.B.
JOB CODE: RCHPTP
SCALE: 1" = 1'

D. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
5800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE: (888) 947-2144 FAX: (239) 947-0576
CERTIFICATE OF AUTHORIZATION NUMBER LB 6161

• NOT A SURVEY •

DCI 2002-00050

Applicant's Legal Checked
by *Jan 1/16/03*

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JUN 04 2002

ZONING MAP

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CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

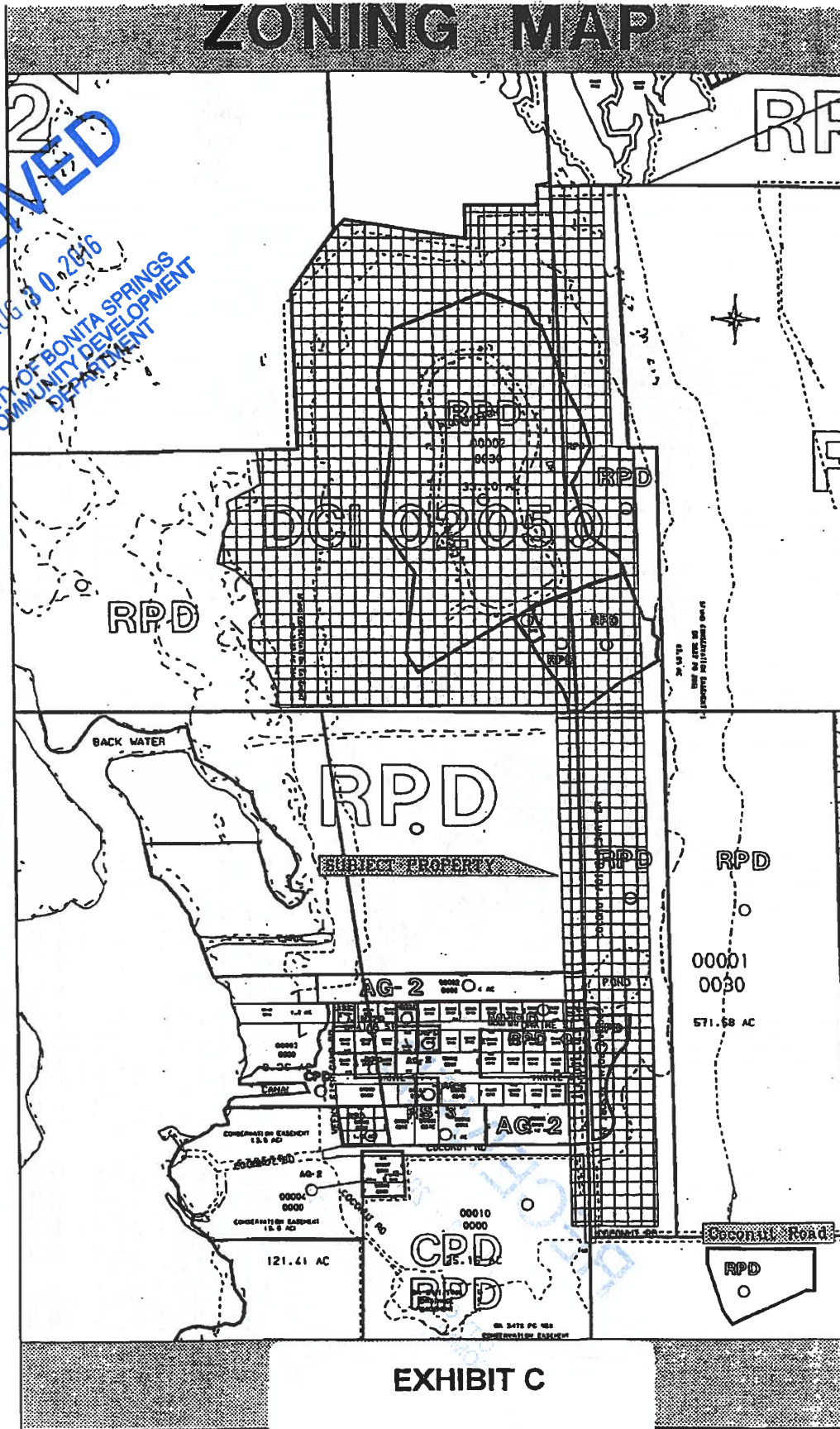


EXHIBIT C

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: May 27, 2008

To: Dinah Johnson

Executive Assistant to
Commissioner Ray Judah

FROM: *John J. Fredyma*

John J. Fredyma
Assistant County Attorney

**RE: BOCC ZONING RESOLUTION FROM THE JANUARY 7, 2008 MEETING
ZONING RESOLUTION Z-07-031 (KERSEY-SMOOT RPD)**

Attached is the original resolution adopted by the Board at the January 7, 2008 zoning meeting. The resolution has been reviewed and approved as to form and is ready for the Chairman's signature. After the Chairman signs the resolution, please forward to the Minutes Department for attestation and further processing.

Please note, the delay of this submission for the Chairman's signature is due to required revisions to the approved Master Concept Plan (MCP) by the project applicant. Lee County Land Development Code (LDC) Section 34-377(b)(6) requires the project MCP to be conformed to the Board's approval. Consequently, changes had to be made to the MCP before the resolution could be signed.

Thank you for your assistance with respect to the above. Should you have any questions, please do not hesitate to contact me.

JJF/mms
Attachment

Via e-mail only: Jamie Prancing, Administrative Assistant, DCD/Administration & Support
Lisa L. Pierce, Minutes Office Manager, Lee County Clerk of Courts
Billie J. Jacoby, Administrative Support Supervisor, DCD

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CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

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DEPARTMENT OF
CORRECTIONS
STATE OF CALIFORNIA

RESOLUTION NO. 13-08-06

RECEIVED

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA, AMENDING THE PELICAN LANDING
DRI DEVELOPMENT ORDER AND THE MASTER PLAN OF
DEVELOPMENT (MAP H).

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for the Pelican Landing DRI on August 29, 1994 (DRI No. 1-9293-121); and

WHEREAS, the DRI Development Order was subsequently amended on March 22, 1995, August 16, 1995, November 4, 1996, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, September 18, 2000, February 26, 2002, October 7, 2002, December 4, 2006, October 2, 2007, November 15, 2011, and March 5, 2012; and

WHEREAS, WCI Communities, Inc., filed a request to amend Map H pursuant to section 380.06(19)(e)(2), Florida Statutes; and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI development order approvals to amend Map H, qualifies for an amendment pursuant to §380.06(19)(e)(2), Florida Statutes; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order and Map H do not constitute a substantial deviation and qualify for expedited processing pursuant to Florida Statutes §380.06(19)(e)(2) and Land Development Code §34-145(d)(1)c.

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

1. The above stated recitals are incorporated into this Resolution by reference.
2. The Pelican Landing DRI Development Order and Map H are hereby amended in accordance with the attached codification of the Sixteenth Amendment of the Pelican Landing DRI Development Order.
3. Certified copies of this Resolution and the revised DRI Development Order will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Economic Opportunity, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

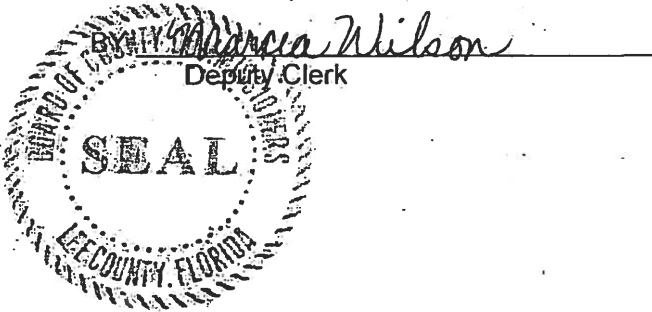
Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

John Manning	Aye
Cecil L. Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6th day of August 2013.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA



BY: 
Cecil L. Pendergrass, Chair

Approved as to form by:

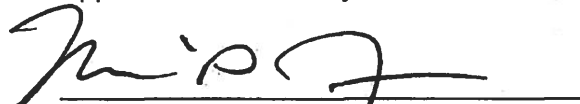

Michael D. Jacob
County Attorney's Office

Exhibit A: Sixteenth Amendment of the Pelican Landing DRI Development Order

SIXTEENTH AMENDED DEVELOPMENT ORDER
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

RECEIVED

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

WHEREAS, a letter requesting a change pursuant to Section 380.06(19)(e)2. Notice of Proposed Change (NOPC) was delivered to the County on February 13, 2013 filed on January 7, 2014 to extend allow the temporary construction and service road entrance reflected on Map H to become a permanent access road; and

WHEREAS, Section 252.363, Florida Statutes permits the tolling of time during a State of Emergency declared by the Governor of the State of Florida, and

WHEREAS, Governor Scott declared a State of Emergency for wildfires in Executive Order number 11-128 and the County recognized the extension of time for the state of emergency for a period of 126 days plus 6 months by letter of the Director of Zoning dated February 23, 2012, and

WHEREAS Governor Scott declared a State of Emergency for Tropical Storm Isaac in Executive Order 12-199 which resulted in an extension of 6 months plus 60 days, and Tropical Storm Debby in Executive Orders 12-140, 12-192 and 12-217 which resulted in an extension of time for a period of 6 months plus 95 days, and

WHEREAS, the letters acknowledging the State of Emergency Time Extensions require the Developer to incorporate the time extensions into the DRI Development Order during the consideration of a Notice of Proposed Change and this application is the appropriate time to acknowledge the time extensions, and

WHEREAS, the extensions will be reflected in the change of the build out date from May 20, 2016 to May 20, 2020 to August 28, 2022, and the termination date from May 20, 2019 to May 20, 2026 to August 27, 2028 previously acknowledged by the County need to be included pursuant to the letters acknowledging the extensions signed by Pamela Houck and dated February 23, 2012, January 14, 2013, and February 14, 2013 and amend various conditions of the DRI to reflect completion and passage of time for certain items, and ending the interface zone monitoring requirements; and

WHEREAS, this document incorporates the following Development Order Amendments, (and includes an acknowledgment of the changes approved in 2012 in the new paragraph 15) for Pelican Landing DRI adopted:

- 1) March 22, 1995 (incorporating the terms of a settlement agreement);

- 2) August 16, 1995, which incorporated the conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9;
- 3) November 4, 1996;
- 4) November 17, 1997;
- 5) September 21, 1998;
- 6) June 21, 1999;
- 7) December 6, 1999;
- 8) August 7, 2000, to add 3.2 acres;
- 9) September 18, 2000, to add 140 acres;
- 10) February 26, 2002, to revise the legal description and clearly define the jurisdictional line between the City and County;
- 11) October 7, 2002, to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively;
- 12) December 4, 2006 (submitted by Bayside Improvement Community Development District on January 25, 2005), to amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) to reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982; and
- 13) October 2, 2007, pursuant to House Bill 7203, a three-year extension was granted in response to Section 380.06(19)c, F.S., extending the buildout date to May 20, 2012, and the termination date to May 20, 2015;
- 14) November 15, 2011, pursuant to House Bill 7207, a four-year extension was granted to extend the build out date by four years to May 20, 2016, and the termination date to May 20, 2019; and
- 15) March 5, 2012, to extend the build out date by four years to May 20, 2020 and the termination date to May 20, 2026, and amend various conditions of the DRI to reflect completion and passage of time for certain items, and ending the interface zone monitoring requirements; and

WHEREAS, this is the ~~Fifteenth~~Sixteenth Amendment to the Pelican Landing DRI Development Order; and,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Pelican Landing DRI is hereby further amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2749.7±-acre total constitutes the Spring Creek West DRI, which is located in the City of Bonita Springs. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The development is approved to construct 3,912 residential units, of which 930 are single-family and 2,982 multi-family, 300,000 square feet of gross floor area of retail commercial, and 475,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,048 parking spaces and the office uses will provide up to 1,587 parking spaces. The project also includes 750 hotel/motel rooms, a 50,000-square-foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, an existing boat ramp on the Baywinds Parcel and a beach park for the benefit of the owners in Pelican Landing. There are 143.81 acres of upland habitat preserve, 678.5 acres of salt and freshwater wetlands, 247.49 acres of water management lakes, 162.16 acres of public and private rights-of-way, 3.2± acres of "off-site" parking, 6 acres of utilities and an .11-acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout date is ~~May 20, 2020~~ August 28, 2022.

B. **LEGAL DESCRIPTION:** The Pelican Landing DRI is located in Sections 05, 06, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida, as more particularly described in attached Exhibits A, B, C and D.

Exhibit A identifies the boundaries of the Pelican Landing DRI as located within unincorporated Lee County.

Exhibit B identifies the boundaries of the DRI located within the City of Bonita Springs, except the Spring Creek West DRI portion.

Exhibit C identifies the boundaries of the Spring Creek West DRI, which is located in City of Bonita Springs.

Exhibit D is a sketch of the legal descriptions, set forth in attached Exhibits A, B and C.

C. The DRI property is currently zoned AG-2, RS-1, RM-6, PUD, RPD, CPD, TFC-2 and RM-2; the property is partially developed.

D. The Application for Development Approval as modified by the settlement agreement was determined to be consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern under the provisions of Sections 380.05 and 380.06(14), Florida Statutes.

F. The proposed Development Order Amendment does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed pursuant to the conditions set forth herein.

G. The Section 380.06(19)(e)2 change~~This Notice of Proposed Change (NOPC)~~ has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) staff.

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order Amendment.

I. The proposed conditions below meet the criteria found in Section 380.06(15)(d), Florida Statutes:

J. In accordance with the Development Order condition Section III. Condition 16. herein, the lands within the Spring Creek West DRI were incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in the Eighth Development Order Amendment for the Spring Creek West DRI. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that a biennial monitoring report that includes both Pelican Landing and Spring Creek West DRIs must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16. The Spring Creek West DRI is built out. The Spring Creek West development has been built out for more than one year.

K. A portion of the DRI property is within the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order was adopted by the City of Bonita Springs that incorporates the rights and obligations specified in this development order as they affect property located within the city limits. Also pursuant to that section of the Florida Statutes, the Pelican Landing DRI development order adopted by the County was amended to remove property located in the City of Bonita Springs. Conditions pertaining to the adoption of an amended DRI development order for property remaining within unincorporated Lee County are set forth in Section II. L. of this development order.

L. Pelican Landing DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Thirteenth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension did not constitute a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

M. House Bill 7202 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the Developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, the Pelican Landing DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on ~~March 5, 2012~~ August 6, 2013, that the requested Section 380.06(19)(e)2 change to the Development of Regional Impact Application for Development Approval submitted on behalf of WCI Communities, Inc., for the project known as the Pelican Landing, is hereby APPROVED, SUBJECT TO the conditions, restrictions and limitations that follow.

For the purpose of this Development Order, the term "Developer" or "Applicant" refers to and includes all successors or assigns, and all references to County Ordinances or other regulations, includes future amendments thereto.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and have been recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The Developer will immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The Developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation and mitigation actions, if necessary.

B. Housing

1. There were no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ended on December 31, 1997. Utilizing supply data not adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II (January, 1998, through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. The aforementioned data is based on the existing studies.

The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner-occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the Florida Department of Economic Opportunity (FDEO) 1991 Draft methodology.

2. The SWFRPC, the FDEO and Lee County accepted the Developer's contribution of \$20,000.00 to assist existing and prospective employees within the Pelican Landing DRI to locate affordable housing. The \$20,000.00 will be contributed to the Lee County Affordable Housing Trust Fund by January 2, 1997. Lee County may use all, or a portion, of the funds to conduct a needs assessment study, and the County will commit to use SHIP funds to assist a minimum of 8 qualified employees within the Pelican Landing DRI obtain a home. Qualified employees must be first time home buyers, employed by a business located within the Pelican Landing DRI, including employees of WCI. The applicants for funding must meet the program guidelines including, but not

limited to, income limitations and repayment obligations. The funds will only be used to provide interest free deferred payment assistance to qualifying home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. The Developer provided Lee County with the funds for the provision and connection of a portable diesel powered generator for the Gateway Elementary School. The generator is equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The Developer was responsible for the initial electrical hook-up costs. The selection of the generator was in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the Developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the Developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The Developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The Developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources (DNR) staff, a brochure advising all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for any Hotel, the Developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations

to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The Developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan must address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan must be developed in coordination with the Lee County Emergency Management officials and found sufficient by those officials months after the effective date of the DRI Development Order. *Editorial note: The Developer submitted an emergency plan to Lee County Emergency Management for review and approval. The plan must be re-submitted annually by the Developer, the property or homeowner's association or the community development district to address changes in the development parameters and changes in local hurricane evacuation and sheltering policies. The plan must comply with Lee County Administrative Code 7-7, as it may be amended.*

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

D. Marina Facilities

1. The Developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000-foot conservation easement already required in Spring Creek. The location and extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The Developer has constructed dock and channel markers within Estero Bay. The DNR will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the DNR.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The Developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures or Lee County regulations regarding the protection of manatees.

7. The Developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.

8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.

9. The Developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the DNR, Marine Sciences Program and Turtle Time.

10. The Developer will comply with all water quality monitoring requirements imposed by the FDEP and the South Florida Water Management District (SFWMD).

11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.

12. Once a year the marina operator must host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator will provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County

Emergency Management and the DNR, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices and on proper procedures, prior to and during a hurricane.

13. The dry storage facilities must be located in a building or structure that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The Developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) [now known as the Florida Fish & Wildlife Conservation Commission (FWCC)] guidelines and the Lee County Land Development Code (LDC). These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise. The Baywinds parcel has existing environmental permits that remain valid as of the date of the Seventh Development Order Amendment. These permits are based on the plan of development shown on the local Development Order Approval No. 95-12-068.00D. Some improvements were made pursuant to those permits. Future improvements to the Baywinds parcel must be consistent with the conditions set forth in those permits as may be amended.

1. There were three bald eagles' nests of concern prior to the original development order adoption. One nest was on the Pelican Landing property in the Eco Park. The other two nests were originally within 1500 to 1600 feet of Pelican Landing. One of these other nests was located on the Kersey parcel and declared abandoned by the USFWS in July 1998. The buffers that affect Pelican Landing property were established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to any new development within 1500 feet of any active eagle nest other than the nest located within the Eco Park, the Developer must prepare an on-site eagle management plan, addressing the Pelican Landing DRI property only, that will be reviewed by FDEO, SWFRPC, FWCC, Lee County, and USFWS. The agencies must provide specific written objections or concerns if any, regarding any new proposed management plan and indicate how those concerns can be addressed by the Developer.

The Developer will revise the management plans to respond to any lawful objections. The agencies will review and respond to the management plan resubmittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be

addressed by the Developer. Lee County and FDEO will have the final approval authority. If a proposed management plan includes development within 750 feet of an active eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FWCC and USFWS.

2. A local development order for the Hickory Island Beach Park has been issued to permit construction of beach park infrastructure. This local development order includes a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated DNR and FWCC recommendations.

The PMP required the Developer to provide the County with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP permitted a refinement of the conservation easement boundaries after completion of a one year utilization study. The final conservation easement is consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI Development Order, Section 704.06, F.S. will not preclude educational signage, and signage and land management activities required by the management plan, including but not limited to the removal of exotic vegetation.

The objectives of this one year study were: 1) determine shorebird utilization of land under Developer's ownership based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI Development Order.

The Developer submitted a Final Management Plan to Lee County, FWCC, and FDEO within 18 months of the effective date of the DRI Development Order, on November 14, 1994. Lee County, FWCC, and FDEO reviewed the management plan. Lee County approved this plan and its implementation was certified in October 1996.

3. The projected gopher tortoise burrow count for the original Pelican Landing DRI area was 439, based on an estimate of FWCC habitat guidelines, a minimum of 75 acres of gopher tortoise habitat must be protected.

The Developer has set aside a 78±-acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat for the original Pelican Landing DRI land area. This area is known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the original Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the FWCC (f/k/a Florida Game and Fresh Water Fish Commission) on or about December 22,

1993 for the original Pelican Landing DRI. A new protected species survey was conducted in March and April of 1998 on the addition to the Pelican Landing DRI known as the Kersey-Smoot parcel. The new survey revealed the presence of 114 active and inactive gopher tortoise burrows on 70 acres. A protected species survey was conducted in 1990 and February 1996 on the Baywinds parcel. The survey revealed the presence of 28 active and inactive gopher tortoise burrows on 15.41 acres. The Developer has an Incidental Take Permit for the new gopher tortoise burrows located outside of the Eco-Park in the undeveloped Kersey-Smoot and Baywinds parcels. The Developer obtained an Incidental Take Permit prior to proceeding with development within the gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within the development areas must be excavated and any resident gopher tortoises, or commensal species, relocated to open spaces within the Pelican Landing DRI.

Impacts to gopher tortoise habitat within the Kersey-Smoot and Baywinds parcels have been mitigated through incidental take funds paid to the FWCC for the purpose of regionally significant gopher tortoise habitat.

The Applicant and the FWCC have had considerable discussion regarding the modifications and refinements to the existing 78-acre Eco-Park boundaries. The addition of the eastern 140-acre "Skebe Tract", of which 63.24 acres will be added to the Eco-Park, will provide for an 81% increase in the overall size of the Pelican Landing Eco-Park.

The new Eco-Park configuration will delete the southern-most ±22 acres, while adding new lands to the park area within the confines of the "Skebe Tract". An overall increase (net gain) of ±11 acres of upland habitat, plus 52.24 additional acres of forested wetland acreage will increase the overall size of the revised Eco-Park boundaries to approximately 141.45 acres.

Any active or inactive gopher tortoise burrows found within the Eco-Park deletion zone or the new golf lands of the eastern portion of the "Skebe Tract" will be excavated to search for activity. Any tortoises found will be relocated to the modified Eco-Park boundaries, pursuant to the Eco-Park Reconfiguration Plan, authored by Wilson, Miller, Inc., and accepted by the FWCC. The initial Gopher Tortoise Incidental Take Permit LEE-9 must be modified by the FWCC in order to adopt the Eco-Park Reconfiguration for both the existing Eco-Park south deletion area, the "Skebe Tract" addition to the Eco-Park, and the inclusion of a portion of the "Skebe Tract" in the development area.

A revised perpetual Conservation Easement will be recorded in the Lee County records, pursuant to the revised boundaries of the Eco-Park. The deleted ±22 acres will be formally released from the Conservation Easement by the FWCC.

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines will be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature

study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek is prohibited in wetland areas #14 and #21 (as identified in DRI ADA), and Bay Cedar Phase II (along Spring Creek), and any saltwater wetlands abutting the Kersey-Smoot and Baywinds parcels. However, minor mangrove trimming is permitted within the vicinity of the clubhouse on the Baywinds parcel to provide a limited view of the Estero Bay. The scope of the Developer's FDEP application request for minor trimming is subject to the review and approval of Lee County Division of Planning, Environmental Sciences staff. All trimming activity will be subject to the wetland regulatory permit approvals.

The Developer has granted a conservation easement consistent with Section 704.06, FWCC. The conservation easement was drafted to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the management plan required per the FWCC. Educational and directional signage are permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, Florida Statutes applies to off-site signs and billboards. The removal of exotics, controlled burns and the maintenance of the vegetation in accordance with the Eco-Park management plan will be permissible in the conservation easement notwithstanding the provisions of Section 704.06, Florida Statutes prohibiting the destruction of trees. A paved golf cart path, a wooden golf cart bridge across Halfway Creek, a buried irrigation line to be under the path and bridge, and a buried outfall pipe for a surface water management system will be located within the Eco-Park.

5. Should any orchids, wild pine air plants, Florida Counties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with gold polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the DNR for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The Applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican

Landing. Where feasible, the Applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The Applicant must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner that is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner that forces the Applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced above, the approved management practices will be considered a part of this development order for reinforcement purposes, and be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling of not more than 13.25 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasive plants, the restoration of historic hydro periods, and a total of not more than 10 acres of littoral zone plantings. The mitigation for wetland impacts to the Baywinds parcel was determined prior to the inclusion of the property into the Pelican Landing DRI as part of the environmental and local government permitting. The mitigation was based on the plan of development reflected in Lee County Development Order 95-12-068.00D. Changes to the plan of development that include additional wetland impacts may necessitate modification to the environmental and local government permitting.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting, emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

2. All business owners and operators must ensure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.

3. Outdoor storage of hazardous waste is prohibited.

4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.

5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator is responsible for compliance with this requirement and notice of this responsibility/obligation must be included on all deed transfers or lease agreements.

6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, must notify the DNR for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.

7. The Developer, or any subsequent owner of the golf course, must ensure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the Developer will ensure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and ensure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

8. The Developer must investigate the feasibility of mulching trees and brush for on-site needs.

9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, must contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, and storage of hazardous materials located on the premises.

10. If required by federal, state or local regulations:

a. The developer/property owner must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

b. The developer/property owner must establish an emergency notification system to be used in the event of a hazardous material release.

G. Storm Water Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the SFWMD "Basis of Review",

and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside and Baycreek Improvement Districts (formed pursuant to Chapter 190, Florida Statutes), must ensure that the portion of the system under the ownership and control of each district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit (construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or storm water retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water control structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site storm water wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The Developer must establish and maintain, by supplemental planting if necessary, 80 percent cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside Improvement and Bay Creek Districts, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The Developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and SFWMD guidelines.

6. The SFWMD must establish all internal surface water management and wetland systems. The Developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the Lee County Attorney's office.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers 36-02043-S-02 and 36-02043-S, ACOE permit number 89IPD-20127 and the letter of permission to continue work authorized in the original permit, LOP #1989001127, and FDEP permit number 36293225. These permits were granted based on the plan of development reflected in Lee County

Development Order No. 95-12-068.00D. These permits may be modified, updated or replaced as required by law. Changes to the local development order may also require modification of the referenced permits.

H. Transportation

1. Significant Impact

a. The original traffic impact assessment for this project assumed the development parameters and land uses shown in attached Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2009). Each monitoring report, described in Paragraph 4, reflected whether the roadways and intersections described below were significantly impacted or were projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI based on the original traffic study was projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

<u>Planning Horizon I (1997)</u>	<u>Needed Improvement</u>
US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane
US 41/North Pelican Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound left and right turn lanes
	- Signalization, if warranted
US 41/Pelican Landing Parkway/Old 41	- Southbound dual left turns
	- Signal retiming
US 41/Pelican's Nest Drive	- Northbound left and right turn lanes
	- Southbound left and right turn lanes
	- Eastbound left and thru/right lanes
	- Westbound left and thru/right lanes
	- Signalization, if warranted
US 41/Terry Street	- Signal retiming
US 41/Bonita Beach Road	- Signal retiming
Coconut Road/Spring Creek Road	- Separate NB left & right turn lanes

- Separate EB thru and right turn lanes
- Separate WB thru and left turn lanes

Buildout (2009 in the original assessment)

Corkscrew Road

- Three Oaks Parkway to 1-75 Old 41
- Bonita Beach Road to Terry St.

- Widen to 4 lanes
- Constrained (no widening possible; maximum v/c ratio of 1.85 per 1993 Lee Plan Policy 22.1.9)

US 41

- Immokalee Road to Old 41 (Collier County)
- Bonita Beach Road to West Terry Street
- West Terry Street to Pelican's Nest Drive
- Coconut Road to Williams Rd.
- Constitution Boulevard to Alico Road

- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes
- Widen to 6 lanes

US 41/Corkscrew Road

- Separate EB left and thru/right lanes
- Westbound dual left turn lanes
- Signal retiming
- Signalization, if warranted
- Separate EB left and right turn lanes
- Signalization, if warranted

US 41/Williams Road

US 41/Coconut Road

US 41/Pelican Commercial Entrance

- Northbound left turn lanes
- Southbound right turn lane
- Eastbound right turn lane

US 41/North Pelican Entrance

- Northbound left turn lane
- Southbound right turn lane
- Eastbound left and right turn lanes
- Signalization, if warranted

US 41/Pelican Landing Parkway/Old 41

- Southbound dual left turn lanes
- Northbound dual left turn lanes
- Eastbound thru/right turn lane
- Westbound two thru lanes
- Signal retiming

US 41/Pelican's Nest Drive

- Northbound left and right turn lanes
- Southbound left and right turn lanes

- Eastbound left and thru/right lanes
 - Westbound left and thru/right lanes
 - Signalization, if warranted
- US 41/Terry Street
- Northbound dual left turn lanes
 - Separate WB thru and right turn lanes
 - Signal retiming
- US 41/Bonita Beach Road
- Signal retiming
- Coconut Road/Spring Creek Road
- Separate NB left and right turn lanes
 - Separate EB thru and right turn lanes
 - Separate WB thru and left turn lanes

The Traffic Impact Statement submitted in support of the Fifteenth Amendment to the Pelican Landing DRI found that the following roadway links will be significantly and adversely impacted by the Pelican Landing development at buildout (20220).

Buildout (20220)

Needed Improvement

Old US 41

Bonita Beach Road to East Terry Street - No Improvement Constrained Roadway

2. Mitigation

a. The Developer will pay impact fees as defined in the LDC to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees were originally estimated to be \$8,900,000 for the land uses identified in attached Exhibit F. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2009 and as updated through the new buildout year of 20220. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the LDC Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the LDC.

b. If through the local development approval process, the Developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph H.1.b., those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the LDC.

c. The Developer must dedicate 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance of 2,326 feet. The Developer constructed, as a two-lane access road, Burnt Pine Drive North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the LDC. Dedication of the roadway right-of-way and construction of Burnt Pine Drive for the links below is complete.

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Walden Center Drive North from Pelican Landing Parkway to Pelican Landing North Entrance was under construction no later than December 31, 1998.

3) North Commons Drive north from Pelican Landing North Entrance to Coconut Road.

d. The Developer reserved and dedicated 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way

dedication will be granted at the time of dedication, and must be consistent with the LDC in effect at that time.

e. As a mitigation option, the Developer made, with the concurrence of Lee County, made an advance payment of a portion of Pelican Landing's total Impact Fees. Lee County utilized the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study, at the time, was scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The Developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The Developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points are located and developed consistent with the FDOT's access management classification for US 41, unless otherwise approved by the FDOT. Improvements to those access points will be consistent with FDOT's permitting requirements.

c. Site-related improvements will be as defined in the LDC.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID) or the Bay Creek Improvement District, a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.

4. Traffic Monitoring Report

a. The Developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, FDOT, FDEO, and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report was submitted. Reports must be submitted biennially thereafter until buildout of the project.

b. The monitoring report was designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDEO prior to the submittal of the first report. The methodology of the traffic monitoring report may be revised if agreed upon by all parties.

c. The traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and turning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season turning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b. as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b. as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

<u>Roadway</u>	<u>Segment</u>	<u>Improvement Schedule</u>	
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	1-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)

<u>Roadway</u>	<u>Segment</u>	<u>Improvement Schedule</u>	
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)

Bonita Beach Road

Hickory Blvd. to
Vanderbilt

2 to 4

Planning Horizon I
(1997/98)

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b. that have been constructed, and the program status of the remainder.

d. If the biennial monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, or is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing 5% or more of LOS "D" the roadway service volume at the adopted level of service standard during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service must be scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing 5% or more of the roadway service volume at the adopted level of service standard during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by FDOT and/or Collier County.

f. In the event the Developer confirms that no additional development occurred on any portion of the site for the year, even after the approval of a local development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Biennial Monitoring Report.

I. Wastewater Management/Water Supply

1. The Developer or the Bayside or Bay Creek Improvement District must obtain a SFWMD Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.

2. Builders within Pelican Landing must utilize ultra low volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.

3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.

4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the Developer or Bayside or Bay Creek Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.

5. Any owner or tenant who operates a commercial facility that generates hazardous commercial effluent must provide written assurance that any hazardous commercial effluent, generated by them, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.

6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.

7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities must be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County and any Fire Control District with jurisdiction.

8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and

Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.

3. Emergency medical service impacts and fire protection impacts generated by the proposed development through the payment of ad valorem taxes, and fire and EMS impact fees when required by the LDC.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the Developer must install an override switch in a glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project. The parking lot for the beach parking lot is required to be gated or closed by the zoning resolution. The gate, chain or other device to prohibit access to the parking lot after hours will be unmanned, and the override system required by this condition does not apply to the parking lot gate, chain, or other device.

K. Interface Zone

1. The Developer will design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through l. of Resolution Number Z-94-014. Adjacent to the mangrove fringe means any golf course constructed within 500 feet of the mangrove fringe.

2. The Developer will employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development of a golf course and water management area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.

b. The practice of Integrated Pest Management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due

to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.

4. The Developer has prepared and will continue to follow, as set out below, the management plan for the application of herbicides, pesticides, and fertilizers on the original Pelican Landing DRI golf course adjacent to the mangrove fringe of Estero Bay. This plan was amended to include the Kersey-Smoot parcels prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. This plan, or any amendment thereto, will be evaluated in accordance with the directives of Chapter 62-302 F.A.C., Water Quality Standards.

a. The amended management plan included a groundwater and surface water monitoring plan; provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe; identified the locations for the groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements.

b. The monitoring program was established and operated at the expense of the Developer, the Bayside or Bay Creek Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course.

c. The monitoring has been conducted for a period of 15 years, during which time there were no water quality violations in Estero Bay, the mangrove fringe, the Interface Zone, or within 500 feet of the mangrove fringe of Estero Bay. The golf course conditions and the approved management plan for the application of herbicides, pesticides and fertilizers are effective and have been shown to protect the water quality of the Bay.

d. Given the proven effectiveness of the golf course conditions, the Interface Zone monitoring requirement is no longer necessary, but will be immediately reinstated at any time the County's surface water monitoring sites (EB-4 and EB-7) along

the Interface Zone reveal a violation of the water quality in the Bay that is or can be attributed to the application of fertilizer, pesticide or herbicides used on the golf course.

e. In the event any portion of the golf course within 500 feet of the mangrove fringe is reconfigure, redesigned or redeveloped, the Developer or other responsible entity must perform annual surface water and ground water monitoring, in accordance with the requirements in Condition K, for a period not to exceed three years from the date of the changes to the golf course.

f. The Bayside and Baycreek Improvement Districts, or other responsible entity, will provide a copy of any required NPDES monitoring in the Interface Zone, or at other required monitoring sites around the DRI, to Lee County and the City of Bonita Springs.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and FDEO. The amended plan must be approved by FDEO prior to the application of chemicals to the reconfigured, redesigned or redeveloped golf course. The FDEO will have 30 working days to review the management plan and approve or object to the plan in writing. The objections must be based on valid rules and regulations, and must identify how the concerns or issues can be addressed by the Developer. The Developer must resubmit a revised water quality management plan to address the valid objections. FDEO will have 30 days in which to review any revised management plan and must provide written comments or approval in the same manner as for the original management plan. Should FDEO fail to provide a written response within the prescribed time frames, the plan will be deemed approved.

6. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the applications of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDEO will be implemented by the Developer, or other responsible entity. The mitigation plan will be based on rules and regulations in effect at the time the plan is reviewed and approved. The approved mitigation plan will be enforceable as a condition of the Development Order.

7. The mangrove wetland jurisdiction line of Estero Bay will be buffered from the proposed golf course by a 100-foot-wide undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Lee County. The 100-foot-wide buffer area will run

along the portion of the golf course that abuts the mangrove wetlands of Estero Bay south of Coconut Road.

The mangrove line for the Kersey-Smoot and Johnson (Government Lot 1, Parcel 3) parcels is offset 50 feet, to over 250 feet west of the wetland jurisdictional line delineated along the western (Estero Bay) side of the Kersey-Smoot parcels. No portion of the proposed golf course may be located closer than 100 feet to this mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the Kersey-Smoot parcels. This includes both saltwater and freshwater wetlands contained within the boundary of the wetlands jurisdictional line. The proposed golf course fairways, tees and greens must be set back a minimum of 25 feet from all wetland jurisdictional lines on the Kersey-Smoot and Johnson parcels, except where wetland impacts have been permitted by the SFWMD and the U.S. Army Corps of Engineers (ACOE). Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the Kersey-Smoot and Johnson parcels.

8. All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the FDEP and the SFWMD. None of the Interface Zone conditions will be interpreted in a manner which is contrary to Section 403.021, Florida Statutes, the Florida Air and Water Pollution Control Act, and the rules adopted thereunder.

9. The Interface Zone conditions will not be interpreted in a manner contrary to public policy directives to utilize domestic reclaimed water. Pelican Landing will not be responsible for any harmful pollutants applied to the golf course via the reclaimed water, unless Pelican Landing has actual knowledge that the reclaimed water provided by the utility contains harmful pollutants.

10. The conditions set forth in this DRI Development Order do not preempt the authority of the SFWMD and the FDEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the FDEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of FDEO, SWFRPC, or Lee County pursuant to this DRI Development Order are contrary to those of the SFWMD/FDEP, in areas where the SFWMD and FDEP have been given preemptive authority, the requirements of the SFWMD and the FDEP will control.

L. Dual Jurisdiction

The Pelican Landing DRI is located within two jurisdictions, namely Lee County and the City of Bonita Springs. For State review purposes, the DRI will be considered an integrated and whole development, such that all approvals for development under the DRI

Development Order will be applicable to the entire Pelican Landing DRI without regard to the jurisdictional split.

To this end, the Developer is required to provide contemporaneous copies of any and all NOPC applications filed with respect to the Pelican Landing DRI to both the City and the County, even though the property actually affected by the amendment may be located wholly with one or the other jurisdiction. The jurisdiction most affected by the NOPC (i.e., as determined by the location of property affected by the proposed change) will take the lead in processing the NOPC. However, both jurisdictions may have input into the NOPC process, as a principle, if desired.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact Development Order.

2. All commitments and impact mitigating actions volunteered by the Developer in the Application for Development Approval and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

- (a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;
- (b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;
- (c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;
- (d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and
- (e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, last revised January 24, 2013 ~~January 2006~~, and date-stamped received at the permit counter on May 2, 2006 ~~February 13, 2013~~, is attached hereto as Exhibit E and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions,

traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the ACOE, SFWMD, FDEP and Lee County. A synopsis of the development parameters permitted under this approval and depicted on Map H are set forth in attached Exhibit F.

4. The Development Order is binding upon the Developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside or Baycreek Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

5. The terms and conditions set out in this document constitute a basis upon which the Developer and the County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

6. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of such proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

7. Any reference to a governmental agency will be construed to mean any future instrumentality that may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the Developer's responsibility to comply with all applicable federal, state, regional and local regulations.

10. Subsequent requests for local development permits will not require further review pursuant to Section 380.06, Florida Statutes, unless the Board of County Commissioners, after due notice and hearing, finds that one or more of the following is present:

- (a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that creates a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or
- (b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, the Board must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of ~~August 28, 2022~~May 20, 2020, and a termination date of ~~August 27, 2028~~May 20, 2026. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for six years, may be obtained prior to the buildout date.

12. The Developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as Spring Creek Village, El Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. The Administrative Director of the Lee County Department of Community Development, or his/her designee, will be the local official responsible for assuring compliance with this Development Order.

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until ~~2026~~28. If the County clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

Lee County will reserve to this DRI until ~~2026~~2028, 300 acres of residential use allocation in each of the Urban Community and Outlying Suburban Future Land Use

Categories (for a total of 600 acres) as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 20320 Allocation. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The Developer, or its successor in title to the undeveloped portion of the subject property, will submit a report biennially to Lee County, SWFRPC, FDEO and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDEO. The first biennial monitoring report was submitted to the Administrative Director of the FDEO in 2009. Further reporting must be submitted biennially thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06(18), Florida Statutes. The Developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. In compliance with a condition of the first development order amendment, the Developer did amend this Development Order to incorporate the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. A legal description of that portion of the Spring Creek DRI, along with the conditions of the Spring Creek Development Order that are applicable to the Spring Creek West property are now incorporated into this development order. The impacts of the Spring Creek development will not be considered separately or cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation that would require further analysis of Spring Creek West. The amendment was adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of the amendment.

17. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes. The inclusion of the Baywinds parcel as part of the Seventh Development Order amendment does not divest the rights provided in the permits, development orders, and government approvals obtained on that parcel based on the plan of development reflected in Lee County Development Order No. 95-12-068.00D. These approvals were granted prior to its inclusion in the Pelican Landing DRI and will allow for the development of the Baywinds

Parcel consistent with the plan of development reflected in Lee County Development Order No. 95-12-068.00D.

Commissioner Manning made a motion to adopt this amendment, seconded by Commissioner Hall. The vote was as follows:

DULY PASSED AND ADOPTED this 6th day of August, 2013.

ATTEST:
Linda Doggett, Clerk

Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: [Signature]
Cecil L. Pendergrass, Chair



APPROVED AS TO FORM

By: [Signature]
Michael D. Jacob
County Attorney's Office

Attachments:

- Exhibit A. Legal Description of the Pelican Landing DRI area within unincorporated Lee County.
- Exhibit B. Legal Description of the Pelican Landing DRI area within the City of Bonita Springs, but excluding the Spring Creek West DRI area.
- Exhibit C. Legal Description of the Pelican Landing DRI area encompassed by the Spring Creek West DRI, located in the City of Bonita Springs.
- Exhibit D. Sketch of the legal descriptions of Pelican Landing DRI.
- Exhibit E. Map H, Master Development Plan - last revised ~~January 2006~~ January 24, 2013, stamped received ~~May 02, 2006~~ February 13, 2013.
- Exhibit F. Pelican Landing DRI Development Parameters

AUG 30 2016

November 1, 2001

DESCRIPTION CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

**PELICAN LANDING DRI - UNINCORPORATED LEE COUNTY
SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

Description
Pelican Landing, County
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the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.

From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

EXHIBIT A.
Page 2 of 5

AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:


Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

EXHIBIT A
Page 3 of 5

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes, Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line for 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08' 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 976 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.


Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor/Mapper
Florida Certificate No. 5652

20002476 Pelican Landing-County - 110101

EXHIBIT A
Page 4 of 5

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI - City of Bonita Springs" and "Pelican Landing DRI - Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as described in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____

Thomas Chernesky, P.S.M. #5426

Date: _____

11-2-01

EXHIBIT A
Page 5 of 5

(941) 947-1144 • FAX (941) 947-0375 • E-Mail: engineering@gradymenor.com
3800 Via Del Rey • Bonita Springs, Florida 34134

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI - CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the Northeast Quarter (NE-1/4) of said section; thence run N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing: S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W along the South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW-1/4) of said Section 16; thence run S 88° 38' 34" W along said South line of said Southwest Quarter (SW-1/4) for 2627.98 feet to the Northeast corner of said Section 20; thence run S 00° 35' 25" E along the East line of said section for 2659.47 feet to the Southeast corner of the Northeast Quarter (NE-1/4) of said section; thence run N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet to an intersection with the West line of the East 600.00 feet of the East Half (E-1/2) of the Southwest Quarter (SW-1/4) of said Section 21; thence run S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 90° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 45' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W along the North line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most easterly branch of said Spring

EXHIBIT B

Page 1 of 5

Creek as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E along the West line of the Southeast Quarter (SE-1/4) of said Section 17 for 2674.38 feet to the Northwest corner of said Southeast Quarter (SE-1/4); thence run N 00° 31' 29" E along the West Line of the Northeast Quarter (NE-1/4) of said Section 17 for 3.40 feet to an intersection with the curved southerly line of Spring Creek Road; thence run northeasterly and northerly along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E along the easterly line of Spring Creek Road (50 feet wide) for 1611.64 feet to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 17; thence run S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an intersection of the west line of Spring Creek Road with the north line of said Section 17; thence run the following courses and distances along the Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 feet to an intersection with the north right-of-way of a 30 foot wide road as recorded in Deed Book 305 at Page 276 of the Public Records of Lee County, Florida; thence run N 89° 59' 08" W along said right-of-way for 718.27 feet to an intersection with the easterly line of lands known locally as Spring Creek Estates, an unrecorded plat; thence along said lands the following courses and distances: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W for 130.70 feet to the northeast corner of lands described in Official Record Book 1194, Page 1085; thence westerly along said lands and waters of a canal, 106 feet, more or less to the northeast corner of said lands described in Official Record Book 1057, Page 38; thence southwesterly and westerly along said lands and said canal 400 feet more or less to the

EXHIBIT B
Page 2 of 5

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Description
Pelican Landing - City
November 1, 2001
Page 3 of 3

northwest corner of lands described in Official Record Book 1453, page 495; thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W along the south line of said Lot 2, said line being the basis of bearings for 1213.22 feet, said line being the southerly property line, to a bulkhead line established by Paul T. O'Hagan, Florida Professional Land Surveyor #1936 and duly approved by the County of Lee on September 27, 1967 and the State of Florida on November 21, 1967; thence the following courses and distances along said bulkhead line: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.

Parcel contains 304 acres, more or less.

Frances L. Yerdón (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20002476 Pelican Landing-City - 110101

EXHIBIT B
Page 3 of 5

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AUG 30 2018

JOHNSON
ENGINEERING

August 15, 2001

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

BEACH PARCEL

A tract or parcel of land lying in Government Lot 3, Section 13 and Government Lot 2, Section 24, Township 47 South, Range 24 East, Big Hickory Island, Lee County, Florida which tract or parcel is described as follows:

From the center of a turnaround on State Road No. 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N 24° 28' 41" W along the northern prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 98.40 feet; thence run N 27° 33' 11" W for 1863.42 feet; thence run N 20° 00' 41" W for 1403.30 feet; thence run N 65° 00' 00" E for 313.91 feet to the Point of Beginning. From said Point of Beginning run N 18° 55' 11" W for 97.51 feet, N 22° 26' 23" W for 100.53 feet, N 23° 09' 50" W for 100.14 feet, N 14° 51' 19" W for 73.01 feet, N 27° 40' 10" W for 88.01 feet, N 29° 33' 57" W for 46.01 feet, N 22° 14' 53" W for 47.27 feet, N 20° 39' 23" W for 46.98 feet, N 11° 15' 38" W for 29.80 feet, N 26° 10' 46" W for 46.87 feet, N 09° 09' 45" W for 48.26 feet, N 17° 35' 56" W for 46.04 feet, N 12° 49' 07" W for 50.04 feet, N 29° 20' 48" W for 69.12 feet, N 20° 48' 58" W for 63.82 feet; thence run N 79° 23' 51" W for 247 feet more or less to an intersection with the Approximate Mean High Water Line of the Gulf of Mexico; thence run northerly and northeasterly along said waters for 1140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 188 of the Public Records of Lee County, Florida; thence run along said South line, along the arc of a curve to the right of radius 12000.00 feet for 783 feet to an intersection with the Waters of New Pass; thence run southerly, easterly, southwesterly and southerly along said waters for 4080 feet more or less to an intersection with a line bearing N 65° 00' 00" E and passing through the Point of Beginning; thence run S 65° 00' 00" W for 181 feet more or less to the Point of Beginning.

AND

From said Point of Beginning run S 13° 03' 59" E for 94.16 feet; thence run S 19° 13' 48" E for 50.64 feet; thence run S 04° 34' 15" E for 54.63 feet; thence run S 24° 53' 12" E for 50.09 feet; thence run S 27° 10' 29" E for 50.01 feet; thence run S 31° 01' 44" E for 42.51 feet to an intersection with the South line of lands described in Official Record Book 2246 at Page 4413 of the Lee County Records; thence run N 65° 00' 00" E along said south line for 134 feet, more or less to the waters of Estero Bay; thence northerly along said waters for 358 feet, more or less to an intersection with a line bearing N 65° 00' 00" E and passing through the Point of Beginning; thence run S 65° 00' 00" W for 181 feet, more or less to the Point of Beginning. Containing 36.8 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT B
Page 4 of 5

22005BeachParcel-081501

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Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers • Land Surveyors • Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI - City of Bonita Springs" and "Pelican Landing DRI - Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as described in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: Thomas Chernesky Date: 11-2-01
Thomas Chernesky, P.S.M. #5426

EXHIBIT B
Page 5 of 5

(941) 947-1144 • FAX (941) 947-0375 • E-Mail: engineering@gradymenor.com
3800 Via Del Rey • Bonita Springs, Florida 34134



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SINCE 1845

AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

November 1, 2001

**PELICAN LANDING DRI - CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, being described as follows:

Beginning at the northwest corner of said Section 21; thence run N 88° 38' 34" E along the north line of the Northwest Quarter (NW-1/4) of said Section 21 for 2627.98 feet to the northeast corner of the Northwest Quarter (NW-1/4) of said Section 21; thence run N 89° 16' 54" E along the north line of the Northeast Quarter (NE-1/4) of said Section 21 for 1289.43 feet to an intersection with the westerly right-of-way line of Tamiami Trail (US 41 - SR No. 45); thence run the following three (3) courses and distances along the westerly right-of-way line of Tamiami Trail: South 00° 06' 50" E for 261.81 feet; S 02° 58' 35" E for 100.12 feet; S 00° 06' 50" E for 3690 feet more or less to the northeasterly waters of Spring Creek; thence run westerly along said northerly waters for 2765 feet more or less to an intersection with the west line of the east 600.00 feet of the East Half (E-1/2) of the Southwest Quarter (SW-1/4) of said Section 21; thence run N 00° 51' 35" W along said west line for 801 more or less to an intersection with the south line of the Northwest Quarter (NW-1/4) of said Section 21; thence run S 88° 52' 49" W along said south line for 2040.41 feet to the southwest corner of the Northwest Quarter (NW-1/4) of said Section 21; thence run N 00° 35' 25" W along the west line of said Northwest Quarter (NW-1/4) for 2659.47 feet to the Point of Beginning.

Parcel contains 282 acres, more or less.

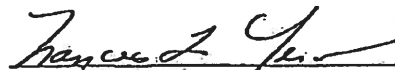

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

City of Bonita Springs, Lee County, Florida 33002-1550

DESCRIPTION
PELAKAN LANDS INC - CITY OF BONITA SPRING
SECTION 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

SKETCH TO ACCOMPANY DESCRIPTIONS
PREPARED FOR

DRI 2000-00022

WCI COMMUNITIES LIMITED PARTNERSHIP

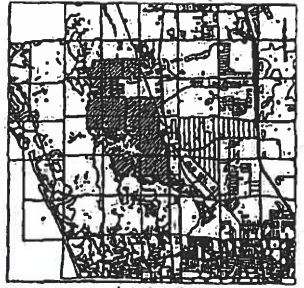
LOCATED IN
SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
AND
SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION CONTINUED
PELAKAN LANDS INC - UNINCORPORATED LEE COUNTY

PARCEL 1-1
DESCRIPTION CONTINUED
PELAKAN LANDS INC - CITY OF BONITA SPRING
SECTION 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

DESCRIPTION CONTINUED
PELAKAN LANDS INC - CITY OF BONITA SPRING
SECTION 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

INDEX	
ENTRY NO.	DESCRIPTION
1	DEED BOOK
2	PARCELS 1-2 & 1-3
3	PARCEL 1-4
4	PARCELS 1-5 THROUGH 1-8
5	EACH PARCEL



LOCATION MAP
NOT TO SCALE

BEACH PARCEL
DESCRIPTION CONTINUED
PELAKAN LANDS INC - CITY OF BONITA SPRING
SECTION 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

PELAKAN LANDS INC - CITY OF BONITA SPRING
SECTION 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

THIS IS NOT A SURVEY
JOHNSON ENGINEERING, INC.
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 12345
DATE: 10/15/00

DESCRIPTION
PELAKAN LANDS INC - UNINCORPORATED LEE COUNTY

PARCEL 2-1
DESCRIPTION CONTINUED
PELAKAN LANDS INC - UNINCORPORATED LEE COUNTY

DESCRIPTION CONTINUED
PELAKAN LANDS INC - UNINCORPORATED LEE COUNTY

PARCEL 2-2
DESCRIPTION CONTINUED
PELAKAN LANDS INC - UNINCORPORATED LEE COUNTY

JOHNSON ENGINEERING, INC.
REGISTERED PROFESSIONAL ENGINEER
STATE OF FLORIDA
NO. 12345
DATE: 10/15/00

PROJECT NO:	20000170	DATE:	7-27-00	SCALE:	N/A	SHEET:	1 OF 5
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EXHIBIT D
Page 1 of 5

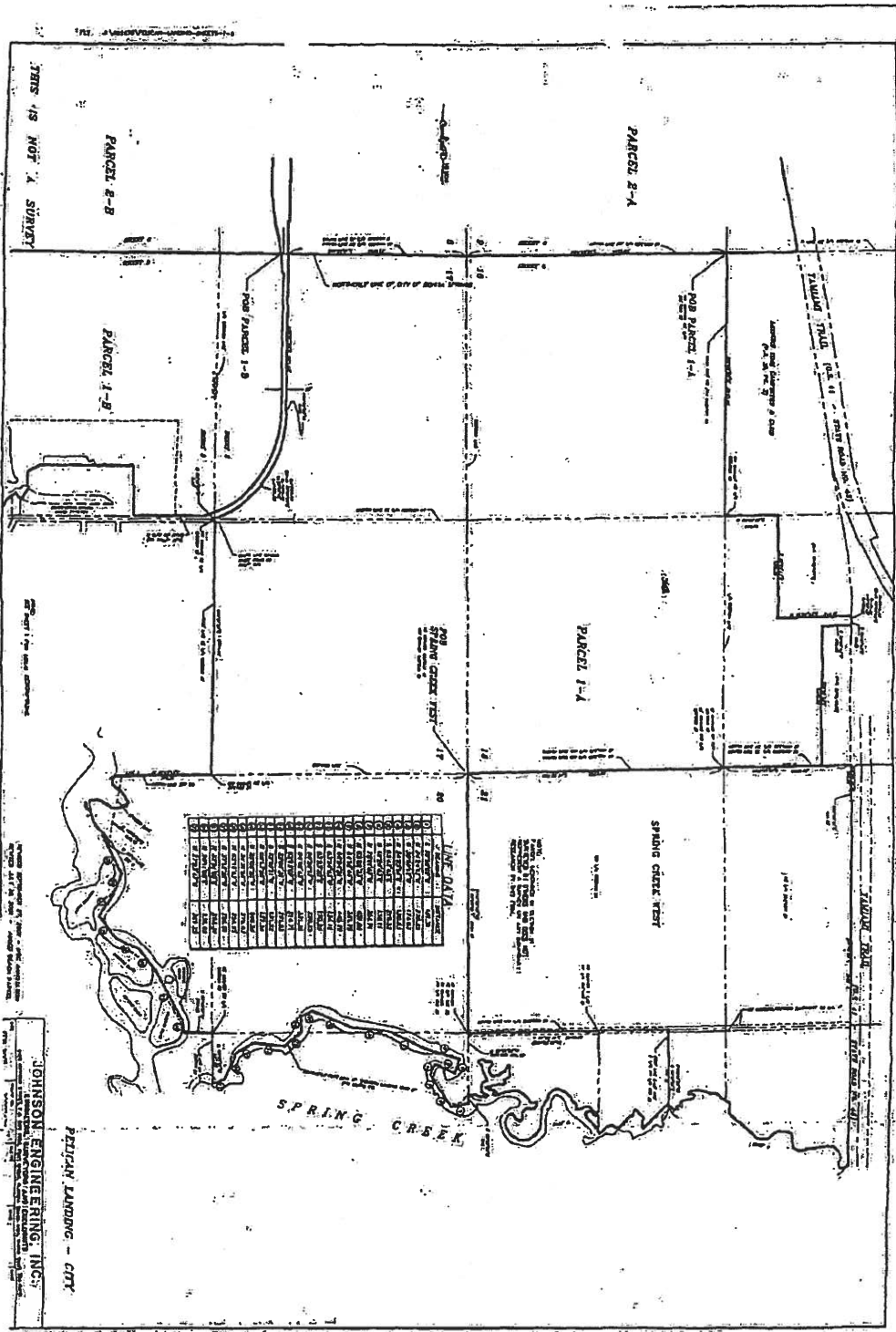
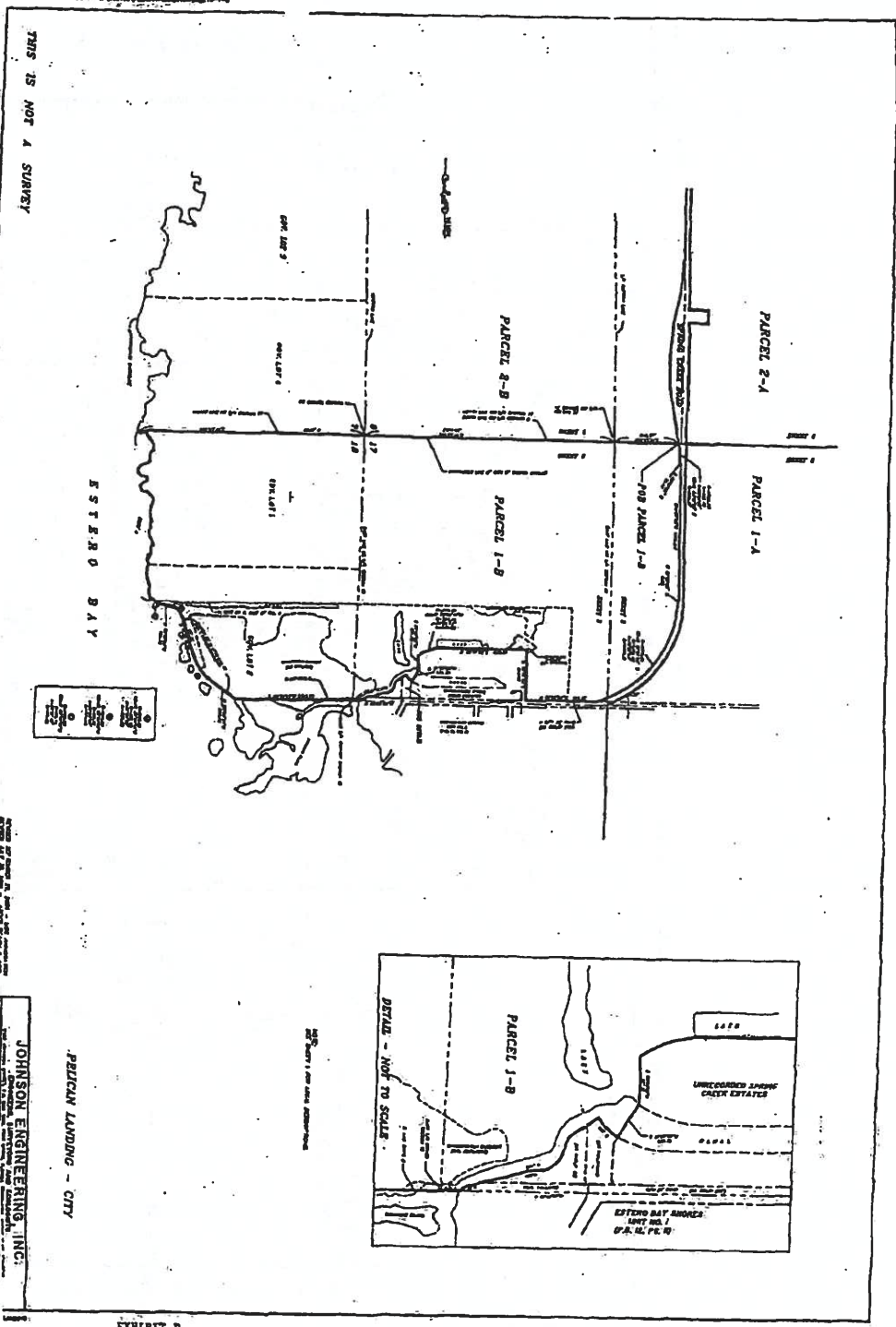


EXHIBIT D
Page 2 of 3



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ESTERO BAY

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JOHNSON ENGINEERING, INC.

EXHIBIT D
Page 3 of 5

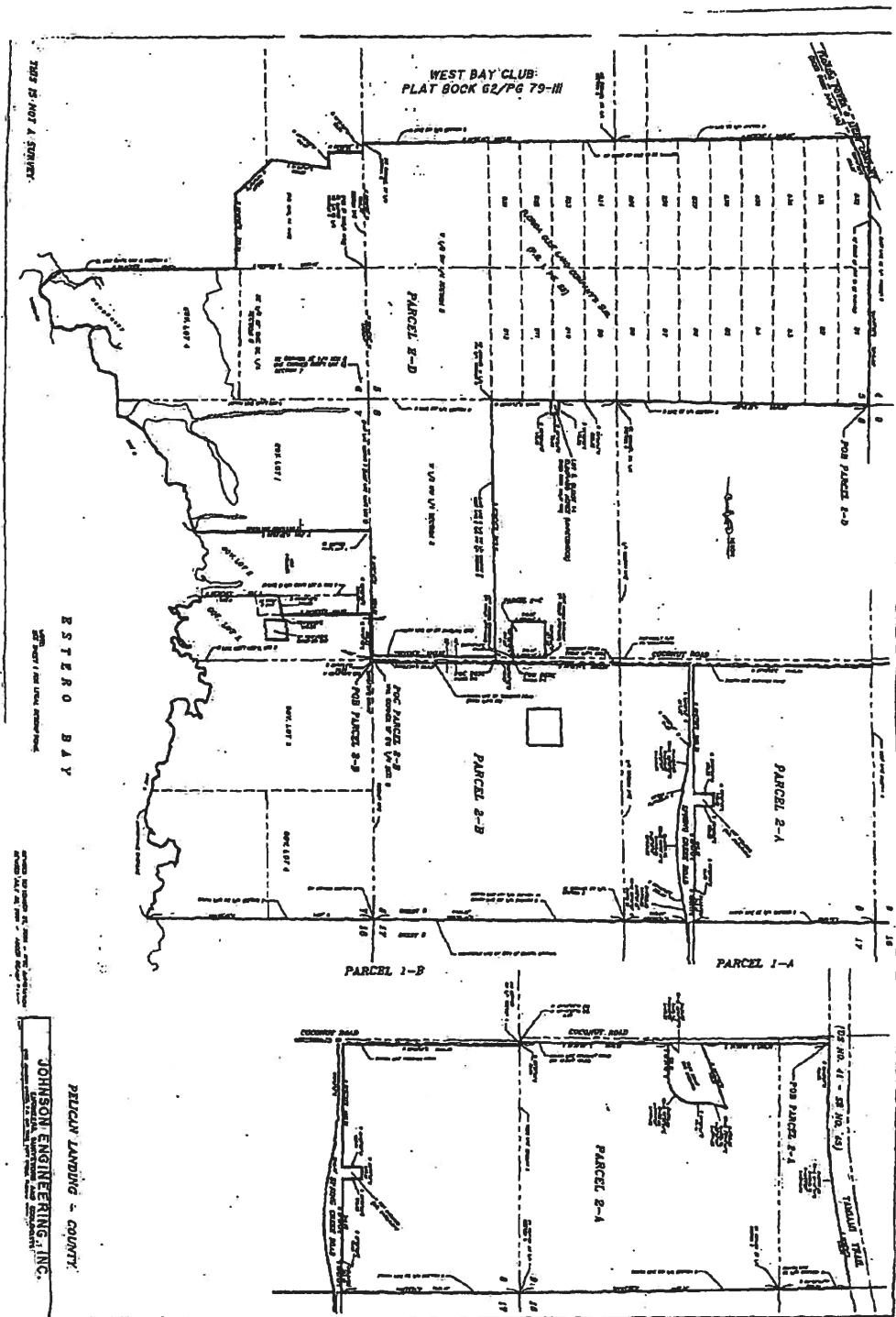
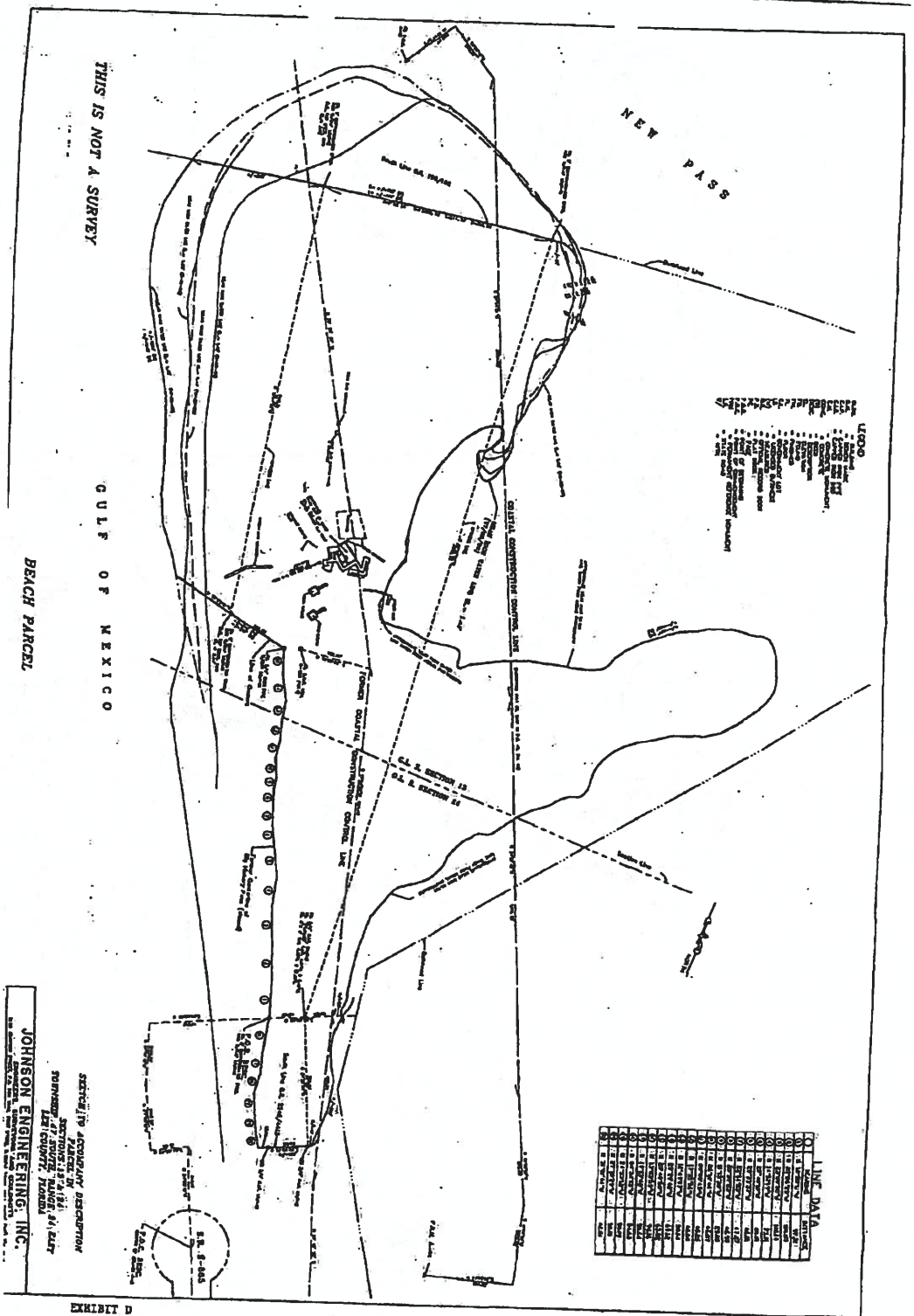


EXHIBIT D
Page 4 of 5



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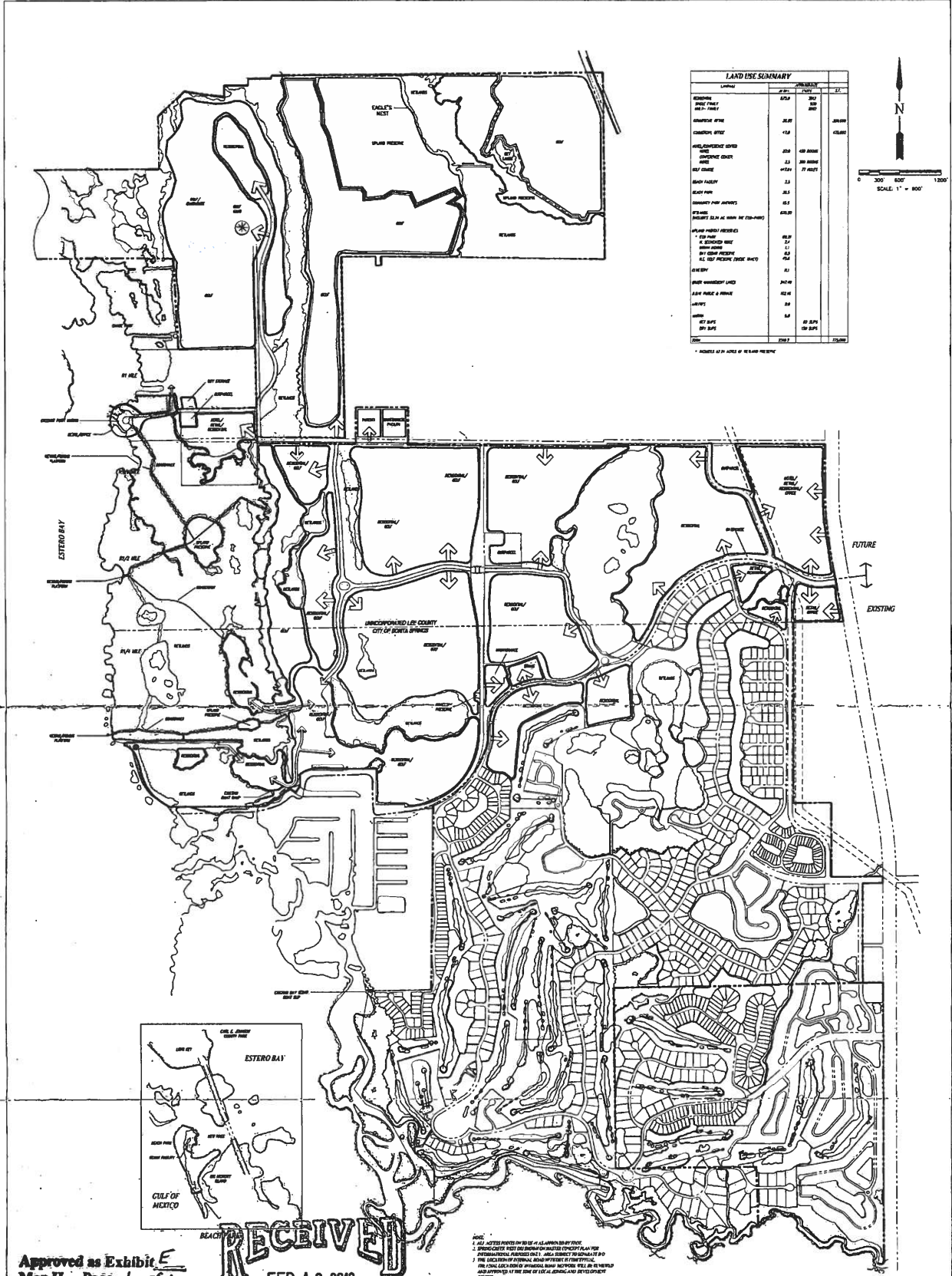
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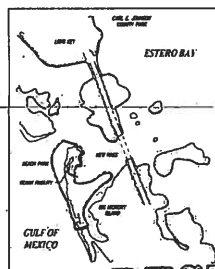
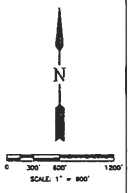
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SECTION TO ACCURATE DESCRIPTION
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 TOWNSHIP 27 SOUTH RANGE 41 EAST
 12TH COUNTY, FLORIDA
 JOHNSON ENGINEERING, INC.
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 ...

EXHIBIT D
 Page 5 of 5



LAND USE SUMMARY			
Category	Area (Acres)	Percentage	Notes
RESIDENTIAL	2,100	70%	
COMMERCIAL OFFICE	150	5%	
COMMERCIAL RETAIL	150	5%	
INDUSTRIAL	100	3%	
OPEN SPACE	100	3%	
UTILITY	50	2%	
ROADS	50	2%	
WATER	50	2%	
OTHER	50	2%	
TOTAL	3,000	100%	



Approved as Exhibit E
 Map H Page 1 of 1
 Resolution # 18-08-06

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NOTICE: THIS MAP IS A PRELIMINARY PLAN FOR INFORMATIONAL PURPOSES ONLY. THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP FOR TECHNICAL ACCURACY AND COMPLIANCE WITH THE CITY OF SANTA ANITA'S ZONING ORDINANCES. THIS MAP IS NOT TO BE USED FOR CONSTRUCTION OR DEVELOPMENT OF THE SITE OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER'S OFFICE.

EXHIBIT E

COMMUNITY DEVELOPMENT

DRI 2013-00002

<p>GradyMinor Civil Engineers • Land Surveyors • Planners • Landscape Architects 2200 S. W. 11th St., Suite 100 Fort Lauderdale, FL 33304 Phone: 954.343.1144 Fax: 954.343.1145 Email: info@gradyminor.com</p>	<p>PELICAN LANDING DRI MAP H</p>	<p>DATE: 02/13/2013 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1" = 600'</p>
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CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 3-1-01)

Land Use	Units ¹	Existing (1998)	Build out Total (2002 2008)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail ²	GFA	11,000	300,000
Office ³	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/Practice Range	Holes	21	30
Colony Range Club/Golf Course/Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other ⁴	Boat Slips Wet	2	2
	Accessory Parking	0	3.2

Footnotes:

- 1 Units
DU - Dwelling Units
GFA - Square Feet of Gross Floor Area
- 2 Includes conference center, community center and clubhouse/marina
- 3 Includes "Foundations"
- 4 Ancillary Use

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**PELICAN LANDING RPD/CPD AMENDMENT
AMENDMENT JUSTIFICATION**

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DEPARTMENT

BACKGROUND

The Applicant, LB Raptor Investments, LLC, has submitted revisions to the Pelican Landing CPD/RPD Amendment Application (Case No. PD15-23946-BOS), an application originally filed by Pelican Landing Golf Resort Ventures LP in April 2016.

The Application requests modifications to the Pelican Landing CPD/RPD relating to the 55+/-acre subject property known as "Raptor Bay", in accordance with the annexation agreement attached to Ordinance No. 14-10.

The substance of the PD amendment, as originally filed, was to modify Lee County Zoning Ordinance Z-94-014 to allow for four (4) multi-family buildings with a maximum permitted height of 20 habitable floors over 2 floors of parking on the subject property (re-designated on the Master Concept Plan (MCP) as Area F-1).

This Application is subject to a Final Judgement issued by the Circuit Court in April 2020. The Judgement established the following mandates for development of the subject property relating to modifications to Z-94-014:

- Amend Condition 9 to designate the 55+/-acre subject property as Area F-1 on the MCP.
- Amend Condition 12 associated with Deviation 12 to allow for a maximum of four (4) residential buildings with a height greater than seventy-five (75 feet) above minimum flood elevation north of Coconut Road on Area F-1.
- Incorporate 20+/-acre from the Kersey Smoot RPD into the Pelican Landing CPD/RPD to place the entire 55+/-acre subject property in Pelican Landing CPD/RPD.

PROPOSED MODIFICATIONS

LB Raptor Investments, LLC, as a potential purchaser of the property, has been authorized by the property owner to refile application materials with the City to include the following (per the application submitted on June 2, 2020):

- Amend Condition 9 and the MCP to confirm the remaining density available for development in Area F-1 per the Pelican Landing Development of Regional Impact is 503 multi-family dwelling units, subject to applicable density equivalents in the LDC.
- Amend Condition 9 and the MCP to add "Continuing Care Facility (CCF), Assisted Living Facility (ALF), Independent Living Facility (ILF) and Health Care Facilities, Groups I, II and III" as permitted uses in Area F-1.
- Amend Deviation 12 to clarify the PD perimeter setbacks for the newly created Area F-1 area.
- Amend Deviation 12, Condition 12.d. to clarify that while only four (4) buildings may be constructed over 75 feet in height, additional buildings that are less than 75 feet tall are permissible, subject to all applicable development regulations and density restrictions.
- Amend Deviation 12, Condition 12.e. to clarify that the 15% open space requirement applies to the newly added CCF uses.
- Amend the MCP to provide interconnectivity to the property immediately south and west (Bayview on Estero Bay).

JUSTIFICATION

The proposed amendments are consistent with the intent of the Final Judgement, as well as the applicable Comprehensive Plan and Land Development Code provisions governing development of the subject property as follows:

- **Unit Count**

The clarification that 503 dwelling units are available for development in Area F-1 is not a substantive change, as this parcel was always intended to utilize the remaining density in the Pelican Landing DRI. Through extensive review of subdivision plats, condominium documents, and aerial review of existing conditions, it has been documented with Staff that 503 units are available for development on the subject property. The Applicant provided the requisite back-up data to support this final unit count, including a revised utility availability letter and supplemental traffic analysis, to support the updated unit count.

- **CCF/ALF Uses**

Similarly, the addition of CCF/ALF uses to the permitted schedule of uses for Area F-1 is non-substantive. These uses are consistent with residential character and form of development authorized in the Final Judgement, which allows for residential uses in the form of high-rise multi-family buildings.

ALF and CCF uses are considered forms of multi-family residential development in both the Lee County and Bonita Springs Land Development Code. This is evidenced by the density equivalency in Lee County LDC Section 34-1494.

ALF/CCF is also a residential use from a transportation trip generation perspective, which considers the use "residential condominium/townhouse" for the purposes of determining traffic impacts.

If developed as CCF/ALF uses, the project would have less impact on the surrounding transportation network compared to the already approved multi-family units authorized by the Final Judgement, as these uses generate less trips than conventional multi-family units. This is true even when comparing the original 400 multi-family units in the 2016 PD application.

The proposed changes do not modify the development's impact from a built-form perspective, as the Applicant has not requested any changes to the building height or footprint that was approved as part of the final court order.

It is also important to note that ALF uses are currently approved in the Pelican Landing CPD/RPD pursuant to Z-96-055, an indication of its appropriateness and compatibility in this project.

- **Deviation 12**

Deviation 12 and the supplementary conditions a. through e. were approved in 1994 and well before the creation of Area F-1 was contemplated. This has resulted in the Applicant identifying certain "gaps" in the condition wording to clearly depict the development regulations for Area F-1.

Specifically, the condition is silent to how structures over 75 feet on this specific tract should be regulated from a PD perimeter setback standpoint. The Applicant is voluntarily requesting to condition the project to comply with Lee County LDC Section 34-2174, to ensure an appropriate setback in mandated for this tract.

LDC Section 34-2174 requires for every foot of building height over 45 feet, the 25' required yard setback increases by ½ foot. By requesting to add F-1 to Condition 12 to comply with this LDC section, the Applicant is arguably placing more restrictions on the development of the property in order to ensure compatibility with surrounding lands, than if the condition were not modified. The change will certainly assist both the Applicant and Staff in having clear and predictable development standards for the subject property.

The requirement that 15% open space is required for each multi-family in condition 12.e. is appropriately expanded to include the CCF use as well.

- **Interconnection**

The proposed interconnection is provided on the MCP to address compliance with recent amendments to the Land Development Code in both Lee County and the City of Bonita Springs since the application was originally filed, relating to the continuation of existing street patterns. Thus, this change enhances the project's consistency with the City's current regulations. The only property owner that would be impacted by this addition is a related entity to the Applicant.

CONCLUSION

In sum, the modifications do not alter the residential character of future development on the subject property. The modifications do not increase the planned density for the Pelican Landing DRI, which has been extensively mitigated for and studied via the state, regional and local DRI process. The amendments do not modify the development's impact from a built-form or trip generation perspective. The modifications also provide clarification for ease of implementation by Staff and enhance consistency with the applicable LDC regulations.

The Applicant submits that the proposed modifications will allow for a development that will be compatible with the surrounding lands and that will uphold the intent of the final court order, while reducing the project's overall intensity and impact.

For these reasons, the Applicant respectfully requests approval of the PD amendment application, as modified.

**Pelican Landing RPD/CPD
Proposed Conditions**

REVISED JULY 2020

Words added to Z-94-014 text are double-underlined, words deleted are ~~struck-through~~
Changes proposed in this resubmittal by LB Raptor Investments, LLC are also highlighted for ease of review.

Resolution Number Z-94-014

Page 15 of 25

Residential Planned Development

8. Permitted uses in RPD land development Area A:

Zero lot line, Single-Family, Two-Family Attached
Residential Accessory Uses, including but not limited to:

- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts

Model Homes, Model Units and Model Display Center, limited to residential
uses within Pelican Landing

Speculative Home

Temporary Sales and/or Construction Office

Administrative Offices

Home Occupation

Entrance Gates and Gatehouses

Public and Private Parks, Playgrounds, Tot Lots, Community

Swimming Pools, Tennis Courts or other community recreational amenity,

Playfields and Commonly Owned Open Space

Essential Services

Signs

9. Permitted Uses in RPD land development Areas B, C, D, and F and F1 (Area F-1 limited to a
maximum of 503 dwelling units):

Residential Uses, including but not limited to:

- Zero lot line
- Two family attached
- Townhouse
- Duplex
- Single family
- Multiple family buildings

Residential Accessory Uses, including but not limited to:

- Private garages, carports and parking areas
- Private swimming pools and enclosures

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- Private tennis courts
 - Private boat docks (where permitted by DRI Development Order)
- Model Homes, Model Units and Model Display Center,
limited to residential uses within Pelican Landing
- Temporary Sales and/or Construction Office
- Administrative Offices
- Golf Courses, Golf Course Accessory and Associate Uses, including but not limited to:
- Club house
 - Maintenance facility
 - Pro shop
 - Alcoholic beverage consumption in the club house
 - Snack bar at the ninth hole or other appropriate location
 - Ball washers
 - Restrooms and other uses which are normal and accessory to the golf course

Assisted Living Facility (ALF) (at a density of 4 ALF beds: 1 residential dwelling unit). Limited to area F-1 (An ALF is also permitted in Area D on the parcel located at the southeast corner of Spring Creek Road and Coconut Road only)

ALF/CCF Accessory uses and structures, ALF/CCF including but not limited to: small-scale retail and personal services for use by residents such as ATM's, auditoriums, banking, barber and/or beauty shop, spa services, laundry and/or dry cleaning (Group I and II), medical offices, pharmacy, postal services, rehabilitation facilities, sundries, other community recreational facilities and similar uses)

Club, country
Club, private

Continuing Care Facility (CCF), calculated at a density of 2 CCF units: 1 residential dwelling units, Limited to area F-1

Health Care Facilities, Groups I, II and III, Limited to area F-1

Home Occupation

Independent Living Units (ILF), calculated at a density of 2 ILF units: 1 residential dwelling units, Limited to area F-1

Entrance Gates and Gatehouse

Public and Private Parks

Playground, Tot Lots

Community Swimming Pools

Tennis Courts or other community recreational amenity

Playfields

Essential Services

Essential Service Facilities

Signs

Excavation-water retention

Resolution Number Z-94-014

Page 17 of 25

12. Deviation (12) is approved for RPD Area F, F1 and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide one foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands

north of Coconut Road, the setback for structures in excess of 75 feet in CPD Area B and the RPD Area F that is adjacent to Coconut Road may be per LDC Section 34-2174.

The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:

a. Minimum Lot Area and Dimensions

Lot Size	10,000 square feet
Lot Area per Unit	1,000 square feet
Width	100 feet
Depth	100 feet

b. Minimum Setbacks

Private Road	25 feet
Side Yard	25 feet
Rear Yard	25 feet
Waterbody	25 feet

c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.

d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted south of Coconut Road. The F-1 parcel located north of Coconut Road may be developed with four (4) multi-family buildings up to twenty (20) habitable floors over two (2) floors of parking and additional buildings with a height less than 75 feet are also permitted; OR parcel F-1 may be developed with single-family, zero lot line, duplex, townhouse, and multi-family buildings up to 120 feet over parking. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel).

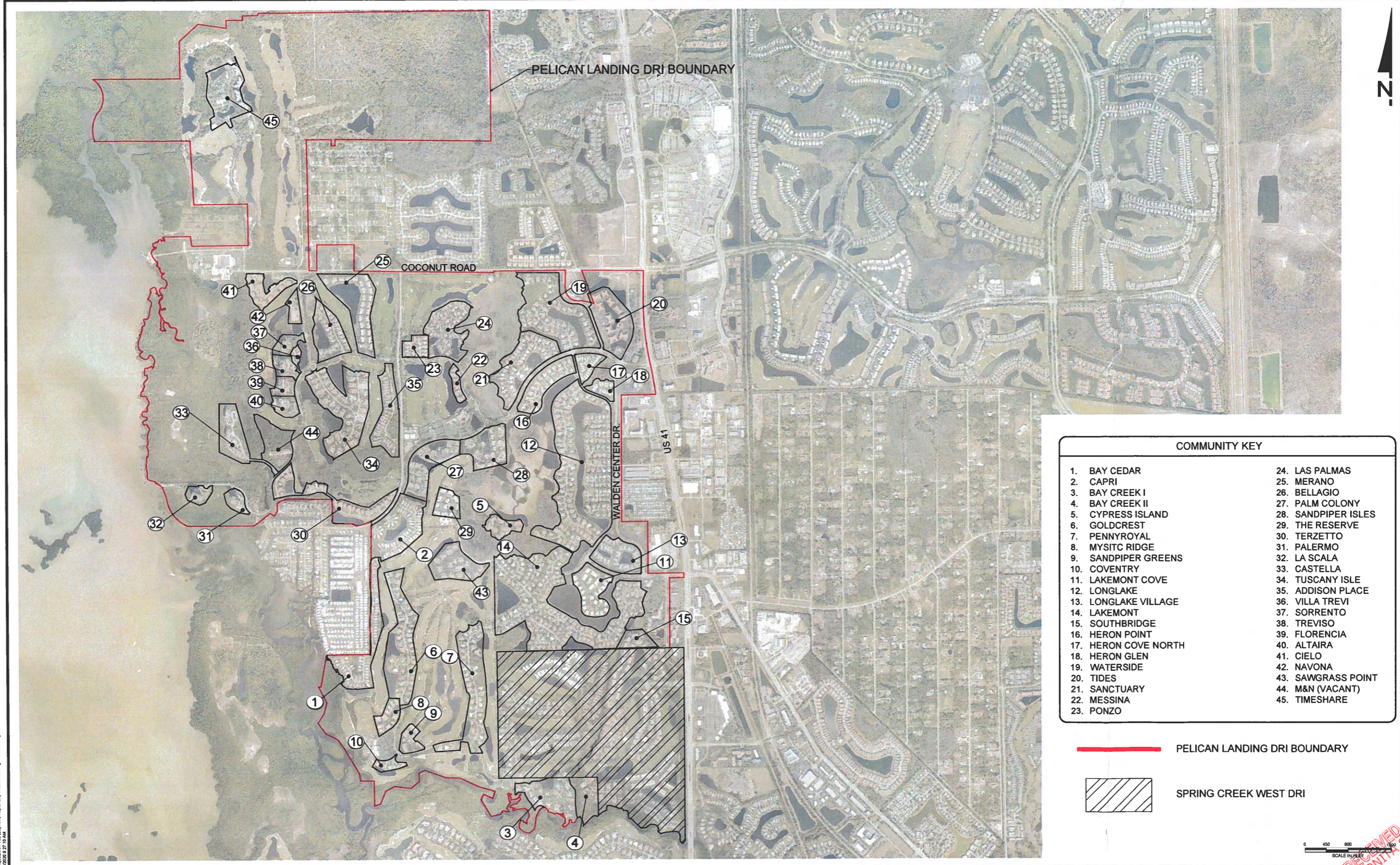
e. A minimum of 15% open space shall be provided for each multi-family building site/Continuing Care Facility (CCF) that is or exceeds 75 feet in height.

PELICAN LANDING DRI
UNIT COUNT TABULATION

Community Name	UNIT COUNT			Notes
	Sources			
	DRI	CDD	Plat/Condo Doc	
Bay Cedar	66	66	66	Multiple plats (combined into 1 PDF)
Bay Creek I & II	13	15	26	Lot 14 in Spring Creek West DRI (98% of Lot) - Lots 8 & 9 & Lots 3& 4 Combined but treated as two separate lots for analysis.
Capri	63	63	63	Plat
Coventry	8	8	8	10 Lots on Original Plat - 7 Lots Built - 1 vacant lot - 1 lot converted to GC on Replat
Cypress Island	68	68	68	Condo Doc
Goldcrest	42	42	42	Plat
Heron Cove North	22	22	22	Plat
Heron Glen	15	15	15	Plat
Heron Point	23	23	23	Plat
Lakemont	165	165	165	Multiple plats (combined into 1 PDF)
Lakemont Cove	124	124	124	Condo Doc not clear on units. Prop Appraiser of all buildings generated 124 owners
Longlake	147	147	147	Multiple plats (combined into 1 PDF)
Longlake Village	56	56	56	Plat
Mystic Ridge	46	46	46	Condo Doc
Palm Colony	120	120	120	Condo Doc
Pennyroyal	43	43	43	Plats
Sanctuary	52	52	46	Plat - 46 lots shown, aerial 46 counted
Sandpiper Greens	48	48	48	2 separate condo docs (combined in to 1 PDF)
Sandpiper Isles	100	100	100	Condo Doc/Property Appraiser Owner count
Sawgrass Point	124	124	124	Condo Doc
Southbridge	31	166	31	7 Buildings total in Pelican Landing but 3 buildings partially in Spring Creek - Removed 1 unit for each building
The Reserve	60	60	60	Condo Doc
Tides	280	280	280	Condo Doc
Waterside	46	46	46	Plat
Pelican Landing Total	1,762	1,899	1,769	-7
Colony Estates/Messina	6	6	6	Plat
Las Palmas	49	49	49	Plat
Addison Place	28	28	28	Plat
Tuscany Isle	39	40	39	Plat shows 40, lot combination performed = 39, aerial shows 39
Bellagio	26	26	26	Plat
Merano	100	100	100	Condo Doc
Sorrento	72	72	72	Condo Doc
Palermo	71	71	71	Condo Doc
LaScala	64	64	64	Condo Doc
Treviso	76	76	76	Condo Doc
Castella	72	72	72	Condo Doc
Navona	100	100	100	Condo Doc
Florenca	116	116	116	Condo Doc
Villa Trevi	5	5	5	Condo Doc
Terzetto	69	69	69	Condo Doc
Cielo	96	96	96	Condo Doc
Ponza	13	13	13	Plat
Altaira	75	75	75	Condo Doc
M&N	200	124	200	FPA Shows 116. DRI Says 200 or less. Total assumed 200
The Colony Totals	1,277	1,202	1,277	
TOTALS	3,039		3,046	
Pelican Landing	1,769			
The Colony	1,277			
Timeshare	362			96 built today Hyatt Coconut Plantation Resort Timeshare - Assumes all units are 3 bedrooms or more and 1:1 density ratio
Total Reconciled Unit Count	3,408			
PL DRI Approved	3,912			
Remaining	504			Remaning represents PL DRI Approved # minus Plat/Condo Total # minus Timeshare units (1 Single-Family & 503 Multi-Family)
WCI-Waldrop Discrepancy	-7			

Legend	
	Discrepancy

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COMMUNITY KEY

1. BAY CEDAR	24. LAS PALMAS
2. CAPRI	25. MERANO
3. BAY CREEK I	26. BELLAGIO
4. BAY CREEK II	27. PALM COLONY
5. CYPRESS ISLAND	28. SANDPIPER ISLES
6. GOLDCREST	29. THE RESERVE
7. PENNYROYAL	30. TERZETTO
8. MYSITC RIDGE	31. PALERMO
9. SANDPIPER GREENS	32. LA SCALA
10. COVENTRY	33. CASTELLA
11. LAKEMONT COVE	34. TUSCANY ISLE
12. LONGLAKE	35. ADDISON PLACE
13. LONGLAKE VILLAGE	36. VILLA TREVI
14. LAKEMONT	37. SORRENTO
15. SOUTHBRIDGE	38. TREVISO
16. HERON POINT	39. FLORENCIA
17. HERON COVE NORTH	40. ALTAIRA
18. HERON GLEN	41. CIELO
19. WATERSIDE	42. NAVONA
20. TIDES	43. SAWGRASS POINT
21. SANCTUARY	44. M&N (VACANT)
22. MESSINA	45. TIMESHARE
23. PONZO	

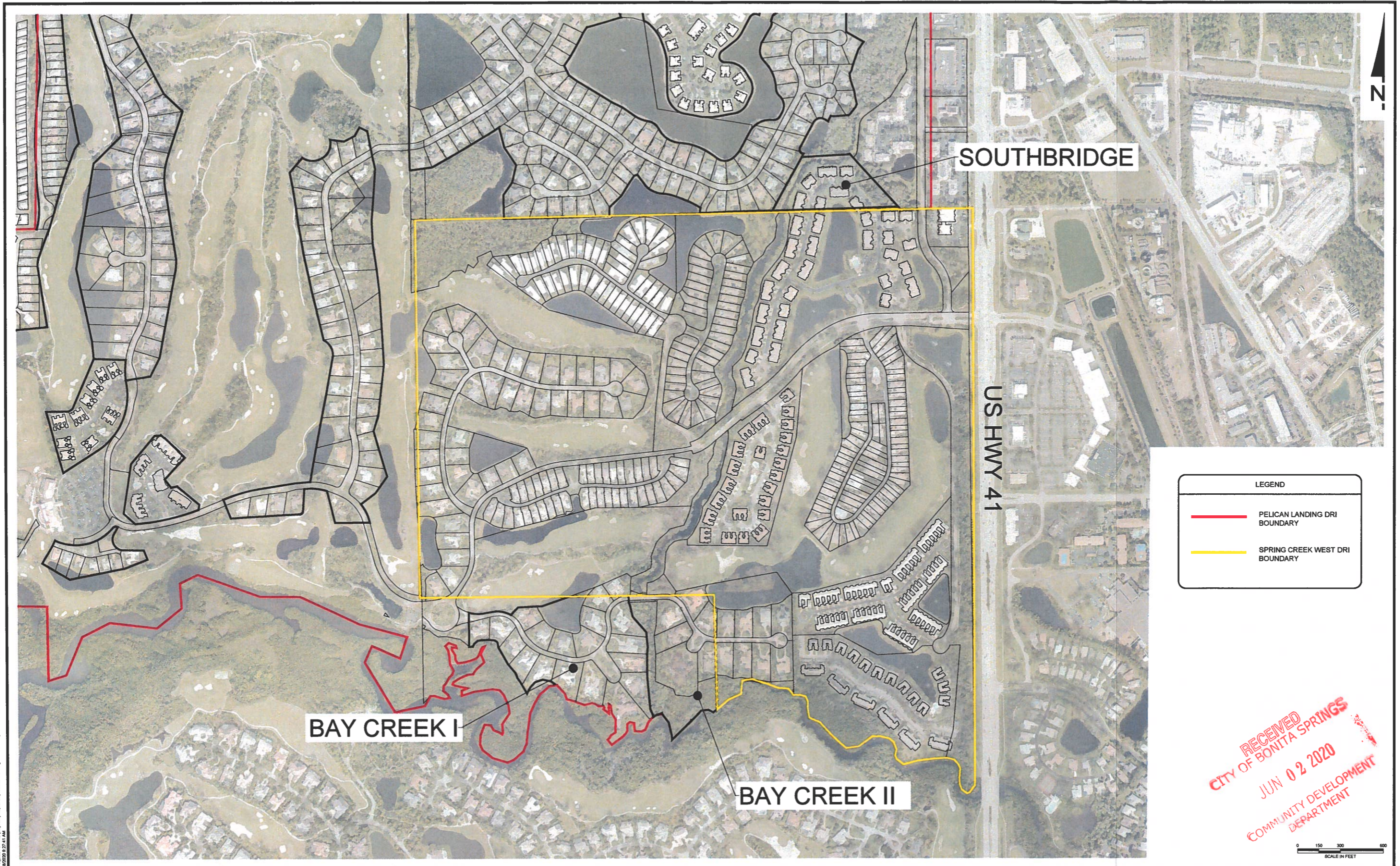
PELICAN LANDING DRI BOUNDARY

SPRING CREEK WEST DRI



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Pelican Landing CPD/RPD

**Request Statement
and
Demonstration of Compatibility**

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Request Statement and Project Narrative

The annexed property is part of the Pelican Landing DRI. The property was annexed into the City of Bonita Springs from unincorporated Lee County on May 2014. The annexed property, which is part of the Pelican Landing community, is located off Coconut Point Resort Drive. The annexed property is currently zoned Pelican Landing CPD/RPD and Kersey-Smoot RPD.

The applicant, Pelican Landing Golf Resort Ventures LP, is proposing to add the 20± acre portion of the annexed property currently located in the Kersey-Smoot RPD into the Pelican Landing CPD/RPD. The 20 acres in Kersey Smoot RPD and approximately 35 acres of the Pelican Landing RPD/CPD were annexed into the City of Bonita Springs. The Kersey Smoot residential planned development was originally approved in 1998 by Resolution Z-98-066 and it included residential uses. At the time of the original Kersey Smoot RPD zoning, the plan was to include residential and golf. The DRI Map H identified the property as residential/golf in 1998. The property was determined to be suitable for residential uses. Also, the 35 acre portion of the Pelican Landing RPD/CPD approved in 1994 (Z-94-014) depicted this area as residential. In 2000 this area was modified by Z-00-031 switching the primary use from residential to golf. After the golf course was built, it was suggested by the County that the residential uses should be eliminated to avoid confusion. Thus, it needs to be clear that the property was previously evaluated for consistency with the LDC and Lee Plan for residential and golf uses. The golf course market has changed, and the number of rounds played in the U.S. has been consistently dropping. There are additional lands designated for golf that can accommodate the four holes that will be relocated to maintain the 18-hole golf course.

The property owner does not presently plan to construct all of the golf holes approved north of Coconut. The property owner wants to relocate existing golf holes to an area where golf is permitted and allocate available approved units to the annexed property. To avoid the confusion of developing the residential in two separate planned developments it makes sense to locate all of the annexed property in the Pelican Landing RPD/CPD. Thus, the application will remove 20± acres from the Kersey-Smoot RPD and add the 20+/- acres to the Pelican Landing CPD/RPD. Once the 20 acres from Kersey Smoot is moved into the Pelican Landing RPD/CPD, the residential units can be developed consistent with the same high standards currently in place for a significant portion (1,122 acres) of Pelican Landing. The application does not increase the number of units in the RPD/CPD or the DRI. The units are approved vested units. WCI Communities has the right to develop the balance of unbuilt units within the Pelican

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Landing community, and a portion of the approved units will be assigned to the annexed 55± acres, depicted as F.1. on the Master Concept Plan.

The applicant needs to correct misstatements that have been placed on the record. There are people who have incorrectly stated that the Pelican Landing DRI never had any units approved north of Coconut Road. The original DRI and accompanying RPD/CPD Master Concept Plan in 1994 clearly identified almost all of the lands controlled by WCI Communities north of Coconut Road as a residential development area. The 1994 DRI authorized a maximum of 4,050 residential dwelling units and the 1994 RPD/CPD approval authorized a maximum of 2616 residential dwellings to be constructed within the Pelican Landing RPD/CPD portion of the DRI. The approvals did not specify a maximum or minimum number of units north or south of Coconut Road.

In 1998, WCI acquired 204 acres known as the Kersey Smoot property. The Kersey Smoot property was added to the Pelican Landing DRI at a public hearing. The property has been developed with the Hyatt Timeshare Resort/sales facility and Raptor Bay Golf Club. It should be noted that the timeshare units are considered residential units and the units are located north of Coconut Road. The Kersey Smoot addition to the Pelican Landing DRI did not increase the number of units in the DRI, which effectively reduced the overall density of the DRI. Approved units were simply assigned to the Kersey Smoot property when the property was rezoned in 1998. A total of 362 units were approved on the Kersey Smoot property.

Thus, it is clear that since the 1994 approval of the DRI, dwelling units have been contemplated north of Coconut Road. The roadway impacts, as well as hurricane mitigation for the then maximum of 4,050 units have been fully satisfied in 2006. WCI opted to reduce the maximum number of units to 3,912 to allow for less multi-family and more single family but keeping traffic impacts consistent.

Demonstration of Compatibility

The incorporation of the Kersey Smoot property into the Pelican Landing RPD/CPD is consistent with the Lee Plan and the required LDC findings for a rezoning. Below is a discussion /analysis of consistency with the Lee Plan and LDC.

The property is designated Outlying Suburban on the Lee County Future Land Use Map. The Outlying Suburban category is described in Lee Plan Policy 1.1.6 of the Future Land Use Element and it permits a density range of one du/ac to three du/ac for residential development.

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POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

The 20± acre property Kersey Smoot RPD annexed property is being shifted into the City of Bonita Springs portion of the DRI DO and the Pelican Landing RPD/CPD. The Outlying Suburban Land Use Category is a Lee Plan Future Land Use Category, which permits residential uses; therefore, the proposed residential use is consistent with the Lee Plan. Residential uses as well as the Hyatt Hotel have been approved in the Outlying Suburban future land use category. It should be noted that the Outlying Suburban areas were designated over 30 years ago when Bonita had not yet incorporated and many of the gated communities were in their infancy or did not exist. The property is part of an incorporated area, which by definition is urban, the property is certainly not in a rural area.

The existing Pelican Landing DRI is vested for a total of 3,912 dwelling units. At the present time, approximately 800 dwelling units remain undeveloped and under the control of the applicant. The overall density for the Pelican Landing DRI when all units are constructed will be approximately 1.5 du/ac. The Pelican Landing RPD/CPD includes a condition, which permits 2,266 units to be built in the Outlying Suburban land use category. To date only 1,041 units have been built in the Outlying Suburban areas. Based on the calculations prepared by Lee County Staff, the project was eligible for a maximum of 3,126 dwelling units within the area designated as Outlying Suburban in 1994. The applicant capped the maximum number of units in the Outlying Suburban designated lands to 2,266, which is 860 units less or 28% than they were eligible to develop. Even though land was added that previously had its own unit allocation, the applicant is not asking to increase the number of units in the Pelican Landing RPD/CPD, and the applicant is not asking for an increase in the number of units in the Outlying Suburban land use category.

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

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Development on the 20-acre annexed portion of the Kersey Smoot RPD combined with the 35± acre portion of the Pelican Landing RPD/CPD (annexed properties), results in development on property currently serviced by urban infrastructure, including water, sewer, electric, cable, and drainage facilities, consistent with this Goal.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The subject property would represent redevelopment of a golf course tract. Redevelopment at this location is consistent with Objective 2.1, which promotes compact and contiguous growth patterns. This development area is contiguous to other developed portions of the Pelican Landing DRI, including the Hyatt Timeshare Resort. The proposed development of high-rise towers on the site will minimize costs for services, create a more compact form of development on a reduced development area. This form of development accommodates the preservation of natural resources.

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

The proposed development area is designated Outlying Suburban on the Lee County Future Land Use Map. Outlying Suburban is a future Urban Area per Objective 1.1 of the Future Land Use Element.

POLICY 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

The proposed residential development on the subject parcel is not a new land use proposal. As far back as 1994, the Pelican Landing RPD/CPD designated a majority of the parcel for residential development. Because no additional dwelling units are being proposed within the Pelican Landing RPD/CPD, there is no increase in dwelling units and it is not a new land use. Furthermore, the development is consistent with the goals, objectives, policies and standards of the plan.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where

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compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

Adequate public facilities are in place to serve the 4 residential high-rise towers planned for the property and the development type is considered a compact form of development.

POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

All public facilities necessary to serve the proposed residential units are available at the site. There are no identified Level of Service deficiencies for any Class A public facilities. There is no new impact to schools, EMS, fire or police.

The form of development is compatible with the development pattern that currently exists within the Pelican Landing Community and within the coastal area of the City of Bonita Springs and Village of Estero. The nearest existing external residential unit to the proposed development tract is approximately 2,000± feet to the east. For comparison, units within the Colony portion of Pelican Landing community have single-family homes within 200± feet of residential tower buildings. This mix of unit types has been thoughtfully planned for compatibility and has been proven to be very successful.

The public welfare will be protected. There are no proposed impacts to wetlands or coastal resources. Wetlands are protected with conservation easements that have been in place since 2001. Although portions of the property are located within the CHHA, the Pelican Landing DRI is fully vested and hurricane evacuation impacts have been fully mitigated based on a higher number of dwelling units than currently authorized within the Pelican Landing DRI. The impacts on schools, police, fire and other local issues were reviewed as part of the original ADA, and were addressed in the SWFRPC assessment and when necessary in the subsequent DRI DO.

POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030.

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During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.*

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.

No additional dwelling units are being added to the Pelican Landing RPD/CPD and the overall project density will remain at approximately 1.5 du/ac, far below the maximum density for Outlying Suburban. The proposal will not over burden existing public facilities and no new facilities are necessary to serve the development.

The proposed development is not an unreasonable development expectation given the consistent development pattern in the balance of Pelican Landing. The allocation tables already accommodate the vested dwelling units in Pelican Landing DRI.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

The Pelican Landing RPD/CPD is located within multiple Lee Plan Future Land Use Categories, including Urban Community, Suburban, Outlying Suburban, and Wetlands. Policy 5.1.1 of the Lee Plan provides that when a project is divided by two or more land use categories, the allowable density will be the sum of the allowable densities. This provision is applicable when utilizing the Planned Development process, which Pelican Landing RPD/CPD did and is. The Policy also says that density is not allocated to any

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lands that are non-urban or environmentally critical that would exceed that allowed in those areas. No density or development has been proposed to areas that are non-urban or environmentally critical. In fact, the subject 20-acre Kersey Smoot parcel proposed to be added to the Pelican Landing RPD/CPD is developed with golf holes and the property is not in its natural state. The lands at the time this Policy was established were under the control of WCI Communities, and related business entities.

Through the RPD/CPD and Development of Regional Impact, some 800± acres have been placed in Conservation Easements. The subject zoning amendment is consistent with Policy 5.1.10 and results in no density increase within the project.

POLICY 5.1.10: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:

- 1. The Planned Development zoning is utilized; and***
- 2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and***
- 3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and***
- 4. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.***

The underlying Lee Plan Designation of the subject property is Wetland and Outlying Suburban. The area designated as wetlands has already been placed in a conservation easement and no development will occur in these wetlands. Future residential uses are contemplated in the Outlying Suburban land use category and the property is already zoned RPD (Residential Planned Development), consistent with the requirement to assure compatibility through the Planned Development zoning process. Several zoning conditions exist within the Pelican Landing RPD/CPD, which include standards to assure

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that all allowable uses are appropriate and compatible both internal and external to the Pelican Landing community. There are no environmental issues associated with the development of the subject property. The total amount of wetland impacts within the entire Pelican Landing DRI is identified in the DRI, and the mitigation has already been provided.

POLICY 5.2.4: The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible.

Policy 5.2.4 requires site design to be compatible with surrounding land uses to the maximum extent possible. The 20± acres (Kersey Smoot) proposed to be added to the Pelican Landing RPD/CPD is contiguous to approximately 35± acres annexed into the city of Bonita Springs as part of the same annexation agreement and ordinance. In the annexation agreement the city found the proposed form of development to be appropriate for the area and will be of substantial benefit. The 55± acre annexed area will support up to four high-rise towers, shown as area F-1 on the MCP, consistent with the annexation agreement. The proposed towers are compatible with the towers approved and constructed in West Bay Club, the Colony, the Hyatt Regency Coconut Point Resort and Spa, and Bonita Bay. The applicant has developed six other high-rise towers within the Outlying Suburban Land Use Category, just south of Coconut Road. The site is near the existing Hyatt Regency Coconut Point Resort and Spa, which is an 18-story high-rise hotel (a commercial uses) is located to the south in the Outlying Suburban land use category. The proposed 20 story towers over two stories of parking are consistent with the existing development pattern. The nearest residential structure is one of the Pelican Landing mid-rise time-share buildings located in the Raptor Bay RPD. The nearest single family home is located in the Eldorado Acres subdivision and that home is approximately 2,000± feet from the proposed development area. The existing homes will be buffered and separated from the towers by heavily wooded conservation lands, golf course fairways and lakes. This separation and buffering is substantially greater than separations that exist internally within the Pelican Landing RPD/CPD.

POLICY 135.9.5: New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.

Policy 135.9.5 of the Lee Plan Housing Element, addresses compatibility of development adjacent to areas of established residential neighborhoods. The proposed amendment would authorize construction of up to four high-rise residential tower buildings. This development pattern is consistent with development to the south in Pelican Landing located within the Village of Estero and City of Bonita Springs, and Bonita Bay also

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within the City of Bonita Springs. Near the west end of Coconut Road is the Hyatt Regency Coconut Point Resort and Spa, which is comparable in height to the proposed high-rise towers. North of the City of Bonita Springs and within the Village of Estero is a series of high-rise towers developed within the West Bay Club community. This pattern is clearly one that has been determined by Lee County, Village of Estero, and Bonita Springs to be compatible with adjacent residential neighborhoods.

The nearest proposed tower to any established external residential neighborhood such as Eldorado Acres, also located north of Coconut Road, would be approximately 2,000± feet. For context, there are single-family neighborhoods within Pelican Landing RPD/CPD, where the separation from a high-rise tower is approximately 200 ± feet. The proposed development is compatible with surrounding development.

The Lee County LDC was the standard used for the review and approval of the development standards for the Pelican Landing community. The RPD/CPD incorporates conditions and standards, which protect the natural environment. Over 800 acres within the Pelican Landing DRI have been set aside as preservation areas.

POLICY 114.1.1: 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, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c 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 by Lee County 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, 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.

Policy 114.1.1 of the Conservation and Coastal Management Element limits development in wetlands to very low-density residential or recreational and open space uses. People erroneously testified before the City Council the residential development

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will occur within wetlands. Wetlands together with upland buffers on and adjacent to the subject properties have already been placed in conservation easements in accordance with an approved SFWMD Environmental Resource Permit, and are not proposed to be altered or developed. The total amount of wetland impacts within the Pelican Landing DRI were reviewed and approved in the DRI DO. The applicant is not proposing any changes.

Additionally, the density available from the Wetland land use category within the existing Pelican Landing RPD/CPD was calculated using the maximum of one dwelling unit per 20 acres, consistent with the objective.

For discussion on the Goals, Objectives and Policies relating to Coastal High Hazard (CHHA) and Hurricane Evacuation, refer to the memorandum from Florida Disaster Consulting, LLC dated March 28, 2016.

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Finding for Rezoning

The proposed amendment to the Pelican Landing RPD/CPD should be approved as it has demonstrated compliance with the Lee Plan and further meets the findings required to recommend approval per the Land Development Code.

The applicant has met the appropriate findings for a rezoning per Section 34-145 of the Lee County Land Development Code, as discussed below.

LDC Sec. 34-145. - Functions and authority.

(d) Zoning matters.

(4) Findings/review criteria.

a. Before recommending approval for:

1. Rezoning. The Hearing Examiner must find the request:

a) Complies with the Lee Plan;

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The rezoning is consistent with applicable Lee Plan Goals, Objectives and Policies as outlined in the description of consistency with the Lee Plan provided in support of this application.

No additional dwelling units are proposed to be added to the Pelican Landing RPD/CPD as part of this rezoning application. The subject property being added to the RPD/CPD is located in the Outlying Suburban Land Use Category, which permits up to three du/ac. The overall Pelican Landing density is approximately 1.5 du/ac. Further, per Policy 5.1.10 of the Lee Plan, where land under single ownership is located within two or more future land use categories, the sum of the densities for the properties can be allocated across the property where the Planned Development zoning is utilized, the property was under single ownership at the time this policy was developed (00-22), no density has been allocated on non-urban areas, and the Planned Development and established conservation easements provide for protection of over 800 acres of environmentally sensitive lands. Additionally the Pelican Landing RPD/CPD (Resolution 94-014, as amended) contains Zoning Condition

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#19, which permits a maximum of 2,266 dwelling units to be constructed within the Outlying Suburban Land Use Category. To date, only 1,041 units have been constructed in the Outlying Suburban designated areas.

The proposed amendment is consistent with Policy 5.1.10 and the existing zoning condition regarding the allocation of units.

The Pelican Landing RPD/CPD provides for a mixture of land uses including commercial, recreational, hotel and residential uses. The project is a fully vested Development of Regional Impact and has mitigated for all impacts for all of the proposed 3,912 dwelling units and commercial development. No new dwelling units are proposed to be added to the RPD/CPD. The mix of land uses have previously been determined to be appropriate and the standard assignment of density within the overall Pelican Landing RPD/CPD is consistent with the Lee Plan and also consistent with all previous high-rise and neighborhood subdivision development approvals.

The conditions existing within the Pelican Landing RPD/CPD are appropriate to insure that these future residential buildings will be developed consistent with the balance of the Pelican Landing community. Staff has previously determined the conditions to be appropriate to safeguard the public interest.

These conditions are appropriate and no new impacts to the public result from the proposed zoning amendment.

c) Is compatible with existing and planned uses in the surrounding area;

The proposed high-rise towers are compatible with existing and planned uses in the surrounding area. There are a number of approved high-rise towers built and unbuilt within Pelican Landing. The nearest existing residential dwelling unit outside Pelican Landing would be greater than 2,000 feet from the area where the new towers could be built. The existing Hyatt Regency Coconut Point Resort and Spa is closer to these external residences at an approximate distance of 1,300 feet.

Additionally this development pattern exists both south and north of the Pelican Landing community, within Bonita Bay and West Bay Club. The

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proposed buildings will also be constructed farther away from Estero Bay than most existing high rises within Pelican Landing.

With regard to development standards, the applicant is requesting the same development standards for high-rise building that have been applied to those high rises constructed within the Colony at Pelican Landing. These structures have previously been determined to be compatible with surrounding development. In my professional planning opinion, the proposed high-rise development proposed for the subject property is compatible with existing and planned uses in the surrounding area.

The existing RPD/CPD contains several deviations, which have guided development for the past 22 years in the Pelican Landing community. One of the objectives of a large-scale master planned community is to provide for a variety of housing types to meet the market demand over a 20± year buildout horizon. One of the deviations previously approved and proposed to apply to the subject property was a deviation to permit buildings to exceed 75 feet in height where it was demonstrated that the height is required to increase common open space for the purpose of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat or preserving historical, archeological or scenic resources. Clustering units within the high-rise buildings will continue to promote a more compact building footprint, allowing for greater open space in the community compared to developing the same number of units in a single family or even mid-rise residential development pattern. The location of the proposed towers will retain a setback from Estero Bay that will be a minimum of approximately 900 feet. This is nearly 300 feet greater than one of the existing towers located in Pelican Landing. Application of this deviation is benefitting the public by continuing to provide common elements with Pelican Landing such as the interface zone, Eco Park and beach park, in addition to the other upland and wetland preservation areas. Further, the applicant is proposing to place an additional 100± acres of the DRI in a conservation easement. This acreage is located west of the F1 development area and represents additional open space, which will be preserved as natural vegetation by recordation of a conservation easement.

d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or

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planned transportation facilities will be mitigated through existing County regulations or conditions of approval;

David Plummer and Associates has prepared a traffic analysis. This analysis evaluated the existing and future capacity of Coconut Road, a county roadway that provides direct access to the subject site. That analysis found that Coconut Road is currently operating at LOS D, while the adopted LOS standard is E, with buildout of Pelican Landing, Coconut Road will continue to operate at LOS E or better. No concurrency issues exist or are anticipated.

e) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The recently annexed area of approximately 55 acres includes approximately 7± acres of jurisdictional wetlands. These wetlands have previously been encumbered with a conservation easement as part of the Pelican Landing Environmental Resource Permit in 2001 and will not be impacted by any future development on the subject property. The existing RPD/CPD requires a minimum 100-foot building setback from the conservation easement, providing further protection for these wetlands. It should also be noted that the future residential towers would replace existing golf holes, which would significantly reduce irrigation in an area near Estero Bay. There are also existing conditions found in the DRI Development Order and Zoning Resolution pertaining to the environment, and these conditions will remain and also be applicable to the subject property. The Pelican Landing community has over 800 acres in preservation lands with the majority owned and maintained by resident controlled entities such as the PLCA, Colony Foundation, and CDD.

f) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Utilities including water and sewer are available at the project site and are sufficient to handle the proposed development resulting from this request.

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Although annexed into the City of Bonita Springs, the Lee Plan continues to reflect the subject property as being located within the Estero Planning Community. The applicant disagrees that the Lee Plan, Goal 19 and the attendant Objectives and Policies are applicable to the subject property. The annexation agreement approved by the City of Bonita Springs specifically cites that the Lee Plan Future Land Use Category would be applicable until a similar City of Bonita Springs Future Land Use Category is applied to the property.

Policy 19.4.1 of the Lee Plan suggests that Lee County will amend the Lee Plan and LDC to encourage on-site preservation of indigenous plant communities and listed species habitat. The objective also suggests Lee County will develop incentives for protection of wetlands and native habitat.

The proposed amendment to the Kersey Smoot RPD will move 20± acres, currently utilized as golf course, into the Pelican Landing RPD/CPD and designate a 55± acre portion of the Pelican Landing RPD/CPD for golf and residential development. One of the development options proposed is for up to four multi-family residential towers, consistent with other areas within the Pelican Landing community. This type of development does offer for more compact development footprints, allowing for more open space and native vegetation preservation. There are approximately 7± acres of wetlands within the 55± acre annexation area. All of these wetlands are already in conservation easements and will not be impacted by the proposed residential development tracts. Further, the Pelican Landing DRI has over 800 acres of committed upland and wetland preservation.

Objective 19.5 requires public input on rezoning applications. The applicant, prior to the finding of application sufficiency conducted the required informational meeting within the Village of Estero on June 27, 2016.

OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS. Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms.

POLICY 19.3.1: Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

- 1. Are compatible with adjacent uses, public facilities, and infrastructure systems;***
- 2. Impact surrounding environmental and natural resources;***

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3. *Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;*
4. *Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and*
5. *Contribute to the overall design, landscaping, and aesthetics that make up the community's character.*

The proposed residential towers represent a diverse, well designed and connected neighborhood. The area proposed for the high-rise towers is located near the existing timeshare resort and Hyatt Coconut Point hotel, both of which are located within the Pelican Landing Community. The Pelican Landing community provides for diverse residential development types and the proposed towers further the intent of this policy to provide a variety of housing types to meet the needs of the multigenerational community.

POLICY 19.3.3: Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use

The proposed towers will be well landscaped consistent with the balance of the Pelican Landing community. The areas east of Pelican Landing will continue to be buffered from the multi-family residential proposed for this portion of the Pelican Landing community by an existing preserve area which is approximately 300 feet in width and golf holes which are an additional 300 feet in width. The landscaping and buffering separating the Pelican Landing community from the nearest external homes in Eldorado Acres will far exceed the LDC standard for buffers between multi-family and single family homes, which requires a 15-foot wide type "B" buffer.



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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

To: Barry Ernst, AICP, Director of Planning and Permitting, WCI Communities

From: Betti C. Johnson, AICP, FPDM, Florida Disaster Consultants, LLC

Subject: Draft Review of Pelican Landing DRI, Zoning Application and Compliance

Date: August 9, 2016

Background

Pelican Landing is a nearly completed master planned community located in Southwest Florida. The 2,749-acre property is bounded on the West by Estero Bay, on the East by U.S. 41 and on the South by Spring Creek. The property is generally bounded on the north by Coconut Road; however, a part of the project anticipated for future development is located north of Coconut Road. The 55±-acre parcel north of Coconut Road is currently under zoning review to allow for the development of four (4) high-rise buildings in this area by shifting currently authorized units within the Pelican Landing DRI. No additional units are being proposed.

The original Pelican Landing Development of Regional Impact (DRI) Development Order (DO) was approved in 1994 and has been amended through the Notice of Proposed Change (NOPC) process, which included state, regional and local reviews as the community has developed over the years.

As approved in 2001 by the City of Bonita City Council, the Tenth Development Order Amendment reflects the incorporation of the City of Bonita Springs. Approximately 1,249.8 acres of the DRI were at the time of the 10th amendment located in the City of Bonita Springs; the remaining 1,217.9-acre site was located in Lee County; and approximately 282± acres of the total constitute the Spring Creek West DRI that is located in the City of Bonita Springs. As currently approved, the Pelican Landing DRI (without Spring Creek West) includes: 3,912 residential units (930 single family and 2,982 multi-family), 300,000 gross square feet of retail space, 475,000 gross square feet of office space, 750 hotel/motel rooms, a 50,000 square foot conference center (part of retail), 65 boat slips and 150 dry boat storage spaces and recreational amenities (24 tennis courts, 77 holes of golf, canoe parks, an existing boat ramp and a beach park), all on approximately 2,749± acres. There are 143.82 acres of upland habitat preserve, 678.5 acres of salt and freshwater marsh, 247.49 acres of water management lakes, 162.16 acres of public and private rights of way, 3.2± acres of off-site parking, 6 acres of utilities and .11 acre cemetery site (Attachment II, Master Development Plan).



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The original DRI Development Order Conditions approved in 1994 recognized that the entire site was located in the *Hurricane Vulnerability Zone* (Category 3 Hurricane Evacuation Zone) and a significant portion in the *High Hazard Coastal Area* (Category 1 Hurricane Evacuation Zone) as defined by 73C-40.0256, F.A.C. Hurricane Preparedness Policy Rule (formally 9J-2.0256 FAC). This Rule required the applicant to mitigate for hurricane impacts on both evacuation and shelter for the total 4,050 residential units originally approved for the DRI. The total number of currently approved units is 3,912 units.

Consistent with the adopted Development Order, WCI Communities, development managers for the Pelican Landing community has met the mitigation requirements, as follows:

- 1) In coordination with the Lee County Emergency Management staff, the Developer provided Lee County with the funds for the provision and connection of a portable diesel powered generator for the Gateway Elementary School. The generator was equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom) and refrigeration and cooking equipment. The developer was responsible for the initial electrical hook-up costs. This condition addressed the hurricane mitigation requirements for the initial 4050 units. (The total number of currently approved units is 3,912.)

This is consistent with Lee County Comprehensive Plan Policies 109.1.1 and 109.1.5, Chapter 163.3178(9), FS, as well as Rule 73C-40.0256 and Rule 73C-40.0257 of the Florida Administrative Code.

- 2) The Developer must continue to notify all purchasers of real property within the residential portions of development of the potential for storm surge and freshwater flooding.

This is consistent with the Special Hurricane Preparedness Rule 73C-40.0257(4)

- 3) The Developer has prepared, in conjunction with Lee County Emergency Management, and the Division of Natural Resources staff, brochures advising marina owners of the measures that should be taken to minimize damage in the event of a hurricane. This brochure is provided to all boat owners and users at the marina. The developer has also developed and distributes additional information to residents regarding Pet Safety and Special Needs.

This is consistent with Lee County Comprehensive Plan Policies 110.1.3 and 110.1.4.



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- 4) The Hotel prepared and maintains a written hurricane preparedness and contingency plan in conjunction with the Lee County Emergency Management.

This is consistent with Lee County Comprehensive Plan Policies 110.1.3 and 110.1.4.

- 5) The Property Owners Association hosts an annual hurricane educational seminar and is responsible for obtaining the venue and coordination with the Lee County Emergency management staff and residents.

This is consistent with Lee County Comprehensive Plan Policies 110.1.3 and 110.1.4.

- 6) The Property Owners Association developed and annually updates their hurricane evacuation plan for Pelican Landing DRI. The Plan addresses operational procedures for emergency teams (before, during and after an event), warning and notification of all residents and visitors prior to and during a hurricane watch and warning, the public safety awareness/education program, security issues and the coordination with the local Sheriff's personnel and the Division of Public Safety.

This is consistent with Lee County Comprehensive Plan Policies 110.1.3 and 110.1.4.

The Special Hurricane Preparedness Rule **73C-40.0257**, FAC became effective February 2011 and identifies the Southwest Florida Region as a Special Hurricane Preparedness District for DRIs and provides for mitigation consistent with **73C-40.0256** but also requires elevation of first floor habitable areas above the category 3 surge. After construction the Raptor Bay units will be elevated above the category 3 storm surge height. **The fully engineered structures will be also incorporate wind and impact-resistant construction and exterior opening protection in accordance with the Florida Building Code, emergency power onsite and other requirements.**

The applicant acknowledges that all development within the DRI is required to comply with hurricane preparedness conditions of the approved DRI Development Orders.



CURRENT ISSUES

Although the Developer has met all their obligations regarding public safety/ hurricane issues for build-out conditions, there have been concerns identified by various members of the Village of Estero and the City of Bonita Springs about the Pelican Landing (Raptor Bay) project going forth. The issue of hurricane vulnerability and the location of the proposed units in the Coastal High Hazard Area (CHHA) have been raised with regard to compatibility with the City and County Comprehensive Plans and the updated regional evacuation study.

CHANGE IN THE DEFINITION OF THE CHHA

The **coastal high-hazard area** (CHHA) is currently defined as 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 (Chapter 163.3178, F.S.). This represents a change in definition from the previous High Hazard Coastal Area / Coastal High Hazard Area. The CHHA (Category 1) and the Hurricane Vulnerability Zone (category 3) are now defined by anticipated surge heights and topography rather than the evacuation zone typically bounded by landmarks and streets.

CHANGE IN THE STORM SURGE MODELLING AND EVACUATION STUDY

In 2010 the Southwest Florida Region participated in the update of the SWF Regional Evacuation Study as part of the Statewide Regional Evacuation Study Update. For the first time in the country, the entire state updated its regional plans concurrently as part of a coordinated process, focusing on a consistent methodology. The storm surge model, SLOSH was updated by NOAA and included not only the “average hurricane” but simulations of the larger, more intense storms such as Hurricanes Katrina, Ike and Sandy. Population estimates and projections, evacuation routes and transportation modeling were also updated in 2015. This increased the potential surge range within the categories of hurricane.

Table 1 below provides the projected storm surge heights for the Raptor Bay development based on the SLOSH Model for the Southwest Florida basin (2010).

TABLE 1
STORM SURGE ANALYSIS FOR RAPTOR BAY

CATEGORY 1	CATEGORY 2	CATEGORY 3	CATEGORY 4	CATEGORY 5
8.4 ft.	14.4 ft.	19.1 ft.	23.2 ft.	26.9 ft.



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Note: The surge heights are in relation to NAVD88. To determine the depth of flooding, one must subtract the ground elevation.

Map 1 illustrates the (new) CHHA within the Pelican Landing DRI based on the most recent Regional Evacuation Study (Volume 7-9, Lee County Storm Tide Atlas, SWFRPC, 2010). Per State Statute, the CHHA is based on the Category 1 hurricane scenario for this area (SLOSH Model, 2010) and uses the most current topographic data (LiDAR).

In 2013 the State of Florida, NOAA and the Southwest Florida Regional Planning Council also developed “Depth Maps” to provide emergency managers and planners with additional information with which to make decisions. **Map 2** provides the depth analysis of a Category 1 hurricane - making landfall in Bonita Springs for the Raptor Bay site. This map provides the “above ground” storm surge inundation at the site. Prior to any fill or construction grading, the portion of the site where construction is anticipated is estimated to receive 0-1.5 ft. of storm surge in a worst probable Category 1 event. Map 3 provides a more detailed view of the Raptor Bay location.

EVACUATION TRANSPORTATION IMPACTS

The Pelican Landing DRI is included in portions of Traffic Evacuation Zones (TEZs) 1600 and 1601 (SWFRPC, Evacuation Study, Volume 5, Transportation Evacuation Supplemental Report, 2015). It appears that the total number of units approved in 1994 are included in the dwelling unit count for 2020 evacuation projections. However, if we separately investigate the impact of 400 units north of Coconut Road, we can assume 282 vehicles of the total vehicles on the evacuation network (400 units at 64% occupancy and 1.1 vehicles per unit,¹) will be generated from the proposed Raptor Bay.

The Hurricane Preparedness Policy Rule, 73C-40.0256 (formerly 9J-2.0256 FAC) states the following:

(c) When a development is proposed in a hurricane vulnerability zone and the proposed development's anticipated evacuation traffic will utilize twenty-five (25) percent or more of an identified hurricane evacuation route's level of service E hourly directional maximum service volume based on the Florida Department of Transportation's Generalized Peak Hour/Peak Direction Level of Service Maximum Volumes presented in the Florida Highway Systems Plan Level of Service Standards and Guidelines Manual and hereby incorporated by reference, the

¹ The estimated 64% occupancy rate is consistent with the Pelican Landing ADA analysis and, although the



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proposed development will be determined by the Department to have a significant regional impact on hurricane evacuation.

The 282 vehicles of this portion of the development will not trip the 25% threshold for impact on the regional evacuation network. The table below presents the service volumes for specific evacuation routes. See Map 4 for Regional Evacuation Routes.

TABLE 2

SERVICE VOLUMES OF SPECIFIC EVACUATION ROUTES FOR PELICAN LANDING

Route	Service Volumes/ LOS E/ Peak Direction	25% of Service Volumes/ LOS E/ Peak Direction	Service Volumes/ LOS E/ Both Directions	25% Service Volumes/ LOS E/ Both Directions
US 41	3000	750	5360	1,340
Corkscrew Rd	1900	475	N/A	N/A
I-75	6080	1,520	11,100	2,775

CONSISTENCY WITH THE LEE COUNTY COMPREHENSIVE PLAN (LCCP)

Within the LCCP, there are policies in the Land Use and Coastal and Conservation elements that relate to the CHHA and hurricane vulnerability. Although County, as well as City, State and RPC have reviewed the pending changes with regard to the issue of hurricane mitigation, these policies will be discussed.

Conservation and Coastal Management (August 2007)

POLICY 105.1.4: Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22, 05-19)

All units in the 1994 DRI were evaluated for their impacts on hurricane evacuation and sheltering. No additional units are proposed to be added to the DRI or RPD/CPD. The Future Land Use designation of the parcel is Outlying Suburban with a standard density range of 1-3 units per acre. The owner is requesting units clustered in (4)



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multi-family buildings on the upland portion of the 55-acre site. This request is not a proposed increase in density. The overall density of the Pelican Landing development will remain at 1.5 units per acre.

POLICY 105.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. **This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)**

The zoning of the parcel is consistent with prior land use designation and compatible with surrounding/ existing land use in the county. The clustering of the units in fully-engineered elevated high rise development will reduce the impact to the environment, infrastructure and public safety.

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

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. (Amended by Ordinance No. 00-22)

The owner has mitigated its impact on hurricane evacuation and shelter as per the DRI Development Order satisfying Policy 109.1.5 (3) and Chapter 163.3178(9), F.S.

POLICY 109.1.5: Comprehensive plan amendments that increase density within coastal high hazard areas must meet one of the following criteria in accordance with Section 163.3178(9), 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



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mitigation plan prior to adoption of the plan amendment. (Added by Ordinance No. 09-17)

NOTE: There is no Comprehensive plan amendment associated with the PD Amendment.

The owner has mitigated its impact on hurricane evacuation and shelter as per the DRI Development Order satisfying Policy 109.1.5 (3) and Chapter 163.3178(9), F.S.

As indicated above, in 1996, as requested and as per condition of approval in order to mitigate the shelter and evacuation impacts of the project at build-out, WCI provided to the Gateway Elementary School, a generator equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. This also included necessary electrical hook-up costs. The selection of the generator was coordinated with Lee County Emergency Management Staff. In 1996 the cost of purchase and installation totaled approximately \$75,000. Subject to applicable inflation rate, the current value of this completed mitigation is approximately \$114,000.

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)

All property within the County pays the annual All Hazards Tax that helps to address disaster preparedness challenges in the County.

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.

The owner has set aside 143.8 acres of upland habitat preserve, 678.5 acres of salt and freshwater marsh, 247.49 acres of water management lakes, 162.16 acres of public and private rights of way and 6 acres of utility. As indicated, the proposed units will be clustered on what is currently used as golf course, moving the four holes to another location. All buildings will be constructed east of the conservation area and saltwater wetlands, approximately a 1/4 mile from the Bay.



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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)

As part of the DRI Development Order, the developer/HOA provides residents with the most current information relating to natural disasters and hosts an annual public education event.

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)

As part of the DRI Development Order, the developer/HOA has developed and maintains a Hurricane Plan which is submitted to the Lee County Division of Public Safety annually. In addition the developer/HOA has complied through the:

- 1) Notification of all purchasers of real property within the residential portions of development of the potential for storm surge and freshwater flooding.**
- 2) In conjunction with Lee County Emergency Management, and the Division of Natural Resources staff, the preparation and distribution, brochures advising marina owners of the measures that should be taken to minimize damage in the event of a hurricane. This brochure is provided to all boat owners and users at the marina.**
- 3) The Hotel has prepared and maintains a written hurricane preparedness and contingency plan in conjunction with the Lee County Emergency Management. This is consistent with Lee County Comprehensive Plan Policies 110.1.3 and 110.1.4.**
- 4) The Property Owners Association has hosted an annual hurricane educational seminar and is responsible for obtaining the venue and coordination with the Lee County Emergency management staff and residents.**
- 5) The Property Owners Association developed and annually updates their hurricane evacuation plan for Pelican Landing DRI. The Plan addresses operational procedures for emergency teams (before, during and after an**



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event), warning and notification of all residents and visitors prior to and during a hurricane watch and warning, the public safety awareness/education program, security issues and the coordination with the local Sheriff's personnel and the Division of Public Safety. The developer has also developed and distributes additional information to residents regarding Pet Safety and Special Needs.

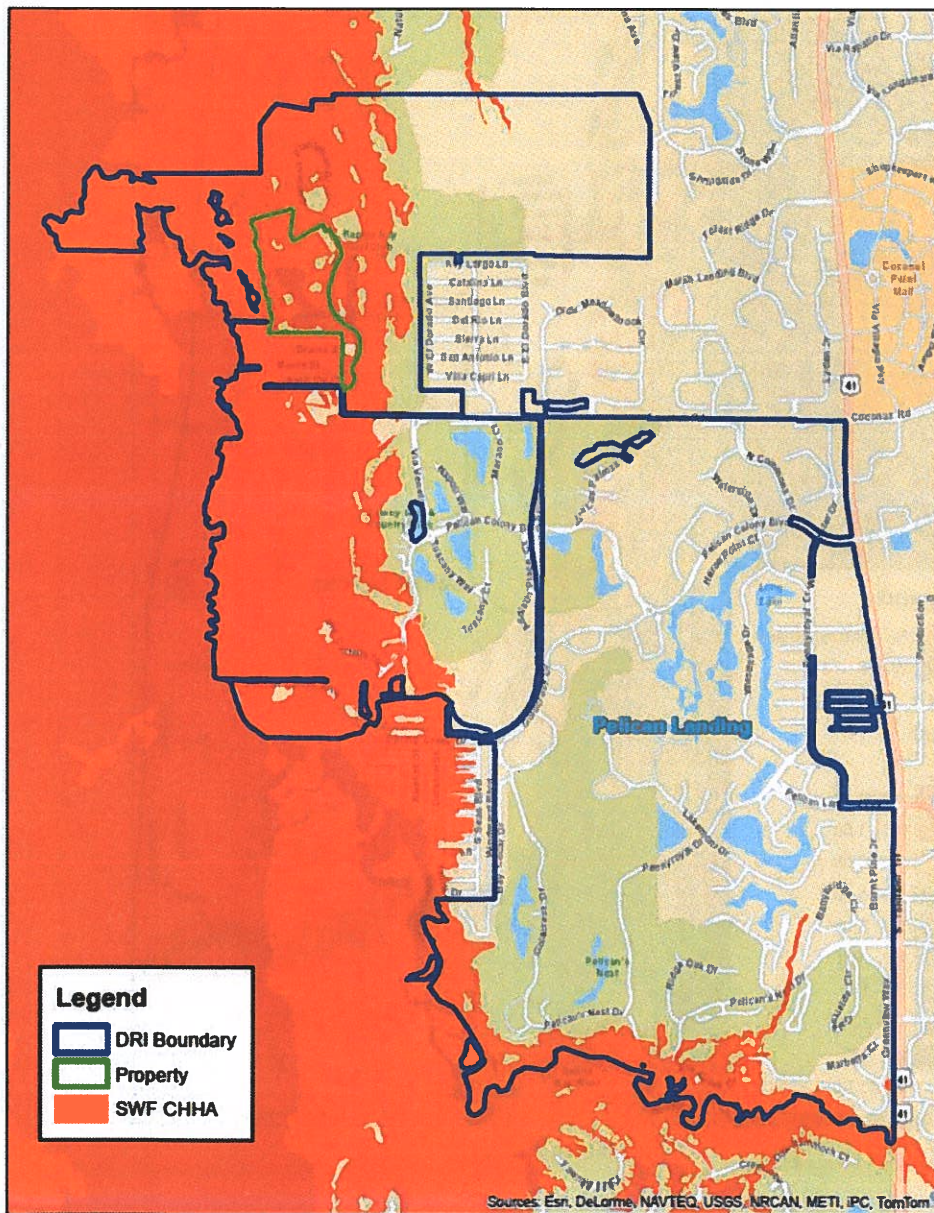
POLICY 110.1.7: Maintain the current county development regulations requiring that any building that is improved, modified, added on to, or reconstructed by more than twenty five (25) percent of its replacement value and which has recorded a repetitive loss as defined by the Federal Emergency Management 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)

All construction within the Pelican Landing DRI to include the proposed development at Raptor Bay meets or exceeds the FEMA current regulatory standards for new construction.



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Map 1 Pelican Landing/ Raptor Bay Coastal High Hazard Area



0 0.075 0.15 0.3 0.45 0.6 Miles

Property Detail Surge Map

Source: Storm Tide Atlas, Southwest Florida Region, 2010, GIS Data files

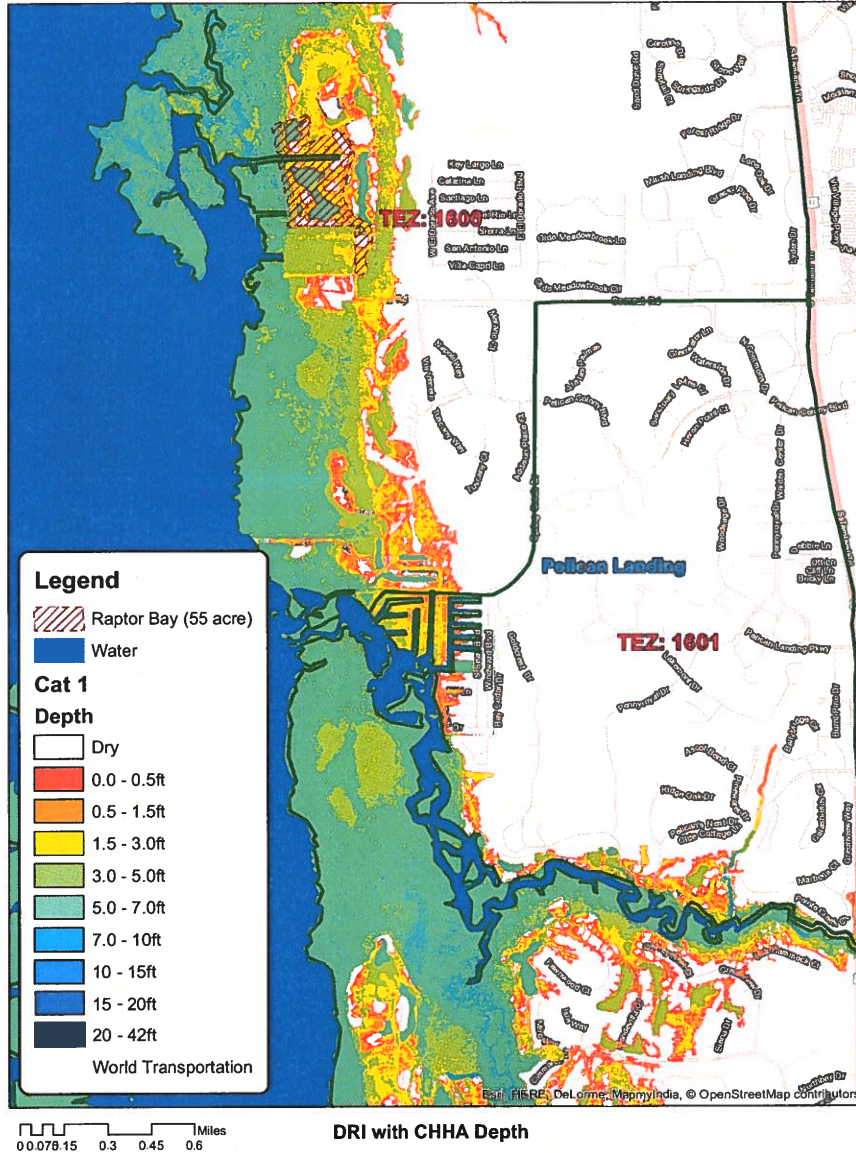
P.O. Box 7895 Lakeland, FL. 33807-7895 Tel:(863)370-2039 Email: randerson@FloridaDisasterConsultants.com



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Map 2

Pelican Landing DRI Coastal High Hazard Area Depth Analysis



Source: Storm Tide Depth Atlas, Southwest Florida Region, 2010

Jacqueline Genson

From: Alexis Crespo <Alexis.Crespo@waldropengineering.com>
Sent: Wednesday, July 15, 2020 4:24 PM
To: 'Mary Gibbs'; David Willems
Cc: Jacqueline Genson; Ted Treesh (tbt@trtrans.net)
Subject: Raptor Bay TIS Memo
Attachments: 6-8-2020 Raptor Bay Zoning Update.pdf

RECEIVED
CITY OF BONITA SPRINGS
JUL 15 2020
COMMUNITY DEVELOPMENT
DEPARTMENT

Hi Mary & David –

We are following up on the call we had a few weeks ago regarding the Village’s technical memorandum and ensuring the change from 503 DU from 400 DU didn’t impact KCA’s findings and recommendations. We have extracted the critical information out of Ted’s last TIS (attached). Let us know if you have any further questions. Council moved the item for 2nd reading/public hearing on August 5th (both Bayview CPA transmittal and Raptor Bay). Thanks!

COMPARISON TO VILLAGE OF ESTERO TRAFFIC TECHNICAL MEMORANDUM

A comparison was completed to the traffic volumes illustrated on Coconut Road as contained in the Traffic Technical Memorandum prepared by Kisinger Campo & Associates (KCA) dated October 2019. The focus of the 2019 memo from KCA was to evaluate the existing and future traffic control features at four (4) intersections along Coconut Road between U.S. 41 and the west end of Coconut Road. These intersections included El Dorado Boulevard, Spring Creek Road, Olde Meadowbrook and Coconut Shores Drive. The KCA memo collected traffic data in 2019 and analyzed the intersections in the years 2024, 2029 and 2045. Included in these future year analysis periods was future development either currently approved or proposed along Coconut Road west of U.S. 41.

For the 2024 analysis, which coincides with the analysis year for the Raptor Bay project, the KCA memorandum did not include the development of the 400 multi-family dwelling units previously proposed in Raptor Bay. Therefore, in order to determine if the KCA analysis is consistent with the findings of the current updated analysis completed as part of this report, the traffic volumes for 2024 in the KCA report were determined and the trips from the proposed 503 multi-family dwelling units were added to those volumes to determine if additional analysis of the KCA report findings is necessary.

Table 3A, attached to this report for reference, illustrates the peak hour, peak direction volumes utilized in the Level of Service analysis in this updated report for the 503 dwelling units. These numbers are illustrated in the first column. The second column represents the peak hour peak direction volumes that are included in the KCA report for these various segments along Coconut Road. The third column represents the trips that will be added to these segments based on the full development of the 503 multi-family dwelling units and the fourth column is simply the summation of the KCA trips and the trips from the 503 dwelling units. The last column is the difference in the number of trips in the first column (trips analyzed as part of this update) and the number of trips analyzed in the KCA report with the additional trips from the 503 dwelling units.

As can be seen from the last column, the number of trips analyzed as part of this updated analysis EXCEEDS the number of peak hour, peak direction trips that were analyzed the KCA traffic technical memorandum. Therefore, the analysis contained in the KCA traffic technical memorandum represents lower traffic volumes than what was analyzed as part of the updated analysis contained in this report. The 2029 horizon year and 2045 horizon year in the KCA report does include the development of the 400 multi-family dwelling units as was previously proposed for the Raptor Bay project.

Alexis Crespo AICP
Senior Vice President – Planning

MEMORANDUM

TO: Mr. Danville Leadbetter
LB Raptor Bay, LLC

FROM: Ted B. Treesh
President

DATE: June 8, 2020

RE: Updated Transportation Analysis
Raptor Bay
City of Bonita Springs, Florida

TR Transportation Consultants, Inc. has completed an updated traffic analysis in support of the zoning amendment to add 103 multi-family dwelling units to the Raptor Bay project located within the Pelican Landing Development of Regional Impact (DRI) within the City of Bonita Springs, Florida. The updated analysis builds upon the previous traffic study completed by David Plummer & Associates for the approval of up to 400 multi-family dwelling units on the approximately 55-acre site known as the Raptor Bay golf course. The Zoning Amendment will increase the total unit count to 503 multi-family dwelling units. This analysis addresses the incremental increase in trip generation

TRIP GENERATION

Consistent with the original traffic study completed for the zoning application, the Institute of Transportation Engineers Report titled *Trip Generation*, 10th Edition, was referenced to determine the impact the development will have on the adjoining roadways. **Table 1** below identifies the trip generation of the site during the weekday A.M and P.M. peak hour. Land Use Code 220 (Multi-Family Housing Low-Rise) was utilized from the ITE report to be consistent with the trip generation as computed in the previous traffic study. It should be noted that the development plans for the 503 units would be High Rise Units, which would generate fewer peak hour trips when compared to the Low-Rise land use code. Therefore, a “worst case” analysis in terms of trip generation has been completed as part of this report. Copies of the trip generation equations are attached to this report for reference.

Table 1
Trip Generation – Proposed Zoning
Raptor Bay

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise (503 Dwelling Units)	51	170	221	157	92	249	3,762

* LUC 220 (Multifamily Housing Low-Rise) was utilized consistent with the TIS for Pelican Landing CPD/RPD

Table 2 reflects the trip generation of the project as previously proposed with a total of 400 multi-family dwelling units. The previous traffic study completed by David Plummer & Associates determined the trip generation based on the ITE 9th Edition and the trips reflected in these tables are based on the most recent 10th Edition of the ITE Report.

Table 2
Trip Generation – Previously Analyzed
Raptor Bay

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multifamily Housing Low-Rise (400 Dwelling Units)	41	137	178	128	75	203	2,983

* LUC 220 (Multifamily Housing Low-Rise) was utilized consistent with the TIS for Pelican Landing CPD/RPD

Since the previous traffic study focused on the higher weekday PM peak hour for the analysis, the remainder of this report will also focus on the weekday PM peak hour time period. **Table 3** reflects the increase in trip generation that was applied to the previous intersection and arterial analysis conducted by David Plummer & Associates to determine what impacts the additional 103 multi-family dwelling units will have on Coconut Road.

Table 3
Trip Generation – Net New Trips (Table 1 vs Table 2)
Raptor Bay

Land Use	Weekday PM Peak Hour		
	In	Out	Total
Proposed Zoning (503 Dwelling Units)	157	92	249
Current Zoning (400 Dwelling Units)	-128	-75	-203
Net New Trips	29	17	46

The trips shown in Table 3 were then added to the roadway network as analyzed in the previous traffic study completed by David Plummer & Associates. This traffic study was found sufficient for public hearing and was reviewed by City of Bonita Springs Staff. The analysis included intersection analysis at fifteen (15) intersections along Coconut Road from Coconut Point Resort Drive to U.S. 41. The attached **Figure 1** graphically illustrates the assignment of the additional trips shown in Table 3 to the intersections along Coconut Road from the project to U.S. 41.

INTERSECTION AND LEVEL OF SERVICE ANALYSIS

The intersections along Coconut Road from the project to U.S. 41 were re-analyzed with the additional trips from the 103 multi-family units added to the network. The parameters previously utilized in the traffic report prepared by David Plummer & Associates were maintained in this analysis. The only Scenario analyzed in this update was the Scenario that included the future signal at the intersection of U.S. 41 and Pelican Colony Boulevard.

Table 4 illustrates the updated intersection Level of Service analysis at the fifteen intersections along Coconut Road between Coconut Point Resort Drive and U.S. 41. Based on the updated analysis that includes the additional trips from the 103 additional multi-family dwelling units, there will be no change to the intersection Levels of Service at these intersections from what was previously analyzed.

The operations of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using SYNCHRO[®]. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from SYNCHRO was reported to better reflect the overall operations of the intersection, which is consistent how the Level of Service was reported in the previous traffic study. Copies of the SYNCHOR summary sheets are attached to this report for reference.

Table 4
2024 PM Peak Hour Intersection Level of Service Summary
Raptor Bay – With Additional 103 MF Units

Intersection	Previously Analyzed LOS	Proposed Zoning LOS
Coconut Rd/ Coconut Point Resort Dr	B ¹	B ¹
Coconut Rd/ Hyatt Main Entrance	C ¹	C ¹
Coconut Rd/Colony Construction Entrance	A ²	A ²
Coconut Rd/Colony West (Inbound)	A ²	A ²
Coconut Rd/Colony East (Outbound)	A ²	A ²
Coconut Rd/Beach Club Parking	A ²	A ²
Coconut Rd/Community Development District	A ²	A ²
Coconut Rd/El Dorado Blvd	A ²	A ²
Coconut Rd/Spring Creek Rd	A ²	A ²
Coconut Rd/Olde Meadowbrook Blvd	A ²	A ²
Coconut Rd/Coconut Shores Dr	A ²	A ²
Coconut Rd/North Commons Dr	A ²	A ²
Coconut Rd/Elks Lodge Entrance	A ²	A ²
Coconut Rd/Walden Center Dr	A ²	A ²
Coconut Rd/US 41	C ³	D ³

1. AWSC Intersection – Overall LOS (HCM)
2. TWSC Intersection – ICU LOS
3. Signalized Intersection – Overall LOS (HCM)

A capacity, or Level of Service, analysis was conducted for the Coconut Road segment between the project and U.S. 41 based on the updated traffic projections that include the additional 103 multi-family dwelling units. The projected base year 2024 traffic volumes were obtained from the David Plummer & Associates traffic study based on the full development of the 400 multi-family dwelling units. The trips from the additional 103 multi-family dwelling units as illustrated in Table 3 were then added to the roadway segments and an updated Level of Service analysis was performed. The exact same Level of Service parameters were utilized as presented in the previous traffic studies.

Tables 1A and 2A, attached to this report, reflect the updated Level of Service analysis on Coconut Road between the west end of Coconut Road to U.S. 41. As noted in Table 2A, the Level of Service will not be altered from what was previously analyzed based on the additional trips from the 103 multi-family units being added to the roadway segments. The SYNCHRO analysis still reflects that Coconut Road west of U.S. 41 will still operate at LOS “C” with the full build-out of the 503 multi-family dwelling units.

The SIMTRAFFIC[®] module of SYNCHRO was also utilized to simulate the travel speeds on Coconut Road from the west end to U.S. 41. Based on the projected travel speeds in both directions on Coconut Road west of U.S., 41 and Level of Service criteria from the Highway Capacity Manual for Urban Streets, the corridor is shown to operate at LOS “C” in 2024 with the 400 multi-family units and is also shown to operate at LOS “C” in 2024 with the 503 multi-family units. A copy of the SIMTRAFFIC summary is attached to this report for reference. Also attached is Exhibit 17-2 that illustrates the LOS thresholds on Urban Streets based on the travel speed as a percentage of the Base Free Flow Speed. Based on the Highway Capacity Manual, the Base Free Flow Speed for Coconut Road west of U.S. 41 is calculated to be 44 mph.

COMPARISON TO VILLAGE OF ESTERO TRAFFIC TECHNICAL MEMORANDUM

A comparison was completed to the traffic volumes illustrated on Coconut Road as contained in the *Traffic Technical Memorandum* prepared by Kisinger Campo & Associates (KCA) dated October 2019. The focus of the 2019 memo from KCA was to evaluate the existing and future traffic control features at four (4) intersections along Coconut Road between U.S. 41 and the west end of Coconut Road. These intersections included El Dorado Boulevard, Spring Creek Road, Olde Meadowbrook and Coconut Shores Drive. The KCA memo collected traffic data in 2019 and analyzed the intersections in the years 2024, 2029 and 2045. Included in these future year analysis periods was future development either currently approved or proposed along Coconut Road west of U.S. 41.

For the 2024 analysis, which coincides with the analysis year for the Raptor Bay project, the KCA memorandum did not include the development of the 400 multi-family dwelling units previously proposed in Raptor Bay. Therefore, in order to determine if the KCA analysis is consistent with the findings of the current updated analysis completed as part of this report, the traffic volumes for 2024 in the KCA report were determined and the

trips from the proposed 503 multi-family dwelling units were added to those volumes to determine if additional analysis of the KCA report findings is necessary.

Table 3A, attached to this report for reference, illustrates the peak hour, peak direction volumes utilized in the Level of Service analysis in this updated report for the 503 dwelling units. These numbers are illustrated in the first column. The second column represents the peak hour peak direction volumes that are included in the KCA report for these various segments along Coconut Road. The third column represents the trips that will be added to these segments based on the full development of the 503 multi-family dwelling units and the fourth column is simply the summation of the KCA trips and the trips from the 503 dwelling units. The last column is the difference in the number of trips in the first column (trips analyzed as part of this update) and the number of trips analyzed in the KCA report with the additional trips from the 503 dwelling units.

As can be seen from the last column, the number of trips analyzed as part of this updated analysis EXCEEDS the number of peak hour, peak direction trips that were analyzed the KCA traffic technical memorandum. Therefore, the analysis contained in the KCA traffic technical memorandum represents lower traffic volumes than what was analyzed as part of the updated analysis contained in this report. The 2029 horizon year and 2045 horizon year in the KCA report does include the development of the 400 multi-family dwelling units as was previously proposed for the Raptor Bay project.

CONCLUSIONS

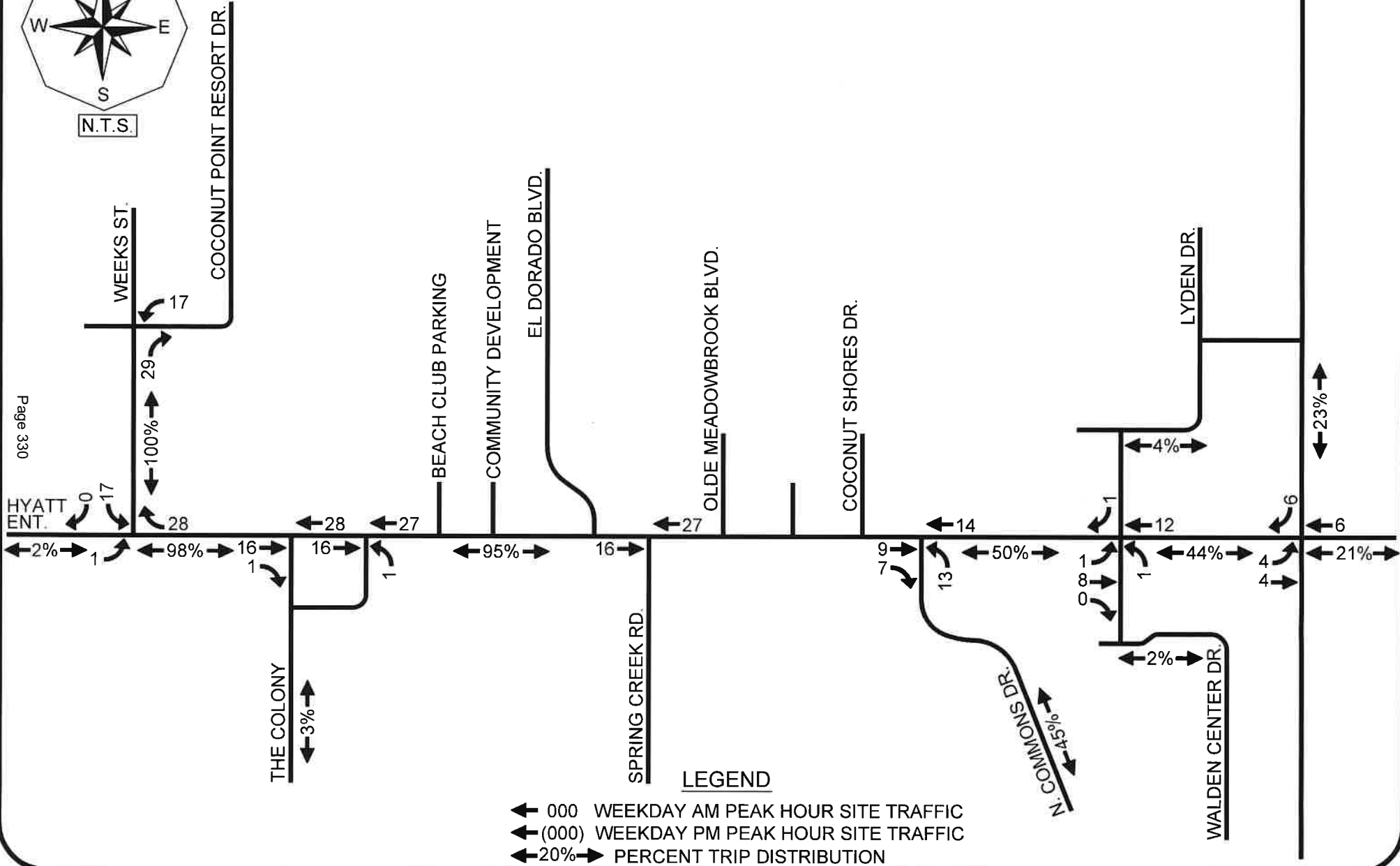
The conclusions of this updated traffic analysis in support of adding 103 multi-family dwelling units to the previous rezoning application are the same as what was previously identified in the traffic study completed by David Plummer & Associates. The conclusions included:

1. The proposed development of this residential parcel in Raptor Bay was included in the original traffic assessment of the Pelican Landing DRI.
2. The overall Pelican Landing DRI with the proposed 503 dwelling units do not exceed the DRI vested trips on Coconut Road and the US 41 intersection
3. The traffic impacts of the proposed 503 dwelling units at Raptor Bay is consistent with the approved DRI traffic mitigation on Coconut Road and the surrounding roadway network.
4. The vested Pelican Landing DRI traffic represents only 41% (less than half) of the total future traffic on Coconut Road at the U.S. 41 intersection.
5. The recommended signal at U.S. 41 and Pelican Landing Boulevard is expected to reduce Pelican Landing DRI traffic on Coconut Road by 48%.

6. With the recommended signal at U.S. 41 and Pelican Colony Boulevard, the proportion of Pelican Landing DRI traffic on Coconut Road will be reduced from 54% to 41%.
7. The recommended addition of a second northbound left turn lane and signal retiming at the U.S. 41 and Coconut Road intersection are consistent with the needed improvements attributed to the impacts of existing and future non-Pelican Landing DRI traffic.
8. With the recommended improvements at the U.S. 41/Coconut Road and U.S. 41/Pelican Colony Boulevard intersections, Coconut Road is expected to operate at an acceptable Level of Service without the need for widening.
9. The feasibility of roundabouts along Coconut Road was addressed by the Village of Estero in the KCA Traffic Technical Memorandum, dated October 2019.
10. Consistent with Chapter 163.3180, F.S., the net impact of the proposed 503 dwelling units does not trigger the need for additional improvements that are already not needed by future traffic conditions without the project.

Attachments

FIGURE 1
ASSIGNMENT OF ADDITIONAL TRIPS
FROM 103 MF DWELLING UNITS



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LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ←(000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ←20%→ PERCENT TRIP DISTRIBUTION

Figure 1

TABLES 1A, 2A & 3A

**TABLE 1A
SIGNIFICANT IMPACT CALCULATIONS
RAPTOR BAY
ADDITIONAL TRIP GENERATION FROM 103 MF DWELLING UNITS**

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 49 VPH IN= 29 OUT= 17

LEVEL OF SERVICE THRESHOLDS

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>
Coconut Rd	Coconut Resort to Spring Creek	2LU	0	0	310	660	740
	Spring Creek to N. Commons Dr.	2LU	0	0	310	660	740
	N. Commons Dr. to Walden Center Dr.	2LU	0	0	310	660	740
	Walden Center Dr. to US 41	2LD	0	0	330	700	780

* Level of Service Thresholds taken from most recent TIS for Raptor Bay prepared by David Plummer & Associates

**TABLE 2A
2024 LOS ANALYSIS
RAPTOR BAY
FROM 103 ADDITIONAL MF DWELLING UNITS**

TOTAL PROJECT TRAFFIC PM = 49 VPH IN= 29 OUT= 17

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<u>ROADWAY</u>	<u>SEGMENT</u>	2024	2024	ADDITIONAL	2024		<u>SYNCHRO ANALYSIS</u> ³
		<u>TRAFFIC VOLUME FROM PLUMMER TIS</u> ¹	<u>PK HR PK SEASON PEAK DIRECTION</u>	<u>PROJ TRIPS FROM 103 UNITS</u> ²	<u>BCKGRND + PM PROJ VOLUME</u>	<u>LOS</u>	
Coconut Rd	Coconut Resort to Spring Creek	676	E	28	704	E	C
	Spring Creek to N. Commons Dr.	904	F	27	931	F	C
	N. Commons Dr. to Walden Center Dr.	732	E	14	746	F	C
	Walden Center Dr. to US 41	923	F	12	935	F	C

¹ 2024 Peak Season Peak Direction Volumes taken from Total Traffic Projections (that includes traffic from 400 MF Dwelling Units) in the Plummer TIS for Raptor Bay

² Additional traffic from the 103 additional MF Dwelling units proposed

³ SYNCHRO LOS EB Coconut Road

**TABLE 3A
COMPARISON OF VOLUMES ALONG COCONUT ROAD
PLUMMER/TR TRANSPORTATION TRAFFIC STUDY VS. 2019 VILLAGE OF ESTERO REPORT (KCA TRAFFIC TECHNICAL MEMORANDUM)**

		2024	2024		2024	
		PEAK HOUR	PEAK HOUR	TRAFFIC	PEAK HOUR	2024
		PEAK DIRECTION	PEAK DIRECTION	FROM 503 MF UNITS	PEAK DIRECTION	ADDITIONAL TRIPS
		VOLUME	VOLUME	FROM	VOLUME	ANALYZED
		DPA/TR TRANS	KCA	RAPTOR BAY	KCA MEMO PLUS	IN DPA/TR TRANS
		ANALYSIS	ESTERO MEMO ¹		RAPTOR BAY TRIPS	ANALYSIS
Coconut Rd	Coconut Resort to Spring Creek	676	426	154	580	96
	Spring Creek to N. Commons Dr.	904	555	154	709	195
	N. Commons Dr. to Walden Center Dr.	732	617	79	696	36
	Walden Center Dr. to US 41	923	N/A	69		

¹ The 2024 Volumes from the KCA Traffic Memo did not include the 400 MF units in Raptor Bay

SYNCHRO SUMMARY SHEETS
CURRENT ZONING

Intersection	
Intersection Delay, s/veh	11.3
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕	↕		↕	
Traffic Vol, veh/h	0	4	60	56	0	0	24	1	14	0	0	1
Future Vol, veh/h	0	5	117	257	1	0	125	1	282	0	0	1
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles, %	13	13	13	5	5	5	24	24	24	0	0	0
Mvmt Flow	0	5	121	265	1	0	129	1	291	0	0	1
Number of Lanes	0	1	0	0	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	1	1
HCM Control Delay	9.1	12	11.6	8.1
HCM LOS	A	B	B	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	SBLn1
Vol Left, %	99%	0%	0%	100%	0%
Vol Thru, %	1%	0%	4%	0%	0%
Vol Right, %	0%	100%	96%	0%	100%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	126	282	122	258	1
LT Vol	125	0	0	257	0
Through Vol	1	0	5	1	0
RT Vol	0	282	117	0	1
Lane Flow Rate	130	291	126	266	1
Geometry Grp	7	7	2	2	5
Degree of Util (X)	0.231	0.42	0.173	0.397	0.001
Departure Headway (Hd)	6.402	5.195	4.957	5.374	5.101
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	557	686	716	665	706
Service Time	4.189	2.981	3.046	3.449	3.101
HCM Lane V/C Ratio	0.233	0.424	0.176	0.4	0.001
HCM Control Delay	11.1	11.8	9.1	12	8.1
HCM Lane LOS	B	B	A	B	A
HCM 95th-tile Q	0.9	2.1	0.6	1.9	0

Intersection	
Intersection Delay, s/veh	15.2
Intersection LOS	C

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	6	65	33	33	99	17
Future Vol, veh/h	13	78	46	395	352	22
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles, %	4	4	12	12	7	7
Mvmt Flow	13	80	47	407	363	23
Number of Lanes	0	1	1	1	1	0

Approach	EB	WB	SB
Opposing Approach	WB	EB	
Opposing Lanes	2	1	0
Conflicting Approach Left	SB		WB
Conflicting Lanes Left	1	0	2
Conflicting Approach Right		SB	EB
Conflicting Lanes Right	0	1	1
HCM Control Delay	10.1	15	16.7
HCM LOS	B	B	C

Lane	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	14%	0%	0%	94%
Vol Thru, %	86%	100%	0%	0%
Vol Right, %	0%	0%	100%	6%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	91	46	395	374
LT Vol	13	0	0	352
Through Vol	78	46	0	0
RT Vol	0	0	395	22
Lane Flow Rate	94	47	407	386
Geometry Grp	5	7	7	2
Degree of Util (X)	0.155	0.079	0.6	0.6
Departure Headway (Hd)	5.937	6.017	5.308	5.602
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	603	596	680	644
Service Time	3.979	3.748	3.039	3.63
HCM Lane V/C Ratio	0.156	0.079	0.599	0.599
HCM Control Delay	10.1	9.3	15.7	16.7
HCM Lane LOS	B	A	C	C
HCM 95th-tile Q	0.5	0.3	4	4

Lanes, Volumes, Timings
 41: Construction Entrance & Coconut Rd

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑		↑	↑	↑	
Traffic Volume (vph)	164	0	5	66	0	7
Future Volume (vph)	430	0	5	441	0	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	180		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt					0.865	
Flt Protected			0.950			
Satd. Flow (prot)	1810	0	1656	1743	1644	0
Flt Permitted			0.950			
Satd. Flow (perm)	1810	0	1656	1743	1644	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	296			524	203	
Travel Time (s)	5.0			8.9	5.5	
Lane Group Flow (vph)	443	0	5	455	7	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	18.6%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.1

Movement EBT EBR WBL WBT NBL NBR

Lane Configurations	↔		↔	↑	↔	
Traffic Vol, veh/h	164	0	5	66	0	7
Future Vol, veh/h	430	0	5	441	0	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	180	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	5	5	9	9	0	0
Mvmt Flow	443	0	5	455	0	7

Major/Minor Major1 Major2 Minor1

Conflicting Flow All	0	0	443	0	908	443
Stage 1	-	-	-	-	443	-
Stage 2	-	-	-	-	465	-
Critical Hdwy	-	-	4.19	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.281	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1081	-	308	619
Stage 1	-	-	-	-	651	-
Stage 2	-	-	-	-	636	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1081	-	306	619
Mov Cap-2 Maneuver	-	-	-	-	306	-
Stage 1	-	-	-	-	651	-
Stage 2	-	-	-	-	633	-

Approach EB WB NB

HCM Control Delay, s	0	0.1	10.9
HCM LOS			B

Minor Lane/Major Mvmt NBLn1 EBT EBR WBL WBT

Capacity (veh/h)	619	-	-	1081	-
HCM Lane V/C Ratio	0.012	-	-	0.005	-
HCM Control Delay (s)	10.9	-	-	8.3	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0	-	-	0	-

Lanes, Volumes, Timings
 23: The Colony - Inbound & Coconut Rd

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	1	162	8	100	71	1	0	0	0	1	1	0
Future Volume (vph)	1	422	14	117	446	1	0	0	0	1	1	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		0	0		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	1752	1835	0	1719	1810	0	0	0	0	0	1854	0
Flt Permitted	0.950			0.950								0.976
Satd. Flow (perm)	1752	1835	0	1719	1810	0	0	0	0	0	1854	0
Link Speed (mph)		40			40			25			25	
Link Distance (ft)		524			257			231			224	
Travel Time (s)		8.9			4.4			6.3			6.1	
Lane Group Flow (vph)	1	449	0	121	461	0	0	0	0	0	2	0
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	27.9%
	ICU Level of Service A
Analysis Period (min)	15

Intersection												
Int Delay, s/veh	1.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗						↕	
Traffic Vol, veh/h	1	162	8	100	71	1	0	0	0	1	1	0
Future Vol, veh/h	1	422	14	117	446	1	0	0	0	1	1	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	-	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	3	3	3	5	5	5	0	0	0	0	0	0
Mvmt Flow	1	435	14	121	460	1	0	0	0	1	1	0

Major/Minor	Major1			Major2			Minor2		
Conflicting Flow All	461	0	0	449	0	0	1147	1154	461
Stage 1	-	-	-	-	-	-	703	703	-
Stage 2	-	-	-	-	-	-	444	451	-
Critical Hdwy	4.13	-	-	4.15	-	-	6.4	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	5.4	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.4	5.5	-
Follow-up Hdwy	2.227	-	-	2.245	-	-	3.5	4	3.3
Pot Cap-1 Maneuver	1095	-	-	1096	-	-	222	199	605
Stage 1	-	-	-	-	-	-	495	443	-
Stage 2	-	-	-	-	-	-	651	574	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1095	-	-	1096	-	-	197	0	605
Mov Cap-2 Maneuver	-	-	-	-	-	-	197	0	-
Stage 1	-	-	-	-	-	-	495	0	-
Stage 2	-	-	-	-	-	-	579	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	1.8	23.5
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	1095	-	-	1096	-	-	197
HCM Lane V/C Ratio	0.001	-	-	0.11	-	-	0.01
HCM Control Delay (s)	8.3	-	-	8.7	-	-	23.5
HCM Lane LOS	A	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	0.4	-	-	0



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	↘	
Traffic Volume (vph)	163	0	0	168	4	112
Future Volume (vph)	423	0	0	551	13	127
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	1827	0	0	1810	1611	0
Flt Permitted					0.996	
Satd. Flow (perm)	1827	0	0	1810	1611	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	257			260	201	
Travel Time (s)	4.4			4.4	5.5	
Lane Group Flow (vph)	436	0	0	568	144	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	22.7% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 1.7

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	W	
Traffic Vol, veh/h	163	0	0	168	4	112
Future Vol, veh/h	423	0	0	551	13	127
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	4	4	5	5	3	3
Mvmt Flow	436	0	0	568	13	131

Major/Minor	Major1	Major2	Minor1	Minor2
Conflicting Flow All	0	-	-	1004
Stage 1	-	-	-	436
Stage 2	-	-	-	568
Critical Hdwy	-	-	-	6.43
Critical Hdwy Stg 1	-	-	-	5.43
Critical Hdwy Stg 2	-	-	-	5.43
Follow-up Hdwy	-	-	-	3.527
Pot Cap-1 Maneuver	-	0	0	267
Stage 1	-	0	0	650
Stage 2	-	0	0	565
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	-	-	267
Mov Cap-2 Maneuver	-	-	-	267
Stage 1	-	-	-	650
Stage 2	-	-	-	565

Approach	EB	WB	NB
HCM Control Delay, s	0	0	13.8
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	WBT
Capacity (veh/h)	551	-	-
HCM Lane V/C Ratio	0.262	-	-
HCM Control Delay (s)	13.8	-	-
HCM Lane LOS	B	-	-
HCM 95th %tile Q(veh)	1	-	-

Lanes, Volumes, Timings
 21: Coconut Rd & Beach Club Parking

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↕	↑	↩		↘	
Traffic Volume (vph)	6	269	155	11	23	13
Future Volume (vph)	6	544	538	11	23	13
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	1736	1827	1857	0	1625	0
Flt Permitted	0.950				0.969	
Satd. Flow (perm)	1736	1827	1857	0	1625	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		260	210		212	
Travel Time (s)		4.4	3.6		5.8	
Lane Group Flow (vph)	6	561	566	0	37	0
Sign Control		Free	Free		Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	24.2% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.7

Movement EBL EBT WBT WBR SBL SBR

Lane Configurations	↖	↑	↗		↖	↗
Traffic Vol, veh/h	6	269	155	11	23	13
Future Vol, veh/h	6	544	538	11	23	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	135	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	4	4	2	2	8	8
Mvmt Flow	6	561	555	11	24	13

Major/Minor Major1 Major2 Minor2

Conflicting Flow All	566	0	-	0	1134	561
Stage 1	-	-	-	-	561	-
Stage 2	-	-	-	-	573	-
Critical Hdwy	4.14	-	-	-	6.48	6.28
Critical Hdwy Stg 1	-	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	-	5.48	-
Follow-up Hdwy	2.236	-	-	-	3.572	3.372
Pot Cap-1 Maneuver	996	-	-	-	218	516
Stage 1	-	-	-	-	559	-
Stage 2	-	-	-	-	552	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	996	-	-	-	217	516
Mov Cap-2 Maneuver	-	-	-	-	217	-
Stage 1	-	-	-	-	556	-
Stage 2	-	-	-	-	552	-

Approach EB WB SB

HCM Control Delay, s	0.1	0	20.2
HCM LOS			C

Minor Lane/Major Mvmt EBL EBT WBT WBR SBLn1

Capacity (veh/h)	996	-	-	-	274
HCM Lane V/C Ratio	0.006	-	-	-	0.135
HCM Control Delay (s)	8.6	-	-	-	20.2
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.5

Lanes, Volumes, Timings
 19: Coconut Rd & Community Development

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Volume (vph)	0	292	166	0	4	0
Future Volume (vph)	0	567	549	0	4	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	0	1863	1863	0	1805	0
Fit Permitted					0.950	
Satd. Flow (perm)	0	1863	1863	0	1805	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		210	636		180	
Travel Time (s)		3.6	10.8		4.9	
Lane Group Flow (vph)	0	585	566	0	4	0
Sign Control		Free	Free		Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	25.4%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.1

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	↕
Traffic Vol, veh/h	0	292	166	0	4	0
Future Vol, veh/h	0	567	549	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	2	2	0	0
Mvmt Flow	0	585	566	0	4	0

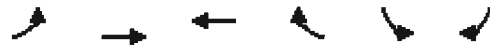
Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	566	0	-	0	1151 566
Stage 1	-	-	-	-	566 -
Stage 2	-	-	-	-	585 -
Critical Hdwy	4.12	-	-	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	2.218	-	-	-	3.5 3.3
Pot Cap-1 Maneuver	1006	-	-	-	221 528
Stage 1	-	-	-	-	572 -
Stage 2	-	-	-	-	561 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1006	-	-	-	221 528
Mov Cap-2 Maneuver	-	-	-	-	221 -
Stage 1	-	-	-	-	572 -
Stage 2	-	-	-	-	561 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	21.6
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1006	-	-	-	221
HCM Lane V/C Ratio	-	-	-	-	0.019
HCM Control Delay (s)	0	-	-	-	21.6
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Lanes, Volumes, Timings
 17: Coconut Rd & El Dorado Blvd

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↔		↕	
Traffic Volume (vph)	2	294	165	48	24	1
Future Volume (vph)	3	568	547	103	108	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	0	1863	1842	0	1807	0
Fit Permitted					0.953	
Satd. Flow (perm)	0	1863	1842	0	1807	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		636	384		737	
Travel Time (s)		10.8	6.5		20.1	
Lane Group Flow (vph)	0	589	670	0	113	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	27.1% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 3.5

Movement EBL EBT WBT WBR SBL SBR

Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	2	294	165	48	24	1
Future Vol, veh/h	3	568	547	103	108	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	3	586	564	106	111	2

Major/Minor Major1 Major2 Minor2

Conflicting Flow All	670	0	-	0	1209	617
Stage 1	-	-	-	-	617	-
Stage 2	-	-	-	-	592	-
Critical Hdwy	4.12	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.218	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	920	-	-	-	204	494
Stage 1	-	-	-	-	542	-
Stage 2	-	-	-	-	557	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	920	-	-	-	203	494
Mov Cap-2 Maneuver	-	-	-	-	203	-
Stage 1	-	-	-	-	539	-
Stage 2	-	-	-	-	557	-

Approach EB WB SB

HCM Control Delay, s	0	0	42.4
HCM LOS			E

Minor Lane/Major Mvmt EBL EBT WBT WBR SBLn1

Capacity (veh/h)	920	-	-	-	205
HCM Lane V/C Ratio	0.003	-	-	-	0.553
HCM Control Delay (s)	8.9	0	-	-	42.4
HCM Lane LOS	A	A	-	-	E
HCM 95th %tile Q(veh)	0	-	-	-	3

Lanes, Volumes, Timings
 15: Spring Creek Rd & Coconut Rd

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	
Traffic Volume (vph)	316	2	84	212	1	63
Future Volume (vph)	673	3	101	648	2	78
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	230		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Satd. Flow (prot)	1861	0	1770	1863	1615	0
Flt Permitted			0.950		0.999	
Satd. Flow (perm)	1861	0	1770	1863	1615	0
Link Speed (mph)	40			40	40	
Link Distance (ft)	407			303	3299	
Travel Time (s)	6.9			5.2	56.2	
Lane Group Flow (vph)	697	0	104	668	82	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	35.4%
	ICU Level of Service A
Analysis Period (min)	15

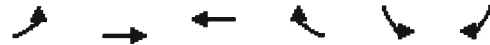
Intersection	
Int Delay, s/veh	1.5

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗		↖	↑	↘	
Traffic Vol, veh/h	316	2	84	212	1	63
Future Vol, veh/h	673	3	101	648	2	78
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	230	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	694	3	104	668	2	80

Major/Minor	Major1	Major2	Minor1	Minor2
Conflicting Flow All	0	0	697	1572
Stage 1	-	-	-	696
Stage 2	-	-	-	876
Critical Hdwy	-	4.12	-	6.42
Critical Hdwy Stg 1	-	-	-	5.42
Critical Hdwy Stg 2	-	-	-	5.42
Follow-up Hdwy	-	2.218	-	3.518
Pot Cap-1 Maneuver	-	899	-	442
Stage 1	-	-	-	495
Stage 2	-	-	-	407
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	899	-	442
Mov Cap-2 Maneuver	-	-	-	107
Stage 1	-	-	-	495
Stage 2	-	-	-	360

Approach	EB	WB	NB
HCM Control Delay, s	0	1.3	16
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	410	-	-	899	-
HCM Lane V/C Ratio	0.201	-	-	0.116	-
HCM Control Delay (s)	16	-	-	9.5	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	0.7	-	-	0.4	-



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Volume (vph)	1	378	295	56	33	1
Future Volume (vph)	2	749	747	73	48	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0			290	0	0
Storage Lanes	0			1	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	0	1863	1881	1599	1804	0
Flt Permitted					0.954	
Satd. Flow (perm)	0	1863	1881	1599	1804	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		530	1200		286	
Travel Time (s)		9.0	20.5		7.8	
Lane Group Flow (vph)	0	774	770	75	51	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	30.7%
	ICU Level of Service A
Analysis Period (min):	15

Intersection

Int Delay, s/veh 1.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	1	378	295	56	33	1
Future Vol, veh/h	2	749	747	73	48	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	290	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	2	772	770	75	49	2

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	845	0	-	0	1546 770
Stage 1	-	-	-	-	770 -
Stage 2	-	-	-	-	776 -
Critical Hdwy	4.12	-	-	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	2.218	-	-	-	3.5 3.3
Pot Cap-1 Maneuver	792	-	-	-	127 404
Stage 1	-	-	-	-	460 -
Stage 2	-	-	-	-	457 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	792	-	-	-	126 404
Mov Cap-2 Maneuver	-	-	-	-	126 -
Stage 1	-	-	-	-	458 -
Stage 2	-	-	-	-	457 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	49.8
HCM LOS			E

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	792	-	-	-	130
HCM Lane V/C Ratio	0.003	-	-	-	0.397
HCM Control Delay (s)	9.6	0	-	-	49.8
HCM Lane LOS	A	A	-	-	E
HCM 95th %tile Q(veh)	0	-	-	-	1.7

Lanes, Volumes, Timings
 11: Coconut Rd & Coconut Shores Dr

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Volume (vph)	1	410	350	29	22	1
Future Volume (vph)	2	815	858	46	37	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0			315	0	0
Storage Lanes	0			1	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	0	1863	1881	1599	1802	0
Flt Permitted					0.955	
Satd. Flow (perm)	0	1863	1881	1599	1802	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		800	463		332	
Travel Time (s)		13.6	7.9		9.1	
Lane Group Flow (vph)	0	842	885	47	40	0
Sign Control		Free	Free		Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	32.4% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 1.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↑	↗	↘	
Traffic Vol, veh/h	1	410	350	29	22	1
Future Vol, veh/h	2	815	858	46	37	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	315	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	2	840	885	47	38	2

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	932	0	-	0	1729 885
Stage 1	-	-	-	-	885 -
Stage 2	-	-	-	-	844 -
Critical Hdwy	4.12	-	-	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	2.218	-	-	-	3.5 3.3
Pot Cap-1 Maneuver	734	-	-	-	98 347
Stage 1	-	-	-	-	407 -
Stage 2	-	-	-	-	425 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	734	-	-	-	98 347
Mov Cap-2 Maneuver	-	-	-	-	98 -
Stage 1	-	-	-	-	405 -
Stage 2	-	-	-	-	425 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	61.6
HCM LOS			F

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	734	-	-	-	102
HCM Lane V/C Ratio	0.003	-	-	-	0.394
HCM Control Delay (s)	9.9	0	-	-	61.6
HCM Lane LOS	A	A	-	-	F
HCM 95th %tile Q(veh)	0	-	-	-	1.6

Lanes, Volumes, Timings
 9: North Commons Dr & Coconut Rd

2024 PM Pk Hr (Current Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	363	69	53	277	102	36
Future Volume (vph)	636	216	66	600	304	49
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	1799	0	1787	1881	1787	0
Flt Permitted			0.950		0.959	
Satd. Flow (perm)	1799	0	1787	1881	1787	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	463			317	543	
Travel Time (s)	7.9			5.4	14.8	
Lane Group Flow (vph)	879	0	68	619	364	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	44.5% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 163.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗		↖	↑	↘	↙
Traffic Vol, veh/h	363	69	53	277	102	36
Future Vol, veh/h	636	216	66	600	304	49
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	0	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	656	223	68	619	313	51

Major/Minor	Major1	Major2	Minor1	Minor2
Conflicting Flow All	0	0	879	0
Stage 1	-	-	-	768
Stage 2	-	-	-	755
Critical Hdwy	-	-	4.11	-
Critical Hdwy Stg 1	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	5.4
Follow-up Hdwy	-	-	2.209	-
Pot Cap-1 Maneuver	-	-	773	-
Stage 1	-	-	-	461
Stage 2	-	-	-	468
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	-	773	-
Mov Cap-2 Maneuver	-	-	-	-
Stage 1	-	-	-	461
Stage 2	-	-	-	427

Approach	EB	WB	NB
HCM Control Delay, s	0	1	\$ 863.6
HCM LOS			F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	132	-	-	773	-
HCM Lane V/C Ratio	2.757	-	-	0.088	-
HCM Control Delay (s)	\$ 863.6	-	-	10.1	-
HCM Lane LOS	F	-	-	B	-
HCM 95th %tile Q(veh)	33.1	-	-	0.3	-

Notes
 ~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	
Traffic Volume (vph)	398	1	66	330	0	41
Future Volume (vph)	684	1	66	666	0	41
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	30		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Satd. Flow (prot)	1881	0	1787	1881	1644	0
Flt Permitted			0.950			
Satd. Flow (perm)	1881	0	1787	1881	1644	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	317			570	282	
Travel Time (s)	5.4			9.7	7.7	
Lane Group Flow (vph)	706	0	68	687	42	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	38.0%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↶		↷	↶	↷	
Traffic Vol, veh/h	398	1	66	330	0	41
Future Vol, veh/h	684	1	66	666	0	41
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	30	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	0	0
Mvmt Flow	705	1	68	687	0	42

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	706	0	1529
Stage 1	-	-	-	-	706
Stage 2	-	-	-	-	823
Critical Hdwy	-	-	4.11	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.209	-	3.5
Pot Cap-1 Maneuver	-	-	897	-	130
Stage 1	-	-	-	-	493
Stage 2	-	-	-	-	435
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	897	-	120
Mov Cap-2 Maneuver	-	-	-	-	120
Stage 1	-	-	-	-	493
Stage 2	-	-	-	-	402

Approach	EB	WB	NB
HCM Control Delay, s	0	0.8	14.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	439	-	-	897	-
HCM Lane V/C Ratio	0.096	-	-	0.076	-
HCM Control Delay (s)	14.1	-	-	9.3	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0.2	-

Lanes, Volumes, Timings
6: Walden Center Dr & Coconut Rd

2024 PM Pk Hr (Current Zoning)

06/05/2020



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	5	425	9	19	367	2	16	4	35	0	1	13
Future Volume (vph)	115	595	15	63	583	277	24	4	35	0	1	125
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	375		0	250		0	0		0	0		0
Storage Lanes	1		0	1		1	1		0	0		0
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	1787	1874	0	1787	1881	1599	1787	1627	0	0	1645	0
Flt Permitted	0.950			0.950			0.950					
Satd. Flow (perm)	1787	1874	0	1787	1881	1599	1787	1627	0	0	1645	0
Link Speed (mph)		40			40			25			25	
Link Distance (ft)		570			885			142			293	
Travel Time (s)		9.7			15.1			3.9			8.0	
Lane Group Flow (vph)	119	628	0	65	601	286	25	40	0	0	130	0
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	37.1%
	ICU Level of Service A
Analysis Period (min)	15

Intersection												
Int Delay, s/veh	5.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↶	↷		↶	↷	↶	↶	↷			↷	
Traffic Vol, veh/h	5	425	9	19	367	2	16	4	35	0	1	13
Future Vol, veh/h	115	595	15	63	583	277	24	4	35	0	1	125
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	375	-	-	250	-	0	0	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	1	1	1	1	1	0	0	0
Mvmt Flow	119	613	15	65	601	286	25	4	36	0	1	129

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	887	0	0	628	0	0	1798	1876	621	1610	1597	601
Stage 1	-	-	-	-	-	-	859	859	-	731	731	-
Stage 2	-	-	-	-	-	-	939	1017	-	879	866	-
Critical Hdwy	4.11	-	-	4.11	-	-	7.11	6.51	6.21	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.11	5.51	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.11	5.51	-	6.1	5.5	-
Follow-up Hdwy	2.209	-	-	2.209	-	-	3.509	4.009	3.309	3.5	4	3.3
Pot Cap-1 Maneuver	768	-	-	959	-	-	62	72	489	85	108	504
Stage 1	-	-	-	-	-	-	352	375	-	416	430	-
Stage 2	-	-	-	-	-	-	318	316	-	345	373	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	768	-	-	959	-	-	38	57	489	62	85	504
Mov Cap-2 Maneuver	-	-	-	-	-	-	38	57	-	62	85	-
Stage 1	-	-	-	-	-	-	297	317	-	352	401	-
Stage 2	-	-	-	-	-	-	220	295	-	267	315	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	1.7		0.6		90.8		15.1	
HCM LOS					F		C	

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	38	275	768	-	-	959	-	-	485
HCM Lane V/C Ratio	0.651	0.146	0.154	-	-	0.068	-	-	0.268
HCM Control Delay (s)	205.4	20.3	10.5	-	-	9	-	-	15.1
HCM Lane LOS	F	C	B	-	-	A	-	-	C
HCM 95th %tile Q(veh)	2.3	0.5	0.5	-	-	0.2	-	-	1.1

Lanes, Volumes, Timings
54: US 41 & Coconut Rd

2024 PM Pk Hr (Current Zoning)

06/05/2020

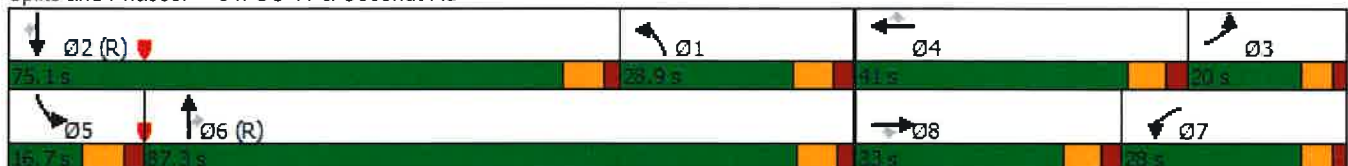


























Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖↗	↑	↗	↖↗	↑	↗	↖	↑↑↑	↗	↖↗	↑↑↑	↗
Traffic Volume (vph)	180	161	119	530	135	70	53	2619	506	82	1658	200
Future Volume (vph)	252	259	119	535	432	132	178	2769	509	262	1825	313
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	430		350	350		0	430		670	490		230
Storage Lanes	1		1	2		1	1		1	2		1
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	3467	1881	1599	3433	1863	1583	1770	5085	1583	3433	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3467	1881	1599	3433	1863	1583	1770	5085	1583	3433	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			215			167			403			183
Link Speed (mph)		40			45			50			50	
Link Distance (ft)		885			806			1002			651	
Travel Time (s)		15.1			12.2			13.7			8.9	
Lane Group Flow (vph)	260	267	123	552	445	136	184	2855	525	270	1881	323
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	3	8		7	4		1	6		5	2	
Permitted Phases			8			4			6			2
Total Split (s)	20.0	33.0	33.0	28.0	41.0	41.0	28.9	87.3	87.3	16.7	75.1	75.1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	16.0	28.0	28.0	25.0	37.0	37.0	24.9	83.3	83.3	12.7	71.1	71.1
Actuated g/C Ratio	0.10	0.17	0.17	0.15	0.22	0.22	0.15	0.50	0.50	0.08	0.43	0.43
v/c Ratio	0.77	0.84	0.27	1.06	1.07	0.28	0.69	1.11	0.53	1.02	0.86	0.41
Control Delay	88.6	88.4	1.5	121.0	121.9	4.4	58.9	80.8	2.2	133.6	47.2	14.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	88.6	88.4	1.5	121.0	121.9	4.4	58.9	80.8	2.2	133.6	47.2	14.7
LOS	F	F	A	F	F	A	E	F	A	F	D	B
Approach Delay		72.0			107.4			68.1			52.4	
Approach LOS		E			F			E			D	

Intersection Summary

Area Type: Other
 Cycle Length: 165
 Actuated Cycle Length: 165
 Offset: 24 (15%), Referenced to phase 2:SBT and 6:NBT, Start of Green
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.11
 Intersection Signal Delay: 69.1
 Intersection LOS: E
 Intersection Capacity Utilization 84.2%
 ICU Level of Service E
 Analysis Period (min) 15

Splits and Phases: 54: US 41 & Coconut Rd



												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	180	161	119	530	135	70	53	2619	506	82	1658	200
Future Volume (veh/h)	252	259	119	535	432	132	178	2769	509	262	1825	313
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1881	1881	1863	1863	1863	1863	1863	1863	1863	1863	1863
Adj Flow Rate, veh/h	260	267	123	552	445	136	184	2855	525	270	1881	323
Adj No. of Lanes	2	1	1	2	1	1	1	3	1	2	3	1
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	1	1	1	2	2	2	2	2	2	2	2	2
Cap, veh/h	337	320	272	520	418	355	450	3076	958	265	2191	682
Arrive On Green	0.10	0.17	0.17	0.15	0.22	0.22	0.51	1.00	1.00	0.15	0.86	0.86
Sat Flow, veh/h	3476	1881	1599	3442	1863	1583	1774	5085	1583	3442	5085	1583
Grp Volume(v), veh/h	260	267	123	552	445	136	184	2855	525	270	1881	323
Grp Sat Flow(s), veh/h/ln	1738	1881	1599	1721	1863	1583	1774	1695	1583	1721	1695	1583
Q Serve(g_s), s	12.0	22.6	11.4	24.9	37.0	11.1	10.6	0.0	0.0	12.7	32.4	7.9
Cycle Q Clear(g_c), s	12.0	22.6	11.4	24.9	37.0	11.1	10.6	0.0	0.0	12.7	32.4	7.9
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	337	320	272	520	418	355	450	3076	958	265	2191	682
V/C Ratio(X)	0.77	0.83	0.45	1.06	1.07	0.38	0.41	0.93	0.55	1.02	0.86	0.47
Avail Cap(c_a), veh/h	337	331	281	520	418	355	450	3076	958	265	2191	682
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00	2.00	2.00	2.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	72.7	66.2	61.5	70.0	64.0	46.1	32.9	0.0	0.0	69.8	8.7	7.0
Incr Delay (d2), s/veh	10.5	16.2	1.2	56.9	62.5	0.7	0.6	6.3	2.3	60.3	4.6	2.3
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0
%ile BackOfQ(95%),veh/ln	10.4	19.2	8.9	28.7	47.3	8.5	9.0	3.2	1.1	14.8	21.4	6.7
LnGrp Delay(d),s/veh	83.2	82.4	62.7	127.0	126.5	46.8	33.5	6.3	2.3	130.2	13.4	9.4
LnGrp LOS	F	F	E	F	F	D	C	A	A	F	B	A
Approach Vol, veh/h		650			1133			3564			2474	
Approach Delay, s/veh		79.0			117.1			7.1			25.6	
Approach LOS		E			F			A			C	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	46.4	75.1	20.0	41.0	16.7	104.8	28.9	32.1				
Change Period (Y+Rc), s	7.6	7.1	6.0	7.2	7.6	*7.6	6.0	7.2				
Max Green Setting (Gmax), s	21.3	68.0	14.0	33.8	9.1	*80	22.0	25.8				
Max Q Clear Time (g_c+I1), s	12.6	34.4	14.0	39.0	14.7	2.0	26.9	24.6				
Green Ext Time (p_c), s	0.3	28.8	0.0	0.0	0.0	76.0	0.0	0.2				
Intersection Summary												
HCM 2010 Ctrl Delay			34.9									
HCM 2010 LOS			C									
Notes												

SYNCHRO SUMMARY SHEETS
PROPOSED AMENDMENT TO
REZONING ADDING TRIPS FROM 103
MULTI-FAMILY UNITS

Intersection	
Intersection Delay, s/veh	11.6
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕	↕		↕	
Traffic Vol, veh/h	0	4	60	73	0	0	24	1	14	0	0	1
Future Vol, veh/h	0	5	117	274	1	0	125	1	282	0	0	1
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles, %	13	13	13	5	5	5	24	24	24	0	0	0
Mvmt Flow	0	5	121	282	1	0	129	1	291	0	0	1
Number of Lanes	0	1	0	0	1	0	0	1	1	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	1	1
HCM Control Delay	9.2	12.4	11.7	8.2
HCM LOS	A	B	B	A

Lane	NBLn1	NBLn2	EBLn1	WBLn1	SBLn1
Vol Left, %	99%	0%	0%	100%	0%
Vol Thru, %	1%	0%	4%	0%	0%
Vol Right, %	0%	100%	96%	0%	100%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	126	282	122	275	1
LT Vol	125	0	0	274	0
Through Vol	1	0	5	1	0
RT Vol	0	282	117	0	1
Lane Flow Rate	130	291	126	284	1
Geometry Grp	7	7	2	2	5
Degree of Util (X)	0.233	0.423	0.174	0.424	0.001
Departure Headway (Hd)	6.449	5.242	4.987	5.38	5.166
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	552	680	711	663	697
Service Time	4.241	3.033	3.083	3.457	3.166
HCM Lane V/C Ratio	0.236	0.428	0.177	0.428	0.001
HCM Control Delay	11.2	11.9	9.2	12.4	8.2
HCM Lane LOS	B	B	A	B	A
HCM 95th-tile Q	0.9	2.1	0.6	2.1	0

Intersection	
Intersection Delay, s/veh	16.8
Intersection LOS	C

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	7	65	33	61	116	17
Future Vol, veh/h	14	78	46	423	369	22
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97
Heavy Vehicles, %	4	4	12	12	7	7
Mvmt Flow	14	80	47	436	380	23
Number of Lanes	0	1	1	1	1	0

Approach	EB	WB	SB
Opposing Approach	WB	EB	
Opposing Lanes	2	1	0
Conflicting Approach Left	SB		WB
Conflicting Lanes Left	1	0	2
Conflicting Approach Right		SB	EB
Conflicting Lanes Right	0	1	1
HCM Control Delay	10.3	16.9	18.3
HCM LOS	B	C	C

Lane	EBLn1	WBLn1	WBLn2	SBLn1
Vol Left, %	15%	0%	0%	94%
Vol Thru, %	85%	100%	0%	0%
Vol Right, %	0%	0%	100%	6%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	92	46	423	391
LT Vol	14	0	0	369
Through Vol	78	46	0	0
RT Vol	0	0	423	22
Lane Flow Rate	95	47	436	403
Geometry Grp	5	7	7	2
Degree of Util (X)	0.16	0.08	0.653	0.638
Departure Headway (Hd)	6.072	6.096	5.387	5.696
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	590	588	672	633
Service Time	4.122	3.833	3.123	3.729
HCM Lane V/C Ratio	0.161	0.08	0.649	0.637
HCM Control Delay	10.3	9.4	17.7	18.3
HCM Lane LOS	B	A	C	C
HCM 95th-tile Q	0.6	0.3	4.8	4.6

Lanes, Volumes, Timings
 41: Construction Entrance & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	
Traffic Volume (vph)	181	0	5	94	0	7
Future Volume (vph)	447	0	5	469	0	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	180		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Satd. Flow (prot)	1810	0	1656	1743	1644	0
Flt Permitted			0.950			
Satd. Flow (perm)	1810	0	1656	1743	1644	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	296			524	203	
Travel Time (s)	5.0			8.9	5.5	
Lane Group Flow (vph)	461	0	5	484	7	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	19.5%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.1

Movement EBT EBR WBL WBT NBL NBR

Lane Configurations	↔		↔	↑	↔	
Traffic Vol, veh/h	181	0	5	94	0	7
Future Vol, veh/h	447	0	5	469	0	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	180	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	5	5	9	9	0	0
Mvmt Flow	461	0	5	484	0	7

Major/Minor Major1 Major2 Minor1

Conflicting Flow All	0	0	461	0	955	461
Stage 1	-	-	-	-	461	-
Stage 2	-	-	-	-	494	-
Critical Hdwy	-	-	4.19	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.281	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1064	-	289	605
Stage 1	-	-	-	-	639	-
Stage 2	-	-	-	-	617	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1064	-	288	605
Mov Cap-2 Maneuver	-	-	-	-	288	-
Stage 1	-	-	-	-	639	-
Stage 2	-	-	-	-	614	-

Approach EB WB NB

HCM Control Delay, s	0	0.1	11
HCM LOS			B



















Minor Lane/Major Mvmt NBLn1 EBT EBR WBL WBT

Capacity (veh/h)	605	-	-	1064	-
HCM Lane V/C Ratio	0.012	-	-	0.005	-
HCM Control Delay (s)	11	-	-	8.4	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0	-	-	0	-

Lanes, Volumes, Timings
 23: The Colony - Inbound & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)

06/05/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	1	178	9	100	99	1	0	0	0	1	1	0
Future Volume (vph)	1	438	15	117	474	1	0	0	0	1	1	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		0	0		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	1752	1835	0	1719	1810	0	0	0	0	0	1854	0
Flt Permitted	0.950			0.950								0.976
Satd. Flow (perm)	1752	1835	0	1719	1810	0	0	0	0	0	1854	0
Link Speed (mph)		40			40			25			25	
Link Distance (ft)		524			257			231			224	
Travel Time (s)		8.9			4.4			6.3			6.1	
Lane Group Flow (vph)	1	467	0	121	490	0	0	0	0	0	2	0
Sign Control		Free			Free			Stop			Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	28.8%
	ICU Level of Service A
Analysis Period (min)	15

Intersection												
Int Delay, s/veh	1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗						↕	
Traffic Vol, veh/h	1	178	9	100	99	1	0	0	0	1	1	0
Future Vol, veh/h	1	438	15	117	474	1	0	0	0	1	1	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	-	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	3	3	3	5	5	5	0	0	0	0	0	0
Mvmt Flow	1	452	15	121	489	1	0	0	0	1	1	0

Major/Minor	Major1			Major2			Minor2		
Conflicting Flow All	490	0	0	467	0	0	1194	1201	490
Stage 1	-	-	-	-	-	-	732	732	-
Stage 2	-	-	-	-	-	-	462	469	-
Critical Hdwy	4.13	-	-	4.15	-	-	6.4	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	5.4	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.4	5.5	-
Follow-up Hdwy	2.227	-	-	2.245	-	-	3.5	4	3.3
Pot Cap-1 Maneuver	1068	-	-	1079	-	-	208	186	582
Stage 1	-	-	-	-	-	-	480	430	-
Stage 2	-	-	-	-	-	-	638	564	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1068	-	-	1079	-	-	184	0	582
Mov Cap-2 Maneuver	-	-	-	-	-	-	184	0	-
Stage 1	-	-	-	-	-	-	480	0	-
Stage 2	-	-	-	-	-	-	567	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	1.7	24.8
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	1068	-	-	1079	-	-	184
HCM Lane V/C Ratio	0.001	-	-	0.112	-	-	0.011
HCM Control Delay (s)	8.4	-	-	8.8	-	-	24.8
HCM Lane LOS	A	-	-	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	0.4	-	-	0



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	↘	
Traffic Volume (vph)	179	0	0	195	5	112
Future Volume (vph)	439	0	0	578	14	127
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	1827	0	0	1810	1612	0
Flt Permitted					0.995	
Satd. Flow (perm)	1827	0	0	1810	1612	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	257			260	201	
Travel Time (s)	4.4			4.4	5.5	
Lane Group Flow (vph)	453	0	0	596	145	0
Sign Control	Free			Free	Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 24.1% ICU Level of Service A

Analysis Period (min) 15

Intersection						
Int Delay, s/veh	1.7					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑			↑	↑	↑
Traffic Vol, veh/h	179	0	0	195	5	112
Future Vol, veh/h	439	0	0	578	14	127
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	4	4	5	5	3	3
Mvmt Flow	453	0	0	596	14	131

Major/Minor	Major1	Major2	Minor1	Minor2
Conflicting Flow All	0	-	-	1049
Stage 1	-	-	-	453
Stage 2	-	-	-	596
Critical Hdwy	-	-	-	6.43
Critical Hdwy Stg 1	-	-	-	5.43
Critical Hdwy Stg 2	-	-	-	5.43
Follow-up Hdwy	-	-	-	3.527
Pot Cap-1 Maneuver	-	0	0	251
Stage 1	-	0	0	638
Stage 2	-	0	0	548
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	-	-	251
Mov Cap-2 Maneuver	-	-	-	251
Stage 1	-	-	-	638
Stage 2	-	-	-	548

Approach	EB	WB	NB
HCM Control Delay, s	0	0	14.3
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	WBT
Capacity (veh/h)	531	-	-
HCM Lane V/C Ratio	0.274	-	-
HCM Control Delay (s)	14.3	-	-
HCM Lane LOS	B	-	-
HCM 95th %tile Q(veh)	1.1	-	-

Lanes, Volumes, Timings
 21: Coconut Rd & Beach Club Parking

2024 PM Pk Hr (Proposed Zoning)
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Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (vph)	6	285	182	11	23	13
Future Volume (vph)	6	560	565	11	23	13
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135			0	0	0
Storage Lanes	1			0	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	1736	1827	1857	0	1625	0
Flt Permitted	0.950				0.969	
Satd. Flow (perm)	1736	1827	1857	0	1625	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		260	210		212	
Travel Time (s)		4.4	3.6		5.8	
Lane Group Flow (vph)	6	577	593	0	37	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	25.0%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.7

Movement

	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↖	↗	↖		↗	
Traffic Vol, veh/h	6	285	182	11	23	13
Future Vol, veh/h	6	560	565	11	23	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	135	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	4	4	2	2	8	8
Mvmt Flow	6	577	582	11	24	13

Major/Minor

	Major1	Major2	Minor2
Conflicting Flow All	593	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.14	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.236	-	-
Pot Cap-1 Maneuver	973	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	973	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach

	EB	WB	SB
HCM Control Delay, s	0.1	0	21.2
HCM LOS			C

Minor Lane/Major Mvmt

	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	973	-	-	-	259
HCM Lane V/C Ratio	0.006	-	-	-	0.143
HCM Control Delay (s)	8.7	-	-	-	21.2
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.5

Lanes, Volumes, Timings
 19: Coconut Rd & Community Development

2024 PM Pk Hr (Proposed Zoning)
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Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Traffic Volume (vph)	0	308	193	0	4	0
Future Volume (vph)	0	583	576	0	4	0
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	0	1863	1863	0	1805	0
Flt Permitted					0.950	
Satd. Flow (perm)	0	1863	1863	0	1805	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		210	636		180	
Travel Time (s)		3.6	10.8		4.9	
Lane Group Flow (vph)	0	601	594	0	4	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 26.2% ICU Level of Service A
 Analysis Period (min) 15

Intersection

Int Delay, s/veh 0.1

Movement EBL EBT WBT WBR SBL SBR

Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	0	308	193	0	4	0
Future Vol, veh/h	0	583	576	0	4	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	2	2	0	0
Mvmt Flow	0	601	594	0	4	0

Major/Minor Major1 Major2 Minor2

Conflicting Flow All	594	0	-	0	1195	594
Stage 1	-	-	-	-	594	-
Stage 2	-	-	-	-	601	-
Critical Hdwy	4.12	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.218	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	982	-	-	-	208	509
Stage 1	-	-	-	-	555	-
Stage 2	-	-	-	-	551	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	982	-	-	-	208	509
Mov Cap-2 Maneuver	-	-	-	-	208	-
Stage 1	-	-	-	-	555	-
Stage 2	-	-	-	-	551	-

Approach EB WB SB

HCM Control Delay, s	0	0	22.7
HCM LOS			C

Minor Lane/Major Mvmt EBL EBT WBT WBR SBLn1

Capacity (veh/h)	982	-	-	-	208
HCM Lane V/C Ratio	-	-	-	-	0.02
HCM Control Delay (s)	0	-	-	-	22.7
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.1



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↔		↕	
Traffic Volume (vph)	2	310	192	48	24	1
Future Volume (vph)	3	584	574	103	108	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	0	1863	1842	0	1807	0
Flt Permitted					0.953	
Satd. Flow (perm)	0	1863	1842	0	1807	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		636	384		737	
Travel Time (s)		10.8	6.5		20.1	
Lane Group Flow (vph)	0	605	698	0	113	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 27.9% ICU Level of Service A
 Analysis Period (min) 15

Intersection

Int Delay, s/veh 3.8

Movement EBL EBT WBT WBR SBL SBR

Lane Configurations		↕	↕		↕	
Traffic Vol, veh/h	2	310	192	48	24	1
Future Vol, veh/h	3	584	574	103	108	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	3	602	592	106	111	2

Major/Minor Major1 Major2 Minor2

Conflicting Flow All	698	0	-	0	1253	645
Stage 1	-	-	-	-	645	-
Stage 2	-	-	-	-	608	-
Critical Hdwy	4.12	-	-	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	2.218	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	898	-	-	-	192	476
Stage 1	-	-	-	-	526	-
Stage 2	-	-	-	-	547	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	898	-	-	-	191	476
Mov Cap-2 Maneuver	-	-	-	-	191	-
Stage 1	-	-	-	-	523	-
Stage 2	-	-	-	-	547	-

Approach EB WB SB

HCM Control Delay, s	0	0	47.2
HCM LOS			E

Minor Lane/Major Mvmt EBL EBT WBT WBR SBLn1

Capacity (veh/h)	898	-	-	-	193
HCM Lane V/C Ratio	0.003	-	-	-	0.588
HCM Control Delay (s)	9	0	-	-	47.2
HCM Lane LOS	A	A	-	-	E
HCM 95th %tile Q(veh)	0	-	-	-	3.2

Lanes, Volumes, Timings
 15: Spring Creek Rd & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	
Traffic Volume (vph)	332	2	84	239	1	63
Future Volume (vph)	689	3	101	675	2	78
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	230		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Satd. Flow (prot)	1861	0	1770	1863	1615	0
Flt Permitted			0.950		0.999	
Satd. Flow (perm)	1861	0	1770	1863	1615	0
Link Speed (mph)	40			40	40	
Link Distance (ft)	407			303	3299	
Travel Time (s)	6.9			5.2	56.2	
Lane Group Flow (vph)	713	0	104	696	82	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	36.2% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 1.4

Movement EBT EBR WBL WBT NBL NBR

Lane Configurations	↶		↷	↶	↷	
Traffic Vol, veh/h	332	2	84	239	1	63
Future Vol, veh/h	689	3	101	675	2	78
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	230	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	710	3	104	696	2	80

Major/Minor Major1 Major2 Minor1

Conflicting Flow All	0	0	713	0	1616	712
Stage 1	-	-	-	-	712	-
Stage 2	-	-	-	-	904	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	887	-	114	432
Stage 1	-	-	-	-	486	-
Stage 2	-	-	-	-	395	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	887	-	101	432
Mov Cap-2 Maneuver	-	-	-	-	101	-
Stage 1	-	-	-	-	486	-
Stage 2	-	-	-	-	349	-

Approach EB WB NB

HCM Control Delay, s	0	1.2	16.4
HCM LOS			C

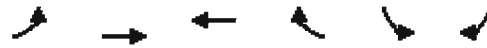
Minor Lane/Major Mvmt NBLn1 EBT EBR WBL WBT

Capacity (veh/h)	399	-	-	887	-
HCM Lane V/C Ratio	0.207	-	-	0.117	-
HCM Control Delay (s)	16.4	-	-	9.6	-
HCM Lane LOS	C	-	-	A	-
HCM 95th %tile Q(veh)	0.8	-	-	0.4	-

Lanes, Volumes, Timings
 13: Coconut Rd & Olde Meadowbrook Blvd

2024 PM Pk Hr (Proposed Zoning)

06/05/2020



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↖	↖	↖	
Traffic Volume (vph)	1	394	322	56	33	1
Future Volume (vph)	2	765	774	73	48	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0			290	0	0
Storage Lanes	0			1	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	0	1863	1881	1599	1804	0
Flt Permitted					0.954	
Satd. Flow (perm)	0	1863	1881	1599	1804	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		530	1200		286	
Travel Time (s)		9.0	20.5		7.8	
Lane Group Flow (vph)	0	791	798	75	51	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 31.5% ICU Level of Service A
 Analysis Period (min) 15

Intersection

Int Delay, s/veh 1.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	1	394	322	56	33	1
Future Vol, veh/h	2	765	774	73	48	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	290	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	2	789	798	75	49	2

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	873	0	-	0	1591 798
Stage 1	-	-	-	-	798 -
Stage 2	-	-	-	-	793 -
Critical Hdwy	4.12	-	-	-	6.4 6.2
Critical Hdwy Stg 1	-	-	-	-	5.4 -
Critical Hdwy Stg 2	-	-	-	-	5.4 -
Follow-up Hdwy	2.218	-	-	-	3.5 3.3
Pot Cap-1 Maneuver	773	-	-	-	119 389
Stage 1	-	-	-	-	447 -
Stage 2	-	-	-	-	449 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	773	-	-	-	118 389
Mov Cap-2 Maneuver	-	-	-	-	118 -
Stage 1	-	-	-	-	445 -
Stage 2	-	-	-	-	449 -

Approach	EB	WB	SB
HCM Control Delay, s	0	0	55.2
HCM LOS			F

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	773	-	-	-	121
HCM Lane V/C Ratio	0.003	-	-	-	0.426
HCM Control Delay (s)	9.7	0	-	-	55.2
HCM Lane LOS	A	A	-	-	F
HCM 95th %tile Q(veh)	0	-	-	-	1.8



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Volume (vph)	1	426	377	29	22	1
Future Volume (vph)	2	831	885	46	37	2
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0			315	0	0
Storage Lanes	0			1	1	0
Taper Length (ft)	25				25	
Satd. Flow (prot)	0	1863	1881	1599	1802	0
Flt Permitted					0.955	
Satd. Flow (perm)	0	1863	1881	1599	1802	0
Link Speed (mph)		40	40		25	
Link Distance (ft)		800	463		332	
Travel Time (s)		13.6	7.9		9.1	
Lane Group Flow (vph)	0	859	912	47	40	0
Sign Control		Free	Free		Stop	

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	33.2%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 1.5

Movement

	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	1	426	377	29	22	1
Future Vol, veh/h	2	831	885	46	37	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	315	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	2	857	912	47	38	2

Major/Minor

	Major1	Major2	Minor2		
Conflicting Flow All	959	0	-	0	1773
Stage 1	-	-	-	-	912
Stage 2	-	-	-	-	861
Critical Hdwy	4.12	-	-	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	2.218	-	-	-	3.5
Pot Cap-1 Maneuver	717	-	-	-	92
Stage 1	-	-	-	-	395
Stage 2	-	-	-	-	417
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	717	-	-	-	92
Mov Cap-2 Maneuver	-	-	-	-	92
Stage 1	-	-	-	-	393
Stage 2	-	-	-	-	417

Approach

	EB	WB	SB
HCM Control Delay, s	0	0	67.2
HCM LOS			F

Minor Lane/Major Mvmt

	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	717	-	-	-	96
HCM Lane V/C Ratio	0.003	-	-	-	0.419
HCM Control Delay (s)	10	0	-	-	67.2
HCM Lane LOS	B	A	-	-	F
HCM 95th %tile Q(veh)	0	-	-	-	1.7

Lanes, Volumes, Timings
 9: North Commons Dr & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Volume (vph)	372	76	53	291	115	36
Future Volume (vph)	645	223	66	614	317	49
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Satd. Flow (prot)	1798	0	1787	1881	1789	0
Flt Permitted			0.950		0.959	
Satd. Flow (perm)	1798	0	1787	1881	1789	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	463			317	543	
Travel Time (s)	7.9			5.4	14.8	
Lane Group Flow (vph)	895	0	68	633	378	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	46.1% ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 182.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗		↘	↖	↗	↘
Traffic Vol, veh/h	372	76	53	291	115	36
Future Vol, veh/h	645	223	66	614	317	49
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	0	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	2	2	1	1	0	0
Mvmt Flow	665	230	68	633	327	51

Major/Minor	Major1	Major2	Minor1	Minor2
Conflicting Flow All	0	0	895	1549
Stage 1	-	-	-	780
Stage 2	-	-	-	769
Critical Hdwy	-	-	4.11	6.4
Critical Hdwy Stg 1	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	5.4
Follow-up Hdwy	-	-	2.209	3.5
Pot Cap-1 Maneuver	-	-	762	~127
Stage 1	-	-	-	455
Stage 2	-	-	-	461
Platoon blocked, %	-	-	-	-
Mov Cap-1 Maneuver	-	-	762	~116
Mov Cap-2 Maneuver	-	-	-	~116
Stage 1	-	-	-	455
Stage 2	-	-	-	420

Approach	EB	WB	NB
HCM Control Delay, s	0	1	\$ 950.3
HCM LOS			F

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	128	-	-	762	-
HCM Lane V/C Ratio	2.948	-	-	0.089	-
HCM Control Delay (s)	\$ 950.3	-	-	10.2	-
HCM Lane LOS	F	-	-	B	-
HCM 95th %tile Q(veh)	35.2	-	-	0.3	-

Notes
 ~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Lanes, Volumes, Timings
 37: Elks Lodge & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)
 06/05/2020



Lane Group	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	
Traffic Volume (vph)	407	1	66	344	0	41
Future Volume (vph)	693	1	66	680	0	41
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)		0	30		0	0
Storage Lanes		0	1		1	0
Taper Length (ft)			25		25	
Satd. Flow (prot)	1881	0	1787	1881	1644	0
Flt Permitted			0.950			
Satd. Flow (perm)	1881	0	1787	1881	1644	0
Link Speed (mph)	40			40	25	
Link Distance (ft)	317			570	282	
Travel Time (s)	5.4			9.7	7.7	
Lane Group Flow (vph)	715	0	68	701	42	0
Sign Control	Free			Free	Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	38.5%
	ICU Level of Service A
Analysis Period (min)	15

Intersection

Int Delay, s/veh 0.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↔		↔	↔	↔	↔
Traffic Vol, veh/h	407	1	66	344	0	41
Future Vol, veh/h	693	1	66	680	0	41
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	30	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	0	0
Mvmt Flow	714	1	68	701	0	42

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	715	0	1552
Stage 1	-	-	-	-	715
Stage 2	-	-	-	-	837
Critical Hdwy	-	-	4.11	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.209	-	3.5
Pot Cap-1 Maneuver	-	-	890	-	126
Stage 1	-	-	-	-	488
Stage 2	-	-	-	-	428
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	890	-	116
Mov Cap-2 Maneuver	-	-	-	-	116
Stage 1	-	-	-	-	488
Stage 2	-	-	-	-	395

Approach	EB	WB	NB
HCM Control Delay, s	0	0.8	14.2
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	434	-	-	890	-
HCM Lane V/C Ratio	0.097	-	-	0.076	-
HCM Control Delay (s)	14.2	-	-	9.4	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0.2	-

Lanes, Volumes, Timings
6: Walden Center Dr & Coconut Rd

2024 PM Pk Hr (Proposed Zoning)
06/05/2020



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	6	433	9	19	379	2	17	4	35	0	1	14
Future Volume (vph)	116	603	15	63	595	277	25	4	35	0	1	126
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	375		0	250		0	0		0	0		0
Storage Lanes	1		0	1		1	1		0	0		0
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	1787	1874	0	1787	1881	1599	1787	1627	0	0	1645	0
Flt Permitted	0.950			0.950			0.950					
Satd. Flow (perm)	1787	1874	0	1787	1881	1599	1787	1627	0	0	1645	0
Link Speed (mph)		40			40			25			25	
Link Distance (ft)		570			885			142			293	
Travel Time (s)		9.7			15.1			3.9			8.0	
Lane Group Flow (vph)	120	637	0	65	613	286	26	40	0	0	131	0
Sign Control		Free			Free			Stop			Stop	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 37.6%

ICU Level of Service A

Analysis Period (min) 15

Intersection												
Int Delay, s/veh	5.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↔	↔		↔	↔	↔	↔	↔			↔	
Traffic Vol, veh/h	6	433	9	19	379	2	17	4	35	0	1	14
Future Vol, veh/h	116	603	15	63	595	277	25	4	35	0	1	126
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	375	-	-	250	-	0	0	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	1	1	1	1	1	1	1	1	1	0	0	0
Mvmt Flow	120	622	15	65	613	286	26	4	36	0	1	130

Major/Minor	Major1		Major2		Minor1		Minor2					
Conflicting Flow All	899	0	0	637	0	0	1822	1899	630	1633	1620	613
Stage 1	-	-	-	-	-	-	870	870	-	743	743	-
Stage 2	-	-	-	-	-	-	952	1029	-	890	877	-
Critical Hdwy	4.11	-	-	4.11	-	-	7.11	6.51	6.21	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.11	5.51	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.11	5.51	-	6.1	5.5	-
Follow-up Hdwy	2.209	-	-	2.209	-	-	3.509	4.009	3.309	3.5	4	3.3
Pot Cap-1 Maneuver	760	-	-	951	-	-	60	70	483	82	104	496
Stage 1	-	-	-	-	-	-	348	370	-	410	425	-
Stage 2	-	-	-	-	-	-	313	312	-	340	369	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	760	-	-	951	-	-	37	55	483	60	82	496
Mov Cap-2 Maneuver	-	-	-	-	-	-	37	55	-	60	82	-
Stage 1	-	-	-	-	-	-	293	312	-	345	396	-
Stage 2	-	-	-	-	-	-	215	291	-	261	311	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	1.7	0.6	99.1	15.4
HCM LOS			F	C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	37	269	760	-	-	951	-	-	477
HCM Lane V/C Ratio	0.697	0.149	0.157	-	-	0.068	-	-	0.274
HCM Control Delay (s)	221.5	20.7	10.6	-	-	9.1	-	-	15.4
HCM Lane LOS	F	C	B	-	-	A	-	-	C
HCM 95th %tile Q(veh)	2.5	0.5	0.6	-	-	0.2	-	-	1.1

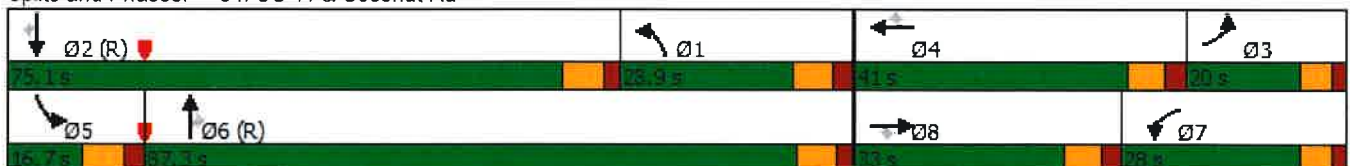


























Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖↗	↑	↗	↖↗	↑	↗	↖	↑↑↑	↗	↖↗	↑↑↑	↗
Traffic Volume (vph)	184	165	119	530	141	70	53	2619	506	82	1658	206
Future Volume (vph)	256	263	119	535	438	132	178	2769	509	262	1825	319
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	430		350	350		0	430		670	490		230
Storage Lanes	1		1	2		1	1		1	2		1
Taper Length (ft)	25			25			25			25		
Satd. Flow (prot)	3467	1881	1599	3433	1863	1583	1770	5085	1583	3433	5085	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3467	1881	1599	3433	1863	1583	1770	5085	1583	3433	5085	1583
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			215			167			400			187
Link Speed (mph)		40			45			50			50	
Link Distance (ft)		885			806			1002			651	
Travel Time (s)		15.1			12.2			13.7			8.9	
Lane Group Flow (vph)	264	271	123	552	452	136	184	2855	525	270	1881	329
Turn Type	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	3	8		7	4		1	6		5	2	
Permitted Phases			8			4			6			2
Total Split (s)	20.0	33.0	33.0	28.0	41.0	41.0	28.9	87.3	87.3	16.7	75.1	75.1
Total Lost Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Act Effct Green (s)	16.0	28.1	28.1	24.9	37.0	37.0	24.9	83.3	83.3	12.7	71.1	71.1
Actuated g/C Ratio	0.10	0.17	0.17	0.15	0.22	0.22	0.15	0.50	0.50	0.08	0.43	0.43
v/c Ratio	0.79	0.85	0.27	1.07	1.08	0.28	0.69	1.11	0.53	1.02	0.86	0.42
Control Delay	89.5	89.5	1.5	122.0	126.4	4.4	58.9	80.8	2.3	133.6	47.2	14.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	89.5	89.5	1.5	122.0	126.4	4.4	58.9	80.8	2.3	133.6	47.2	14.7
LOS	F	F	A	F	F	A	E	F	A	F	D	B
Approach Delay		73.0			109.7			68.1			52.3	
Approach LOS		E			F			E			D	

Intersection Summary

Area Type: Other
 Cycle Length: 165
 Actuated Cycle Length: 165
 Offset: 24 (15%), Referenced to phase 2:SBT and 6:NBT, Start of Green
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 1.11
 Intersection Signal Delay: 69.6
 Intersection LOS: E
 Intersection Capacity Utilization 84.4%
 ICU Level of Service E
 Analysis Period (min) 15

Splits and Phases: 54: US 41 & Coconut Rd



												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	184	165	119	530	141	70	53	2619	506	82	1658	206
Future Volume (veh/h)	256	263	119	535	438	132	178	2769	509	262	1825	319
Number	3	8	18	7	4	14	1	6	16	5	2	12
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj Sat Flow, veh/h/ln	1881	1881	1881	1863	1863	1863	1863	1863	1863	1863	1863	1863
Adj Flow Rate, veh/h	264	271	123	552	452	136	184	2855	525	270	1881	329
Adj No. of Lanes	2	1	1	2	1	1	1	3	1	2	3	1
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	1	1	1	2	2	2	2	2	2	2	2	2
Cap, veh/h	337	323	275	514	418	355	450	3076	958	265	2191	682
Arrive On Green	0.10	0.17	0.17	0.15	0.22	0.22	0.51	1.00	1.00	0.15	0.86	0.86
Sat Flow, veh/h	3476	1881	1599	3442	1863	1583	1774	5085	1583	3442	5085	1583
Grp Volume(v), veh/h	264	271	123	552	452	136	184	2855	525	270	1881	329
Grp Sat Flow(s),veh/h/ln	1738	1881	1599	1721	1863	1583	1774	1695	1583	1721	1695	1583
Q Serve(g_s), s	12.2	23.0	11.4	24.6	37.0	12.0	10.6	0.0	0.0	12.7	32.4	8.1
Cycle Q Clear(g_c), s	12.2	23.0	11.4	24.6	37.0	12.0	10.6	0.0	0.0	12.7	32.4	8.1
Prop In Lane	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Lane Grp Cap(c), veh/h	337	323	275	514	418	355	450	3076	958	265	2191	682
V/C Ratio(X)	0.78	0.84	0.45	1.07	1.08	0.38	0.41	0.93	0.55	1.02	0.86	0.48
Avail Cap(c_a), veh/h	337	331	281	514	418	355	450	3076	958	265	2191	682
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	2.00	2.00	2.00	2.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	72.8	66.1	61.3	70.2	64.0	54.3	32.9	0.0	0.0	69.8	8.7	7.0
Incr Delay (d2), s/veh	11.4	16.8	1.1	61.1	67.9	0.7	0.6	6.3	2.3	60.3	4.6	2.4
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0
%ile BackOfQ(95%),veh/ln	10.6	19.5	8.9	28.9	48.4	9.1	9.0	3.2	1.1	14.8	21.4	6.9
LnGrp Delay(d),s/veh	84.2	82.9	62.4	131.3	131.9	55.0	33.5	6.3	2.3	130.2	13.4	9.5
LnGrp LOS	F	F	E	F	F	D	C	A	A	F	B	A
Approach Vol, veh/h		658			1140			3564			2480	
Approach Delay, s/veh		79.6			122.4			7.1			25.6	
Approach LOS		E			F			A			C	
Timer	1	2	3	4	5	6	7	8				
Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	46.4	75.1	20.0	41.0	16.7	104.8	28.6	32.4				
Change Period (Y+Rc), s	7.6	7.1	6.0	7.2	7.6	*7.6	6.0	7.2				
Max Green Setting (Gmax), s	21.3	68.0	14.0	33.8	9.1	*80	22.0	25.8				
Max Q Clear Time (g_c+I1), s	12.6	34.4	14.2	39.0	14.7	2.0	26.6	25.0				
Green Ext Time (p_c), s	0.3	28.9	0.0	0.0	0.0	76.0	0.0	0.2				
Intersection Summary												
HCM 2010 Ctrl Delay			35.8									
HCM 2010 LOS			D									
Notes												

**SYNCHRO ARTERIAL LEVEL OF
SERVICE SUMMARY**

**PREVIOUS TRAFFIC ANALYSIS
(DPA)**

Arterial Level of Service

Arterial Level of Service: EB Coconut Rd

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
US 41	II	40	110.6	88.4	199.0	1.23	22.3	C
Via Coconut Point	II	45	30.8	17.1	47.9	0.31	23.4	C
Total	II		141.4	105.5	246.9	1.54	22.5	C

Arterial Level of Service: WB Coconut Rd

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
Via Coconut Point	II	45	24.8	33.0	57.8	0.24	14.9	E
US 41	II	45	30.8	121.9	152.7	0.31	7.3	F
Total	II		55.6	154.9	210.5	0.55	9.4	F

**CURRENT REQUEST
(ADDITIONAL 103 UNITS)**

Arterial Level of Service: EB Coconut Rd

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
US 41	II	40	110.6	89.5	200.1	1.23	22.1	C
Via Coconut Point	II	45	30.8	17.1	47.9	0.31	23.4	C
Total	II		141.4	106.6	248.0	1.54	22.4	C

Arterial Level of Service: WB Coconut Rd

Cross Street	Arterial Class	Flow Speed	Running Time	Signal Delay	Travel Time (s)	Dist (mi)	Arterial Speed	Arterial LOS
Via Coconut Point	II	45	24.8	33.0	57.8	0.24	14.9	E
US 41	II	45	30.8	126.4	157.2	0.31	7.1	F
Total	II		55.6	159.4	215.0	0.55	9.2	F

SIMTRAFFIC SUMMARY
COCONUT ROAD
ARTERIAL LEVEL OF SERVICE

**PREVIOUS TRAFFIC ANALYSIS
(DPA)**

Arterial Level of Service: EB Coconut Rd

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Hyatt Employee Entra	33	0.1	26.8	0.2	26
Hyatt Delivery Entra	35	0.0	5.5	0.0	26
Coconut Rd	30	3.9	16.1	0.1	17
Hyatt Main Entrance	28	5.7	19.4	0.1	15
	43	0.9	9.5	0.1	22
Construction Entranc	41	0.1	5.0	0.1	40
The Colony - Inbound	23	0.4	9.1	0.1	40
The Colony - Outboun	26	0.6	5.1	0.0	34
Beach Club Parking	21	0.5	4.8	0.0	37
Community Developmen	19	0.2	3.8	0.0	38
El Dorado Blvd	17	0.8	11.4	0.1	38
	40	0.4	6.9	0.1	38
Spring Creek Rd	15	0.9	7.6	0.1	37
	39	0.6	5.7	0.1	36
Olde Meadowbrook Blv	13	0.9	9.9	0.1	36
	86	1.8	21.7	0.2	38
Coconut Shores Dr	11	1.6	15.0	0.2	36
North Commons Dr	9	4.0	11.7	0.1	27
Elks Lodge	37	1.9	7.4	0.1	29
Walden Center Dr	6	1.2	10.4	0.1	37
US 41	54	97.4	111.6	0.2	5
Total		124.0	324.7	2.0	22

Base Free Flow Speed = 44 mph

$22 / 44 = 50\%$

LOS "C"

Arterial Level of Service: WB Coconut Rd

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Walden Center Dr	6	5.2	19.5	0.2	31
Elks Lodge	37	1.5	11.6	0.1	34
North Commons Dr	9	0.7	6.3	0.1	34
Coconut Shores Dr	11	0.5	8.1	0.1	39
	86	0.9	14.3	0.2	38
Olde Meadowbrook Blv	13	1.3	21.6	0.2	38
	39	0.6	9.8	0.1	37
Spring Creek Rd	15	0.4	5.5	0.1	38
	40	0.4	7.4	0.1	38
El Dorado Blvd	17	1.6	8.0	0.1	33
Community Developmen	19	0.9	11.5	0.1	38
Beach Club Parking	21	0.2	3.8	0.0	37
The Colony - Outboun	26	0.4	4.9	0.0	36
The Colony - Inbound	23	0.4	4.7	0.0	37
Construction Entranc	41	0.6	9.1	0.1	39
	43	0.5	5.5	0.1	36
Coconut Rd	28	3.7	12.3	0.1	17
Coconut Point Resort	30	5.8	19.6	0.1	15
Hyatt Delivery Entra	35	1.5	13.3	0.1	20
Hyatt Employee Entra	33	0.0	5.5	0.0	26
Total		27.0	202.4	1.8	32

Base Free Flow Speed = 44 mph

$$32/44 = 73\%$$

LOS "B"

**CURRENT REQUEST
(ADDITIONAL 103 UNITS)**

Arterial Level of Service: EB Coconut Rd

Gross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Hyatt Employee Entra	33	0.5	25.9	0.2	28
Hyatt Delivery Entra	35	0.2	4.9	0.0	29
Coconut Rd	30	4.3	16.0	0.1	17
Hyatt Main Entrance	28	6.0	18.3	0.1	16
	43	1.0	9.6	0.1	22
Construction Entranc	41	0.2	5.1	0.1	39
The Colony - Inbound	23	0.9	9.5	0.1	38
The Colony - Outboun	26	0.8	5.1	0.0	34
Beach Club Parking	21	0.5	4.8	0.0	37
Community Developmen	19	0.3	3.7	0.0	38
El Dorado Blvd	17	1.0	11.3	0.1	38
	40	0.4	6.7	0.1	39
Spring Creek Rd	15	0.7	7.4	0.1	37
	39	0.4	5.6	0.1	37
Olde Meadowbrook Blv	13	0.6	9.6	0.1	38
	86	1.7	21.3	0.2	38
Coconut Shores Dr	11	1.5	14.7	0.2	37
North Commons Dr	9	4.1	11.5	0.1	27
Elks Lodge	37	1.7	7.0	0.1	31
Walden Center Dr	6	0.7	9.8	0.1	40
US 41	54	67.9	81.3	0.2	7
Total		95.2	289.1	2.0	25

Base Free Flow Speed = 44 mph

$$25/44 = 56.8\%$$

LOS "C"

Arterial Level of Service: WB Coconut Rd

Cross Street	Node	Delay (s/veh)	Travel time (s)	Dist (mi)	Arterial Speed
Walden Center Dr	6	5.8	20.7	0.2	29
Elks Lodge	37	1.5	10.9	0.1	36
North Commons Dr	9	0.7	6.1	0.1	35
Coconut Shores Dr	11	0.5	8.1	0.1	39
	86	1.4	14.5	0.2	38
Olde Meadowbrook Blv	13	1.6	21.8	0.2	38
	39	0.8	9.6	0.1	37
Spring Creek Rd	15	0.7	5.7	0.1	36
	40	0.6	7.3	0.1	38
El Dorado Blvd	17	1.0	7.2	0.1	36
Community Developmen	19	0.9	11.4	0.1	38
Beach Club Parking	21	0.5	4.1	0.0	35
The Colony - Outboun	26	0.6	5.1	0.0	35
	23	0.3	4.6	0.0	38
Construction Entranc	41	0.3	8.9	0.1	40
	43	0.3	5.2	0.1	39
Coconut Rd	28	3.5	12.4	0.1	17
Coconut Point Resort	30	5.1	19.0	0.1	16
Hyatt Delivery Entra	35	1.1	12.0	0.1	22
Hyatt Employee Entra	33	0.4	6.0	0.0	24
Total		27.6	200.7	1.8	32

Base Free Flow Speed = 44 mph

$$32 / 44 = 73\%$$

LOS "B"

HIGHWAY CAPACITY MANUAL
EXHIBIT 17-2

boundary intersection is not significant. The travel speed is between 67% and 85% of the base free-flow speed, and the volume-to-capacity ratio is no greater than 1.0.

LOS C describes stable operation. The ability to maneuver and change lanes at midsegment locations may be more restricted than at LOS B. Longer queues at the boundary intersection may contribute to lower travel speeds. The travel speed is between 50% and 67% of the base free-flow speed, and the volume-to-capacity ratio is no greater than 1.0.

LOS D indicates a less stable condition in which small increases in flow may cause substantial increases in delay and decreases in travel speed. This operation may be due to adverse signal progression, high volume, or inappropriate signal timing at the boundary intersection. The travel speed is between 40% and 50% of the base free-flow speed, and the volume-to-capacity ratio is no greater than 1.0.

LOS E is characterized by unstable operation and significant delay. Such operations may be due to some combination of adverse progression, high volume, and inappropriate signal timing at the boundary intersection. The travel speed is between 30% and 40% of the base free-flow speed, and the volume-to-capacity ratio is no greater than 1.0.

LOS F is characterized by flow at extremely low speed. Congestion is likely occurring at the boundary intersection, as indicated by high delay and extensive queuing. The travel speed is 30% or less of the base free-flow speed, or the volume-to-capacity ratio is greater than 1.0.

Exhibit 17-2 lists the LOS thresholds established for the automobile mode on urban streets.

Travel Speed as a Percentage of Base Free-Flow Speed (%)	LOS by Volume-to-Capacity Ratio ^a	
	≤ 1.0	> 1.0
>85	A	F
>67-85	B	F
>50-67	C	F
>40-50	D	F
>30-40	E	F
≤30	F	F

Note: ^aVolume-to-capacity ratio of through movement at downstream boundary intersection.

Exhibit 17-2
LOS Criteria: Automobile Mode

Nonautomobile Modes

Historically, this manual has used a single performance measure as the basis for defining LOS. However, research documented in Chapter 5, Quality and Level-of-Service Concepts, indicates that travelers consider a wide variety of factors when they assess the quality of service provided to them. Some of these factors can be described as performance measures (e.g., speed), and others can be described as basic descriptors of the urban street character (e.g., sidewalk width). The methodology for evaluating each mode provides a procedure for mathematically combining these factors into a score. This score is then used to determine the LOS that is provided for a given direction of travel along a segment.

**KCA TRAFFIC TECHNICAL
MEMORANDUM
OCTOBER 2019**

Traffic Technical Memorandum
Coconut Road from Estero Bay to US 41
Lee County

Prepared For:



The Village of Estero

Prepared by:



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October 2019

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- Appendix A: 24 Hour Automatic Machine Counts
- Appendix B: 2018 FDOT Peak Season Factor Category Report
- Appendix C: Manual Turning Movement Counts
- Appendix D: Synchro and SIDRA LOS Computer Output
- Appendix E: Regression Analysis
- Appendix F: ITE Trip GeneraBon

1.0 Introduction

This Traffic Technical Memorandum (TTM) summarizes the traffic data collected and the traffic level of service (LOS) analyses for Coconut Road from Estero Bay to US 41 within the Village of Estero located in Lee County, Florida. The objective of this TTM is to evaluate the existing traffic capacity and delays of the four intersections labeled in Figure 1-1. Potential impacts to the operation of the intersection of Coconut Road and US 41 are not included within this TTM. This TTM also evaluates additional capacity needs to maintain acceptable LOS throughout the corridor in the Design Year 2045. Figure 1.1 shows the project location map and locations where traffic counts were conducted.

Figure 1-1 Location Map and Traffic Count Locations



2.0 Existing Conditions

The southbound approaches at locations 1, 3, and 4 are single lane roads that serve left-turn and right-turn movements. The northbound approach at location 2 is a single lane road that serves left-turn and right-turn movements. The eastbound approach at locations 1, 3, and 4 consists of a single through lane serving through and left-turn movements. The eastbound approach at location 2 is a single lane road that serves through and right-turn movements. The westbound approach at location 1 consists of a single lane that serves through and right-turn movements. The westbound approach at location 2 consists of one through lane and one left-turn lane. The westbound approach at location 3 and 4 consists of one through lane and one right-turn lane.

Figure 2-1 Existing Conditions - Location 1



The southbound approach at locaBon 1 is a single lane road that serves leD-turn and right-turn movements. The eastbound approach at locaBon 1 consists of a single through lane serving through and leD-turn movements. The westbound approach at locaBon 1 consists of a single lane that serves through and right-turn movements.

Figure 2-2 Existing Conditions - Location 2



The northbound approach at locaBon 2 is a single lane road that serves leD-turn and right-turn movements. The eastbound approach at locaBon 2 is a single lane road that serves through and right-turn movements. The westbound approach at locaBon 2 consists of one through lane and one leD-turn lane.

Figure 2-3 Existing Conditions - Location 3



The southbound approach at locaBon 3 is a single lane road that serves leD-turn and right-turn movements. The eastbound approach at locaBon 3 consists of a single through lane serving through and leD-turn movements. The westbound approach at locaBon 3 consists of one through lane and one right-turn lane.

Figure 2-4 Existing Conditions - Location 4



The southbound approach at locaBon 4 is a single lane road that serves leD-turn and right-turn movements. The eastbound approach at locaBon 4 consists of a single through lane serving through and leD-turn movements. The westbound approach at locaBon 4 consists of one through lane and one right-turn lane.

2.1 Traffic Counts

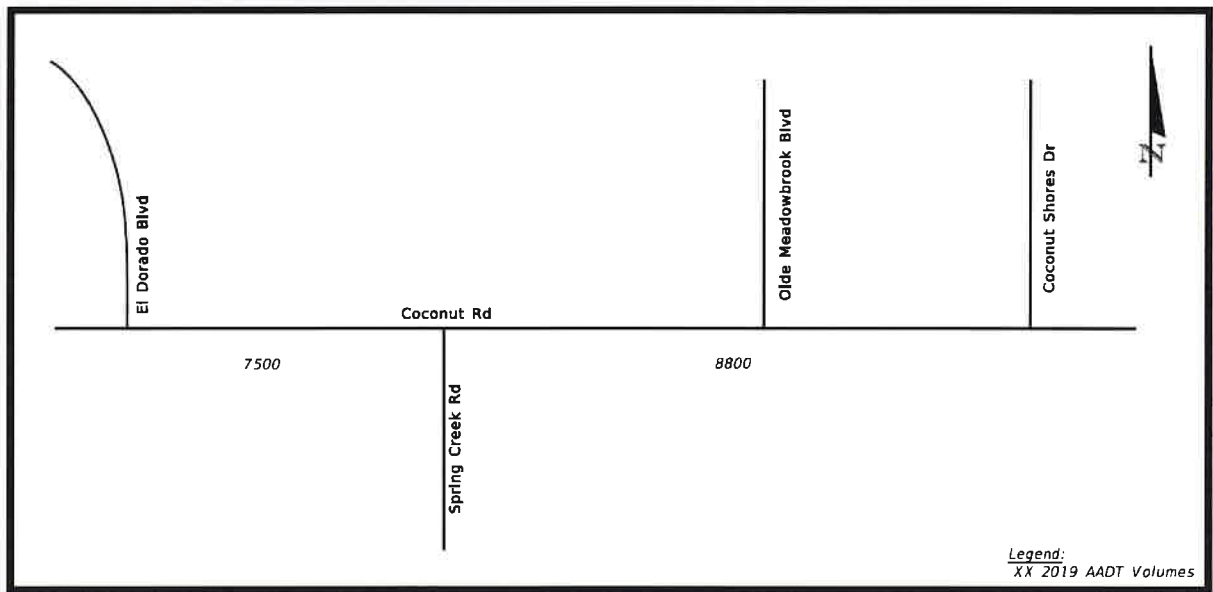
Twenty-four hour automaBc machine counts were conducted on Thursday, February 21st, 2019. The weather was clear during the Bme the traffic count was being conducted. The Average Week-Daily Traffic (AWDT) was calculated by adding the daily direcBonal volumes at each locaBon. **Appendix A** includes a copy of the automaBc counts. The two-way 24-hour volumes were subsequently converted into Annual Average Daily Traffic (AADT) volumes using the equaBon: $AADT = AWDT \times SF$. The weekly seasonal adjustment factor (SF) was obtained from the 2018 FDOT

Peak Season Factor Category Report. **Appendix B** includes a copy of the SF report. The computed 2019 AADT volumes are listed in Table 2.1. Figure 2.5 depicts the 2019 AADT volumes on the map.

Table 2-1 Existing 2019 Annual Average Daily Traffic (AADT)

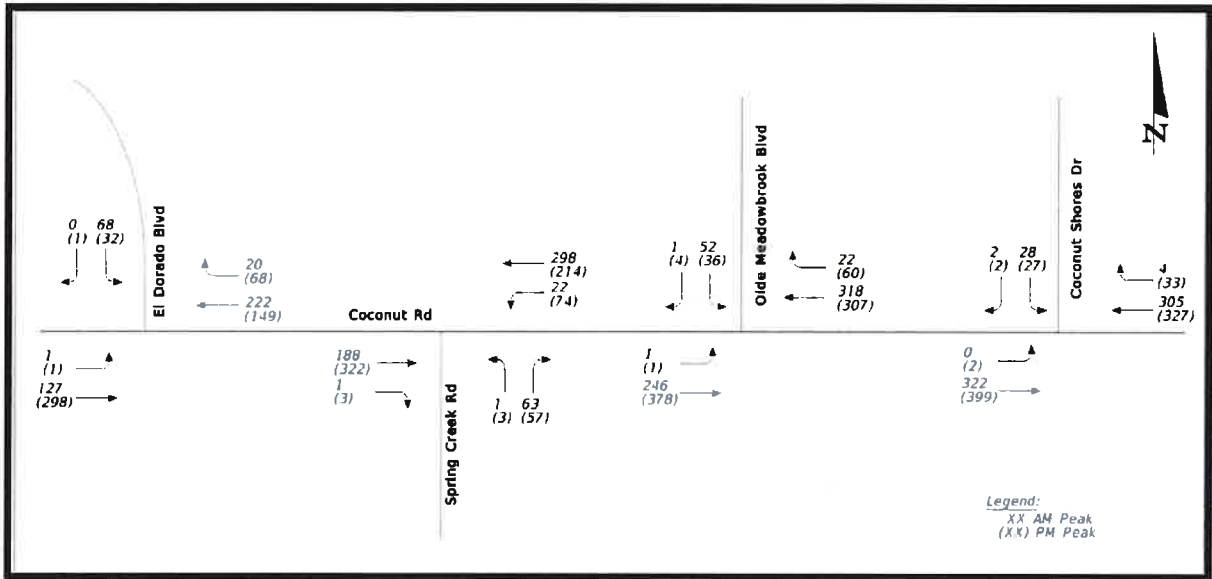
	NB	SB	EB	WB	Daily Counts	SF	2019 AADT	2019 AADT (rounded)
Coconut Road (between El Dorado & Spring Creek Rd)	N/A	N/A	4153	4229	8382	0.90	7544	7500
Coconut Road (between Spring Creek Rd & Coconut Shores Dr)	N/A	N/A	4822	4988	9810	0.90	8829	8800

Figure 2-5 Existing 2019 Average Annual Daily Traffic (AADT)



Manual turning movement counts (TMC) were conducted from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM on Tuesday February 5th, 2019, Wednesday February 6th, 2019, and Thursday February 7th, 2019. Figure 2-6 depicts the existing 2019 AM and PM turning movement volumes. **Appendix C** includes a copy of the manual turning movement counts.

Figure 2-6 Existing 2019 Turning Movement Volumes



During the manual TMCs, minimal pedestrian movements were encountered at each of the four count locaBons. The majority of the pedestrian movements occurred in the morning at the intersecBon of Coconut Road and Spring Creek Road (LocaBon 2). Maximum number of pedestrians per one hour was 34 crossing Spring Creek Road. Pedestrian counts can be found in **Appendix C**.

2.2 Design Traffic Factors

The design traffic characterisBcs established in this secBon will be used in developing design hour volumes (DHV's) for the intersecBons and direcBonal design hour volumes (DDHV's) for the roadway segments for the future condiBons. These characterisBcs are determined based on the procedures outlined in the FDOT's Project Traffic ForecasBng Handbook, dated January 2014.

Standard K-Factor

The Florida-adopted Standard K-Factors have been used in this study. Based on the 2014 FDOT Project Traffic ForecasBng Handbook, the standard K-Factor that applies is 9.0 (Urban Areas).

D-Factor

The DirecBonal DistribuBon Factor (D-Factor) is the proporBon of traffic traveling in the peak direcBon of a roadway segment during a selected hour. This is usually expressed as a percentage for the AM or PM peak hour. The peak hour traffic D-Factor was calculated for each segment of the study. The results are summarized in Table 2-2. Based on collected counts, the Eastbound direcBon was the peak direcBon movement in both the AM and PM for both segments of the study. The average measured D-Factor was calculated based on the PM peak hour and was found to be 53.4%. As shown in the 2018 FDOT Traffic Monitoring Handbook, Florida values for D-Factor

range between 50% and 80%. Therefore, a D-Factor of 53% was chosen for both segments for this study.

TABLE 2-2 EXISTING 2019 PEAK HOUR D-FACTOR

		NB	SB	EB	WB	Total	D-Factor (%)	
Coconut Road (west of Spring Creek)	AM	N/A	N/A	281	249	530	53.0%	EB
	PM	N/A	N/A	330	282	612	53.9%	EB
Coconut Road (east of Spring Creek)	AM	N/A	N/A	347	290	637	54.5%	EB
	PM	N/A	N/A	379	339	718	52.8%	EB
Average PM Peak Hour							53.4%	

T-Factor

The 24-hour Truck percentage (T-Factor) for the project was taken from the Florida Traffic Online (FDOT PMS # 120134, Located at Coconut Road, W of Spring Creek Road) and (FDOT PMS # 124490, Located at Coconut Road, E of US 41). At both locations the T-Factor was found equal to 4%, therefore an assumed T-Factor of 4% will be used for all segments of the study.

2.3 Existing 2019 LOS Analysis

The intersection Level of Service (LOS) for a two-way stop controlled is defined in terms of the average vehicular delay for each minor-street movement (or shared movement) as well as major-street left-turns. This approach is used because major-street through vehicles are assumed to experience zero delay. A weighted average of all movements results in very low overall average delay, and this calculated low delay could mask deficiencies of minor street movements. A vehicular delay will also quantify the increase in travel time that the vehicle experiences due to a stop sign or a traffic signal control. This will provide a surrogate measure for driver discomfort and fuel consumption. The insert listed below from the Highway Capacity Manual (HCM) is the LOS categories and corresponding range of vehicular delay. Coconut Road is classified as a major collector roadway. While this is a Village maintained roadway, the minimum acceptable LOS established by the state of Florida and Lee County for Collectors is a LOS of "E". A LOS of "F" in the existing year analysis, or the future year analysis with no-build option, shows the need for added capacity in order to improve the traffic operations and LOS. A LOS of "E" or better at an intersection is required in the design year using the proposed geometry.



Level of Service	Average Control Delay (seconds/vehicle)
A	0 – 10
B	>10 – 15
C	>15 – 25
D	>25 – 35
E	>35 – 50
F ¹	>50

Source: *Highway Capacity Manual 2010*, Transportation Research Board, 2010.

1. If the volume-to-capacity (v/c) ratio exceeds 1.0, LOS F is assigned an individual lane group for all unsignalized intersections, or minor street approach at two-way stop-controlled intersections. Overall intersection LOS is determined solely by control delay.

ExisBng 2019 level of service analysis (LOS) was conducted based on the methodology outlined in the Highway Capacity Manual using Synchro 10 soDware. **Appendix D** includes a copy of the Synchro LOS computer output.

The 2019 AM and PM peak hour level of service for the four intersecBons where TMCs were collected are presented in Table 2-3. The exisBng year analysis shows that each of the intersecBons are currently operaBng at an acceptable LOS.

TABLE 2-3 CURRENT YEAR (2019) INTERSECTION LEVEL OF SERVICE

Location	Intersection	Peak Hour	LOS	Average Control Delay (sec/veh)
1	Coconut Rd. & El Dorado Blvd.	AM	B	11.7
		PM	B	12.5
2	Coconut Rd. & Spring Creek Rd.	AM	A	9.8
		PM	B	11.0
3	Coconut Rd. & Olde Meadowbrook Blvd.	AM	B	14.0
		PM	C	15.1
4	Coconut Rd. & Coconut Shores Dr.	AM	B	14.1
		PM	C	15.7

3.0 Future Year Traffic Forecast and Capacity Analysis

Available historical AADT volumes have been used in this study for growth rate calculaBons. Regression analysis was conducted to calculate the annual growth rate for the number of vehicles by uBlizing the history of the annual average daily traffic (AADT) obtained from Florida Traffic Online as well as Lee County TransportaBon Data Management System. MulBple count staBons were evaluated and the regression analysis results are shown in Table 3-1. **Appendix E** includes copies of the regression analysis

TABLE 3-1 COCONUT ROAD HISTORICAL TRAFFIC DATA

Roadway Segment	Station #	From	To	AADT								Growth Rate
				2011	2012	2013	2014	2015	2016	2017	2018	
Coconut Road	0134	West of Spring Creek Rd		N/A	N/A	N/A	N/A	5000	5500	5600	N/A	5.26 %
Coconut Road	0495	Spring Creek Rd	US 41	7300	N/A	8300	N/A	8600	N/A	9600	N/A	3.68 %
Coconut Road	0490	East of US 41		9300	N/A	12797	N/A	11400	N/A	14300	N/A	4.50 %
US 41	0093	South of Coconut Rd		N/A	N/A	N/A	N/A	N/A	45000	50900	48900	3.89 %

Additionally, the Coconut Road corridor west of US 41 was examined to determine possible development potential within the area. An initial potential development list was created after reviewing the document “Coconut Road Traffic Study – From Estero Bay to Three Oaks Parkway”, dated 6/08/2016. Upon meeting with the Village of Estero and further document review, changes were made to update the potential development list to reflect the most current information. Figure 3-1 presents the updated Potential Development map while Table 3-2 shows the updated Potential Development list. The items in yellow have changed since the aforementioned traffic study from 2016 and have been updated with new development parameters and are reflected in the new trip generation numbers. No updated information was found for ID#s 13A – 13D and 15. For these parcels, the 2016 development parameters and trip generation values were used. These values represent conservative trip generation numbers for the parcels in question. This determination was made based on discussion with the Village of Estero.

FIGURE 3-1 COCONUT ROAD DEVELOPMENT POTENTIAL MAP



TABLE 3-2 COCONUT ROAD ESTIMATED DEVELOPMENT POTENTIAL

ID #	STRAP #	PARCEL NAME	DEVELOPMENT PARAMETERS	APPROVED DEVELOPMENTS TO BE CONSTRUCTED WITHIN 5 YEARS	PERMIT SUBMITTED	POTENTIAL FUTURE PERMITTING & DEVELOPMENT
1	07-47-25-B2-00004.00CE	Pelican Landing Community Association	Marina - 20 berth; Restaurant - 3000sf			X
2A	07-47-25-B2-00003+	LB Estero Bay Investments LLC	Residential - Multi Family - 300 dwelling units - 2 buildings; Marina - 72 berth			X
2B	07-47-25-B2-00006+					
3	07-47-25-B2-00000.0010	WCI / Pelican Landing DRI (Raptor Bay)	Residential - Multi Family - 400 dwelling units - high rise buildings			X
4	06-47-25-00-00002.0030	Pelican Landing Timeshare Ventures LP	Timeshare - Rental Townhouses - 267 dwelling units	X		
5	17-47-25-B1-U1681.1891	WCI Communities Inc (Two Future High Rises)	Residential - Multi Family - 150 dwelling units - high rise buildings	X		
6	08-47-25-01+	Eldorado Acres Subdivision	Residential - Single Family - 87 Dwelling Units - Platted Lots	X		
7**	08-47-25-00-00003.030	LB Estero Bay Investments LLC	Commercial Parking Lot with boat trailer parking (Rezone to CPD)			X
8	08-47-25-01-00016.0000	Headwaters Coconut Road General	Residential Single Family Subdivision (Rezone to PD)		X	
9	08-47-25-00-00004.0000	Dhallwal + J/T		X		
10	08-47-25-E2-U1757.2005	Dhallwal + J/T	Residential - Single Family - 3 Dwelling Units	X		
11	09-47-25-E1-U1823.2024	Dewane/Docese of Venice	Residential - Multi Family - 93 dwelling units			X
12	09-47-25-E4-U1882.1994	Coconut Road Associates LLC	General Office Building - 122,484 sf	X		
13A	09-47-25-E1-U1874.2023		Shopping Center - 210,000 sf			
13B	09-47-25-E1-U1877.2039		Medical Office Building - 40,000 sf			
13C	09-47-25-E2-U1900.2033	Lee Memorial Health System	Multi-Family Residential - 525 dwelling units			X
13D	09-47-25-E2-U1902.2012		Assisted Living - 152 beds Hotel - 130 Rooms			
14	09-47-25-E3-31000.0050	HH Estero Investments LLC	128 Room Hotel		X	
15	09-47-25-E3-31000.0010	NCH Healthcare System INC	General Office Building - 122,484 sf			X

* ID #4 from 2016 Coconut Road Traffic Study has completed construction and has been removed from above table (Strap # 17-47-25-B1-00001.012A)

** ID #7 is based on developer submittals which have since been withdrawn

Changes to Development Potential since 2016 Coconut Road Traffic Study
2016 Development Parameters (Used in current Trip Generation)

Based on the analysis of the historical count station data, an assumed growth value used for Coconut Road west of US 41 is 4%. For the purpose of this report, the future growth for Coconut Road west of US 41 is considered associated with the future projected development potential. Therefore, trip generation values for the potential developments were estimated using the ITE Trip Generation Manual and utilized for future traffic determination as shown in **Appendix F**. Instead of using the assumed growth value of 4%, a conservative 1% annual growth was applied to the current traffic volumes and added to the trip generation values to account for additional traffic not encompassed by the projected developments. Three future years were looked at for this study: 2024, 2029, and 2045.

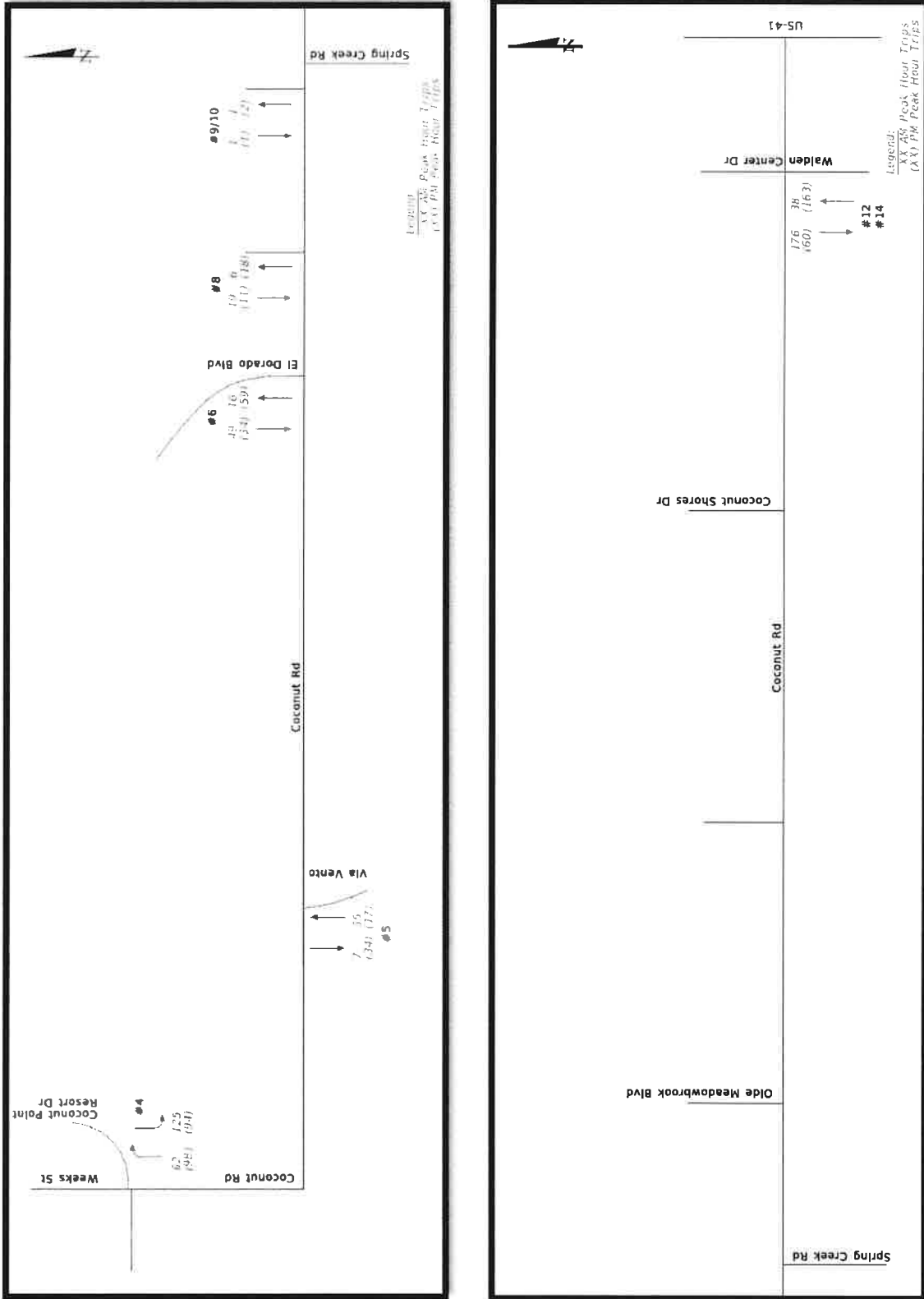
Potential developments identified in Table 3-2 were taken and separated into Tables 3-4 and 3-5 based on assumed year of completion. Table 3-4 developments are assumed to be completed within the next 5 years (2024). Peak hour trip generation values along with distribution percentage of traffic along Coconut Road for the respective developments are reflected in Table 3-4.

TABLE 3-4 DEVELOPMENTS WITH APPROVALS (2024)

Location	Developments						
	ID #	Parcel Name	Traffic Dist. %	AM Peak Hour		PM Peak Hour	
				Enter	Exit	Enter	Exit
Coconut Road (west of Spring Creek)	4	Pelican Landing Timeshare Ventures LP	100%	62	125	98	94
	5	WCI Communities Inc	60%	7	35	34	17
	6	El Dorado Acres Subdivision	100%	16	49	59	34
	8	Headwaters Coconut Road General	100%	6	19	18	12
	9 / 10	Dhaliwal + J/T	100%	1	1	2	1
Coconut Road (east of Spring Creek)	12	Coconut Road Associates LLC	75%	149	20	28	134
	14	HH Estero Investments LLC	80%	27	18	32	29

Figure 3-2 shows the trip generation values from Table 3-4 along Coconut Road for the year 2024.

FIGURE 3-2 YEAR 2024 TRIP GENERATION VALUES ALONG COCONUT ROAD



The year 2024 future turning movement volumes were calculated by applying the 1% annual growth rate to the existing 2019 counts. The future development trip generations presented in Table 3-5 and Figure 3-2 were then incorporated into the turning movement volumes and the corridor was balanced and checked for reasonableness. The year 2024 turning movement volumes are shown in Figure 3-3. Development ID #'s 12 and 14 are not represented in Figure 3-3 since these trips would not be captured within the intersections of this study.

FIGURE 3-3 FUTURE YEAR 2024 TURNING MOVEMENT VOLUMES

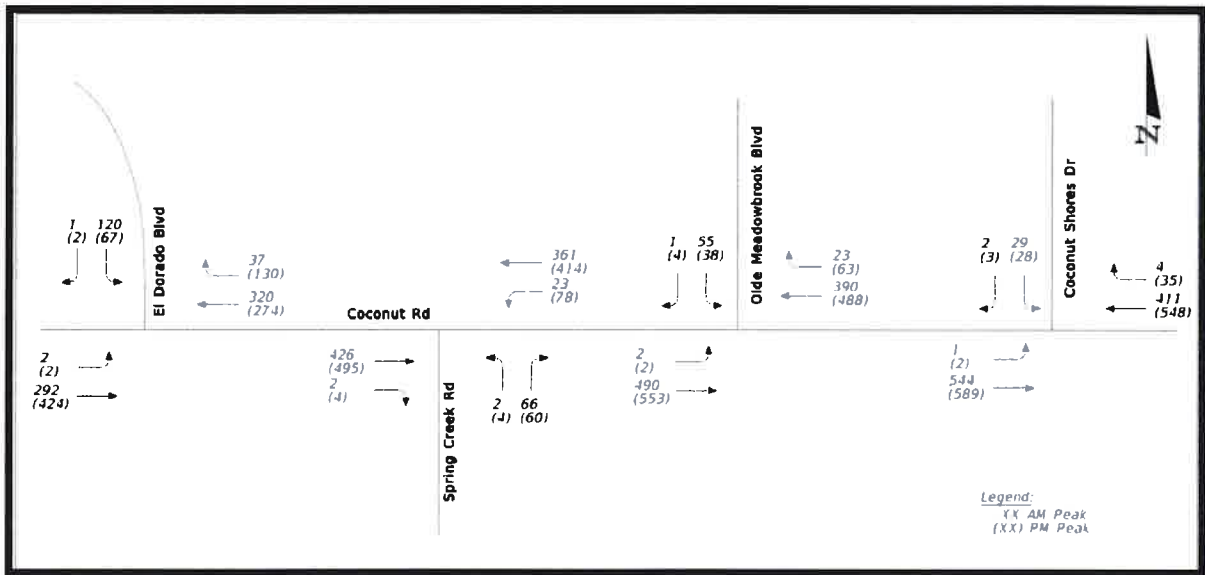
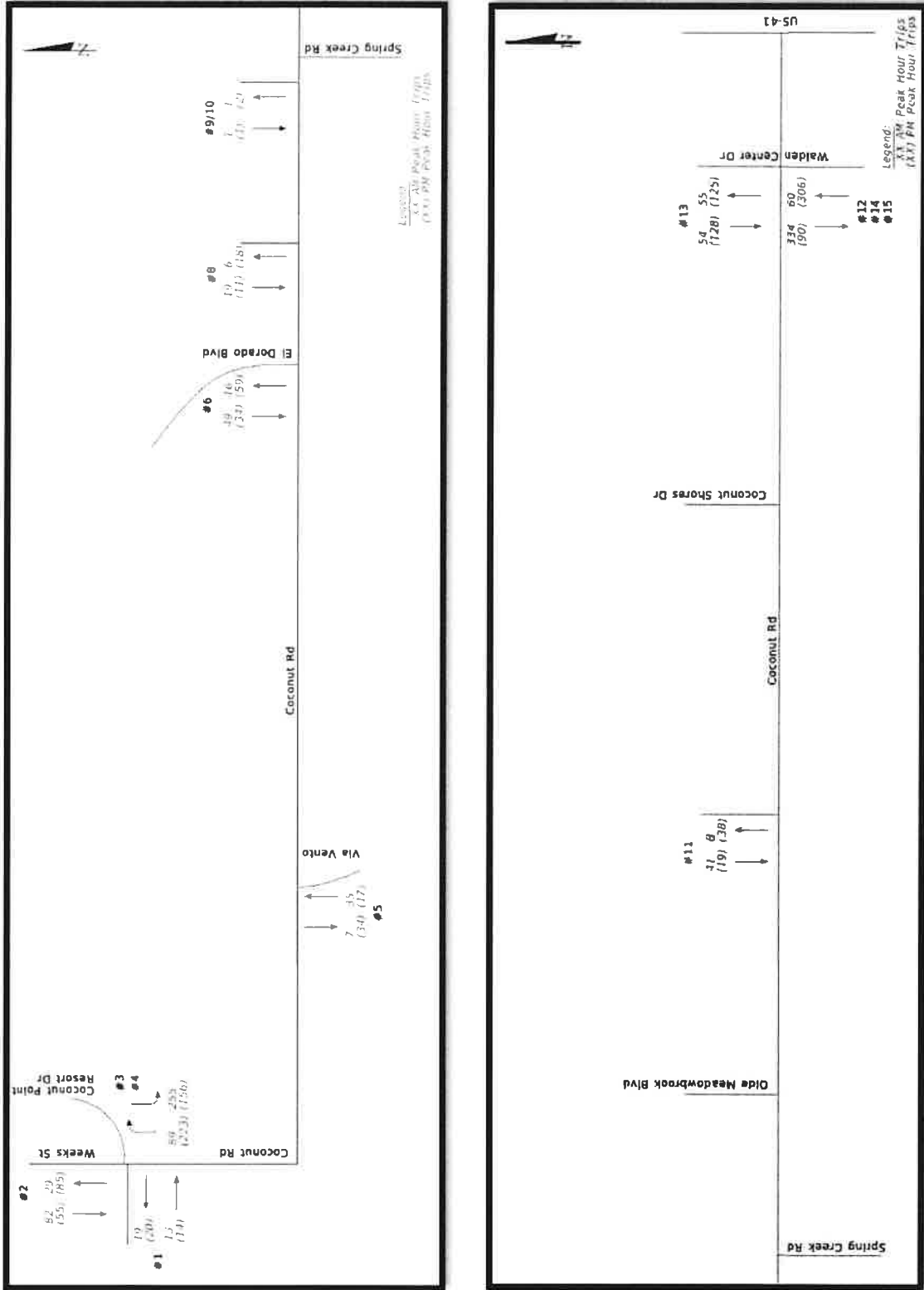


Table 3-5 shows the developments to be completed within the next 10 years (2029). Peak hour trip generation values along with distribution percentage of traffic entering Coconut Road for the respective developments are reflected in Table 3-5. The method of determining future turning movements for year 2024 was repeated for the years 2029 and 2045, however both Tables 3-4 and 3-5 trip generations were considered. Figure 3-4 shows the combined trip generation values along the corridor for the potential developments in year 2029 and 2045.

TABLE 3-5 DEVELOPMENTS WITH POTENTIAL 2029 PERMITTING

Location	Developments						
	ID #	Parcel Name	Traffic Dist. %	AM Peak Hour		PM Peak Hour	
				Enter	Exit	Enter	Exit
Coconut Road (west of Spring Creek)	1	Pelican Landing Community AssociaBon	100%	19	13	20	14
	2	LB Estero Bay Investments, LLC	100%	29	82	85	55
	3	WCI / Pelican Landing DRI	100%	27	130	125	62
Coconut Road (east of Spring Creek)	11	Dewane / Docese of Venice	100%	8	41	38	19
	13	Lee Memorial Health System	20%	55	54	125	128
	15	NCH Healthcare System Inc	80%	158	22	30	143

FIGURE 3-4 YEAR 2029 TRIP GENERATION VALUES ALONG COCONUT ROAD



The year 2029 and 2045 turning movement volumes are shown in Figure 3-5 and Figure 3-6 respectively. Development ID #'s 12,13,14, and 15 trip values are not represented since these trips would not be captured within the intersections of this study.

FIGURE 3-5 FUTURE YEAR 2029 TURNING MOVEMENT VOLUMES

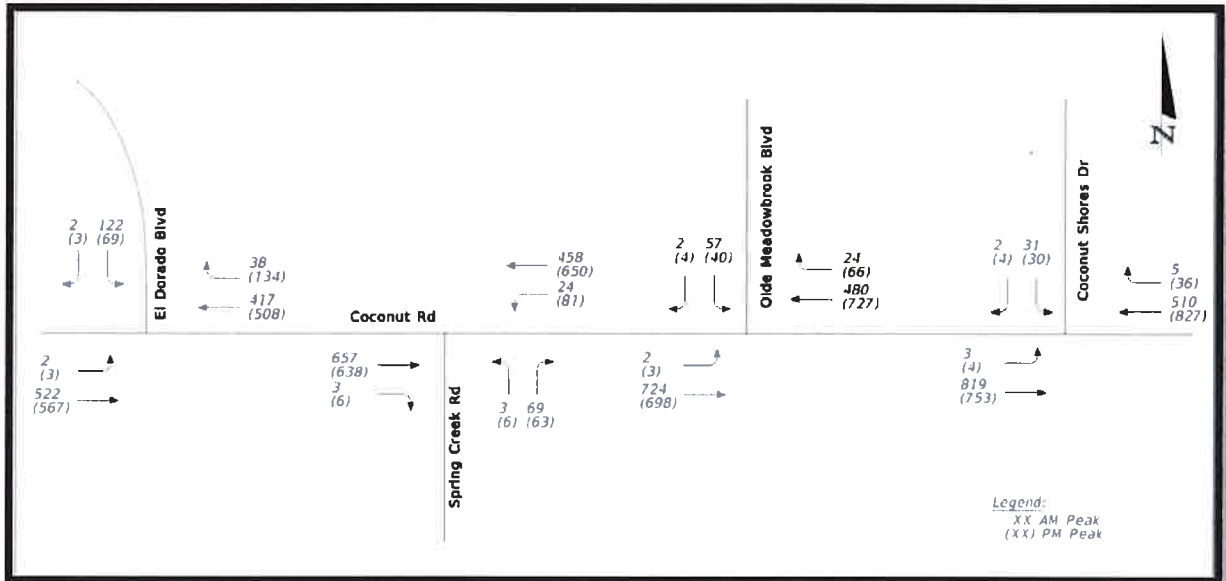
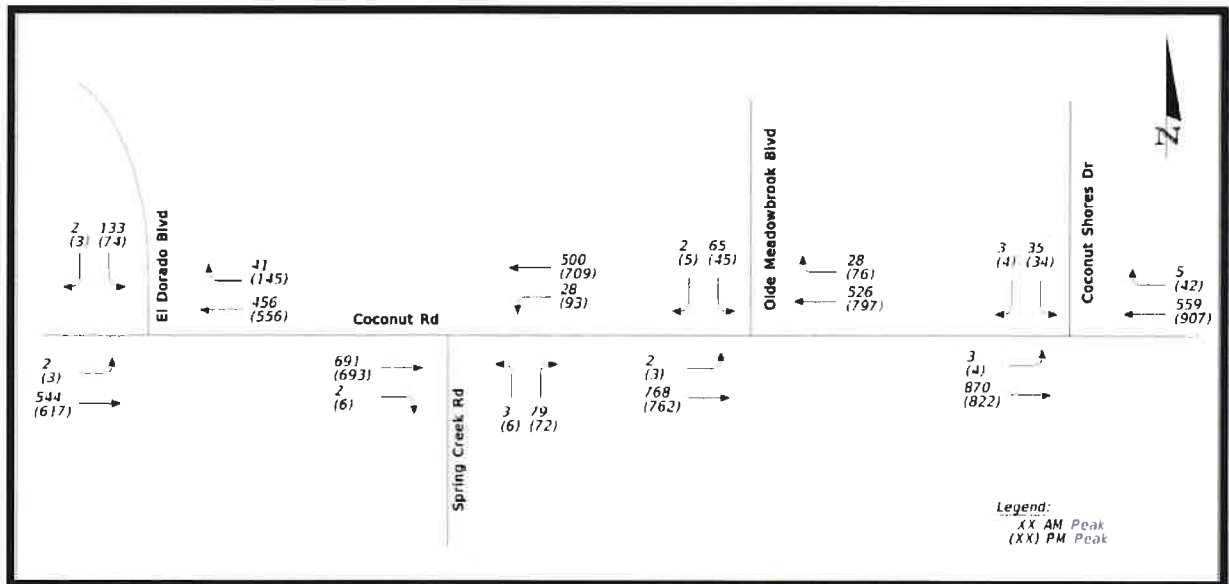


FIGURE 3-6 FUTURE YEAR 2045 TURNING MOVEMENT VOLUMES



Future AADT values were determined by applying a 1% annual growth to the existing 2019 AADT values. Daily trip generations, adjusted with the seasonal factor to coincide with existing AADT values were then added to obtain future AADTs along the corridor. Table 3-6 provides daily trip totals for the Year 2024 and Table 3-7 presents the daily totals for year 2029 and 2045. Table 3-8 has the combined daily totals along the corridor. The resultant future AADTs can be seen in Table 3-9 and Figure 3-7.

TABLE 3-6 DEVELOPMENTS WITH APPROVALS (2024) DAILY TRIP GENERATION

Location	Developments			
	ID #	Parcel Name	Traffic Dist. %	Daily Trips
				Total
Coconut Road (west of Spring Creek)	4	Pelican Landing Timeshare Ventures LP	100%	1,360
	5	WCI CommuniBes Inc	60%	494
	6	El Dorado Acres Subdivision	100%	824
	8	Headwaters Coconut Road General	100%	270
	9 / 10	Dhaliwal + J/T	100%	26
Coconut Road (Coconut Shores to US-41)	12	Coconut Road Associates LLC	75%	1,034
	14	HH Estero Investments LLC	80%	556



TABLE 3-7 DEVELOPMENTS WITH POTENTIAL FUTURE PERMITTING DAILY TRIP GENERATION

Location	Developments			
	ID #	Parcel Name	Traffic Dist. %	Daily Trips
				Total
Coconut Road (west of Spring Creek)	1	Pelican Landing Community AssociaBon	100%	386
	2	LB Estero Bay Investments, LLC	100%	1,605
	3	WCI / Pelican Landing DRI	100%	1,934
Coconut Road (Spring Creek to Coconut Shores)	11	Dewane / Docese of Venice	100%	544
Coconut Road (Coconut Shores to US-41)	13	Lee Memorial Health System	20%	2,551
	15	NCH Healthcare System Inc	80%	1,103

TABLE 3-8 COCONUT ROAD DAILY TRIP GENERATION TOTALS

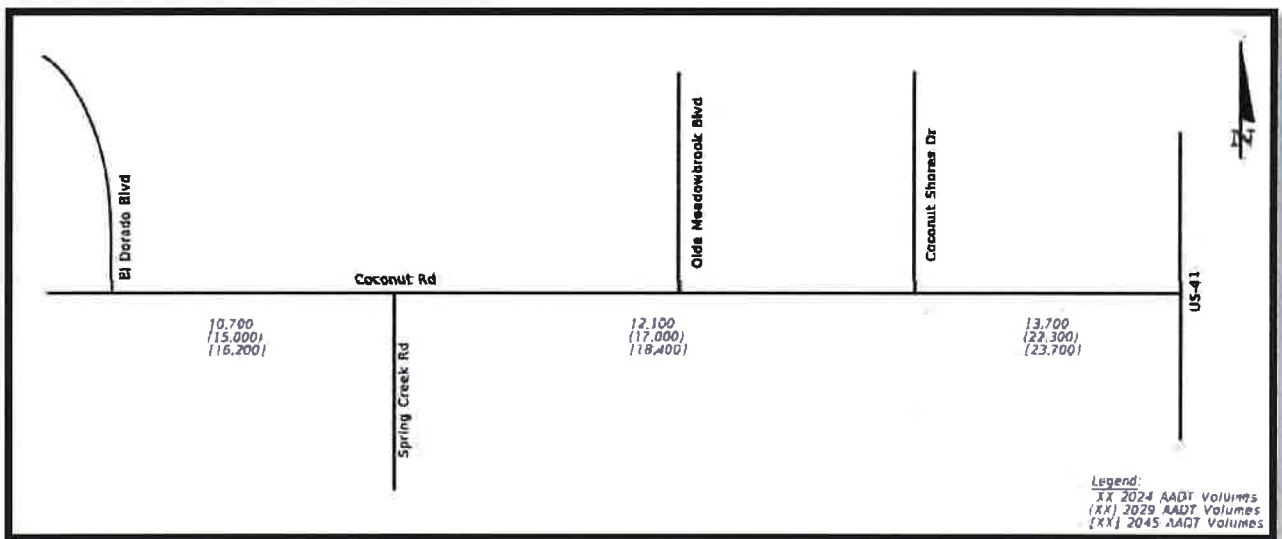
Location	Daily Trip Totals		
	Year		
	2024	2029	2045
Coconut Road (west of Spring Creek)	2,024	6,793	6,793
Coconut Road (Spring Creek to Coconut Shores)	2,024	7,347	7,347
Coconut Road (Coconut Shores to US-41)	4,458	12,580	12,580



TABLE 3-9 FUTURE YEAR AADT (WITH 1% ANNUAL GROWTH AND DAILY TRIP GENERATION)

Location	2024 AADT	2029 AADT	2045 AADT
Coconut Road (west of Spring Creek)	10,700	15,000	16,200
Coconut Road (Spring Creek to Coconut Shores)	12,100	17,000	18,400
Coconut Road (Coconut Shores to US-41)	13,700	22,300	23,700

FIGURE 3-7 FUTURE YEAR AADTs



3.1 Future Year 2045 LOS Analysis (Existing Stop Sign Geometry)

Future Design Year 2024, 2029, and 2045 level of service analysis (LOS) was conducted based on the methodology outlined in the 2010 Highway Capacity Manual using the Synchro 10. **Appendix D** includes a copy of the Synchro LOS computer output.

The 2024, 2029, and 2045 for AM and PM peak hour level of service for the existing four intersections are presented in Tables 3-10, 3-11, and 3-12. The future year analysis shows that three of the four existing intersections expect to be operating at an unacceptable LOS during both AM and PM peak hours based on the existing roadway geometry by 2029.



TABLE 3-10 FUTURE YEAR (2024) EXISTING INTERSECTION LEVEL OF SERVICE

Location	Intersection	Peak Hour	LOS	Average Control Delay (sec/veh)
1	Coconut Rd. & El Dorado Blvd.	AM	C	17.8
		PM	C	18.5
2	Coconut Rd. & Spring Creek Rd.	AM	B	12.1
		PM	B	13.6
3	Coconut Rd. & Olde Meadowbrook Blvd.	AM	C	21.0
		PM	C	23.9
4	Coconut Rd. & Coconut Shores Dr.	AM	C	20.6
		PM	D	26.1

TABLE 3-11 FUTURE YEAR (2029) EXISTING INTERSECTION LEVEL OF SERVICE

Location	Intersection	Peak Hour	LOS	Average Control Delay (sec/veh)
1	Coconut Rd. & El Dorado Blvd.	AM	D	34.1
		PM	E	35.1
2	Coconut Rd. & Spring Creek Rd.	AM	C	15.9
		PM	C	18.2
3	Coconut Rd. & Olde Meadowbrook Blvd.	AM	E	36.2
		PM	E	47.5
4	Coconut Rd. & Coconut Shores Dr.	AM	E	36.4
		PM	F	56.1



TABLE 3-12 FUTURE YEAR (2045 AADT) EXISTING INTERSECTION LEVEL OF SERVICE

Location	Intersection	Peak Hour	LOS	Average Control Delay (sec/veh)
1	Coconut Rd. & El Dorado Blvd.	AM	E	44.3
		PM	E	46.5
2	Coconut Rd. & Spring Creek Rd.	AM	C	17.0
		PM	C	20.5
3	Coconut Rd. & Olde Meadowbrook Blvd.	AM	E	47.8
		PM	F	68.1
4	Coconut Rd. & Coconut Shores Dr.	AM	E	45.1
		PM	F	87.0

3.2 Sensitivity Analysis – Existing Condition Failure

The sensitivity analysis concluded that the intersections along Coconut Road at El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive are expected to reach capacity (LOS “E”) using the existing geometry by the years 2029, 2028, and 2027, respectively.

The Future Year AADT with 1% annual growth and daily trip generation show that Coconut Road between the Coconut Shores and US-41 intersections will need additional capacity by the year 2027.

3.3 Future Year 2045 Proposed

Both signal warrant and roundabout analyses were performed at each of the four intersections. One alternative for Coconut Road is to install roundabouts at El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive. The Roundabout Analysis Warrants are discussed in Section 5.0. The intersection at Spring Creek Road will be left as is. Delays and LOS for roundabouts were calculated using SIDRA INTERSECTION 7.0 PLUS software for the Design Year 2045 build AM and PM peak hour volumes. The 2045 for AM and PM peak hour level of service for the proposed three intersections are presented in Table 3-13. Each roundabout intersection has a LOS of B or better which is a significant improvement from existing conditions based on future AADT. **Appendix D** includes a copy of the SIDRA LOS computer output.

One alternative for Coconut Road from Coconut Shores Drive to US-41 is to widen the existing two-lane road to four-lanes to be able to accommodate the future AADT along this stretch.



TABLE 3-13 FUTURE YEAR (2045) ROUNDABOUT INTERSECTION LEVEL OF SERVICE

Location	Intersection	Peak Hour	LOS	Average Control Delay (sec/veh)
1	Coconut Rd. & El Dorado Blvd.	AM	A	7.7
		PM	A	8.9
3	Coconut Rd. & Olde Meadowbrook Blvd.	AM	A	9.8
		PM	B	11.8
4	Coconut Rd. & Coconut Shores Dr.	AM	B	11.1
		PM	B	13.7

4.0 Signal Warrant Analysis

The purpose of this analysis is to evaluate the feasibility of installing a traffic signal at the T-intersections of Coconut Road and El Dorado Boulevard, Coconut Road and Spring Creek Road, Coconut Road and Olde Meadowbrook Boulevard, and Coconut Road and Coconut Shores. The main goal for traffic signal consideration at these intersections is to improve operations and safety for the users.

The methodology used in this study is consistent with the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the FDOT Manual on Uniform Traffic Studies (MUTS). This signal warrant analysis (SWA) used traffic volumes collected in February 2019. The existing posted speed on Coconut Road and Spring Creek Road is 40 mph. The existing posted speed limit for El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive is 20 mph.

4.1 SWA Traffic Data Collection

Tables 4-1 to 4-4 show the hourly volumes for the four hour manual counts collected as was discussed in Section 2.1.

TABLE 4-1 LOCATION 1 - COCONUT AND EL DORADO

	EB Coconut Road	WB Coconut Road	El Dorado Boulevard	Coconut Road Total EB & WB
8:00 AM	80	211	85	291
9:00 AM	144	199	69	343
5:00 PM	288	230	52	518
6:00 PM	267	229	26	496

TABLE 4-2 LOCATION 2 - COCONUT AND SPRING CREEK

	EB Coconut Road	WB Coconut Road	Spring Creek Road	Coconut Road Total EB & WB
8:00 AM	183	245	67	428
9:00 AM	182	284	67	466
5:00 PM	318	302	52	620
6:00 PM	289	307	48	596

TABLE 4-3 LOCATION 3 - COCONUT AND OLDE MEADOWBROOK

	EB Coconut Road	WB Coconut Road	Olde Meadowbrook	Coconut Road Total EB & WB
8:00 AM	241	268	3	509
9:00 AM	247	301	2	548
5:00 PM	387	353	3	740
6:00 PM	326	383	2	709

TABLE 4-4 LOCATION 4 – COCONUT AND COCONUT SHORES

	EB Coconut Road	WB Coconut Road	Coconut Shores Drive	Coconut Road Total EB & WB
8:00 AM	301	243	32	544
9:00 AM	308	300	27	608
5:00 PM	386	351	22	737
6:00 PM	330	332	23	662

For the purposes of this analysis and based on historical AADTs, Coconut Road was considered the Major Street while El Dorado Boulevard, Spring Creek Road, Olde Meadowbrook Boulevard, and Coconut Shores Drive were considered the Minor Street.

4.2 Evaluation of Signal Warranting Conditions

Warrant 1: Eight-Hour Vehicular Volumes

The minimum Vehicular Volume, CondiBon A, is intended for applicaBon where a large volume of intersecBng traffic is the principal reason to consider installing a traffic control signal. The InterrupBon of ConBnuous Traffic, CondiBon B, is intended for applicaBon where the traffic

volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street. Warrant 1 is met if the requirements for CondiBon A or CondiBon B are fulfilled for any eight hours of an average day or if a combination of warrants, 80% of CondiBon A and 80% of CondiBon B, is fulfilled for any eight hours of an average day.

Eight-Hour Vehicular Volumes for minor streets were not collected as part of this study. The Four-hour vehicular volumes shown in Warrant 2 fall below required thresholds indicating that no eight hour period of the day would satisfy conditions for Warrant 1 to be met.

Conclusion: Coconut Road and El Dorado Boulevard – Warrant 1 is not met

Coconut Road and Spring Creek Road – Warrant 1 is not met

Coconut Road and Olde Meadowbrook Boulevard – Warrant 1 is not met

Coconut Road and Coconut Shores Drive – Warrant 1 is not met

Warrant 2: Four-Hour Vehicular Volumes

The Four-Hour Vehicular Volume signal warrant conditions are applied where the volume of intersecting traffic is the principal reason to consider installing a traffic control signal.

Warrant 2 has not been met for any of the analyzed intersections since major and minor streets are significantly below the required threshold. Figure 4C-1 of the MUTCD are shown for each intersection in Figures 4-1 to 4-4. All points for each graph lie below the appropriate curve.

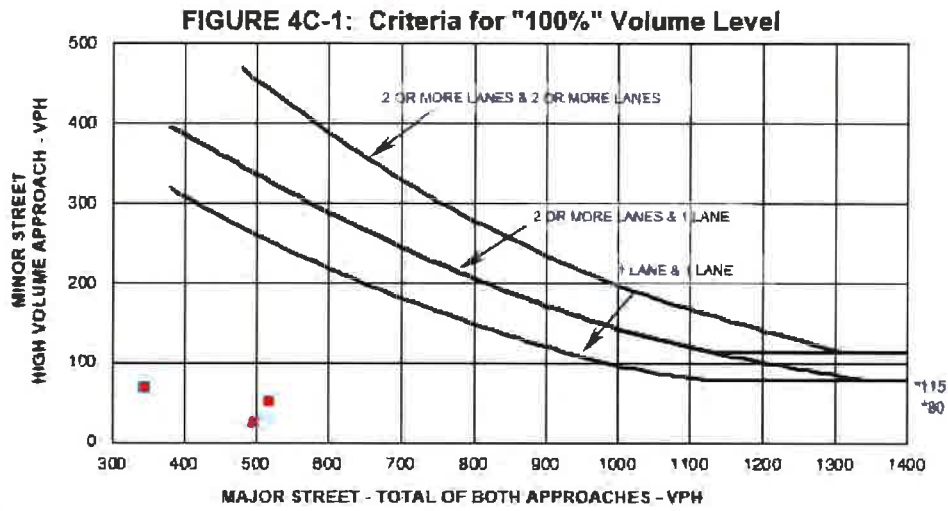
Conclusion: Coconut Road and El Dorado Boulevard – Warrant 2 is not met

Coconut Road and Spring Creek Road – Warrant 2 is not met

Coconut Road and Olde Meadowbrook Boulevard – Warrant 2 is not met

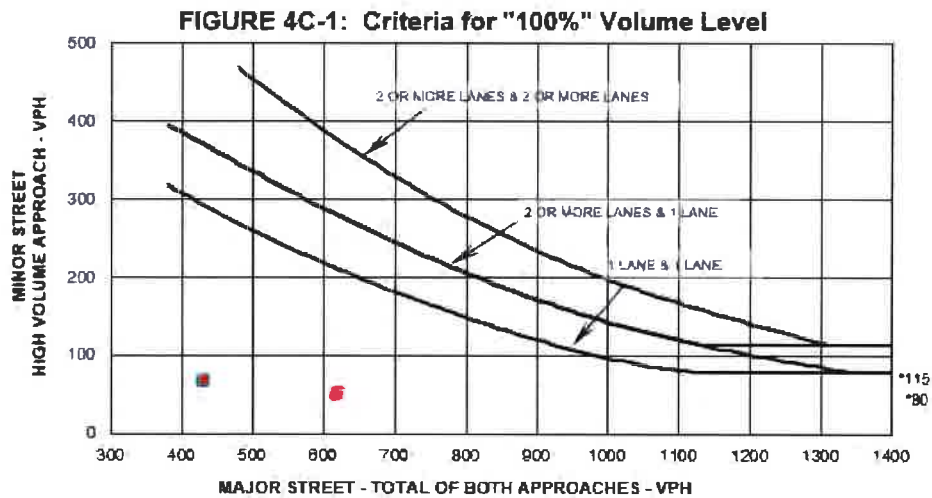
Coconut Road and Coconut Shores Drive – Warrant 2 is not met

FIGURE 4-1 LOCATION 1 - COCONUT AND EL DORADO



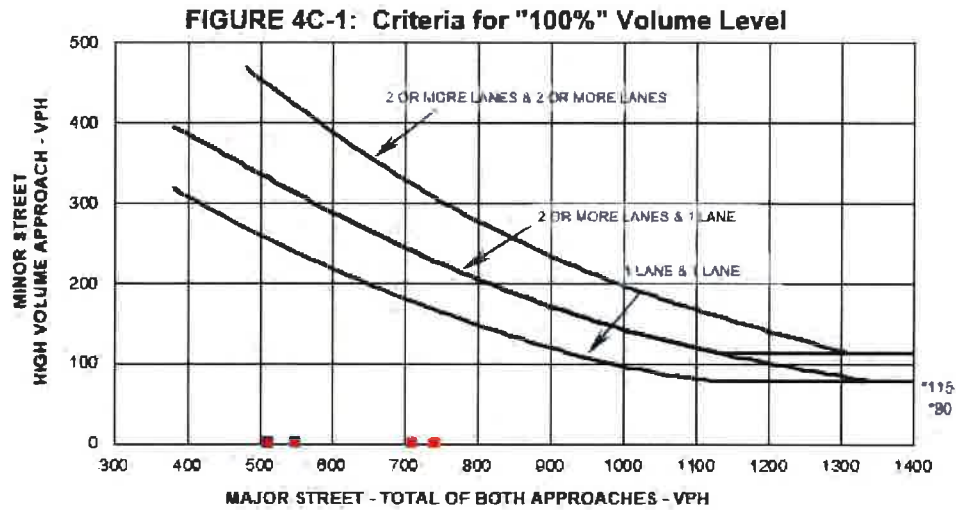
* Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-2 LOCATION 2 - COCONUT AND SPRING CREEK



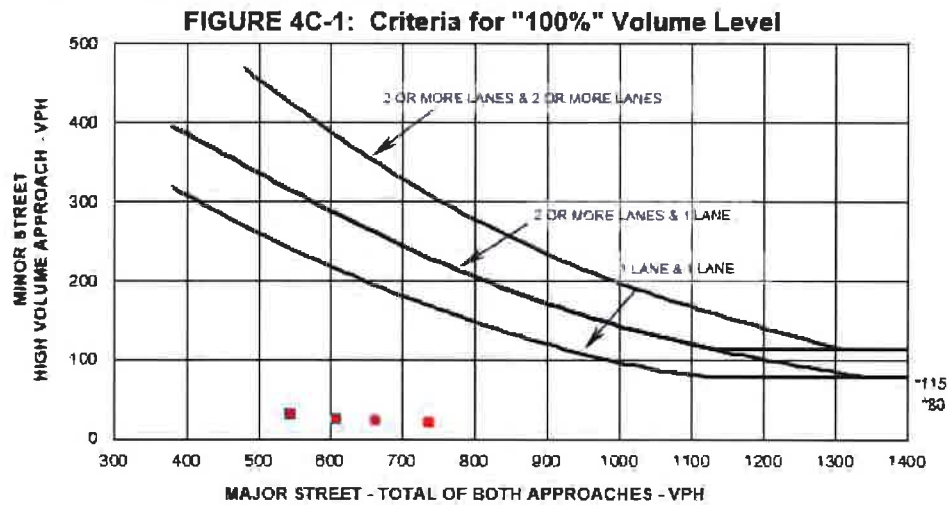
* Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-3 LOCATION 3 - COCONUT AND OLDE MEADOWBROOK



* Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-4 LOCATION 4 – COCONUT AND COCONUT SHORES



* Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

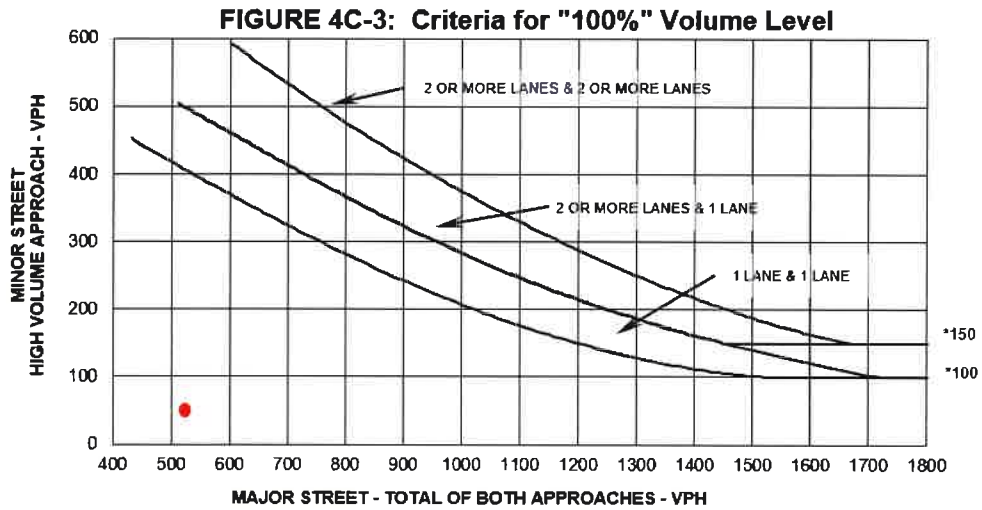
Warrant 3: Peak Hour Vehicular Volumes

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of one hour of an average day, the minor street traffic suffers undue delay when entering or crossing the major street.

Figure 4C-3 of the MUTCD provides a graph with ploPed volumes. Figures 4-5 to 4-8 show the corresponding ploPed points for the analyzed intersecBons. The ploPed point for peak hour volumes lies below the appropriate curve for each of the four intersecBons studied.

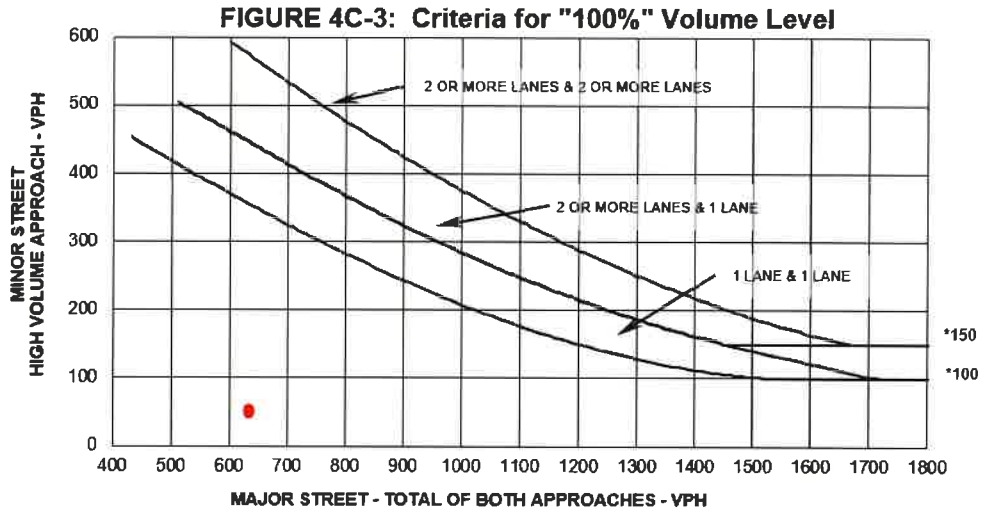
- Conclusion: Coconut Road and El Dorado Boulevard – Warrant 3 has not been met**
- Coconut Road and Spring Creek Road – Warrant 3 has not been met**
- Coconut Road and Olde Meadowbrook Boulevard – Warrant 3 has not been met**
- Coconut Road and Coconut Shores Drive – Warrant 3 has not been met**

FIGURE 4-5 LOCATION 1 – COCONUT AND EL DORADO



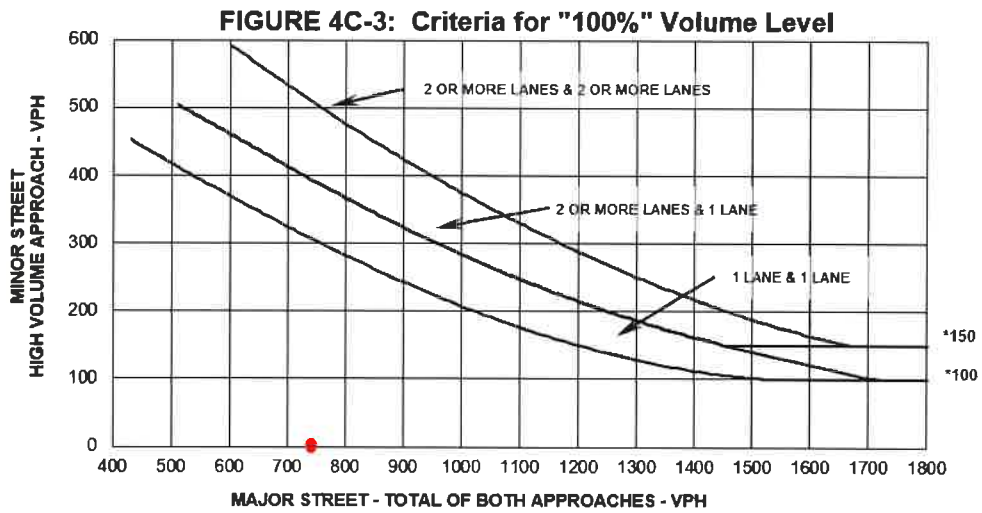
* Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-6 LOCATION 2 - COCONUT AND SPRING CREEK



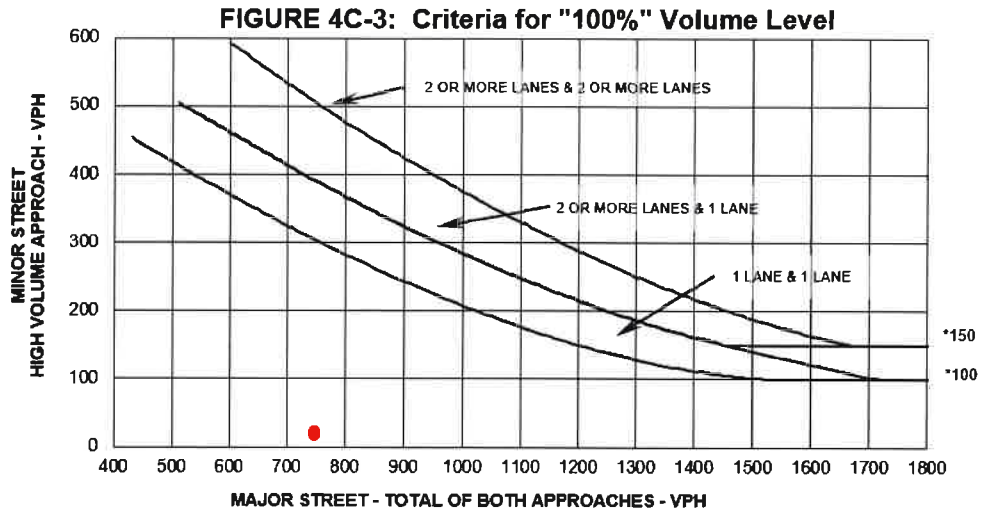
* Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-7 LOCATION 3 - COCONUT AND OLDE MEADOWBROOK



* Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

FIGURE 4-8 LOCATION 4 - COCONUT AND COCONUT SHORES



* Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume threshold for a minor street approach with one lane.

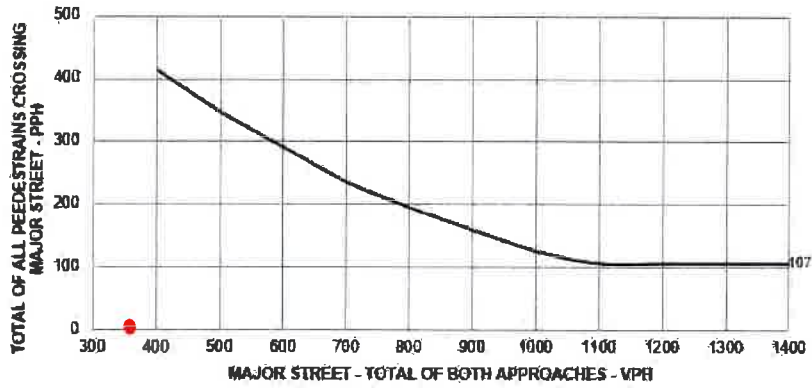
Warrant 4: Pedestrian Volume

This warrant is intended where the major street traffic causes pedestrians to experience excessive delays in crossing the major street. Either the average volume of vehicles per hour (vph) over any 4-hour period or the peak one-hour of an average day can be used to determine if this warrant is met.

Only a maximum of 19 pedestrians were observed in one hour crossing the major street at the intersection of Coconut Road and Spring Creek. For the intersections of Coconut Road and El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive, the maximum pedestrians observed in one hour were 6, 2, and 3 respectively. These values lie below the appropriate curve of Figure 4C-5 of the MUTCD for all intersections evaluated (Figures 4-9 to 4-12). Therefore, this warrant has not been met.

FIGURE 4-9 LOCATION 1 - COCONUT AND EL DORADO

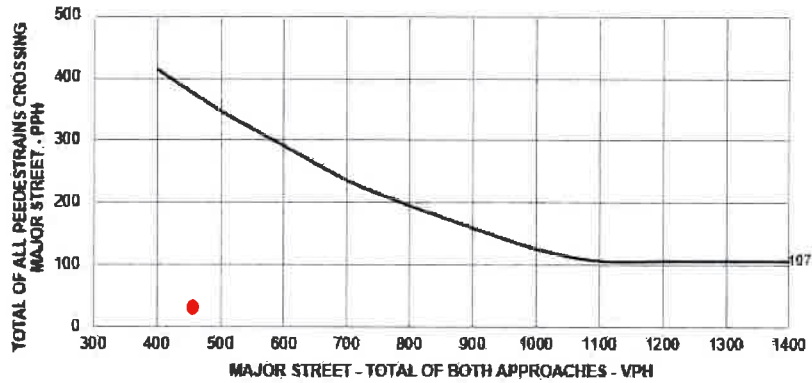
Figure 4C-5. Criteria for "100%" Volume Level



* Note: 107 pph applies as the lower threshold volume

FIGURE 4-10 LOCATION 2 COCONUT AND SPRING CREEK

Figure 4C-5. Criteria for "100%" Volume Level



* Note: 107 pph applies as the lower threshold volume

FIGURE 4-11 LOCATION 3 COCONUT AND OLDE MEADOWBROOK

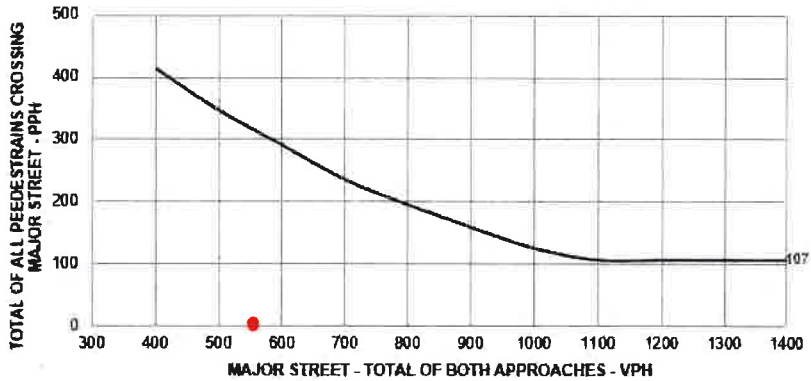
Figure 4C-5. Criteria for "100%" Volume Level



* Note: 107 pph applies as the lower threshold volume

FIGURE 4-12 LOCATION 4 COCONUT AND COCONUT SHORES

Figure 4C-5. Criteria for "100%" Volume Level



* Note: 107 pph applies as the lower threshold volume

- Conclusion: Coconut Road and El Dorado Boulevard – Warrant 4 has not been met
- Coconut Road and Spring Creek Road – Warrant 4 has not been met
- Coconut Road and Olde Meadowbrook Boulevard – Warrant 4 has not been met
- Coconut Road and Coconut Shores Drive – Warrant 4 has not been met



Warrant 5: School Crossing

The School Crossing signal warrant is intended for applicaBon where the fact that schoolchildren cross the major street is the principal reason to consider installing a traffic control signal. This warrant does not apply to any of the four intersecBons since none are not located near an established school crossing and no schoolchildren are anBcipated to use these intersecBons as a school crossing.

Conclusion: Warrant 5 is Not Applicable

Warrant 6: Coordinated Signal System

The Coordinated Signal System warrant is intended for applicaBons where installing traffic control signals at intersecBons, where they would not otherwise be needed, can be jusBfied in order to maintain proper platooning of vehicles. This warrant does not apply because none of the four intersecBons necessitate progressive movement in a coordinated signal system.

Conclusion: Warrant 6 is Not Applicable

Warrant 7: Crash Experience

This warrant is intended where the severity and frequency of crashes are the principal reason for the installaBon of a signal. This warrant requires five or more crashes, of types suscepBble to correcBon by a traffic signal to have occurred within a 12-month period. Crashes were obtained at or near the intersecBons of Coconut Road and El Dorado Boulevard, Coconut Road and Spring Creek Road, Coconut Road and Olde Meadowbrook Boulevard, and Coconut Road and Coconut Shores Drive for the last 5 years (2014-2018).

At the intersecBon of Coconut Road and El Dorado Boulevard, two total crashes occurred within the past five years, zero of them resulBng in injuries. The intersecBon of Coconut Road and El Dorado Boulevard has less than five crashes occurring within a 12-month period, and thus the warrant is not met.

A total of five crashes occurred within the past five years at or near the intersecBon of Coconut Road and Spring Creek Road. Three of those resulBng in injuries. The injury related crashes occurred on 11/21/2016, 1/29/2017, and 12/19/2017. The intersecBon of Coconut Road and Spring Creek Road included less than five crashes that occurred within a 12-month period, and therefore, the warrant is not met.

At the intersecBon of Coconut Road and Olde Meadowbrook Boulevard, one crash occurred resulBng in two injuries. The incident occurred on 4/6/2016. The warrant has not been met for this intersecBon since there were less than five crashes that occurred within a 12-month period.

The intersecBon of Coconut Road and Coconut Shores Drive had no crashes within the last five years, consequently the warrant is not met.



Conclusion: Coconut Road and El Dorado Boulevard – Warrant 7 has not been met

Coconut Road and Spring Creek Road – Warrant 7 has not been met

Coconut Road and Olde Meadowbrook Boulevard – Warrant 7 has not been met

Coconut Road and Coconut Shores Drive – Warrant 7 has not been met

Warrant 8: Roadway Network

This warrant is intended where the installation of a signal would encourage concentrated and organized flow on the roadway network.

Conclusion: Warrant 8 is Not Applicable

Warrant 9: Intersection Near Grade Crossing

There is no grade crossing within the vicinity of the study.

Conclusion: Warrant 9 is Not Applicable

4.3 SWA Recommendations

This study investigated the need for a traffic signalization at the intersections of Coconut Road and El Dorado Boulevard, Coconut Road and Spring Creek Road, Coconut Road and Olde Meadowbrook Boulevard, and Coconut Road and Coconut Shores Drive. The MUTCD requires at least one warrant to be met in order to consider a new traffic signal. The signal warrant analysis showed that no warrants were met for any of the four intersections investigated. Table 4-5 provides a summary for all four intersections of the signal warrant analysis.

TABLE 4-5 SIGNAL WARRANT ANALYSIS SUMMARY

Warrant		Met	Not Met	Not Applicable
1	Eight-Hour Volume		X	
2	Four-Hour Volume		X	
3	Peak Hour		X	
4	Pedestrian Volume		X	
5	School Crossing			X
6	Coordinated Signal System			X
7	Crash Experience		X	
8	Roadway Network			X
9	Intersection Near a Grade Crossing			X

This study does not recommend the installation of traffic signals at the intersections of Coconut Road and El Dorado Boulevard, Coconut Road and Spring Creek Road, Coconut Road and Olde Meadowbrook Boulevard, or Coconut Road and Coconut Shores Drive.

5.0 Roundabout Analysis

Section 116.2 of the Florida Design Manual (FDM) states that a 3-step process has been established to determine if a roundabout is an appropriate control measure for a proposed intersection improvement. This roundabout analysis is based on the FDOT Step 1 Roundabout Screening analysis, FDOT Step 2 Roundabout Benefit/Cost evaluation and the MUTCD warrants 1 and 2 of the Signal Warrant Analysis. As previously noted, none of the intersections of the study meet Warrant 1 or Warrant 2 of the MUTCD Signal Warrant criteria for the existing year. Upon completion of the Step 1 Screening, a decision is made to either advance the roundabout to Step 2 B-C Evaluation or eliminate it from further consideration.

A preliminary roundabout screening analysis was used to determine if a one-lane roundabout at the intersections of Coconut Road and El Dorado Boulevard, Coconut Road and Spring Creek Road, Coconut Road and Olde Meadowbrook Boulevard, and Coconut Road and Coconut Shores would be viable.

5.1 Step 1 Screening and Results

The FDOT Step 1 Roundabout Screening is intended to quickly assess project-specific conditions and is based on six screening criteria including:

The screening criteria are as follows:

(1) Unfavorable topography or physical constraints (e.g., steep grade, R/W limitations, utility and drainage conflicts,) may limit visibility, complicate construction, or preclude accommodating the design vehicle.

(2) Major roadway AADT exceeds 90% of the total intersection AADT may cause poor operational performance due to limited gaps for minor road.

(3) Presence of pedestrians with special needs that may have difficulty crossing the roadway. This would include areas such as schools, retirement homes, trail crossings, parks, or institutions that serve the visually impaired.

(4) Intersections located within a coordinated signal network. In these situations, the operation of the arterial might be better served with a coordinated signalized intersection incorporated into the system.

(5) Locations where vehicles exiting the roundabout would be interrupted by downstream conditions. This could include proximity to:

- (a) Over-capacity signals, freeway entrance ramps, or mid-block pedestrian crossings.
 - (b) Driveways for significant traffic generators
 - (c) Traffic control preemption (e.g., fire stations, railroad tracks, drawbridges)
- (6) Proximity of historical sites, 4(f) sites, or socially significant trees, and the relocation of residences or businesses.

The presence of one or more of these conditions does not preclude the installation of a roundabout. However, the presence of any physical or geometric complications suggests that special attention will be necessary during the evaluation and design of the roundabout alternative.

According to the National Cooperative Highway Research Program (NCHRP) Roundabouts: An Informal Guide, a modern one lane roundabout diameter ranges from 90 to 180 feet. Three-legged roundabouts with a reduced inscribed diameter may be feasible at the aforementioned T-intersections along Coconut Road. Studying the geometry of the roundabout towards the southern R/W to reduce impacts to the developed communities on the north should be further screened, specifically to identify impacts to R/W, visibility for the minor approaches, drainage conflicts, reduced buffer space, etc.. Pending further analysis and given that any R/W acquisition is cost feasible, a series of roundabouts is recommended.

5.2 Step 2 Benefit/Cost Evaluation and Results

The Step 2 Roundabout B/C Evaluation Spreadsheet compares the benefit/costs of a signalized intersection operation versus a roundabout operation. Costs associated with safety, delay to persons in vehicles, operations and maintenance, and capital construction are incorporated into a spreadsheet for comparison. Since the signal warrant analysis determined that installation of traffic signals was not recommended for any of the four intersections of the study based on the existing traffic, a Benefit/Cost Evaluation was not performed.

5.3 Step 3 Geometric and Operational Analysis

The Step 3 Geometric and Operational Analysis includes a preliminary design that establishes the roundabout alignment, geometry, and lane requirements. The preliminary design must meet sight distance criteria, accommodate turning movements of the design vehicle, and control the operation speed of entering, circulating, and existing traffic. Since the Step 2 Benefit/Cost Evaluation and Results was not performed, Geometric and Operational Analysis was also not performed.

6.0 Alternatives Analysis

The alternative analysis included addition/extension of turn lanes, installing traffic signalization, and installing modern one-lane roundabouts. Results for Signal Warrant Analysis and Roundabout Analysis are shown above.

6.1 Addition / Extension of Turn Lanes

The intersections of the study currently have turn lane configurations along Coconut Road shown in Table 6-1. During the Manual turning movement counts conducted Thursday, February 21st, 2019, no excessive queuing were observed along any of the turning movements. The FDOT Median Handbook states that when a specific queue study does not exist, a 100 D queue length is to be used.

Based on the 2019 turning count movements, the dedicated left turn lane at the intersection of Coconut Road and Spring Creek Road has an estimated queue of 100 feet based on the number of lefts counted during the peak PM hour. In addition to queue length, the deceleration length of 155 feet suggested for 40 mph is met with the current left turn lane configuration. The 2045 estimated left turns per PM peak hour indicates an estimated queue length of 125 feet, extending the suggested deceleration length beyond the current turn lane length. Extending the left turn lane would allow for the increase in left turns per hour expected in design year 2045.

TABLE 6-1 CURRENT TURN LANE CONFIGURATION

Intersection	Direction	
	EB	WB
Coconut Rd & El Dorado Blvd	None	None
Coconut Rd & Spring Creek Rd	None	Left Turn
Coconut Rd & Olde Meadowbrook Blvd	None	Right Turn
Coconut Rd & Coconut Shores Dr	None	Right Turn

6.2 Installing Traffic Signalization

The intersections of the study currently do not have any traffic signalization along Coconut Road and operate with a two way stop control. The Signal Warrant Analysis shows that none of the intersections are in need of traffic signalization at the current year. However with the failing conditions expected in the future, this analysis will need to be reevaluated to see if traffic signalization is needed for the future years.

6.3 Installing Modern One-Lane Roundabouts

The roundabout LOS analysis showed that roundabouts would significantly reduce delay and improve LOS for the three failing intersections within the next 8-10 years. The Step 1 Screening of the Roundabout Analysis, showed that roundabouts are feasible in the selected locations. The intersection at Spring Creek Road was not considered for a roundabout because it is not expected to reach capacity by 2045 with existing conditions.

7.0 Conclusions and Recommendations

The intersections along Coconut Road currently operate at acceptable LOS. The intersections at El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive are expected to operate at a failing condition with the existing geometry in the Design Year 2045. Coconut Road from Coconut Shores Drive to US-41 is expected to reach AADT capacity by year 2027.

The intersection improvements at El Dorado Boulevard and Olde Meadowbrook Boulevard are anticipated to be needed by the years 2029 and 2028, respectively. The intersection improvement at Coconut Shores Drive and the additional capacity from Coconut Shores Drive to US-41 are anticipated to be needed by the year 2027.

The proposed geometry includes one-lane roundabouts at the intersections of El Dorado Boulevard, Olde Meadowbrook Boulevard, and Coconut Shores Drive if the right-of-way acquisition cost is feasible. A second alternative would be installing signalization at these intersections.

One-lane roundabouts are recommended for the intersections at El Dorado Boulevard, Olde Meadowbrook Boulevard and Coconut Shores Drive along Coconut Road. The intersection at Spring Creek Road is recommended to extend the WB left turn lane to 280 feet including taper and storage length. The turn lane extension is anticipated to be needed by the year 2028. Coconut Road from Coconut Shores Drive to US-41 is recommended to be widened to four lanes.

ID	ITE CODE	SIZE	Daily Trips			AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
1	420 - Marina	20 Slips	24	24	48	1	1	2	2	2	4
	932 - High - Turnover (Sit-down) Restaurant	3 (1000 SF)	191	190	381	18	12	30	18	12	30
2	221 - Multifamily Housing (Mid-Rise)	144 DU	392	391	783	13	36	49	38	25	63
	222 - Multifamily Housing (High-Rise)	156 DU	413	413	826	14	43	57	38	24	62
	420 - Marina	72 Slips	87	87	174	2	3	5	9	6	15
3	230 - Residential Condominiums/Townhouse	400 DU	1075	1074	2149	27	130	157	125	62	187
4**	224 - Rental Townhouse	267 DU	--	--	1,511	62	125	187	98	94	192
5	230 - Residential Condominiums/Townhouse	150 DU	458	457	915	12	59	71	56	28	84
6	210 - Single Family Detached Housing	87 DU	458	457	915	16	49	65	59	34	93
8	210 - Single Family Detached Housing	23 DU	135	135	270	6	19	25	18	11	29
9 / 10	210 - Single Family Detached Housing	3 DU	15	14	29	1	1	2	2	1	3
11	230 - Residential Condominiums/Townhouse	93 DU	302	302	604	8	41	49	38	19	57
12	710 - General Office Building	122.48 (1000 SF)	766	766	1532	198	27	225	37	179	216
13*	* Per approved TIS (DCI2014-00019)		7087	7087	14174	275	270	545	627	642	1269
14	310 - Hotel	128 Rooms	386	386	772	34	22	56	40	36	76
15	710 - General Office Building	122.48 (1000 SF)	766	766	1532	198	27	225	37	179	216

**Limited studies for Code 224. Code 230 Used for Daily Trip Total

**EXCERPTS FROM DAVID PLUMMER
& ASSOCIATES PREVIOUS TRAFFIC
STUDY FOR RAPTOR BAY**

PELICAN LANDING
CPD/RPD AMENDMENT
TRAFFIC IMPACT STATEMENT

Project #15534

August 26, 2016

November 22, 2016 - Revised

Prepared by:

DAVID PLUMMER & ASSOCIATES, INC.

2149 McGregor Boulevard

Fort Myers, Florida 33901



PELICAN LANDING
CPD/RPD AMENDMENT
TRAFFIC IMPACT STATEMENT

Introduction

The Pelican Landing DRI is an approved master planned mixed-use community located on US 41 in Lee County, Village of Estero and the City of Bonita Springs, approximately three miles north of the Lee/Collier County Line. Approved in 1994, Pelican Landing was planned to include 4,400 residential dwelling units, 300,000 square feet of retail space, 475,000 square feet of office space, 750 hotel rooms, and ancillary recreation and support uses.

The DRI has undergone several amendments since its original approval in 1994. The currently approved DRI reflects a total 3,912 residential dwelling units, along with commercial uses and on-site recreational amenities. To-date, the DRI is approximately 70% completed.

The purpose of this traffic analysis is to support the rezoning application of 55 acres of the Raptor Bay golf course (that have been annexed into the City of Bonita Springs) to allow multifamily dwelling units to be developed, including residential high-rises of up to 400 dwelling units (Exhibit 1). The DRI traffic impacts on Coconut Road have been reviewed and approved as part of the overall DRI and consistent with DRI Map H (Exhibits 2a & 2b).

The DRI has already fulfilled all of its off-site mitigation in terms of roadway and intersection improvements reflective of the vested trips under buildout conditions. The main focus of this Zoning Traffic Impact Statement (ZTIS) is to re-evaluate the traffic conditions along the Coconut Road corridor and to establish whether the vested DRI trips have been exceeded.

Revised Traffic Study

The original traffic study dated August 26, 2016, was submitted to the City of Bonita Springs as part of the zoning amendment application. In response to the review comments issued by the City and the Village of Estero (Appendix L), this traffic study has been revised to address Staff's comments and presented in the following.

Executive Summary

The results and conclusions of the traffic study are summarized as follows.

1. The proposed residential development at Raptor Bay was assumed in the traffic assessment of the originally approved Pelican Landing DRI.

2. The overall Pelican Landing DRI traffic with the proposed 400 high-rise units do not exceed the DRI vested trips on Coconut Road at the US 41 intersection.
3. The traffic impacts attributed to the proposed 400 high-rise units at Raptor Bay is consistent with the approved DRI traffic mitigation on Coconut Road and the surrounding roadway network.
4. The vested Pelican Landing DRI traffic represents 41% (less than half) of the total future traffic on Coconut Road, at the US 41 intersection.
5. The recommended signal at the US 41 and Pelican Colony Boulevard intersection is expected to reduce Pelican Landing DRI traffic on Coconut Road by 48%.
6. With the recommended signal at the US 41 and Pelican Colony Boulevard intersection, the proportion of Pelican Landing DRI traffic on Coconut Road will be reduced from 54% to 41% of the future total traffic.
7. The recommended addition of a second northbound left-turn lane and signal retiming at the US 41 and Coconut Road intersection are consistent with the needed improvements attributed to the impacts of existing and future non-Pelican Landing DRI traffic.
8. With the recommended improvements at the US 41/Coconut Road and US 41/Pelican Colony Boulevard intersections, Coconut Road is expected to operate at acceptable level of service without the need for widening.
9. The feasibility of roundabouts along Coconut Road will be addressed at the time of local development order.
10. Consistent with Chapter 163.3180, F.S., the net impact of the proposed 400 high-rise residential units does not trigger additional improvements already needed by future traffic conditions without and with the Project.

Overview - Project Consistency with Approved DRI

A synopsis of the Pelican Landing DRI approved transportation assessment and mitigation that is pertinent to this zoning application is provided below.

Pelican Landing Residential Units on the North Side of Coconut Road

The approval of the Pelican Landing DRI transportation assessment included the development of hotel and residential located on both sides of Coconut Road, west of Spring Creek Road. DRI Map H from the Pelican Landing ADA (Exhibit 2a) identified several residential pods located on the north side of Coconut Road on the Kersey-Smoot property. In fact, the residential pods

situated closest to Estero Bay were identified as “multi-story” residential (Exhibit 2b). Therefore, the requested zoning to construct the proposed high-rise residential units on the 55 acres within the Raptor Bay Golf Club is consistent with the approved DRI

Vested Project Trips on Coconut Road

The approval of the Pelican Landing DRI included the assessment of all DRI traffic on Coconut Road. The DRI traffic assessment identified 638 peak hour, two-way trips on the critical segment of Coconut Road, including at the intersection of US 41 (Appendix A). In order to facilitate the DRI’s vested 638 peak hour trips on Coconut Road, the approved DRI mitigation required that turn-lanes and signalization be provided at the Coconut Road and US 41 intersection (Appendix B). Those improvements have been completed and the DRI’s vested trips have not been exceeded. The intersection improvements on Coconut Road have been constructed and operational for over 15 years. Reflective of the approved traffic mitigation, the DRI’s 638 peak hour trips on Coconut Road are vested, as long as Pelican Landing does not exceed the approved DRI development thresholds.

US 41 and Pelican Colony Boulevard Signal

The planned signal at Pelican Colony Boulevard and US 41 is required as part of the Pelican Landing DRI traffic mitigation. This signal will help alleviate existing and future traffic volumes on Coconut Road and improve the operations of the US 41 and Coconut Road intersection. The effort to warrant the signal has been undertaken over the years. Due to low traffic volumes on Pelican Colony Boulevard on both sides of US 41, the volumes have not reach the level needed to warrant the signal. The City of Bonita Springs and the Village of Estero should be aware that a new signal warrant study is currently underway

Traffic Impacts Created by Others

Subsequent communities that followed the approval of Pelican Landing have occurred along the Coconut Road corridor in the past 22 years. With the increase in traffic volumes on Coconut Road, the mitigation of those impacts created by others is not the responsibility of Pelican Landing. Rather, those nearby communities have benefitted from Pelican Landing’s traffic mitigation along the Coconut Road corridor, including the pedestrian/multi-purpose path that has been constructed on the south side of Coconut Road. In particular, the newer communities have benefitted from the existing signal and turn-lanes that were constructed at the US 41 intersection, as a result of the original mitigation contributions provided by Pelican Landing. The mitigation of negative impacts due to the increase in traffic generated by new communities is the responsibility of those communities.

Per growth management and concurrency requirements identified in Chapter 163.3180, Florida Statutes and Lee County AC 13-16, the needed improvements deemed necessary as a result of

the traffic impacts attributed to others (existing or future) are considered to be “transportation deficient” or backlogged. Therefore, WCI-Pelican Landing cannot be held legally responsible for the impacts created by others, whether these other impacts are from existing, approved or future developments.

Development Parameters

Pelican Landing is a mixed-use Development of Regional Impact (DRI) that was approved and active since 1994. A number of amendments to the development parameters have occurred since the original approval including the reduction of the original 4,400 residential dwelling units to the current 3,912 units. The approved buildout year of the Pelican Landing DRI is 2024.

Approved DRI

The currently approved development parameters with buildout coincident with year 2024 is summarized below and documented in Appendix B.

Pelican Landing DRI				
Approved Development Parameters Summary				
Land Use	Overall DRI Buildout ^(1,2)	Coconut Point Resort Drive		
		55 Acre ^(1,2) Project	Raptor Bay ^(1,2) Golf Club / Braxton’s Bar & Grill	Hyatt Residence Club ^(1,2) Coconut Plantation
Single-Family	930 d.u.	-	-	-
Multifamily	2,982 d.u.	400 d.u. ⁽³⁾	-	362 d.u.
Hotel	750 rooms	-	-	-
Retail	300,000 sq. ft.	-	-	-
Restaurant	5,000 sq. ft.	-	-	-
Office	475,000 sq. ft.	-	-	25,000 sq. ft. ⁽⁵⁾
Marina	215 slips	-	-	-
Golf	77 holes	-	27 holes ⁽⁴⁾	-
Tennis	24 courts	-	4 courts	-

Footnotes:

- (1) Per Pelican Landing Bonita 16th DRI DO NM 8-7-15, Exhibit “D”.
- (2) Pelican Landing DRI RPC/CPD (Lee County) - Approved as of June, 2016.
- (3) DRI Map H – Provided that the multi-story units do not exceed cumulative DRI thresholds.
- (4) Includes existing 18-hole/club house and Braxton’s Bar & Grill.
- (5) Includes administrative office, maintenance, restaurant and supporting amenities.

DRI Map H from the original Pelican Landing ADA approval reflected four residential pods including two pods of which “multi-story” residential was identified. The location of these “multi-story” residential units closely approximates the location of the Project.

Project Description

As shown above, the subject property for purposes of this ZTIS is delineated by the 55 acres of the Raptor Bay Golf Course (Exhibit 1). The requested rezoning will allow the development of the “multi-story” residential development that have been planned and anticipated to be developed along the north side of the Coconut Road corridor, west of Sprint Creek Road (Exhibits 2a & 2b).

Under the current zoning, the 55-acre parcel may be developed as golf-related services and recreational amenities. The proposed zoning would allow the development of a maximum of 400 high-rise residential (multi-story) units already approved as part of the overall DRI, and summarized below.

Pelican Landing DRI – 55 Acres Rezoning Development Parameters Summary				
	Allowed Under Current Zoning ⁽¹⁾	Proposed Zoning ⁽¹⁾	Allowed vs. Proposed Difference ⁽¹⁾	Difference ⁽¹⁾ From Approved DRI
Single-Family	-	-	-	-
Multifamily	-	400 d.u. ⁽³⁾	+ 400 d.u. ⁽³⁾	No Change
Retail	5,000 sq. ft. ⁽²⁾	-	- 5,000 sq. ft.	No Change
Restaurant	15,000 sq. ft. ⁽²⁾	-	-15,000 sq. ft.	No Change
Office	5,000 sq. ft. ⁽²⁾	-	- 5,000 sq. ft.	No Change

Footnotes:

- (1) Pelican Landing DRI RPD/CPD (Lee County) - Approved as of June, 2016.
- (2) Estimated allocation per approved DRI RPD/CPD.
- (3) Map H – Multi-Story Residential on 55 acres – Annexed into City of Bonita Springs.

Access to the Project is provided by Coconut Point Resort Drive, a private local road intersecting with Coconut Road.

Transportation Methodology

The transportation methodology to conduct the ZTIS was discussed via telephone conference between City staff and WCI-Pelican Landing on March 14, 2016. The transportation methodology outline dated June 24, 2016 was prepared by WCI’s consultant (David Plummer & Associates, Inc.) and submitted to City staff (Appendix C). Review comments and recommendations were issued by the City of Bonita Springs, dated July 11, 2016. As such, this traffic study has been prepared consistent with the City of Bonita Springs and Lee County ZTIS requirements and agreed upon recommendations by City staff.

Furthermore, it should be recognized that the methodology and recommendations from the document, Coconut Road Traffic Study – From Estero Bay to Three Oaks Parkway, 06/08/2016 and commissioned by The Village of Estero have been reflected in this traffic study, where appropriate.

Study Area

The Pelican Landing DRI Development Order outlines the area of significant impact in accordance with Chapter 380.06, F.S., and Chapter 73C-40.045, F.A.C. For purposes of this zoning application, Lee County ZTIS standards and requirements are applied.

ZTIS Significant Impact

The Lee County ZTIS guidelines identify roadway significant impact as Project traffic that consumes 10% or more of the roadway service volume at LOS C. The list of roadways that were analyzed in this traffic study is consistent with Lee County's significant impact requirements.

Roadways Under Study

Coconut Road is an urban major collector road that extends from its western terminus at the Pelican Landing marina to the Lighthouse Bay community at Three Oaks Parkway to the east. West of US 41, Coconut Road is a two-lane undivided facility with turn lanes. East of US 41, Coconut Road is a four-lane divided facility.

Pelican Landing Colony Boulevard is an urban minor collector road that provides access from the Pelican Landing DRI to US 41. Pelican Landing Colony Boulevard continues as a four-lane urban major collector road that extends west from US 41 to Via Coconut Point to the east.

US 41 is a major regional arterial providing north-south travel throughout southwest Florida. The segments of US 41 serving south Lee County, City of Bonita Springs and Village of Estero is a six-lane divided facility.

The Project is accessible to the external roadway network (Coconut Road) via Coconut Point Resort Drive. Coconut Point Drive is a two-lane local road that serves the Raptor Bay Golf Course, Hyatt Residence Club-Coconut Plantation and Braxton's Bar & Grill.

Intersections Under Study

The intersections analyzed in the study are listed below and further depicted in Exhibit 3. A total of 23 intersections on Coconut Road, Pelican Colony Boulevard and US 41 were analyzed and evaluated in the ZTIS.

Pelican Landing RPD/CPD Amendment Intersections Under Study			
Ref. #	Major Street	Minor Street	Type
1	Coconut Road	Hyatt Employee Entrance	Full Movement, T-Intersection, Unsignalized.
2		Hyatt Delivery Entrance	Full Movement, T-Intersection, Unsignalized.
3		Coconut Point Resort Dr.	Full Movement, 4-Way Intersection, Unsignalized.
4		Hyatt Main Entrance	Full Movement, T-Intersection, Unsignalized.
5		The Colony Construction Entrance	Full Movement, T-Intersection, Unsignalized.
6		The Colony West (Inbound)	Inbound Only, T-Intersection, Unsignalized.
7		The Colony East (Outbound)	Outbound Only, T-Intersection, Unsignalized.
8		Pelican Landing Beach Club Parking	Full Movement, T-Intersection, Unsignalized.
9		Community Development District	Full Movement, T-Intersection, Unsignalized.
10		El Dorado Blvd.	Full Movement, T-Intersection, Unsignalized.
11		Spring Creek Rd.	Full Movement, T-Intersection, Unsignalized.
12		Olde Meadowbrook Blvd.	Full Movement, T-Intersection, Unsignalized.
13		Coconut Shores Dr.	Full Movement, T-Intersection, Unsignalized.
14		North Commons Dr.	Full Movement, T-Intersection, Unsignalized.
15		Elks Lodge Entrance	Full Movement, T-Intersection, Unsignalized.
16		Walden Center Dr.	Full Movement, 4-Way Intersection, Unsignalized.
17		Health Center Blvd./ Via Villagio	Directional Movement, 4-Way Intersection, Unsignalized.
18		Via Coconut Point	Full Movement, 4-Way Intersection, Signalized.
19	Pelican Colony Boulevard	Via Coconut Point	Roundabout
20		Walden Center Dr.	Full Movement, 4-Way Intersection, Unsignalized.
21		North Commons Dr.	Full Movement, T-Intersection, Unsignalized.
22	US 41	Coconut Road	Full Movement, 4-Way Intersection, Signalized.
23		Pelican Colony Blvd.	Full Movement, 4-Way Intersection, Unsignalized.

Data and Analysis

The data and analysis considered in the traffic study are discussed below.

Traffic Count

A comprehensive traffic count program within the study area was undertaken during the week of March 21, 2016. The traffic counts reflected the most current, peak season traffic conditions available. In addition to the peak hour intersection turning movement counts that included the list of 23 intersections previously identified, 24-hour roadway counts were also performed at key locations along Coconut Road and Spring Creek Road as supplemental data verification of the turning movement counts.

The intersection turning movement counts were adjusted and balanced to be consistent with the peak hour analysis period of between 4:30 to 5:30 pm. This peak hour period reflects the critical peak hour of the Coconut Road and US 41 intersection. The complete traffic counts and peak season adjustment are provided in Appendix D.

Lee County Link-Specific and Generalized Service Volumes

In accordance with Lee Plan Policy 37.1.2., Lee County “link-specific” service volumes have been developed by the Lee County Department of Transportation (LCDOT) for many arterial and collector roadways. Roadway service volumes are heavily dependent on existing roadway geometrics, signal timing and spacing, variables subject to considerable change over time. Policy 37.1.2 further states that these “link-specific” service volumes are appropriate only for analysis of horizon year of five years or less. Instead, the more conservative “generalized” service volumes, also developed by LCDOT, are to be used for analysis beyond the five-year time horizon.

For consistency with Lee County requirements, the Lee County “link-specific” service volumes were utilized to evaluate existing traffic conditions and the Lee County “generalize” service volumes were utilized to evaluate future 2024 traffic conditions.

Although Lee County “link-specific” service volumes have been developed, there is not a “link-specific” service volume established for Coconut Road. In fact, there is only one set of “collector-specific” service volumes that has been developed to represent all collector roads in Lee County. In comparison, the Lee County “generalized” service volumes for collector roadways are conservatively lower than their “link-specific” counterpart as shown below and documented in Appendix E.

Lee County Service Volumes Collectors Coconut Road from US 41 to Spring Creek Road			
Service Volume Type	Directional Number of Lanes	LOS Standard	Directional Service Volume @ LOS E
Collector – Specific ⁽¹⁾	1 Undivided	E	860
	1 Divided	E	910
Collector – Generalized ⁽²⁾	1 Undivided	E	740
	1 Divided	E	780

Footnotes:

- (1) Link-Specific Service Volumes on Arterials in Lee County (2013 Data), May 2014. Applicable to existing or future traffic conditions 5-years out or less.
- (2) Lee County Generalized Peak Hour Directional Service volumes – Urbanized Areas, April 2016. Applicable to future traffic conditions of greater than 5-years out.

In response to the request from City staff, the analysis for the segment of Coconut Road between Spring Creek Road and US 41 was divided into 3 segments. The peak hour directional service volume for the segment of Coconut Road between Walden Center Drive and US 41 was assumed to be a two-lane divided collector roadway (one-lane in each direction). This assumption was made to reflect the four eastbound approach lanes (i.e., dual left-turn lane, thru lane and right-turn lane) and median that serves the US 41 intersection. The two remaining segments of Coconut Road west of Walden Center Drive were evaluated as a two-lane undivided collector roadway.

In the critical evaluation of the segments of Coconut Road, the use of the above Lee County “collector-specific” and “collector-generalized” service volumes represented an initial screening to identify potential problems. A detailed traffic flow analysis of Coconut Road was then conducted as discussed below.

Coconut Road Flow (Synchro) Analysis

Synchro (with SimTraffic) is an analytic package often used to evaluate traffic flow and signal progression on urban streets. Synchro provides an elevated level of analysis and accepted by Lee County DOT and the Florida DOT. Therefore, Synchro was utilized in this ZTIS to establish the level of service for the critical segment of Coconut Road from US 41 to Spring Creek Road under future traffic conditions.

FDOT Generalized Service Volumes

In accordance with Lee Plan Policy 95.1.3, State facilities were evaluated reflective of the Florida Department of Transportation (FDOT) LOS standards and requirements. Under urban conditions, the FDOT LOS standard for State facilities is LOS D. The FDOT generalized service volumes provided in the FDOT 2013 Quality Level of Service Handbook, were applied to US 41 in the analysis (Appendix E).

Analysis Scenarios

The Pelican Landing DRI background and overview discussions identified the importance of the planned traffic signal at the Pelican Colony Boulevard (PCB) and US 41 intersection. The signalization of this intersection will provide an important alternative to divert existing and future traffic away from the critical segments of Coconut Road and help improve the operations of the intersection at US 41.

The following scenarios were analyzed under future 2024 traffic conditions.

Future Traffic Conditions Analysis Scenarios	
Project	US 41 / Pelican Colony Blvd. Intersection
With Current Zoning (Golf-Related Services)	Without Signal
	With Signal
With Proposed Zoning (High-Rise Residential)	Without Signal
	With Signal

As presented above, the analysis of future traffic conditions include both “without” and “with” the planned signal at the Pelican Colony Boulevard (PCB) intersection with US 41.

Existing Traffic Conditions

Existing traffic conditions for the roadway segments and intersections under study are provided below.

Existing Roadway Volumes

For consistency with the Lee County Concurrency Management System, the peak season, peak hour directional traffic volumes and roadway service volumes from the 2015 Lee County Concurrency Report 2015 (Appendix F) were relied on to establish existing traffic conditions within the study area and presented in Exhibit 4.

The segment of Coconut Road from Spring Creek Road to US 41 contained in the 2015 Lee County Concurrency Report indicates that the reported peak hour, peak season, peak direction ($K_{(100)}/D_{(100)}$) traffic volume of 366 vehicles reflected “No count since 2007”. In lieu of relying on potentially outdated data contained in the concurrency report, the 2015 daily volume presented in the 2015 Lee County Traffic County Report of 12,200 AADT was evaluated. Per Lee County methodology, the peak season, peak hour directional volume was calculated based on adjustment factors from Permanent Count Station (PCS) No. 15 (Appendix G). As a result, the Lee County AADT volume converted to a peak season, peak hour directional volume of 506 vehicles on Coconut Road, west of US 41.

In comparison, the traffic volumes resulting from the 2016 comprehensive traffic count program indicates that the peak season, peak hour directional traffic volumes on Coconut Road (west of US 41) were significantly higher (671 vehicles) than those generated by Lee County sources. Therefore, the 2016 comprehensive traffic counts were utilized to represent existing traffic conditions and presented in Exhibit 4. In response to the request from City staff, the traffic volume reported for the segment of Coconut Road between Spring Creek Road and US 41 was divided into 3 segments as shown in Exhibit 4.

Existing Roadway LOS

The analysis of roadway level of service (LOS) under existing traffic conditions was performed consistent with the 2015 Lee County Concurrency Report. The roadway analysis is presented in Exhibit 4 and summarized as follows.

Existing Traffic Conditions Roadway Segments Level of Service			
Roadway	From	To	LOS
Coconut Road	Coconut Point Resort Dr.	Spring Creek Rd.	C ⁽¹⁾
	Spring Creek Rd.	North Commons Dr.	C ⁽¹⁾
	North Commons Dr.	Walden Center Dr.	C ⁽¹⁾
	Walden Center Dr.	US 41	D ⁽¹⁾
	US 41	Via Coconut Pt.	C ⁽²⁾
	Via Coconut Pt.	Three Oaks Pkwy.	C ⁽²⁾
Pelican Colony Boulevard	North Commons Dr.	US 41	C ⁽²⁾
	US 41	Via Coconut Pt.	C ⁽²⁾
Via Coconut Point	Pelican Colony Blvd.	Coconut Rd.	C ⁽²⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽²⁾
US 41	Old 41	Pelican Colony Blvd.	C ⁽⁴⁾
	Pelican Colony Blvd.	Health Center Dr.	C ⁽⁴⁾
	Health Center Dr.	Coconut Rd.	C ⁽⁴⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽⁴⁾

Footnotes:

- (1) LOS based on Lee County "collector-specific" service volumes, where available.
- (2) LOS based on Lee County "link-specific" service volumes.
- (3) Left Intentionally Blank.
- (4) LOS based on FDOT Generalized Service Volumes.

As shown above, all roadways, including Coconut Road are currently operating at better than the adopted level of service standard.

Existing Intersection Volumes

The Coconut Road intersection turn volumes at Coconut Point Resort Drive (Project Entrance), Spring Creek Road and at US 41 are further depicted in Exhibits 5a, 5b and 5c, respectively. The turn volumes at Pelican Colony Boulevard and US 41 intersection are presented in Exhibit 5d. The complete existing peak season, pm peak hour turn volumes for the intersections along the Coconut Road corridor are provided in Appendix H.

The traffic counts indicate that due to the absence of a signal at the US 41/Pelican Colony Boulevard intersection, the intersection is being under-utilized. As an unsignalized intersection, northbound and southbound left-turning vehicles from US 41 have difficulties to negotiate the movement due to high opposing traffic volumes. The eastbound and westbound movements on Pelican Colony Boulevard making left-turns or crossing US 41 are even more difficult to make. As such, existing traffic on the Pelican Landing side, for example, are travelling north on North Commons Drive or Walden Center Drive to Coconut Road in order to access the signal at US 41.

Existing Intersection LOS

The operation of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using Synchro. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from Synchro was reported to better reflect the overall operations of the intersection. The complete HCM and ICU analysis and output are included in Appendix H.

The resultant intersection level of service (LOS) coincident with peak season, PM peak hour conditions is summarized below.

Existing Traffic Conditions Intersection Level of Service			
Ref. #	Major Street	Minor Street	LOS
1	Coconut Road	Hyatt Employee Entrance	A ⁽¹⁾
2		Hyatt Delivery Entrance	A ⁽¹⁾
3		Coconut Point Resort Dr.	A ⁽²⁾
4		Hyatt Main Entrance	A ⁽²⁾
5		The Colony Construction Entrance	A ⁽¹⁾
6		The Colony West (Inbound)	A ⁽¹⁾
7		The Colony East (Outbound)	A ⁽¹⁾
8		Pelican Landing Beach Club Parking	A ⁽¹⁾
9		Community Development District	A ⁽¹⁾
10		El Dorado Blvd.	A ⁽¹⁾
11		Spring Creek Rd.	A ⁽¹⁾
12		Olde Meadowbrooke Blvd.	A ⁽¹⁾
13		Coconut Shores Dr.	A ⁽¹⁾
14		North Commons Dr.	A ⁽¹⁾
15		Elks Lodge Entrance	A ⁽¹⁾
16		Walden Center Dr.	A ⁽¹⁾
17		Health Center Blvd.	A ⁽¹⁾
18		Via Coconut Point	B ⁽³⁾
19	Pelican Colony Boulevard	Via Coconut Point	A ⁽⁴⁾
20		Walden Center Dr.	A ⁽¹⁾
21		North Commons Dr.	A ⁽¹⁾
22	US 41	Coconut Road	D ⁽³⁾
23		Pelican Colony Blvd.	D ⁽²⁾

Footnotes:

- (1) Unsignalized (TWSC) Intersection – ICU LOS of overall intersection reported.
- (2) Unsignalized Intersection – HCM, Overall intersection LOS reported.
- (3) Signalized Intersection – HCM, Overall intersection LOS reported.
- (4) Roundabout – HCM LOS reported.

As shown above, all intersections are currently operating at acceptable level of service. It is recognized that minor street approaches are expected to experience delay under stop control conditions. For signalized intersections, minor street approaches may experience delay as the major street (i.e., US 41) is the priority movement that typically demands longer green time in order to maximize overall intersection operating efficiency.

Future 2024 Traffic Projections

The projection of future traffic volumes coincident with the buildout of the Project at year 2024 is described by the following.

General Background Traffic Growth

Annual traffic growth rates of between 2% and greater than 10% percent were applied to the existing traffic volumes as shown in the roadway segment analysis. These assumed growth rates far exceed the growth trends reflective of historic AADT volumes (Appendix G) and therefore, also reflect the traffic anticipated from the area-specific developments described below.

Area-Specific Developments

Consistent with the number of area-specific developments (non-Project) identified in the Coconut Road Traffic Study – From Estero Bay to Three Oaks Parkway, 06/08/2016, the following developments were reflected in the development of background traffic growth within the study area.

Area-Specific Developments ⁽¹⁾	
Ref. #	Development Name
1	Pelican Landing Community Association
2	Estero Bay Marine LLC (Weeks Fish Camp)
4	WCI/ Pelican Landing Timeshare Ventures LP
5	WCI Communities Inc. (Altaira High Rise)
6	WCI Communities Inc. (Two Future High Rise)
7	El Dorado Acres Subdivision
8	John T. Watson
9	Judy K. Doyle
10/11	Dhaliwal + J/T
12	Dewane/ Diocese of Venice
13	Coconut Road Associates LLC
14/15	HG Coconut LLC/ OBE Florida CRE Holdings LLC
16	Allsec Investment LP
17	Naples Diagnostic Imaging
22	Lee Memorial Health System

Footnotes:

(1) Coconut Road Traffic Study, From Estero Bay to Three Oaks Parkway, 06/08/2016.

Based on the review of the Coconut Road Traffic Study – From Estero Bay to Three Oaks Parkway, 06/08/2016, adjustments to the trip generation and trip assignment assumptions were necessary to correct the overstatement of traffic within the study area.

First, the trip generation of the area-specific developments within Pelican Landing were reduced by 25% as these developments will have: i) lower trip generation rates reflective of the ITE formula when applied to the cumulative number of Pelican Landing DRI residential units; and ii) deduction to reflect internal trip capture within the Pelican Landing DRI.

Second, the trip assignment of area-specific developments within Pelican Landing was re-routed to Pelican Colony Boulevard (35%) and 65% to Coconut Road rather than the 100% trip assignment to Coconut Road as was assumed in the Village of Estero study.

Lastly, the double-counting of ITE trip ends on the roadway network reflected by the interactions (origin-destination) between the area-specific developments on this list was corrected.

Project Trip Generation with Current Zoning

The trip generation for the Project under the current zoning was estimated based on trip rates from the Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition. ITE land use code (LUC) 710 – General Office, (LUC) 826 – Special Retail and (LUC) 931 – Quality Restaurant (Appendix I).

The resultant AM peak hour, PM peak hour and Daily trip generation estimates are presented in Exhibit 6. For convenience, the PM peak hour trip generation is summarized in the matrix below.

Project with Current Zoning Trip Generation – PM Peak Hour				
Land Use	Trip Type	In	Out	Total
Office Retail Restaurant	Total ⁽¹⁾	104	125	229
	Internal (Raptor Bay Golf Club) ⁽²⁾	0	0	0
	External (Pelican Landing DRI) ⁽³⁾	21	25	46
	External ⁽⁴⁾	83	100	183

Footnotes:

- (1) ITE, Trip Generation, 9th Edition.
- (2) Internal captured trips within Raptor Bay Golf Club.
- (3) External trips captured by the Pelican Landing DRI using Coconut Road.
- (4) Project trips beyond DRI boundaries.

As shown, the Project with the current zoning estimated to generate 183 PM peak hour, two-way trip ends. The captured trips to and from Pelican Landing DRI (46 trips or 20% of the total) were estimated consistent with the capture rate approved for the DRI.

Project Trip Generation with Proposed Zoning

The trip generation for the Project under the proposed zoning was estimated based on trip rates from the Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition. ITE land use code (LUC) 230 – Residential Condominium/Townhouse was applied to represent the high-rise residential units (Appendix I).

It is typical that high-rise residential will generate less trips than the traditional multifamily residential (i.e, duplex and townhouse) due to higher percentages of single-auto ownership. To be consistent with the approved DRI, however, adjustments were not made to reflect the potential lower trip generation rate associated with the high-rise units.

The resultant AM peak hour, PM peak hour and Daily trip generation estimates are presented in Exhibit 6. For convenience, the PM peak hour trip generation is summarized in the matrix below.

Project with Proposed Zoning Trip Generation – PM Peak Hour				
Land Use	Trip Type	In	Out	Total
High-Rise Residential	Total ⁽¹⁾	125	62	187
	Internal (Raptor Bay Golf Club) ⁽²⁾	0	0	0
	External (Pelican Landing) ⁽³⁾	25	12	37
	External ⁽⁴⁾	100	50	150

Footnotes:

- (1) ITE, Trip Generation, 9th Edition.
- (2) Internal captured trips within Raptor Bay Golf Club.
- (3) Captured trips by the Pelican Landing DRI using Coconut Road.
- (4) Project trips beyond DRI boundaries.

As shown, the Project, reflective of 400 high-rise residential units, is estimated to generate 187 PM peak hour, two-way trip ends. The captured trips to and from Pelican Landing DRI (37 trips or 20% of the total) were estimated consistent with the capture rate approved for the DRI.

In comparison, the high-rise residential is estimated to generate 18% less trips than the allowable uses with the current zoning. This represents a reduction of 33 trips on Coconut Road during the PM peak hour with the 400 high-rise units.

Project Traffic Distribution/Assignment

The Project's trip distribution and assignment were established to specifically reflect: i) trips to and from destinations within Pelican Landing; and ii) external trips to and from destinations outside of Pelican Landing. Nonetheless, all Project vehicular trips leaving Coconut Point Resort Drive are expected to travel east on Coconut Road towards US 41. The Project's trips captured to and from other areas of the Pelican Landing DRI are expected to utilize, Coconut Road, North Commons Drive and Walden Center Drive.

Project traffic distribution/assignment at the Project entrance is provided in Exhibit 17. The complete Project trip volume assignment in the study area under the various analysis scenarios are provided in Appendix J.

Future Traffic Conditions with Current Zoning

Future traffic conditions with the Project's current zoning for the roadway segments and intersections under study were analyzed under two scenarios.

- Without Planned Signal at US 41/Pelican Colony Blvd.
- With Planned Signal at US 41/Pelican Colony Blvd.

Current Zoning without PCB Signal

Without the planned Pelican Colony Boulevard (PCB) signal at US 41, the reliance on the Coconut Road signal to accommodate area traffic will continue as it does currently and analyzed below.

Future Roadway Volumes - Current Zoning (without PCB Signal)

Future 2024 traffic volumes on the roadway network are provided in Exhibit 7. The future traffic volumes include the sum of the following.

- Existing Pelican Landing Traffic
- Future Pelican Landing Traffic
- Future Project Traffic with Current Zoning
- Existing Background (Other Developments) Traffic
- Future Background (Other Developments) Traffic

Future Roadway LOS - Current Zoning (without PCB Signal)

The roadway level of service (LOS) analysis of future 2024 conditions with the current zoning is presented in Exhibit 8 and summarized below. As shown, the Lee County “collector-generalized” services volumes grossly overstate the level of service on Coconut Road.

Future Traffic Conditions - Current Zoning (without PCB Signal) Roadway Segments Level of Service			
Roadway	From	To	LOS
Coconut Road	Coconut Point Resort Dr.	Spring Creek Rd.	E ⁽¹⁾
	Spring Creek Rd.	North Commons Dr.	F ⁽¹⁾ C ⁽²⁾
	North Commons Dr.	Walden Center Dr.	F ⁽¹⁾ C ⁽²⁾
	Walden Center Dr.	US 41	F ⁽¹⁾ C ⁽²⁾
	US 41	Via Coconut Pt.	D ⁽¹⁾
	Via Coconut Pt.	Three Oaks Pkwy.	D ⁽¹⁾
Pelican Colony Boulevard	North Commons Dr.	US 41	C ⁽¹⁾
	US 41	Via Coconut Pt.	C ⁽¹⁾
Via Coconut Point	Pelican Colony Blvd.	Coconut Rd.	C ⁽¹⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽¹⁾
US 41	Old 41	Pelican Colony Blvd.	D ⁽¹⁾
	Pelican Colony Blvd.	Health Center Dr.	D ⁽³⁾
	Health Center Dr.	Coconut Rd.	D ⁽³⁾
	Coconut Rd.	Corkscrew Rd.	D ⁽³⁾

Footnotes:

- (1) LOS based on Lee County “collector-generalized” service volumes.
- (2) LOS based on Synchro roadway analysis.
- (3) LOS based on FDOT Generalized Service Volumes.

The resultant Coconut Road levels of service reflective of the Synchro analysis indicates the Coconut Road is expected to operate at LOS C (west of US 41), without the planned signal at the Pelican Colony Boulevard and US 41 intersection.

Future Intersection Volumes - Current Zoning (without PCB Signal)

The future 2024 peak season, PM peak hour turn volumes for the intersections under study for this scenario are provided as part of Appendix K. The Coconut Road intersection turn volumes at Coconut Point Resort Drive (Project Entrance), Spring Creek Road and at US 41 are further depicted in Exhibits 9a, 9b and 9c, respectively. The turn volumes at Pelican Colony Boulevard and US 41 intersection are portrayed in Exhibit 9d.

Future Intersection LOS - Current Zoning (without PCB Signal)

The operation of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using the Synchro software. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from Synchro is reported to better reflect the overall operations of the intersection. The complete HCM and ICU analysis and output are included in Appendix H.

The resultant intersection LOS under future 2024 peak season, PM peak hour conditions with the Project under the current zoning is summarized below.

Future Traffic Conditions - Current Zoning (without PCB Signal) Intersection Level of Service			
Ref. #	Major Street	Minor Street	LOS
1	Coconut Road	Hyatt Employee Entrance	A ⁽¹⁾
2		Hyatt Delivery Entrance	A ⁽¹⁾
3		Coconut Point Resort Dr.	B ⁽²⁾
4		Hyatt Main Entrance	C ⁽²⁾
5		The Colony Construction Entrance	A ⁽¹⁾
6		The Colony West (Inbound)	A ⁽¹⁾
7		The Colony East (Outbound)	A ⁽¹⁾
8		Pelican Landing Beach Club Parking	A ⁽¹⁾
9		Community Development District	A ⁽¹⁾
10		El Dorado Blvd.	A ⁽¹⁾
11		Spring Creek Rd.	A ⁽¹⁾
12		Olde Meadowbrooke Blvd.	A ⁽¹⁾
13		Coconut Shores Dr.	A ⁽¹⁾
14		North Commons Dr.	A ⁽¹⁾
15		Elks Lodge Entrance	A ⁽¹⁾
16		Walden Center Dr.	A ⁽¹⁾
17		Health Center Blvd.	A ⁽¹⁾
18		Via Coconut Point	C ⁽³⁾
19	Pelican Colony Boulevard	Via Coconut Point	A ⁽⁴⁾
20		Walden Center Dr.	A ⁽¹⁾
21		North Commons Dr.	A ⁽¹⁾
22	US 41	Coconut Road	E ⁽³⁾
23		Pelican Colony Blvd.	D ⁽²⁾

Footnotes:

- (1) Unsignalized (TWSC) Intersection – ICU LOS of overall intersection reported.
- (2) Unsignalized Intersection – HCM, Overall intersection LOS reported.
- (3) Signalized Intersection – HCM, Overall intersection LOS reported.
- (4) Roundabout – HCM LOS reported.

As shown above, all intersections are expected to operate at acceptable level of service. It is recognized that minor street approaches are expected to experience delay under stop control conditions. For signalized intersections, minor street approaches may experience delay as the major street (i.e., US 41) is the priority movement that typically demands longer green time in order to maximize overall intersection operating efficiency.

Current Zoning with PCB Signal

The planned signal at Pelican Colony Boulevard is expected to reduce area traffic that are currently forced to travel north on Walden Center Drive and North Commons Drive from Pelican Colony Boulevard in order to access the Coconut Road/US 41 signal. The resultant analysis reflective of the planned signal at the Pelican Colony Boulevard and US 41 intersection is provided below.

Future Roadway Volumes - Current Zoning (with PCB Signal)

Future 2024 traffic volumes on the roadway network are provided in Exhibit 7. The future traffic volumes include the sum of the following.

- Existing Pelican Landing Traffic
- Future Pelican Landing Traffic
- Future Project Traffic with Current Zoning
- Existing Background (Other Developments) Traffic
- Future Background (Other Developments) Traffic

The vehicle trips that are expected to be diverted from Coconut Road to Pelican Colony Boulevard as a result of the planned PCB signal are also identified in Exhibit 7. It is estimated that a reduction of 701 PM peak hour, two-way trips or approximately 31% are expected on Coconut Road (west of US 41) under this scenario.

Future Roadway LOS - Current Zoning (with PCB Signal)

The roadway level of service (LOS) analysis of future 2024 conditions with the current zoning is presented in Exhibit 10 and summarized below. As shown, the Lee County “collector-generalized” services volumes grossly overstate the level of service on Coconut Road.

Future Traffic Conditions with Current Zoning (with PCB Signal) Roadway Segments Level of Service			
Roadway	From	To	LOS
Coconut Road	Coconut Point Resort Dr.	Spring Creek Rd.	E ⁽¹⁾
	Spring Creek Rd.	North Commons Dr.	F ⁽¹⁾ C ⁽²⁾
	North Commons Dr.	Walden Center Dr.	F ⁽¹⁾ C ⁽²⁾
	Walden Center Dr.	US 41	F ⁽¹⁾ C ⁽²⁾
	US 41	Via Coconut Pt.	D ⁽¹⁾
	Via Coconut Pt.	Three Oaks Pkwy.	D ⁽¹⁾
Pelican Colony Boulevard	North Commons Dr.	US 41	C ⁽¹⁾
	US 41	Via Coconut Pt.	C ⁽¹⁾
Via Coconut Point	Pelican Colony Blvd.	Coconut Rd.	C ⁽¹⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽¹⁾
US 41	Old 41	Pelican Colony Blvd.	D ⁽¹⁾
	Pelican Colony Blvd.	Health Center Dr.	D ⁽³⁾
	Health Center Dr.	Coconut Rd.	D ⁽³⁾
	Coconut Rd.	Corkscrew Rd.	D ⁽³⁾

Footnotes:

- (1) LOS based on Lee County "collector-generalized" service volumes.
- (2) LOS based on Synchro roadway analysis.
- (3) LOS based on FDOT Generalized Service Volumes.

The resultant Coconut Road levels of service reflective of the detailed roadway analysis indicates the Coconut Road is expected to operate at LOS C (west of US 41), with the planned signal at the Pelican Colony Boulevard and US 41 intersection.

Future Intersection Volumes - Current Zoning (with PCB Signal)

The future 2024 peak season, PM peak hour turn volumes at the intersections under study for this scenario are provided as part of Appendix K. The Coconut Road intersection turn volumes at Coconut Point Resort Drive (Project Entrance), Spring Creek Road and at US 41 are further depicted in Exhibits 11a, 11b and 11c, respectively. The turn volumes at Pelican Colony Boulevard and US 41 intersection are portrayed in Exhibit 11d.

Future Intersection LOS - Current Zoning (with PCB Signal)

The operation of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using the Synchro software. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from Synchro is reported to better reflect the overall operations of the intersection. The complete HCM and ICU analysis and output are included in Appendix H.

The resultant intersection LOS under future 2024 peak season, PM peak hour conditions is summarized below.

Future Traffic Conditions with Current Zoning (with PCB Signal) Intersection Level of Service			
Ref. #	Major Street	Minor Street	LOS
1	Coconut Road	Hyatt Employee Entrance	A ⁽¹⁾
2		Hyatt Delivery Entrance	A ⁽¹⁾
3		Coconut Point Resort Dr.	B ⁽²⁾
4		Hyatt Main Entrance	C ⁽²⁾
5		The Colony Construction Entrance	A ⁽¹⁾
6		The Colony West (Inbound)	A ⁽¹⁾
7		The Colony East (Outbound)	A ⁽¹⁾
8		Pelican Landing Beach Club Parking	A ⁽¹⁾
9		Community Development District	A ⁽¹⁾
10		El Dorado Blvd.	A ⁽¹⁾
11		Spring Creek Rd.	A ⁽¹⁾
12		Olde Meadowbrooke Blvd.	A ⁽¹⁾
13		Coconut Shores Dr.	A ⁽¹⁾
14		North Commons Dr.	A ⁽¹⁾
15		Elks Lodge Entrance	A ⁽¹⁾
16		Walden Center Dr.	A ⁽¹⁾
17		Health Center Blvd.	A ⁽¹⁾
18		Via Coconut Point	C ⁽³⁾
19	Pelican Colony Boulevard	Via Coconut Point	A ⁽⁴⁾
20		Walden Center Dr.	A ⁽¹⁾
21		North Commons Dr.	A ⁽¹⁾
22	US 41	Coconut Road	D ⁽³⁾
23		Pelican Colony Blvd.	D ⁽³⁾

Footnotes:

- (1) Unsignalized (TWSC) Intersection – ICU LOS of overall intersection reported.
- (2) Unsignalized Intersection – HCM, Overall intersection LOS reported.
- (3) Signalized Intersection – HCM, Overall intersection LOS reported.
- (4) Roundabout – HCM LOS reported.

As shown above, all intersections are expected to operate at acceptable level of service. It is recognized that minor street approaches are expected to experience delay under stop control conditions. For signalized intersections, minor street approaches may experience delay as the major street (i.e., US 41) is the priority movement that typically demands longer green time in order to maximize overall intersection operating efficiency.

In comparison, the US 41/Coconut Road intersection improved from LOS E to LOS D with the planned PCB signal.

Future Traffic Conditions with Proposed Zoning

Future traffic conditions with the Project's proposed zoning for the roadway segments and intersections under study were analyzed under two scenarios.

- Without Planned Signal at US 41/Pelican Colony Blvd.
- With Planned Signal at US 41/Pelican Colony Blvd.

Proposed Zoning without PCB Signal

Without the planned Pelican Colony Boulevard (PCB) signal at US 41, the reliance on the Coconut Road signal to accommodate area traffic will continue as it does currently and analyzed below.

Future Roadway Analysis - Proposed Zoning (without PCB Signal)

Future 2024 traffic volumes on the roadway network are provided in Exhibit 12. The future traffic volumes include the sum of the following.

- Existing Pelican Landing Traffic
- Future Pelican Landing Traffic
- Future Project Traffic with Proposed Zoning
- Existing Background (Other Developments) Traffic
- Future Background (Other Developments) Traffic

Future Roadway LOS - Proposed Zoning (without PCB Signal)

The roadway level of service (LOS) analysis of future 2024 conditions with the proposed zoning is presented in Exhibit 13 and summarized below. As shown, the Lee County "collector-generalized" services volumes grossly overstate the level of service on Coconut Road.

Future Traffic Conditions - Proposed Zoning (without PCB Signal) Roadway Segments Level of Service			
Roadway	From	To	LOS
Coconut Road	Coconut Point Resort Dr.	Spring Creek Rd.	E ⁽¹⁾
	Spring Creek Rd.	North Commons Dr.	F ⁽¹⁾ C ⁽²⁾
	North Commons Dr.	Walden Center Dr.	F ⁽¹⁾ C ⁽²⁾
	Walden Center Dr.	US 41	F ⁽¹⁾ C ⁽²⁾
	US 41	Via Coconut Pt.	D ⁽¹⁾
	Via Coconut Pt.	Three Oaks Pkwy.	D ⁽¹⁾
Pelican Colony Boulevard	North Commons Dr.	US 41	C ⁽¹⁾
	US 41	Via Coconut Pt.	C ⁽¹⁾
Via Coconut Point	Pelican Colony Blvd.	Coconut Rd.	C ⁽¹⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽¹⁾
US 41	Old 41	Pelican Colony Blvd.	D ⁽¹⁾
	Pelican Colony Blvd.	Health Center Dr.	D ⁽³⁾
	Health Center Dr.	Coconut Rd.	D ⁽³⁾
	Coconut Rd.	Corkscrew Rd.	D ⁽³⁾

Footnotes:

- (1) LOS based on Lee County "collector-generalized" service volumes.
- (2) LOS based on Synchro roadway analysis.
- (3) LOS based on FDOT Generalized Service Volumes.

The resultant Coconut Road levels of service reflective of the detailed roadway analysis indicates the Coconut Road is expected to operate at LOS C (west of US 41), without the planned signal at the Pelican Colony Boulevard and US 41 intersection.

Future Intersection Volumes - Proposed Zoning (without PCB Signal)

The future 2024 peak season, PM peak hour turn volumes for the intersections under study for this scenario are provided as part of Appendix K. The Coconut Road intersection turn volumes at Coconut Point Resort Drive (Project Entrance), Spring Creek Road and at US 41 are further depicted in Exhibits 14a, 14b and 14c, respectively. The turn volumes at Pelican Colony Boulevard and US 41 intersection are portrayed in Exhibit 14d.

Future Intersection LOS - Proposed Zoning (without PCB Signal)

The operation of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using the Synchro software. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from Synchro is reported to better reflect the overall operations of the intersection. The complete HCM and ICU analysis and output are included in Appendix H.

The resultant intersection LOS under future 2024 peak season, PM peak hour conditions is summarized below.

Future Traffic Conditions - Proposed Zoning (without PCB Signal) Intersection Level of Service			
Ref. #	Major Street	Minor Street	LOS
1	Coconut Road	Hyatt Employee Entrance	A ⁽¹⁾
2		Hyatt Delivery Entrance	A ⁽¹⁾
3		Coconut Point Resort Dr.	B ⁽²⁾
4		Hyatt Main Entrance	C ⁽²⁾
5		The Colony Construction Entrance	A ⁽¹⁾
6		The Colony West (Inbound)	A ⁽¹⁾
7		The Colony East (Outbound)	A ⁽¹⁾
8		Pelican Landing Beach Club Parking	A ⁽¹⁾
9		Community Development District	A ⁽¹⁾
10		El Dorado Blvd.	A ⁽¹⁾
11		Spring Creek Rd.	A ⁽¹⁾
12		Olde Meadowbrooke Blvd.	A ⁽¹⁾
13		Coconut Shores Dr.	A ⁽¹⁾
14		North Commons Dr.	A ⁽¹⁾
15		Elks Lodge Entrance	A ⁽¹⁾
16		Walden Center Dr.	A ⁽¹⁾
17		Health Center Blvd.	A ⁽¹⁾
18		Via Coconut Point	C ⁽³⁾
19	Pelican Colony Boulevard	Via Coconut Point	A ⁽⁴⁾
20		Walden Center Dr.	A ⁽¹⁾
21		North Commons Dr.	A ⁽¹⁾
22	US 41	Coconut Road	E ⁽³⁾
23		Pelican Colony Blvd.	D ⁽²⁾

Footnotes:

- (1) Unsignalized (TWSC) Intersection – ICU LOS of overall intersection reported.
- (2) Unsignalized Intersection – HCM, Overall intersection LOS reported.
- (3) Signalized Intersection – HCM, Overall intersection LOS reported.
- (4) Roundabout – HCM LOS reported.

As shown above, all intersections are expected to operate at acceptable level of service with the 400 high-rise residential units. It is recognized that minor street approaches are expected to experience delay under stop control conditions. For signalized intersections, minor street approaches may experience delay as the major street (i.e., US 41) is the priority movement that typically demands longer green time in order to maximize overall intersection operating efficiency.

Proposed Zoning with PCB Signal

The planned signal at Pelican Colony Boulevard is expected to reduce area traffic that are currently forced to travel north on Walden Center Drive and North Commons Drive from Pelican Colony Boulevard in order to access the Coconut Road/US 41 signal. The resultant analysis reflective of the planned signal at the Pelican Colony Boulevard and US 41 intersection is provided below.

Future Roadway Analysis - Proposed Zoning (with PCB Signal)

Future 2024 traffic volumes on the roadway network are provided in Exhibit 12. The future traffic volumes include the sum of the following.

- Existing Pelican Landing Traffic
- Future Pelican Landing Traffic
- Future Project Traffic with Proposed Zoning
- Existing Background (Other Developments) Traffic
- Future Background (Other Developments) Traffic

The vehicle trips that are expected to be diverted from Coconut Road to Pelican Colony Boulevard as a result of the planned PCB signal are also identified in Exhibit 12. It is estimated that a reduction of 691 PM peak hour, two-way trips or approximately 31% are expected on Coconut Road (west of US 41) under this scenario.

Future Roadway LOS - Proposed Zoning (with PCB Signal)

The roadway level of service (LOS) analysis of future 2024 conditions with the proposed zoning is presented in Exhibit 15 and summarized below. As shown, the Lee County “collector-generalized” services volumes grossly overstate the level of service on Coconut Road.

Future Traffic Conditions - Proposed Zoning (with PCB Signal) Roadway Segments Level of Service			
Roadway	From	To	LOS
Coconut Road	Coconut Point Resort Dr.	Spring Creek Rd.	E ⁽¹⁾
	Spring Creek Rd.	North Commons Dr.	F ⁽¹⁾ C ⁽²⁾
	North Commons Dr.	Walden Center Dr.	E ⁽¹⁾ C ⁽²⁾
	Walden Center Dr.	US 41	F ⁽¹⁾ C ⁽²⁾
	US 41	Via Coconut Pt.	D ⁽¹⁾
	Via Coconut Pt.	Three Oaks Pkwy.	D ⁽¹⁾
Pelican Colony Boulevard	North Commons Dr.	US 41	C ⁽¹⁾
	US 41	Via Coconut Pt.	C ⁽¹⁾
Via Coconut Point	Pelican Colony Blvd.	Coconut Rd.	C ⁽¹⁾
	Coconut Rd.	Corkscrew Rd.	C ⁽¹⁾
US 41	Old 41	Pelican Colony Blvd.	D ⁽¹⁾
	Pelican Colony Blvd.	Health Center Dr.	D ⁽³⁾
	Health Center Dr.	Coconut Rd.	D ⁽³⁾
	Coconut Rd.	Corkscrew Rd.	D ⁽³⁾

Footnotes:

- (1) LOS based on Lee County "collector-generalized" service volumes.
- (2) LOS based on Synchro roadway analysis.
- (3) LOS based on FDOT Generalized Service Volumes.

The resultant Coconut Road levels of service reflective of the detailed roadway analysis indicates the Coconut Road is expected to operate at LOS C (west of US 41), with the planned signal at the Pelican Colony Boulevard and US 41 intersection.

Future Intersection Volumes - Proposed Zoning (with PCB Signal)

The future 2024 peak season, PM peak hour turn volumes for the intersections under study for this scenario are provided as part of Appendix K. The Coconut Road intersection turn volumes at Coconut Point Resort Drive (Project Entrance), Spring Creek Road and at US 41 are further depicted in Exhibits 16a, 16b and 16c, respectively. The turn volumes at Pelican Colony Boulevard and US 41 intersection are portrayed in Exhibit 16d.

Future Intersection LOS - Proposed Zoning (with PCB Signal)

The operation of the intersections was evaluated based on methodologies from the 2010 Highway Capacity Manual (HCM) using the Synchro software. For unsignalized (TWSC) intersections, the Intersection Capacity Utilization (ICU) LOS from Synchro is reported to better reflect the overall operations of the intersection. The complete HCM and ICU analysis and output are included in Appendix H.

The resultant intersection LOS under future 2024 peak season, PM peak hour conditions is summarized below.

Future Traffic Conditions - Proposed Zoning (with PCB Signal) Intersection Level of Service			
Ref. #	Major Street	Minor Street	LOS
1	Coconut Road	Hyatt Employee Entrance	A ⁽¹⁾
2		Hyatt Delivery Entrance	A ⁽¹⁾
3		Coconut Point Resort Dr.	B ⁽²⁾
4		Hyatt Main Entrance	C ⁽²⁾
5		The Colony Construction Entrance	A ⁽¹⁾
6		The Colony West (Inbound)	A ⁽¹⁾
7		The Colony East (Outbound)	A ⁽¹⁾
8		Pelican Landing Beach Club Parking	A ⁽¹⁾
9		Community Development District	A ⁽¹⁾
10		El Dorado Blvd.	A ⁽¹⁾
11		Spring Creek Rd.	A ⁽¹⁾
12		Olde Meadowbrooke Blvd.	A ⁽¹⁾
13		Coconut Shores Dr.	A ⁽¹⁾
14		North Commons Dr.	A ⁽¹⁾
15		Elks Lodge Entrance	A ⁽¹⁾
16		Walden Center Dr.	A ⁽¹⁾
17		Health Center Blvd.	A ⁽¹⁾
18		Via Coconut Point	C ⁽³⁾
19	Pelican Colony Boulevard	Via Coconut Point	A ⁽⁴⁾
20		Walden Center Dr.	A ⁽¹⁾
21		North Commons Dr.	A ⁽¹⁾
22	US 41	Coconut Road	C ⁽³⁾
23		Pelican Colony Blvd.	D ⁽³⁾

Footnotes:

- (1) Unsignalized (TWSC) Intersection – ICU LOS of overall intersection reported.
- (2) Unsignalized Intersection – HCM, Overall intersection LOS reported.
- (3) Signalized Intersection – HCM, Overall intersection LOS reported.
- (4) Roundabout – HCM LOS reported.

As shown above, all intersections are expected to operate at acceptable level of service with the 400 high-rise residential units. It is recognized that minor street approaches are expected to experience delay under stop control conditions. For signalized intersections, minor street approaches may experience delay as the major street (i.e., US 41) is the priority movement that typically demands longer green time in order to maximize overall intersection operating efficiency.

In comparison, the US 41/Coconut Road intersection improved from LOS E to LOS D (current zoning) and LOS C (proposed zoning) with the planned PCB signal.

The Benefits of the Pelican Colony Boulevard and US 41 Signal

The comparative results from the traffic analyses established that there were identical traffic impacts associated with the golf-related uses allowed under the current zoning versus the impacts associated with the 400 high-rise residential units under the proposed zoning of the subject property. In fact, the 400 high-rise residential units is expected to generate 18% less trips than the current allowable uses on that property.

More importantly, the results from the traffic analyses established that the implementation of the planned signal at the Pelican Colony Boulevard and US 41 intersection will result in lower traffic volumes on Coconut Road and improve traffic operations at the US 41 intersection. The signal warrant study for the planned PCB signal is currently under review by the Florida DOT.

Future 2024 Traffic Conditions With 400 High-Rise Residential Units With Planned PCB Signal		
Roadway and Intersection	Level of Service	Meet LOS Standard (Yes/No?)
Coconut Road From Coconut Point Resort Drive to Spring Creek Road	E	Yes
Coconut Road From Spring Creek Road to US 41	C	Yes
US 41 & Coconut Road Intersection	C	Yes
US 41 & Pelican Colony Boulevard Intersection	D	Yes

Roads Impact Fees and Planned Improvements

In accordance with the City of Bonita Springs Road Impact Fee (RIF) schedule, the 400 high-rise residential units are expected to generate nearly \$2.5 million. It is the responsibility of the City of Bonita Springs to collect road impact fees (from developments within their jurisdiction) and administer those fees to construct the needed roadway and intersection improvements consistent with the provisions of the RIF ordinance and growth management plan.

In accordance to Chapter 163.3180, F.S. and Lee County AC 13-16, the City of Bonita Springs should coordinate efforts with the responsible road-maintenance agencies (i.e., Village of Estero, Lee County or Florida DOT) should construct the following public improvements consistent with growth management requirements as presented below.

Public Improvements Funded by Roads Impact Fees

US 41 and Coconut Road Intersection

- Add 2nd NB Left-Turn Lane
- Signal Retiming

Coconut Road Corridor

- Roundabout feasibility

These public improvements are also consistent with the recommendations of the Coconut Road Traffic Study – From Estero Bay to Three Oaks Parkway, 06/08/2016 and commissioned by The Village of Estero.

Furthermore and consistent with the Pelican Landing DRI Development Order, the following planned improvements are site-related and will be provided by WCI-Pelican Landing.

Site-Related Improvements Funded by Pelican Landing

US 41 and Pelican Colony Boulevard Intersection

- Participate in Signal Warrant Study
- Participate in Signal Installation (if and when signal is approved)

Coconut Road and Coconut Point Resort Drive

- Roundabout feasibility at Local Development Order time

Conclusions

The conclusions of the ZTIS are as follows.

1. The proposed residential development at Raptor Bay was assumed in the traffic assessment of the originally approved Pelican Landing DRI.
2. The overall Pelican Landing DRI traffic with the proposed 400 high-rise units do not exceed the DRI vested trips on Coconut Road at the US 41 intersection.
3. The traffic impacts attributed to the proposed 400 high-rise units at Raptor Bay is consistent with the approved DRI traffic mitigation on Coconut Road and the surrounding roadway network.
4. The vested Pelican Landing DRI traffic represents 41% (less than half) of the total future traffic on Coconut Road, at the US 41 intersection.

5. The recommended signal at the US 41 and Pelican Colony Boulevard intersection is expected to reduce Pelican Landing DRI traffic on Coconut Road by 48%.
6. With the recommended signal at the US 41 and Pelican Colony Boulevard intersection, the proportion of Pelican Landing DRI traffic on Coconut Road will be reduced from 54% to 41% of the future total traffic.
7. The recommended addition of a second northbound left-turn lane and signal retiming at the US 41 and Coconut Road intersection are consistent with the needed improvements attributed to the impacts of existing and future non-Pelican Landing DRI traffic.
8. With the recommended improvements at the US 41/Coconut Road and US 41/Pelican Colony Boulevard intersections, Coconut Road is expected to operate at acceptable level of service without the need for widening.
9. The feasibility of roundabouts along Coconut Road will be addressed at the time of local development order.
10. Consistent with Chapter 163.3180, F.S., the net impact of the proposed 400 high-rise residential units does not trigger additional improvements already needed by future traffic conditions without and with the Project.

TRIP GENERATION EQUATIONS

Multifamily Housing (Low-Rise) (220)

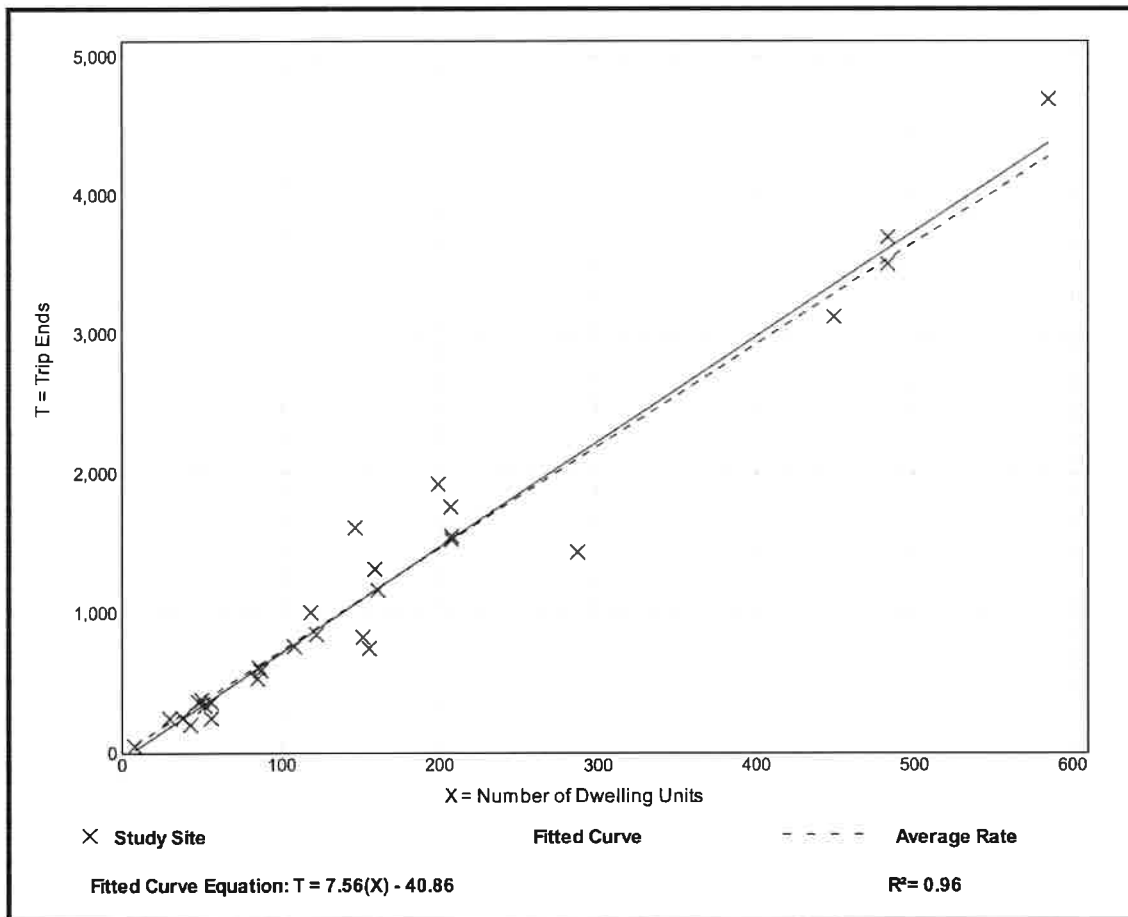
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 29
Avg. Num. of Dwelling Units: 168
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

Data Plot and Equation



Multifamily Housing (Low-Rise) (220)

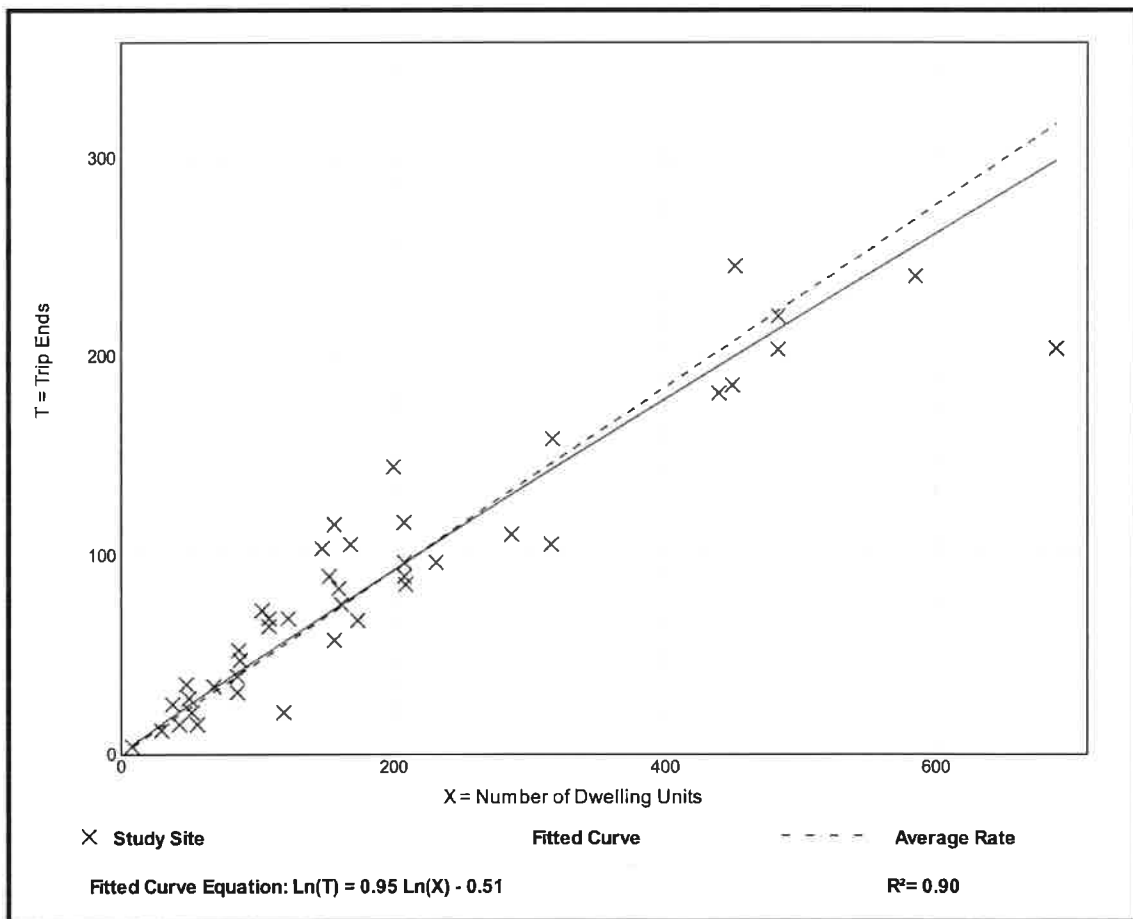
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 42
 Avg. Num. of Dwelling Units: 199
 Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise)

(220)

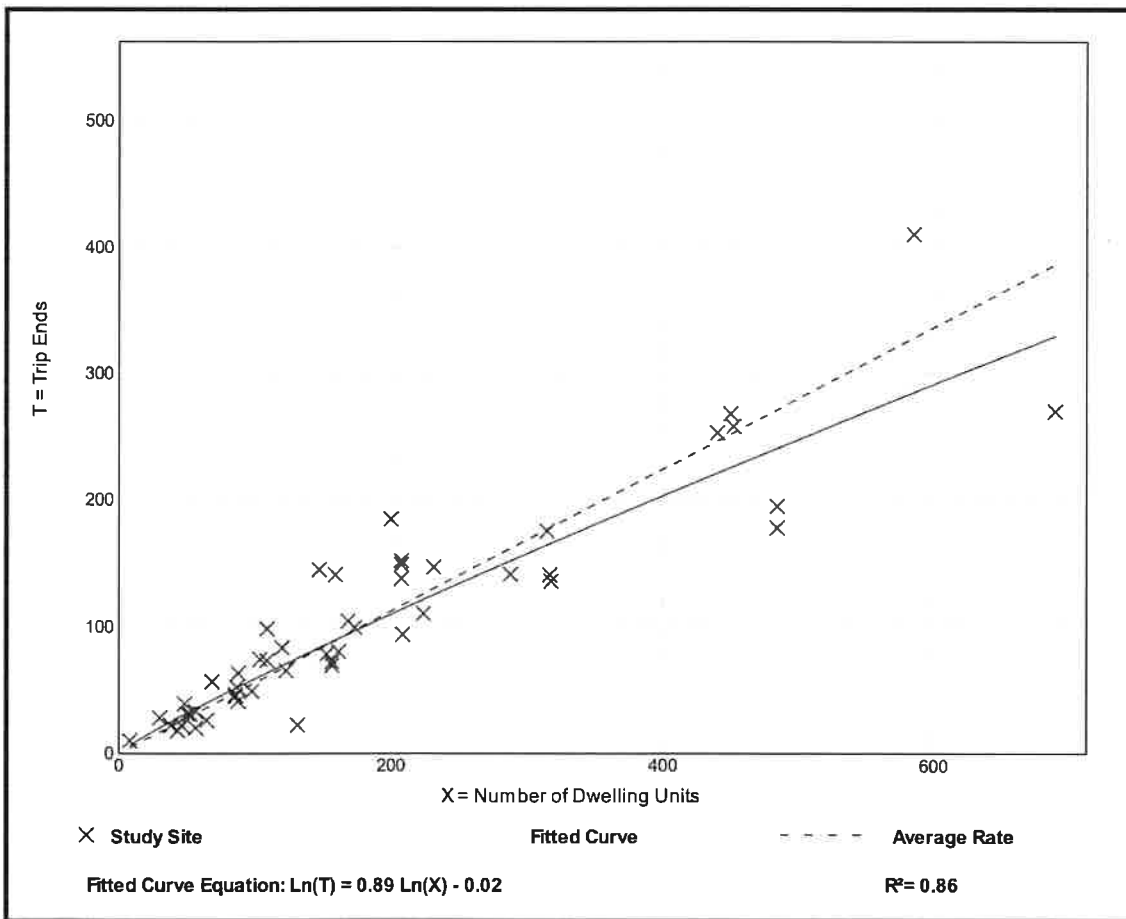
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 50
 Avg. Num. of Dwelling Units: 187
 Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

Data Plot and Equation





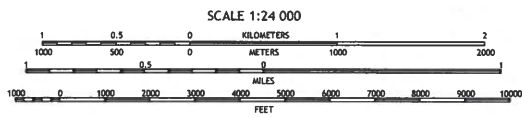
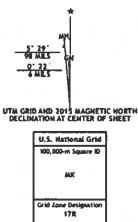
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



ESTERO QUADRANGLE
FLORIDA-LEE CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83); Projection and
World Geodetic System of 1984 (WGS84); Zone 17N
10 000-foot ticks; Florida Coordinate System of 1983 (west zone)
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.



ROAD CLASSIFICATION

Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

CONTOUR INTERVAL 5 FEET
NORTH AMERICAN DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product to draft version 0.4.18

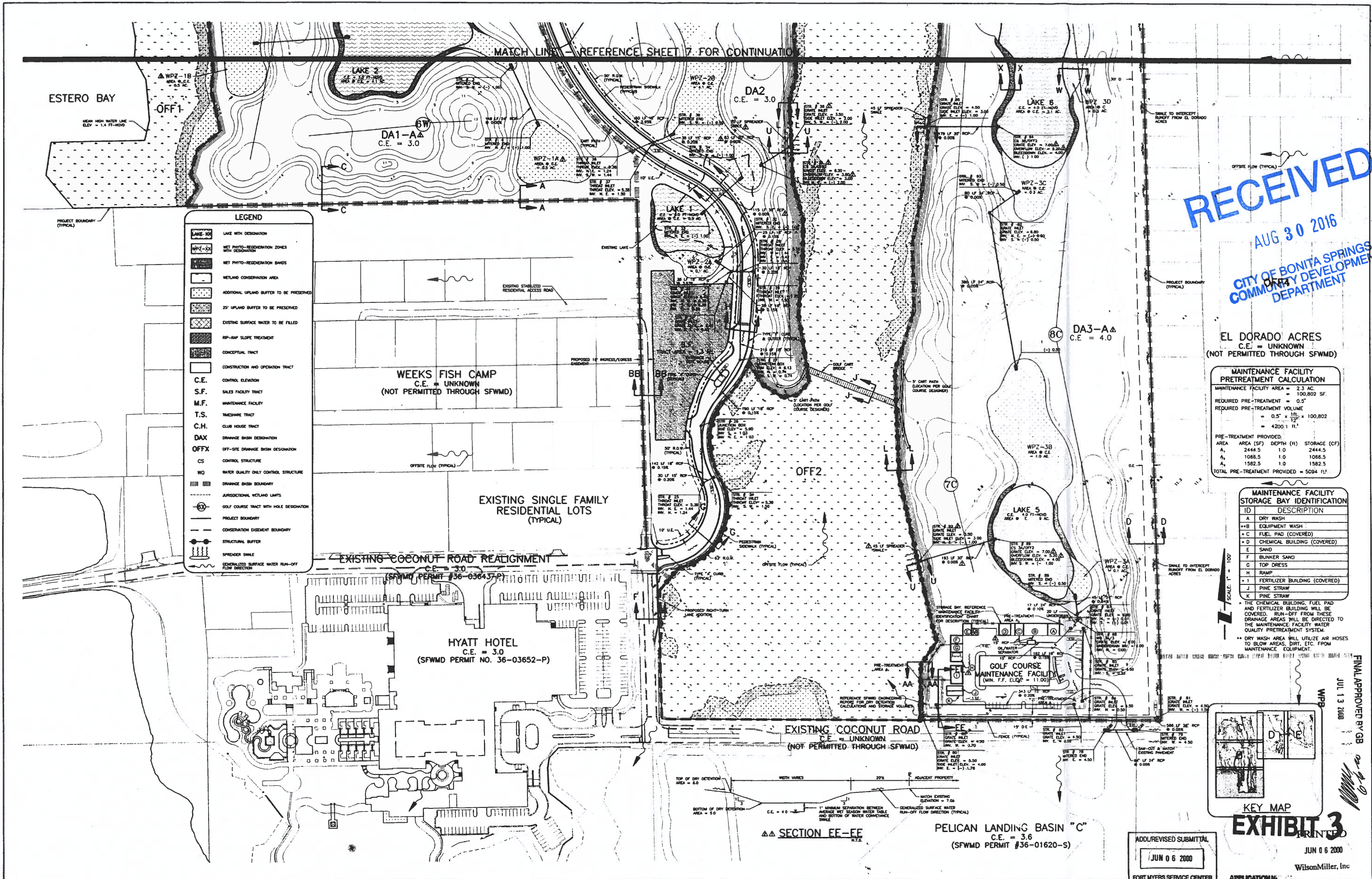
1	2	3	1 Fort Myers SW
4	5	6	2 Fort Myers SE
7	8	9	3 Alsea SW
			4 Fort Myers Beach
			5 Cochscrew NW
			6 Cochscrew SW
			7 Bonita Springs
			8 Cochscrew SW

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EL DORADO ACRES
 C.E. = UNKNOWN
 (NOT PERMITTED THROUGH SFWMD)

**MAINTENANCE FACILITY
 PRETREATMENT CALCULATION**

MAINTENANCE FACILITY AREA = 2.3 AC.
 MAINTENANCE FACILITY STORAGE = 100,802 SF

REQUIRED PRE-TREATMENT = 0.5
 REQUIRED PRE-TREATMENT VOLUME = 0.5' x 16' x 100,802 = 4200 I.F.T.

PRE-TREATMENT PROVIDED:

AREA	AREA (SF)	DEPTH (H)	STORAGE (CF)
A	2444.5	1.0	2444.5
A	1055.5	1.0	1055.5
A	1582.5	1.0	1582.5
TOTAL PRE-TREATMENT PROVIDED =			5082.5 I.F.T.

**MAINTENANCE FACILITY
 STORAGE BAY IDENTIFICATION**

ID	DESCRIPTION
A	DRY WASH
B	EQUIPMENT WASH
C	FUEL PAD (COVERED)
D	CHEMICAL BUILDING (COVERED)
E	SAND
F	BUNKER SAND
G	TOP DRESS
H	RAMP
I	FERTILIZER BUILDING (COVERED)
J	PINE STRAW
K	PINE STRAW

* THE CHEMICAL BUILDING, FUEL PAD AND FERTILIZER BUILDING WILL BE COVERED. RUN-OFF FROM THESE DRAINAGE AREAS WILL BE DIRECTED TO THE MAINTENANCE FACILITY WATER QUALITY PRETREATMENT SYSTEM.

** DRY WASH AREA WILL UTILIZE AIR HOSES TO BLOW AREAS, DIRT, ETC. FROM MAINTENANCE EQUIPMENT.

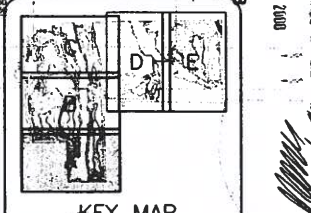


EXHIBIT 3

ADDITIONAL SUBMITTAL
 JUN 06 2000
 FORT MYERS SERVICE CENTER
 APPLICATION NO. 000124 5
 JUN 06 2000
 WilsonMiller, Inc.

DESIGNED BY: J.C.E./1025 12/99	INTLS./EMP. NO. DATE	CLIENT: WCI COMMUNITIES, INC. & HYATT DEVELOPMENT CORP.	TITLE: SITE PLAN (A)
DRAWN BY: J.M.L./1322 12/99	CHECKED BY: C.M./117 SA/00	PROJECT: HYATT GOLF RESORT	000124 5
DATE: 03/20/00	DATE: 03/20/00	PROJECT NUMBER: F0250-024-004	6 x 18

WilsonMiller
 Planners - Engineers - Ecologists - Surveyors - Landscape Architects - Transportation Consultants

2320 Bailey Lane, Suite 200 - Naples, Florida 34102-8527 - Phone 941-649-4100 - Fax 941-649-5716 - Web Site www.wilsonmiller.com



REV. NO.	REVISION	DATE	DESIGNED BY	CHECKED BY	DATE
3	ADDED RIP-RAP TO EXISTING CHANNEL; REVISED CROSS-SECTION M-M TO S-S PER SFMWD COMMENTS	06/05/00	C.R.H./1378	J.C.E./1025	12/99
2	REVISED PER SFMWD COMMENTS; REVISED CONTOURS PER GOLF COURSE ARCHITECT.	04/27/00	J.M.L./1322	J.M.L./1322	12/99
1	REVISED PER SFMWD COMMENTS	03/20/00	J.M.L./1322	C.R.H./117	6/1/00

ACTIVITY	INITIALS/EMP. NO.	DATE
DESIGNED BY	J.C.E./1025	12/99
DRAWN BY	J.M.L./1322	12/99
CHECKED BY	C.R.H./117	6/1/00
CONTRACT ADMIN BY		
WM APPROVED BY		

WilsonMiller
Florida • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

Naples • Fort Myers • Sarasota • Bradenton • Tampa
 2330 Bay Lane, Suite 200 • Naples, Florida 34105-4027 • Phone 941-440-4140 • Fax 941-440-4778 • Web Site www.wilsonmiller.com

CLIENT: **WCI COMMUNITIES, INC. & HYATT DEVELOPMENT CORP.**

PROJECT: **HYATT GOLF RESORT**

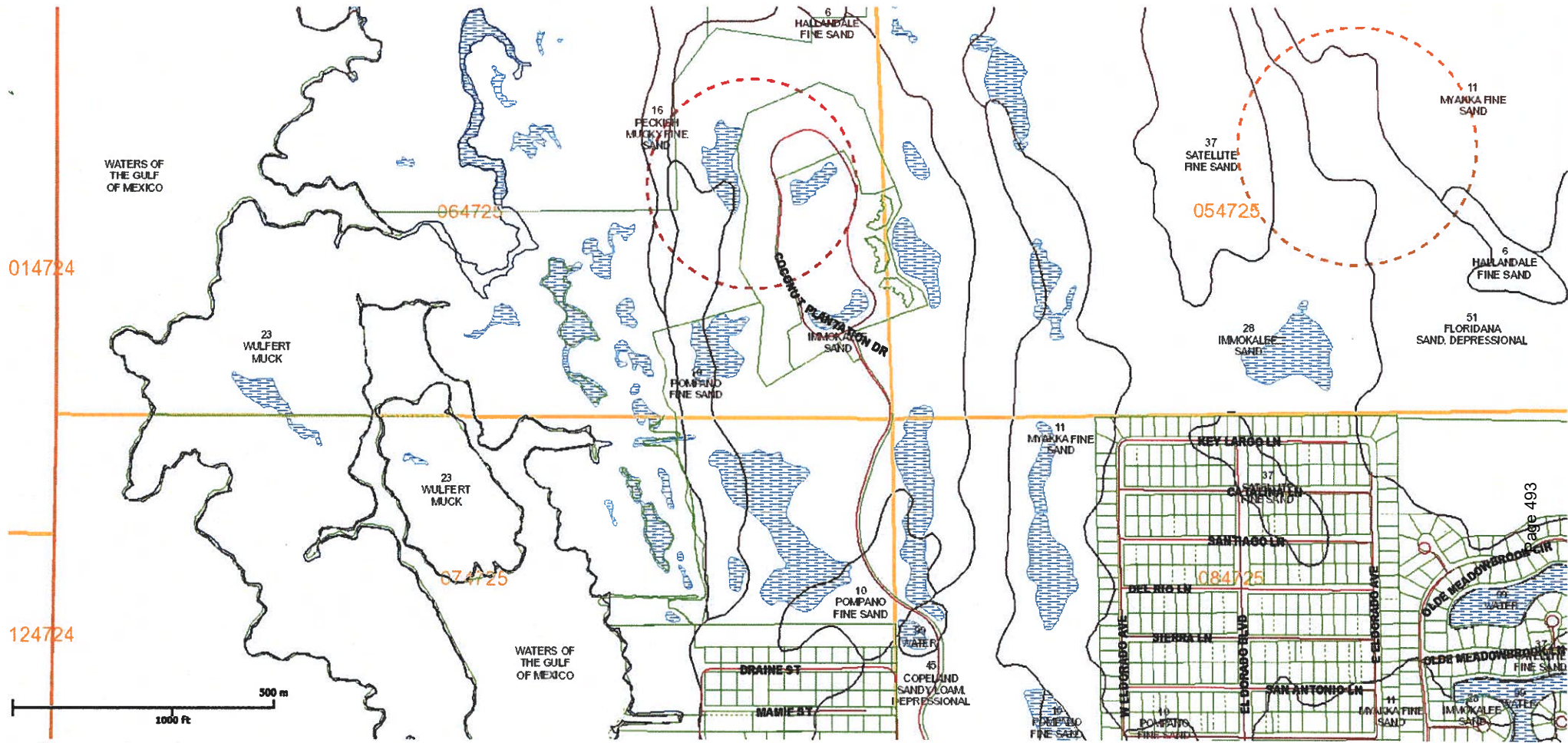
DATE: DEC 1999
 TITLE: **SITE PLAN (B)**
 HORIZONTAL SCALE: 1" = 100'
 VERTICAL SCALE: N/A

ADD/REVISED SUBMITTAL APPLICATION: **WilsonMiller, Inc.**

DATE: **JUN 06 2000** PROJECT NUMBER: **F0250-024-004**

SHEET NUMBER: **7** OF **18A**

Soils Map



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**RAPTOR BAY TOWERS
PROTECTED SPECIES MANAGEMENT
AND HUMAN-WILDLIFE COEXISTENCE PLAN**

November 2016

Prepared For:

WCI Communities
24301 Walden Center Drive
Bonita Springs, Florida 34109
(239) 498-8200

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 16RBT2441

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1.0 INTRODUCTION

This report documents the Protected Species Management and Human-Wildlife Coexistence Plan for Raptor Bay Towers (Project). The management plan contained in this report pertains to the American alligator (*Alligator mississippiensis*), Eastern indigo snake (*Drymarchon couperi*), gopher tortoise (*Gopherus polyphemus*), and wading birds.

The Project totals 55.16± acres and is located in Section 7, Township 47 South, Range 25 East, Lee County (Appendix A). More specifically, the property is located off of Coconut Road, approximately 1.5 miles west of US 41 and approximately 2.28 miles south of Corkscrew Road. The Project site is currently an active golf course and is adjacent to the Hyatt Coconut Plantation (Timeshares), Raptor Bay Golf Clubhouse, and Estero Bay Aquatic Preserve.

2.0 LISTED SPECIES SURVEYS

Passarella & Associates, Inc. (PAI) conducted a Lee County protected species survey (PSS) on the Project site on August 9, 2016. The survey was conducted to meet Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) standards. Two Lee County protected species were documented during the PSS. The protected wildlife species documented included the American alligator and gopher tortoise.

Table 1 summarizes the listed wildlife species that have been documented during the PSS and other fieldwork on the Project site.

Table 1. Listed Wildlife Species Documented

Common Name	Scientific Name	Listing Status	
		FWCC	USFWS
Reptiles			
American Alligator	<i>Alligator mississippiensis</i>	FT(S/A)	T(S/A)
Gopher Tortoise	<i>Gopherus polyphemus</i>	ST	*

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

FT(S/A) – Federally Threatened Due to Similarity of Appearance

ST – State Threatened

T(S/A) – Threatened Due to Similarity of Appearance

*The gopher tortoise is currently listed as a candidate species by the USFWS.

3.0 CONSERVATION AREA

The proposed conservation area is part of a larger, previously permitted conservation easement totaling 332.4± acres. The conservation area will be maintained in accordance with South Florida

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Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-3813-P, issued July 13, 2000, to provide habitat for listed species.

The Project has been designed to minimize impacts to the listed species that have been identified on the property and other listed wildlife species that could potentially utilize the site. The site plan (Appendix B) avoids impacts to existing native vegetation habitats by limiting development to areas of an existing golf course.

The conservation area will be managed for listed species based on habitat type and current listed species utilization. Target listed species include the Eastern indigo snake, American alligator, gopher tortoise, and state-listed wading birds.

4.0 EASTERN INDIGO SNAKE MANAGEMENT PLAN

The Eastern indigo snake has not been observed on-site; however, the following plan outlines the protection guidelines that will be implemented for the Eastern indigo snake during staging and construction operations for the Project. The plan provides educational material and guidelines for construction personnel to follow in the event they encounter an Eastern indigo snake. The plan has been prepared following the guidelines established by the U.S. Fish and Wildlife Service (USFWS). The Eastern indigo snake is a federally threatened species and is listed by the Endangered Species Act (ESA). It is unlawful for anyone to injure, harm, harass, or kill this species. Persons who knowingly violate provisions of the ESA, that afford this species protection, may be subject to fine and/or imprisonment.

4.1 Biology

The Eastern indigo snake is a large, non-poisonous, glossy black snake with smooth iridescent scales. The chin and throat may be rusty or white-blotched. The juvenile snakes are similar to the adults, but may be lighter and exhibit a blotched dorsal pattern. Adults can grow to lengths over eight feet. The Eastern indigo snake might be confused with the black racer (*Coluber constrictor*), but the black racer exhibits a white or brown throat and is smaller and lighter in build.

The Eastern indigo snake inhabits a range of habitat types including pine flatwoods and wet prairies. Individuals are wide ranging and may utilize an area of 250 acres or more. Eastern indigo snakes are known to shelter in gopher tortoise burrows. The Eastern indigo snake is diurnal (active only during the daytime) and will actively search for prey. Prey may include frogs, snakes, birds, and small mammals. Very little is known of the reproduction of this species in the wild. Breeding is believed to occur during the winter and early spring months with up to 11 large white eggs being deposited in late spring and early summer.

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4.2 Habitat Management Plan

The USFWS' Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff.

The conservation area will be maintained per SFWMD ERP No. 36-3813-P and will provide habitat for the Eastern indigo snake.

Problematic encounters between future residents and Eastern indigo snakes are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the Eastern indigo snake is a protected species.

5.0 AMERICAN ALLIGATOR MANAGEMENT PLAN

One juvenile American alligator was observed in the lake on-site during the PSS. No alligator nests were observed; however, potential nesting and additional foraging habitat (i.e., wetlands, and saltwater marshes) exist on-site. The following plan outlines the protection guidelines that will be implemented for the American alligator during clearing operations for the Project. The American alligator is listed as threatened (due to similarity of appearance) by the USFWS and the Florida Fish and Wildlife Conservation Commission (FWCC).

5.1 Biology

The American alligator is a reptile with an elongated, armored, lizard-like body with a muscular flat tail. Adult alligators are dark with a pale underside while juveniles have bright yellow stripes and blotches. The average size for adults is 8.2 feet for females and 11.2 feet for males. The body weight can reach up to one-half ton. American alligators inhabit all counties in the state of Florida and are most common in the major river drainage basins and large lakes in the central and southern portions of the state. They also can be found in marshes, swamps, ponds, drainage canals, phosphate-mine settling ponds, and ditches. Alligators are tolerant of poor water-quality and occasionally inhabit brackish marshes along the coast. A few even venture into saltwater. Individuals are wide ranging and some males may utilize an area of two square miles or more. Individuals of both sexes are most likely to become more active and extend their ranges during the April to May courtship and breeding season. Prey may include frogs, snakes, birds, and small mammals, although alligators are opportunistic feeders and may prey on what is readily available. Larger individuals often prefer carrion to fresh meat.

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5.2 Habitat Management Plan

The proposed Project will not impact the American alligator. Alligators commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. The American alligator is listed as a federally threatened species (by similarity of appearance). Only representatives of the FWCC are authorized to handle nuisance alligators.

If an alligator is present within the limits of construction at the time of clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out and into safer territory. Once the alligator has moved, work can be restarted. If an active alligator nest is found, it will be temporarily protected with an adequate buffer zone until the hatchlings leave the nest.

High quality American alligator habitat is available on-site in the existing conservation easement and the proposed lakes. The conservation area includes mangrove, saltwater marsh, and pine upland habitats which are suitable as habitat, and/or provide suitable habitat for alligator prey species. The conservation area will be maintained in accordance with SFWMD ERP No. 36-3813-P.

6.0 GOPHER TORTOISE MANAGEMENT PLAN

The goal of the management plan is to relocate existing gopher tortoises from the development area and maintain suitable gopher tortoise habitat within the on-site conservation area. This will be accomplished through pre-construction surveys, excavation of burrows and relocation of tortoises from the development area, and the preservation and enhancement of existing upland habitat in the conservation area. The FWCC Gopher Tortoise Permitting Guidelines will be followed. Long-term management will be continued to ensure that the exotic vegetation does not reinvade the preserves and the gopher tortoise foraging and burrowing habitat is maintained.

6.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell) is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish-orange in color.

The gopher tortoise occurs in the Southeastern Coastal Plain of the United States from Eastern Louisiana to Southeastern South Carolina and throughout Florida. In Florida, gopher tortoises occur in portions of all 67 counties. Gopher tortoises inhabit a wide variety of upland vegetative communities. Three environmental conditions are especially important for gopher tortoises: well-drained, sandy soil in which to burrow; adequate low-growing herbaceous ground cover for food; and relatively open sunlit areas for nesting. The gopher

tortoise is primarily associated with longleaf pine-scrub oak woodlands (sandhills), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields often support relatively high tortoise densities.

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators; and serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life.

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the burrow. Principal foods include grasses, legumes, and grasslike plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries, pawpaws, gopher apples, and saw palmetto berries are also consumed.

6.2 Pre-Site Development

The applicant will adhere to the FWCC Gopher Tortoise Permitting Guidelines. Prior to site clearing activities, a conservation permit will be obtained from the FWCC for the relocation of gopher tortoises that may be located within the development area. All potentially occupied burrows will be excavated within the limits of construction for the Project. Removal of the vegetation and heavier overburden material will be removed by a backhoe. The finer digging around the burrow will be done by hand with a shovel. All excavation activities will be overseen by an FWCC Authorized Gopher Tortoise Agent.

Gopher tortoises and their commensals will be relocated to the on-site conservation area or to an FWCC-approved off-site location. If the tortoises are to be relocated on-site, the applicant will obtain a permit from the FWCC authorizing the on-site conservation area as an acceptable relocation area.

6.3 Habitat Management Plan

Uplands within the conservation area will be maintained to enhance gopher tortoise habitat.

7.0 WADING BIRD MANAGEMENT PLAN

Although no nesting activity was observed, wetlands and other native areas on-site have the potential to be used by wading birds for foraging and nesting. The following management plan has been prepared for the purpose of addressing the management of potential wading bird habitat on the site.

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7.1 Habitat Management Plan

The Project will not directly impact wetlands that provide suitable nesting habitat for wading birds. The Project includes conservation area which may be used as wading bird habitat. Extensive foraging areas will be provided through the conservation of wetlands and creation of lakes. Ongoing management of the existing wetlands in the conservation area through the removal of invasive exotic plants will result in habitats that are suitable for wading bird foraging and roosting.

In addition, littoral shelves will be constructed along any new or altered lake edges and planted with native wetland vegetation per LDC requirements. These additional wetland features will provide quality foraging habitat for wading bird species.

Problematic encounters between future residents and wading birds are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the wading birds are a protected species.

8.0 HUMAN-WILDLIFE COEXISTENCE PLAN

8.1 Eastern Indigo Snake

The USFWS's Standard Protection Measures for the Eastern Indigo Snake (August 2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff. The USFWS's Standard Protection Measures, including the poster and brochure can be found at <http://www.fws.gov/verobeach/listedspeciesreptiles.html>. A copy of the brochure is provided in Appendix C.

8.2 American Alligator

Signs will be posted on the subject property to instruct on-site workers and homeowners not to feed or harass the American alligator. The signs will indicate that the offense is punishable by law. The typical signage is provided as Appendix D.

The FWCC educational brochure entitled "A Guide to Living with Alligators" (Appendix E) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/152524/Alligator_Brochure.pdf.

Construction personnel and homeowners will be instructed that in the event there is a problem with a persistent nuisance alligator, they will need to contact the FWCC, as that is the only agency empowered to handle nuisance alligators.

8.3 Gopher Tortoise

The FWCC educational brochure entitled “A guide to living with gopher tortoises” (Appendix F) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/1329739/GopherTortoise_LivingWithBrochure.pdf.

8.4 Wading Bird

A brochure prepared by PAI entitled “Wading Bird Informational Pamphlet” (Appendix G) will be provided to homeowners and maintenance staff. The brochure provides wading bird information and methods to prevent human-wading bird interactions.

9.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the conservation area as a “nature preserve area” will be installed along the boundary of the conservation area. The signage will include language stating, “No dumping allowed” (Appendix D). The signs will be spaced a maximum of 200 feet apart and will be no closer than ten feet from residential property lines, and be limited to a maximum height of four feet and a maximum size of two square feet.

Community informational and educational brochures, such as those providing information on the Eastern indigo snake (Appendix C), may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence.

10.0 REFERENCES

U.S. Fish and Wildlife Service. 2013. Standard Protection Measures for the Eastern Indigo Snake. South Florida Ecological Services Office. Vero Beach, Florida.

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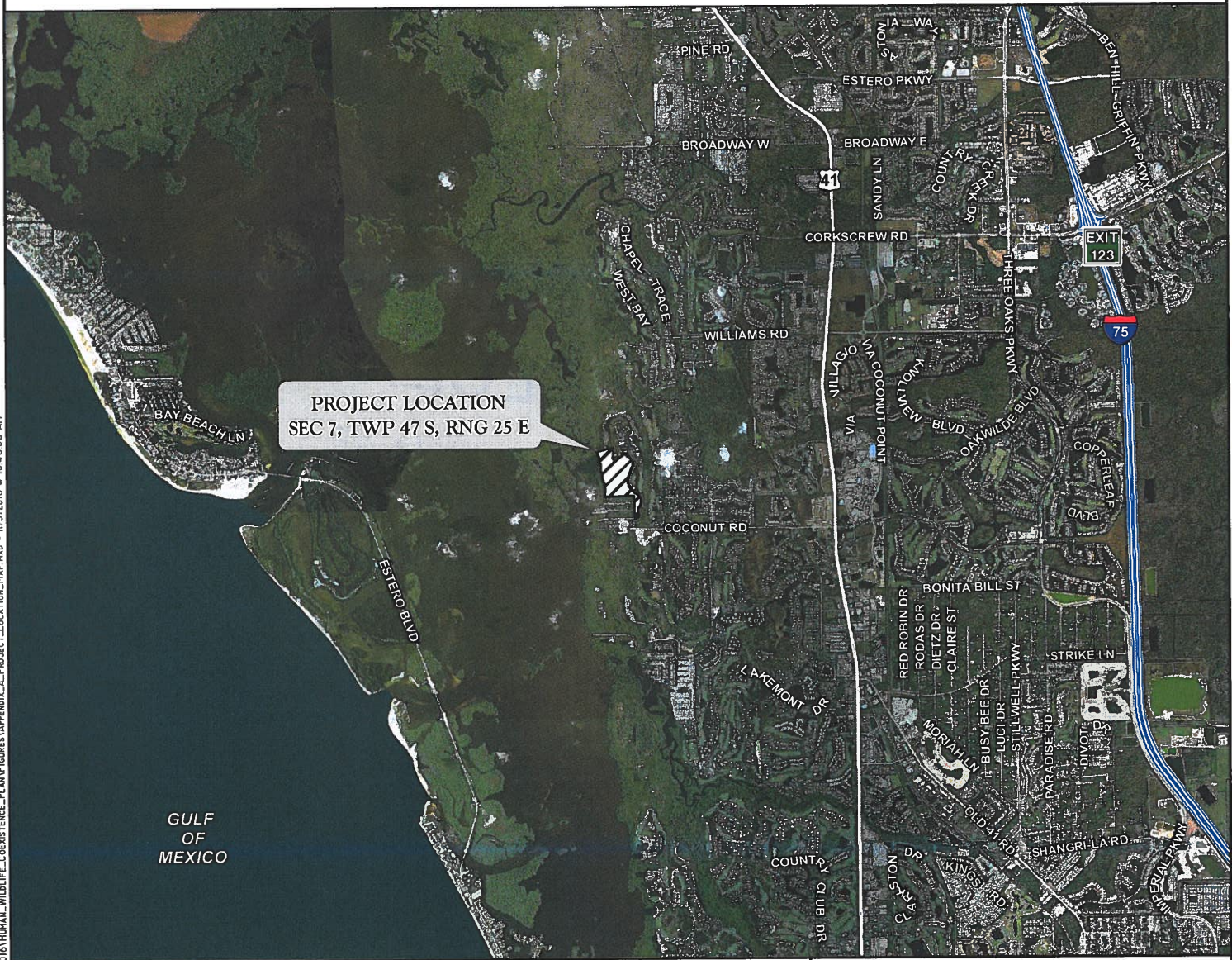
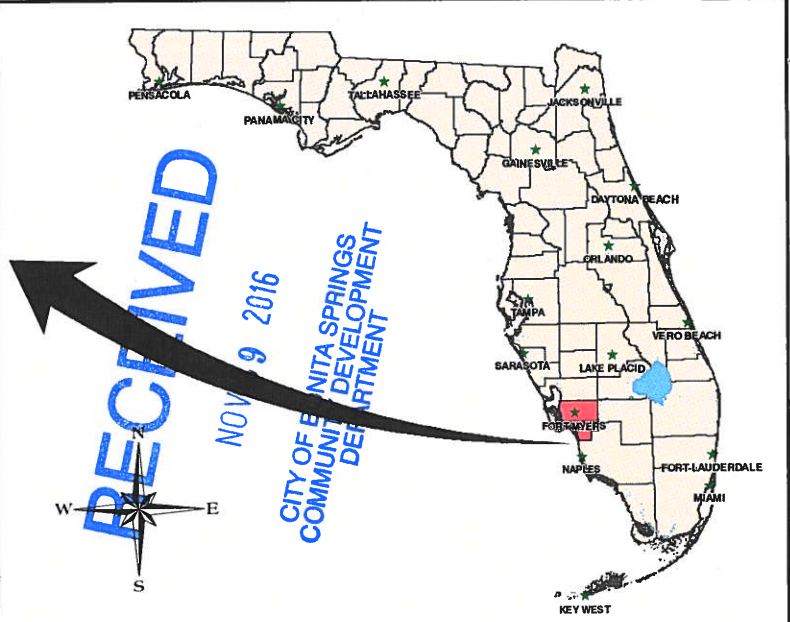
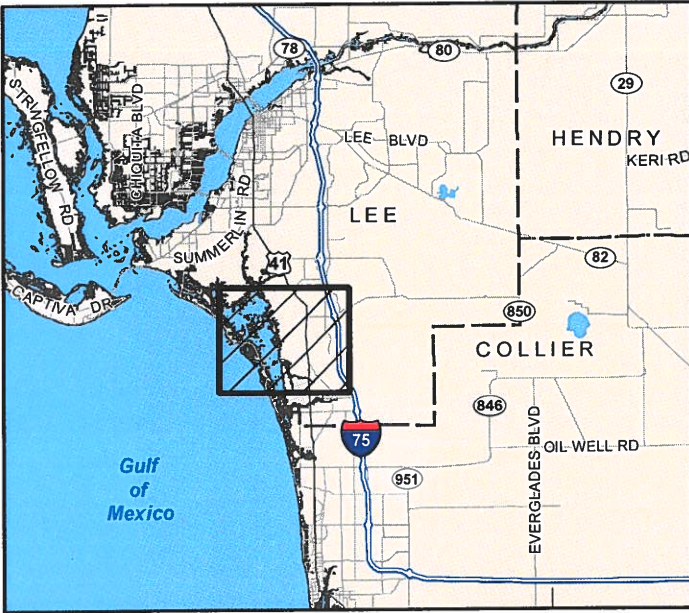
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APPENDIX A
PROJECT LOCATION MAP

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**APPENDIX A. PROJECT LOCATION MAP
RAPTOR BAY TOWERS**

DRAWN BY	DATE
T.S.	8/18/16
REVIEWED BY	DATE
C.G.	8/18/16
REVISED	DATE



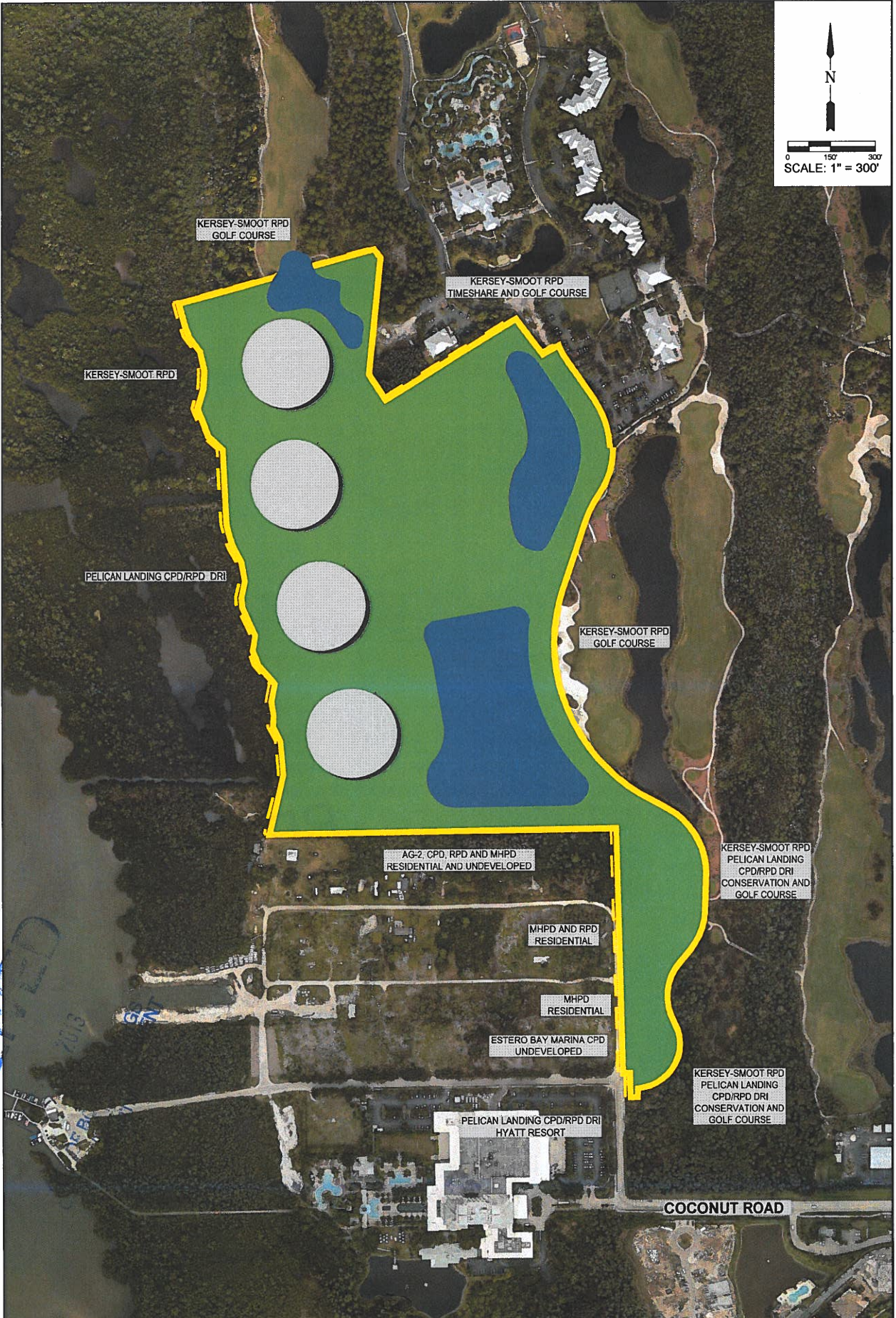
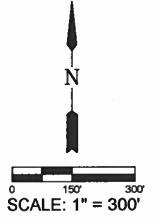
APPENDIX B

SITE PLAN

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<p>LEGEND</p>	<p>GradyMinor <small>O. Grady Minor and Associates, P.A. 3100 Via Buena Vista Bonita Springs, Florida 34131</small></p> <p><small>Civil Engineers • Land Surveyors • Planners • Landscape Architects Cert. of Auth. EA 0005191 Cert. of Auth. LB 0005191 Business Lic. 20080205 Bonita Springs 239-947-1144 www.GradyMinor.com Page 509</small></p>	<p>PELICAN LANDING RPD/CPD</p> <p>ANNEXED PARCEL DEVELOPMENT AREA</p>	<p><small>SCALE: 1" = 300'</small></p> <p><small>DATE: JUNE 2015</small></p> <p><small>PROJECT: PELICAN LANDING RPD/CPD</small></p> <p><small>SHEET: 1 OF 1</small></p>
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APPENDIX C

**EASTERN INDIGO SNAKE
INFORMATIONAL PAMPHLET**

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.

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August 12, 2013

ATTENTION:
THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

IF YOU SEE A LIVE EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

IF YOU SEE A DEAD EASTERN INDIGO SNAKE ON THE SITE:

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

USFWS Florida Field Offices to be contacted if a live or dead eastern indigo snake is encountered:

North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909

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DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

APPENDIX D

**AMERICAN ALLIGATOR MANAGEMENT
AND PRESERVE SIGNAGE**

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APPENDIX E

**AMERICAN ALLIGATOR
INFORMATIONAL PAMPHLET**

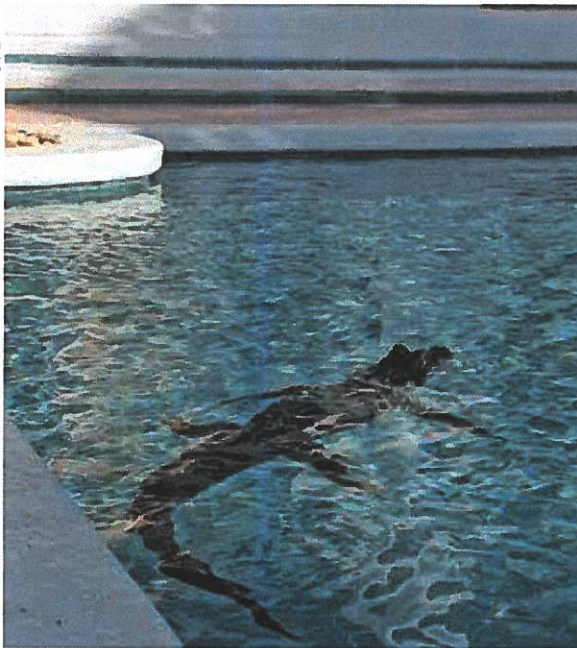
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- Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.
- Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.
- Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.
- Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.

Page 516



Tim Donovan

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.



Janice Plain

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

Regional offices

Northwest Region, Panama City
850-265-3676

North Central Region, Lake City
386-758-0525

Northeast Region, Ocala
352-732-1225

Southwest Region, Lakeland
863-648-3200

South Region, West Palm Beach
561-625-5122



The FWC prohibits discrimination by race, color, nationality, age, sex or handicap. If you believe you have been discriminated against in any program, activity or facility of this agency, write to: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600; or to: Office of Human Relations, USFWS, Department of Interior, Washington, D.C. 20240.

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A guide to living with Alligators



Jamie Feddersen

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Florida Fish and Wildlife Conservation Commission

MyFWC.com



Elizabeth West

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.

Alligators and people

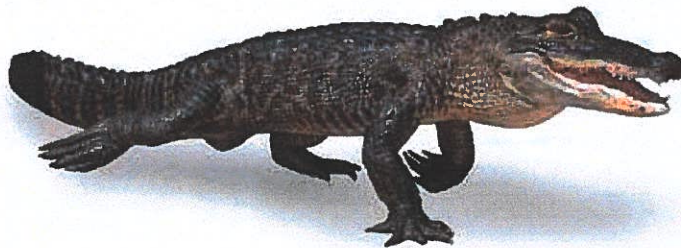
Alligators are a fundamental part of Florida's marshes, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although many Floridians accept living with alligators nearby, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety tips

- Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property, call the Nuisance Alligator Hotline at 866-FWC-GATOR (392-4286). Please be aware, nuisance alligators are harvested, not relocated.
- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan

A young alligator wanders onto a porch in a residential neighborhood.

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(continued)

APPENDIX F
GOPHER TORTOISE
INFORMATIONAL PAMPHLET

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Chiff Leonard

Gopher tortoise fast facts

- Gopher tortoise burrows average seven feet deep and 15 feet long but may be more than 40 feet long.
- A tortoise may have multiple burrows within the area it spends most of its time.
- Burrow openings are half-moon shaped with the curve at the top, and its size is a fair representation of the size of the tortoise. Burrows with round openings have generally been taken over by an armadillo.
- Adult tortoises are generally 9-11 inches long and weigh 7-9 pounds.
- Females begin to reproduce when they are 9-21 years old (age depends on local conditions); males begin slightly younger.
- They breed March-October but generally dig nests in May and June. One clutch is laid per year with an average of six eggs. Many eggs never hatch because they are eaten by mammals, birds and snakes.
- The biggest threat to the gopher tortoises' long-term survival is loss of habitat.

Wildlife Alert Reward Program

It is against the law to kill, harass or destroy gopher tortoises, their burrows or eggs. If you suspect illegal activity, you can report it anonymously to FWC's Wildlife Alert Hotline at 888-404-3922, 24 hours a day or online at MyFWC.com/law/Alert. You could be eligible for a reward if your information leads to an arrest.



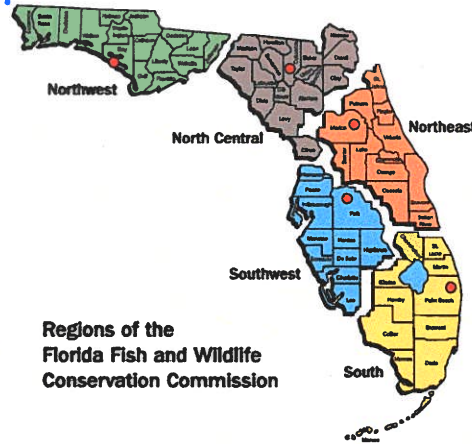
Robert La Follette

Before you bulldoze

Before you clear land, learn the law. Visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region. Request a permitting fact sheet and remember gopher tortoises must be relocated before any land clearing or development takes place. Property owners must obtain permits from the FWC before tortoises can be moved. Depending on the type of permit, you may be permitted to move the tortoises yourself or you may need to contact an authorized agent.

Tips for horse owners

Gopher tortoises often dig their burrows in pastures, which can be a challenge to horse farm owners who are concerned their horses may step into the burrows and be injured. For tips on how to avoid potential horse-tortoise conflicts, visit MyFWC.com/GopherTortoise or call the gopher tortoise conservation biologist in your region.



Regions of the Florida Fish and Wildlife Conservation Commission

- Northwest Region**
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676
- North Central Region**
3377 East U.S. Highway 90
Lake City, FL 32055-8795
386-758-0525
- Northwest Region**
3911 Highway 2321
Panama City, FL 32409-1658
850-265-3676
- Southwest Region**
3900 Drane Field Road
Lakeland, FL 33811-1299
863-648-3200
- South Region**
8535 Northlake Boulevard
West Palm Beach, FL 33412
561-625-5122
- Northeast Region**
1239 S.W. 10th Street
Ocala, FL 34471-0323
352-732-1225

For more on any information in this brochure, or for Gopher Tortoise Management Plan or permitting information, please call the gopher tortoise conservation biologist in your region listed above, or call 850-488-3831, or visit MyFWC.com/GopherTortoise.

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A guide to living with gopher tortoises



David Moynahan



Florida Fish and Wildlife Conservation Commission
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Chiff Leonard

The gopher tortoise in Florida

Where they live: high and dry

The gopher tortoise (*Gopherus polyphemus*) is a medium size land turtle with large, stumpy hind legs and flattened, shovel-like front legs it uses to dig burrows in sandy soil. These burrows provide a home and refuge for the tortoise and more than 350 species of wild animals and insects that share the same habitat.

Gopher tortoises occur in parts of all 67 counties in Florida, but prefer high, dry, sandy places such as longleaf pine and oak sandhills. They also live in scrub, dry hammocks, pine flatwoods, dry prairies, coastal grasslands and dunes, mixed hardwood-pine communities and a variety of disturbed habitats, such as pasture lands.

What they eat

Gopher tortoises graze naturally on a wide variety of plant types, including broadleaf grasses, wiregrass, prickly pear cactus, wild grape, blackberry, blueberry, beautyberry and many more. They generally feed within about 160 feet of their burrows, but have been known to travel more than twice that distance to meet their foraging and nutritional needs.

A keystone species

Wildlife experts call the gopher tortoise a "keystone species" because it is the backbone of the plant and wildlife community in which it lives. Without the tortoise, the populations of more than 350 wildlife species that seek refuge or live in the burrows would be greatly reduced, if not eliminated. The species that depend upon tortoise burrows are called commensals and include the indigo snake, pine snake, gopher frog, opossum, burrowing owl, Florida mouse, gopher cricket and scarab beetle.

Protecting and managing

Gopher tortoises have lived for millions of years, but biologists who study these ancient reptiles are concerned we may lose them entirely unless we do more to protect and conserve them and their rapidly disappearing habitat.

In 2007, the Florida Fish and Wildlife Conservation Commission (FWC) listed the gopher tortoise as a threatened species and created a plan to manage and protect these unique reptiles. The plan is a blueprint of conservation objectives and actions which includes guidelines for landowners whose property contains gopher tortoises, habitat acquisition plans and permitting guidelines all designed to ensure the tortoises' habitat needs are met now and in the future.

Legal protection

It is against the law to damage, destroy, harass or kill gopher tortoises, their burrows or their eggs. Gopher tortoises must be moved out of harm's way before any land clearing or development takes place. Permits are required from the FWC before handling or moving tortoises.



Robert La Follette



Living in your yard

If a gopher tortoise is living in your yard, embrace the opportunity to learn about a threatened species and help the conservation efforts. Here are a few tips:

- Leave the tortoise alone and keep dogs and small children away from it and its burrow.
- Use tortoise-friendly plants to landscape your yard. In addition to providing excellent food for the tortoise, the plants will require very little watering once established. For a list of suitable plants visit MyFWC.com/GopherTortoise.
- Allow the tortoise to come and go freely from your yard. Fencing it in or restricting its movements in any way is against the law.
- It is acceptable to trim tall grass around the burrow if necessary but leave the burrow and mound alone.
- If possible, avoid mowing, digging, driving over or otherwise disturbing the area right around the burrow, which includes the entrance apron and 25 feet beyond the burrow opening.
- Never block the entrance to the burrow, it could harm the tortoise or prevent its exit.
- A burrow should not compromise the integrity of a foundation or mound septic system, but the gopher tortoise conservation biologist in your region can offer you options.

Crossing the road

- Do not take the tortoise with you.
- If it is in the roadway you can move it across the road in the direction in which it was headed. Do not put your life in danger to move the tortoise.
- Do not put the tortoise in the water. Gopher tortoises are terrestrial turtles which means they live on land.

Living in your neighborhood

Gopher tortoises and their burrows are often found on undeveloped lots in neighborhoods that were built in gopher tortoise habitat. The last remaining tortoises in a community sometimes take refuge on these habitat islands scattered among home sites. If your neighborhood has some of these reptilian residents, keep the following in mind:

- Before a lot can be developed, any gopher tortoises present must, by law, be moved out of harm's way before land clearing begins. Property owners must obtain permits from the FWC before moving gopher tortoises.
- If a lot is about to be developed, you can search the online gopher tortoise permitting database at MyFWC.com/GopherTortoise to see if a permit to move the tortoise(s) has been issued. You can also call the gopher tortoise conservation biologist in your region.
- If there is no land clearing or construction activity on the lot, leave the tortoises alone.
- If you suspect a violation has occurred or is about to occur, call the FWC's toll free Wildlife Alert Hotline at 888-404-3922 or report it online at MyFWC.com/law/Alert.

Sick or injured

- Sometimes it's better to just leave a sick or injured gopher tortoise alone and let it return to its burrow to heal.
- You may pick up an injured tortoise to transport it for treatment if necessary.
- Call the nearest FWC regional office to find a wildlife rehabilitator in the area or take it to a veterinarian.
- If you think the injury is the result of a violation and you can provide information, call the FWC's Wildlife Alert Hotline.

Help their future

- Become tortoise-wise: Learn about gopher tortoises and their habitat needs online at MyFWC.com/GopherTortoise and share the information with family, friends and neighbors.
- Support "green spaces" in and around developments – there is still time to save gopher tortoise habitat before it's gone.

APPENDIX G
WADING BIRD
INFORMATIONAL PAMPHLET

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**CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT**

Action to be taken if you observe someone harassing a wading bird:

**Promptly notify the FWCC
1-888-404-FWCC**

Tips for living with wading birds

- Do not feed wading birds.
- Keep out of vegetated areas surrounding lakes and marshes.
- Keep pets leashed to avoid coming into contact with wading birds.
- Properly dispose of fishing line to avoid bird entanglement.

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COMMUNITY DEVELOPMENT
DEPARTMENT

Prepared By:

 **PASSARELLA
& ASSOCIATES** INC.

13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

**WADING
BIRD
INFORMATIONAL
PAMPHLET**



Raptor Bay Towers

Description:

Wading birds are a diverse group of birds which utilize shallow marsh areas as foraging and breeding habitats. They are typically characterized as having long necks, legs and bills, which allows them to feed in shallow water. Wading birds can be found in Florida year round. Examples of wading birds include: great egrets, great blue herons, white ibis', little blue herons and snowy egrets.

Habitat:

Wading birds inhabit all counties in the state of Florida and are most common in the shallow marsh or wetland areas throughout the state. They can also be found in both coastal and inland areas, salt marshes, swamps, ponds, drainage canals, and ditches. Wading birds breed and nest in colonies which consist of various species of other wading birds. Breeding generally occurs just prior to or during the wet season. Stick nests are built in trees or bushes near wetland areas and above the water line.

Wading birds feed in shallow water areas where prey is most concentrated. They feed by spearing prey with their bills or by straining small species out of the water and sediment. Prey may include small fish, invertebrates or other aquatic organisms. Wading birds have also been known to consume snakes, frogs and small rodents.

Protection:

Most wading birds are listed as species of special concern by the State of Florida. Some species such as wood storks are listed as endangered by both the State of Florida and the U.S. Fish and Wildlife Service. It is unlawful for anyone to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading birds species. Persons who knowingly violate the law may be subject to fines and/or jail time.

If wading birds form a nesting colony on the property in the future, avoid activities within 330 feet of the colony during the nesting season (March 1 to August 1).

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DEPARTMENT

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AUG 30 2016

**CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT**

Pelican Landing DRI / CPD / RPD

Surface Water Management Plan

The existing surface water management system (SFWMD Permit No. 36-03813-P) consists of a series of lakes and water control structures to treat and attenuate the golf course runoff. All of the runoff from the golf course drains to the lake area in the proposed residential portion of the golf course. The lakes contain phyto-regeneration areas that provide additional water quality treatment. Discharge from the lakes through water control structures is the wetland fringe of the bay areas.

As part of any redevelopment of the golf course area, the water management system would be modified and reconfigured to provide water quality treatment that would meet or exceed existing treatment and would also include replacement of any removed phyto-regeneration areas. Nutrient loading analysis would be required and provided as part of the evaluation of the modified system. Discharge from the modified lakes would be through the same water control structures to the wetland fringe as is existing. A SFWMD permit modification would be required.

Below is additional supplemental information to the above narrative:

a. The runoff characteristics of the property in its existing state: The golf course drains to the water management lakes. That runoff would be typical of golf courses that follow Best Management Practices. Prior to discharge from the site water quality treatment and attenuation occurs in the lakes in accordance with SFWMD rules.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained: The drainage concept includes capturing all stormwater from the proposed developed area of the proposed site to the lakes. The lakes will be modified in shape/location to accommodate the proposed site plan but will meet SFWMD requirements. Outfall is to the bay through the existing control structure with no change in location proposed. No flow from adjacent properties go through the site.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance: As indicated above, the existing stormwater lakes will be incorporated into the system. There are no natural features that are present or would be included. The system would be maintained by the Property Owners Association that would be formed as part of the project's development.

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate: There are no natural features in the proposed project area. It is golf course. No changes in the water table are proposed as the existing water management system governs the control.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding: The proposed project site is not located in an area subject to inundation from stream flow.





May 27, 2020

Lindsey Robin
Waldrop Engineering
28100 Bonita Grande Rd. Ste.305
Bonita Springs, FL 34135

Sent via e-mail: lindsey.robins@waldropengineering.com

Re: Raptor Bay

Dear Ms. Robin,

You have requested potable water, sewer and irrigation service for the project referenced above. Plant capacities are adequate; however, the Developer is required to install all off-site and on-site utility line extensions necessary to provide service to the project in accordance with Bonita Springs Utilities, Inc. specifications. No construction submittals have been received, reviewed or approved as of this date. This letter expires in one year.

You have estimated the usage to be 125,750 gallons per day. Bonita Springs Utilities, Inc. has the capacity to provide the above estimated gallonage from its 17.56 million gallon per day Water Treatment Plant. The Water Reclamation Facilities have the capacity to treat the above estimated gallonage from the plants currently rated at 11.0 million gallon per day.

Potable water is available for irrigation use as no reuse water is available in proximity to the subject property at this time.

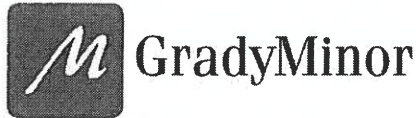
This letter should not be construed as a commitment or guarantee to serve nor as approval for construction, but only as to the availability of potable water, sewer and reuse at this time. Bonita Springs Utilities, Inc. may commit to reserve plant capacity if available, at such time that ANC (Aid-to-New Construction) fees are paid for each unit of required capacity.

If there are any proposed utility infrastructure installations, then the appropriate meetings and submittals per the Bonita Springs Utilities specifications shall be required.

Respectfully,
Bonita Springs Utilities, Inc.

Kim Hoskins, P.E.
Director of Engineering

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CITY OF BONITA SPRINGS
JUN 02 2020
COMMUNITY DEVELOPMENT
DEPARTMENT



Civil Engineers • Land Surveyors • Planners • Landscape Architects

July 19, 2016

Mr. Ian McKay
Project Coordinator (Noise/Airspace)
Lee County Port Authority

Fort Myers, FL 33901

Re: Pelican Landing CPD/RPD Amendment, PD15-23946-BOS
Tall Structure Determination

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AUG 30 2016

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. McKay :

The City of Bonita Springs has requested we provide a written determination from Lee County Port Authority regarding the potential airport obstruction or hazard created by the development proposed. The proposed is a residential tract of four (4) high rise condominiums in the Pelican Landing project in Bonita Springs. There is no specific plan for the project as it's in the zoning stage, but a general location has been determined. The maximum height of the structures is limited to twenty (20) floors above FEMA elevation. That would equate to about a maximum of 250 ft. Below is a preliminary quotient estimate on the need for a permit from your office:

$$\frac{\text{Linear Distance}}{\text{Slope Ratio}} < (\text{Site Elevation} - \text{Runway Elevation}) + \text{Object Elevation AGL}$$

As seen in the attached aerial, the estimated distance from the runway to the site is 38,000 ft. The elevation of the site is about 7 ft.

$$\text{Quotient} = 38,000/125 > (7 - 27) + 250$$

Thus, the slope distance (304) is greater than the object elevation (228) and a permit would not be needed.

Once a site plan is developed in greater detail for the project, we will coordinate with your office on the need for a tall structure permit.

Included with this letter are a location map and the distance measurement.

In the meantime if you could provide guidance regarding potential obstruction, we would appreciate it.

Mr. Ian McKay
RE: Tall Structures
Page 2

Should you have any questions or need additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "M. J. Delate". The signature is fluid and cursive, with the first name "Michael" and last name "Delate" clearly distinguishable.

Michael J. Delate, P.E.
Sr. Vice President



SUBJECT PROPERTY

COCONUT ROAD

<p>LEGEND</p>	<p>GradyMinor <small>© Grady Minor and Associates, P.A. 3000 Via Del Oro Punta Springs, Florida 34131</small></p> <p>Civil Engineers • Land Surveyors • Planners • Landscape Architects <small>Corp. of Am. Lic. 0000151 Div. of Am. Lic. 0001151 Punta Springs 239.947.1144 www.GradyMinor.com</small></p> <p>Page 531 of 538</p>	<p>PELICAN LANDING RPD/CPD/DRI</p> <p>AERIAL LOCATION MAP DATE AERIAL FLOWN: JAN 2015</p>	<p>SCALE 1" = 300' 0 150 300 FEET</p> <p>DATE 01/20/15 DRAWN BY CHECKED BY SHEET 1 OF 1</p>
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iler

Line Path Pro

Measure the distance between two points on the ground

Map Length: 48,551.91 Feet

Ground Length: 48,551.96

Heading: 207.33 degrees

Mouse Navigation

Save Clear

My Places

- Sightseeing Tour
 - Make sure 3D Buildings layer is checked
- Naples, FL, USA
- Panther0407.kml

Temporary Places

- SFWMD Regulation Permits
 - 040712-21 in Environmental Resource Pe...
 - 040712-21
 - Placemarks
 - Polygons

Layers

Earth Gallery >>

- Primary Database
- Voyager
- Borders and Labels



THE LEE PLAN
2016 CODIFICATION
As amended through April 2016



Department of Community Development
Division of Planning
P.O. Box 398
Fort Myers, FL 33902-0398

April 2016

THE PAGES CONTAINED HEREIN INCLUDE ORDINANCE 89-02 AND ALL AMENDMENTS AS ENACTED BY ORDINANCES 90-09, 90-43, 90-44, 91-10, 91-19, 92-35, 92-41, 92-47, 92-48, 92-51, 93-05, 93-25, 94-23, 94-29, 94-30, 95-27, 96-19, 97-05, 97-13, 97-17, 97-22, 98-02, 98-09, 98-26, 99-15, 99-16, 99-17, 99-18, 99-19, 00-08, 00-22, 01-24, 02-02, 02-03, 02-04, 02-05, 02-06, 02-29, 03-01, 03-02, 03-03, 03-04, 03-05, 03-06, 03-07, 03-12, 03-15, 03-19, 03-20, 03-21, 03-26, 04-15, 04-014, 04-16, 05-19, 05-20, 05-21, 07-09, 07-10, 07-11, 07-12, 07-13, 07-14, 07-15, 07-16, 07-17, 07-18, 08-04, 08-05, 08-17, 08-18, 08-27, 09-06, 09-07, 09-08, 09-09, 09-10, 09-11, 09-12, 09-13, 09-14, 09-15, 09-16, 09-17, 09-27, 09-28, 10-03 thru 10-18, 10-19, 10-20, 10-21, 10-27, 10-33, 10-34 thru 10-39, 10-40, 10-43*, 10-46, 11-13 thru 11-24, 11-30, 12-24, 13-12, 13-16, 14-01, 14-02, 14-03, 14-05, 14-09, 14-10, 14-14, 14-16, 14-21, 15-13, 15-14, 16-01, 16-02, 16-03, 16-05, 16-07 and 16-08

THE COUNTY HAS TAKEN EVERY PRECAUTION TO ENSURE THE ACCURACY OF THESE REVISIONS, HOWEVER, IF A DISCREPANCY EXISTS, THE OFFICIAL ADOPTED AMENDING ORDINANCE SHALL RULE.

**Partial Final Order issued on June 24, 2011; Second Partial Final Order issued on October 19, 2011; Final Order issued on March 30, 2012*

CHRONOLOGY OF ADOPTED AMENDMENTS TO THE LEE PLAN

(most recent amendments listed first)

COMPREHENSIVE PLAN OR PLAN AMENDMENT	ADOPTING ORDINANCE(S)	DATE OF ADOPTION	EFFECTIVE DATE	NOTICE/ STATEMENT OF INTENT ISSUED	DETERMINATION	REMEDIAL ORDINANCE NUMBER
CPA2015-12 Hill Tide Estates	16-08	3/16/2016	4/16/2016	N/A	NO CHALLENGE	NA
CPA2015-13 Pine Island Community Plan	16-07	3/16/2016	4/28/2016	4/1/2016	NO CHALLENGE	NA
2015 CIP Schedule Update	16-05	3/1/2016	3/2/2016	NA	NO CHALLENGE	NA
CPA2015-08 Capital Improvement Plan	16-03	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE	NA
CPA2015-06 Treeline 200	16-02	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE	NA
CPA2014-01 Water Supply Facilities	16-01	1/20/2016	3/4/2016	2/2/2016	NO CHALLENGE	NA
CPA2015-01 Corkscrew Farms	15-14	8/19/2015	9/29/2015	8/27/2015	NO CHALLENGE	NA
CPA2014-04 Wildblue	15-13	8/5/2015	9/17/2015	8/17/2015	NO CHALLENGE	NA
CPA2012-01 River Hall	15-10	6/3/2015		7/13/2015	CHALLENGE	NA
CPA2013-04 Corkscrew Ranch	14-21	11/5/2014	12/18/2014	11/17/2014	NO CHALLENGE	NA
CPA2014-03 Replace Estero Goal 19	14-16	8/20/2014	10/4/2014	9/26/2014	NO CHALLENGE	NA
CPA2013-08 SS Estero Apts.	14-14	6/18/2014	7/19/2014	NA	NO CHALLENGE	NA
CPA2013-07 Wellfield Protection	14-10	4/16/2014	6/1/2014	5/30/2014	NO CHALLENGE	NA
CPA2013-06 Concurrency	14-09	4/16/2014	6/1/2014	5/30/2014	NO CHALLENGE	NA
CPA2013-09 CIP	14-05	2/19/2014	3/22/2014	NA	NO CHALLENGE	NA
CPA2013-05 DRI Requirement	14-03	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE	NA
CPA2013-03 RSW Map 3F	14-02	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE	NA
CPA2013-02 AG Rezoning	14-01	1/22/2014	3/6/2014	2/21/2014	NO CHALLENGE	NA
CPA2013-01 SS (Map 6)	13-16	8/19/2013	9/19/2013	NA	NO CHALLENGE	NA
CPA2011-22 Port Authority	13-12	6/17/2013	7/26/2013	7/24/2014	NO CHALLENGE	NA
CPA2011-18 Corkscrew Woods	12-24	10/1/2012	11/15/2012	11/5/2014	NO CHALLENGE	NA
CPA2010-06 Pine Tarr, LLC	11-30	12/14/2011	1/22/2012	1/17/2012	NO CHALLENGE	NA
2010/2011 Cycle	11-13 thru 11-24	9/28/2011	11/11/2011	11/9/2011	NO CHALLENGE	NA
CPA2010-09 CIP	10-46	12/14/2010	3/24/2011	3/1/2011	COMPLIANCE	NA
CPA2010-01 Alico West	10-40	10/20/2010	3/14/2011	12/14/2010	COMPLIANCE ⁷	NA
CPA2010-02 University Highland DRI	10-33	10/18/2010	1/11/2011	12/20/2010	COMPLIANCE	NA
2009/2010 Cycle	10-34 thru 10-39	10/20/2010	1/5/2011	12/14/2010	COMPLIANCE	NA
CPA2010-03 SS	10-27	6/16/2010	7/19/2010	NA	NA	NA
CPA2008-06 DR/GR	10-19 thru 10-21	3/3/2010	3/30/2012 ⁶	5/12/2010	COMPLIANCE ⁶	10-43
CPA2009-04 CIP	09-28	12/15/2009	7/8/2010	6/16/2010	COMPLIANCE	NA
2008/2009 Cycle	10-03 thru 10-18	3/3/2010	6/2/2010	5/11/2010	COMPLIANCE	NA
2006/2007/2008 Cycle	09-06 thru 09-17	2/25/2009	5/15/2009	4/22/2009	COMPLIANCE	NA
CPA2006-16	08-17	8/26/2008	11/7/2008	10/16/2008	COMPLIANCE	NA
CPA2006-18	08-18	8/26/2008	11/7/2008	10/16/2008	COMPLIANCE	NA
CPA2006-02 SS	08-04	3/11/2008	4/11/2008	NA	NA	NA
CPA2007-02 SS	08-05	3/11/2008	4/11/2008	NA	NA	NA
CPA2008-11	08-27	12/9/2008	3/12/2008	2/16/2009	COMPLIANCE	NA
2005 EAR & Smart Growth Amendments	07-09 thru 07-18	5/16/2007	8/13/2007	7/23/2007	COMPLIANCE	NA
CPA2005-01 SS	07-07	4/24/2007	5/24/2007	NA	NA	NA
CPA2006-04 SS	07-06	4/24/2007	5/24/2007	NA	NA	NA
CPA2004-13	05-20	10/12/2005	11/15/2006	12/19/2005	NON-COMPLIANCE ⁵	NA
2004/2005 Cycle	05-19, 21	10/12/2005	1/9/2006	12/19/2005	COMPLIANCE	NA
CPA2001-18	03-03	1/9/2003	12/24/2004	3/11/2003	COMPLIANCE	NA
CPA2003-02	04-16	9/22/2004	12/10/2004	11/19/2004	COMPLIANCE	NA
North Point DRI CPA2003-04	04-014	9/20/2004	12/7/2004	11/16/2004	COMPLIANCE	NA
CPA2003-05 SS	04-15	9/22/2004	10/23/2004	NA	NA	NA
Miromar Lakes DRI CPA2001-03	03-26	12/15/2003	3/6/2004	2/14/2004	COMPLIANCE	NA
2002/2003 Cycle	03-19, 20, 21	10/23/2003	1/12/2004	12/22/2003	COMPLIANCE	NA
CPA2003-03 SS	03-15	6/24/2003	7/25/2003	NA	NA	NA
CPA2003-01 SS	03-12	5/6/2003	6/6/2003	NA	NA	NA
2001/2002 Cycle	03-01, 02, 04 thru 07	1/9/2003	4/1/2003	3/11/2003	COMPLIANCE	NA
Coconut Point DRI CPA 2000-30	02-29	10/21/2002	1/9/2003	12/18/2002	COMPLIANCE	NA
2000/2001 Cycle	02-02 thru 02-06	1/10/2002	3/27/2002	3/5/2002	COMPLIANCE	NA
CPA2001-08 SS	01-24	12/13/2001	1/13/2002	NA	NA	NA

COMPREHENSIVE PLAN OR PLAN AMENDMENT	ADOPTING ORDINANCE(S)	DATE OF ADOPTION	EFFECTIVE DATE	NOTICE/ STATEMENT OF INTENT ISSUED	DETERMINATION	REMEDIAL ORDINANCE NUMBER
1999/2000 Cycle	00-22	11/1/2000	12/26/2000	12/26/2000	COMPLIANCE	NA
PAM 99-26 SS	00-16	8/8/2000	9/8/2000	NA	NA	NA
PAM 99-23	00-08	5/4/2000	6/26/2000	6/26/2000	COMPLIANCE	NA
PAM 98-01 SS	99-02	4/13/1999	2/4/2000	NA	COMPLIANCE	NA
1998/1999 Cycle	99-15	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE	NA
PAT 98-08	99-16	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE	NA
PAT 98-34	99-17	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE	NA
PAM/T 98-07	99-18	11/22/1999	1/19/2000	1/19/2000	COMPLIANCE	NA
PAM 99-25 SS	99-19	11/22/1999	12/23/1999	NA	NA	NA
PAM 98-02 SS	98-26	11/24/1998	12/25/1998	NA	NA	NA
EAR Addendum Amendments	98-09	6/3/1998	7/30/1998	7/30/1998	COMPLIANCE	NA
PAM 97-04 SS	98-02	1/13/1998	2/13/1998	NA	NA	NA
PAM 97-02 SS	97-22	11/25/1997	12/26/1997	NA	NA	NA
Gargiulo Compliance Agreement PAT 97-03	97-17	8/26/1997	9/30/1997	9/30/1997	COMPLIANCE	NA
PAM 97-01 SS	97-13	6/24/1997	7/25/1997	NA	NA	NA
Remedial Amendments 96-02 thru 96-06	97-05	3/5/1997	4/23/1997	4/2/1997	COMPLIANCE	NA
Raymond Lumber 96-01 SS	96-19	10/2/1996	11/2/1996	NA	NA	NA
1993/1994 Cycle and EAR amendments	94-30	11/1/1994	7/25/1996	12/29/1994	NON-COMPLIANCE ⁴	97-05
Wood Bridge 95-01 SS	95-27	12/20/1995	1/20/1996	NA	COMPLIANCE	NA
FGCU/Sheridan 93-10, 93-11	94-29	10/26/1994	1/9/1995	12/20/1994	COMPLIANCE	NA
Pelican Landing DRI 93-03	94-23	8/29/1994	11/14/1994	10/24/1994	COMPLIANCE	NA
1992/1993 Cycle	93-25	9/20/1993	1/24/1994	11/11/1993	COMPLIANCE	NA
Conn 93-01 SS	93-05	2/22/1993	2/26/1993	5/21/1993	COMPLIANCE	NA
Compliance Agreement For 90/91 Cycle	92-51	12/9/1992	12/21/1992	2/15/1993	COMPLIANCE	NA
Tenth University	92-47	10/27/1992	11/9/1992	12/16/1992	COMPLIANCE	NA
Wildlife Corridor	92-48	10/27/1992	11/9/1992	12/16/1992	COMPLIANCE	NA
Paluck 92-04 SS	92-41	9/15/1992	9/21/1992	12/23/1992	COMPLIANCE	NA
1991/1992 Cycle	92-35	8/7/1992	8/18/1992	9/30/1992	NON-COMPLIANCE ³	97-17
1990/1991 Cycle	91-19	7/9/1991	7/18/1991	8/30/1991	NON-COMPLIANCE ²	92-51
Dennis 90-03 SS	91-10	4/3/1991	4/10/1991	5/29/1991	COMPLIANCE	NA
1990 Settlement Agreement for 1989 Plan	90-43 & 90-44	9/6/1990	9/17/1990	10/25/1990	COMPLIANCE	NA
Gateway DRI	90-44	9/12/1990	9/17/1990	10/25/1990	COMPLIANCE	NA
1989 Lee Plan	90-09	3/7/1990	3/14/1990	4/24/1990	COMPLIANCE	NA
	89-02	1/31/1989	3/1/1989	3/24/1989	NON-COMPLIANCE ¹	90-43, 44

SS = Small Scale Amendment pursuant to F.S. 163.3187(1)(c)

¹ Brought into Compliance by 1990 Settlement Agreement

² Brought into Compliance by Compliance Agreement For 90/91 Cycle

³ Brought into Compliance by Gargiulo Compliance Agreement PAT 97-03

⁴ Brought into Compliance by Remedial Amendments 96-02-thru 96-06

⁵ Found in Compliance by Governor and Cabinet

⁶ Challenged - Partial Final Order issued on 6/24/11; Second Partial Final Order issued on 10/19/11; Final Order issued on 3/30/12

⁷ Challenge Settled

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LIST OF ELEMENTS

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II. FUTURE LAND USE II-1

III. TRANSPORTATION III-1

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 b. Mass Transit III-15

 c. Ports, Aviation and Related Facilities..... III-18

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 b. Sanitary SewerIV-5

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VISION STATEMENT



I. Lee County - A Vision for 2030

All units of local government in the State of Florida are required to adopt comprehensive plans pursuant to Chapter 163 of the Florida Statutes. These plans essentially serve three broad purposes. First of all, certain day-to-day public and private activities within each jurisdiction must be consistent with the goals, objectives, and policies in the adopted plan. Second, the plan is a source of authority for the local government's land development regulations and for a wide range of official discretionary actions, including, but not limited to, the capital improvement program. Finally, the plan represents the community's vision of what it will or should look like by the end of the planning horizon. This last function was emphasized in the 1993 ELMS III Bill, which encouraged local governments to use their plans to develop and implement a vision for the future.

The Lee Plan is designed to depict Lee County as it will appear in the year 2030. Given the projected increase in population (to 979,000 permanent residents with an additional 18% seasonal residents) and the probable rate of technological change between the present date and 2030, it is impossible to describe the future face of the county with any degree of certainty or precision. However, the following list of themes will be of great importance as Lee County approaches the planning horizon:

- The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by 2030 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.
- The county will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.
- The county's traditional economic base will be diversified in order to increase the percentage of high-paying jobs, reduce tax burdens on residents, and enhance the stability of the community. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the county's economy, but will become less important in relation to new business opportunities afforded by the expanded international airport and the new university.
- Cultural, educational and recreational opportunities will expand dramatically as the result of the county's increased urbanization.
- Increased urbanization will require a commensurate investment in the county's physical and social infrastructure. Public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities. Social problems, including, but not limited to, crime and illegal drug use, will be addressed primarily by early intervention and programs designed to eliminate their root causes.
- The Lee Plan's land use accommodation is based on an aggregation of allocations for **22 Planning Communities**. These communities have been designed to capture the unique character of each of these areas of the county. Within each community, smaller neighborhood communities may exist; however, due to their geographic size, a planning community could not be created based on its boundaries. These communities and their anticipated evolutions are as follows:

(Amended by Ordinance No. 99-15, 07-12)

1. **Alva** - The mission of the people of the community called Alva, Florida, is to preserve and protect its unique historical, rural, agricultural, flavor. Alva is the oldest settlement in Lee County. With its huge oaks and cypress trees, the Caloosahatchee River, surrounding citrus groves, cattle ranches, natural environment, and natural resource areas, centered around its rural village, Alva has a unique country ambiance that is rapidly becoming hard to find in Florida. The recent history of Southwest Florida has been one of extremely rapid development. It will take a concerted effort to ensure that development change in Alva occurs in a manner that maintains the rural character and lifestyle of this area. As the Alva rural village improves to accommodate the foreseeable population growth within the greater rural area, we will work together to make sure Alva continues to be the place we want to live in and call home.

The Guiding Statements for the Alva Rural Village and Community Character of the Alva area follow.

The Caloosahatchee River and its watershed, lined with huge oaks and cypress, flows westward to the Gulf of Mexico through acres of land devoted to citrus, cattle, farming, flower farms, and conservation areas. These resources, which characterize the Alva area, remain its primary assets. The historic character of the rural river village, originally a center of trade and transport, has been protected and revitalized, strengthening its function as a center of social interaction and civic, commercial, educational, and recreational activity.

The Alva rural village, including the area originally platted in the late 1800's, has retained and enhanced its historic character. The design of new and renovated structures draws from 1890's southern victorian architecture. Infill development in the historic core produces a compatible mix of residential, professional office, small shops, or cafes, and bed and breakfast lodging.

Streets remain narrow with a dense tree canopy. Interconnecting streets, the addition of pedestrian and bicycle pathways, and centralized park-once parking areas make walking or biking pleasant and safe. Through-traffic on North River Road, which passes through the heart of the historic core, has been calmed and no longer threatens the safety and pedestrian ambiance of the area.

Riverfront pedestrian access to the Caloosahatchee River and additional dock space and children's facilities at the boat ramp area provide expanded opportunities for visitors to arrive by boat, for pedestrians to stroll along the riverfront, and for families to enjoy the recreational opportunities afforded by the River.

The bridge creates a sense of arrival into the historic core and now provides a pedestrian walkway and bicycle lane—the essential links in the network of pathway systems connecting the Alva rural village to the agriculture, conservation, and recreational areas within the rural area.

Residents and visitors can walk or bicycle from the Franklin Locks on to Caloosahatchee Regional Park, arriving at the Alva rural village, and continuing south to Greenbriar Preserve and Lehigh's future linear park system. Children can walk or bike from Charleston Park on the east and River Oaks on the west side of the Alva rural village to school and the recreational facilities in the village. The community park system has been expanded and new recreation areas have been developed to accommodate the active recreation needs of both children and adults.

New development south of the bridge on both sides of Palm Beach Boulevard is compact and concentrated within the rural village rather than lining the highway with strip commercial structures. New neighborhood-scale developments combine community-serving commercial uses with mixed uses (office and residential above commercial). Site design features internal service roads with buildings framing the public streets and maximizing the views and pedestrian access to the River.

The newly four-laned Palm Beach Boulevard has been designed to signal entry into the Alva rural village area with curbed medians, a traffic signal at the Broadway intersection, and generous plantings.

Strategically located median breaks and access streets allow safe entry into adjacent commercial mixed-use areas.

As pressure to convert the surrounding rural lands into residential subdivisions has increased, Alva has managed to preserve large areas of land in agricultural use or in its natural state through several successful programs developed in cooperation with Lee County and other partnering agencies and organizations.

Linking the large rural area together are North River Road (County Road 78) and the Caloosahatchee River. North River Road has retained its rural ambiance and is a popular scenic route for visitors and residents enjoying the countryside. Street graphics are limited to directional and safety signs.

As it has historically, the Caloosahatchee River provides transportation, food, recreation, and a source of water. The citizens of Alva have joined with various volunteer organizations and public agencies to resolve the problems of water quality degradation and loss of native wildlife habitat. The function, health, and beauty of the oxbows, or bends in the river that have remained after dredging projects (which began with the 1930s creation of the Cross State Ship Channel), have been gradually restored in response to the conditions unique to each. Maintenance and monitoring of their continuing viability provide ongoing opportunities for education and scientific study.

Many opportunities exist to enjoy the river by boat, canoe, or kayak, from viewing areas, or in the regional parks. Dedicated volunteers continue to work towards a vision for the future of the Caloosahatchee River, which balances human needs while protecting and promoting the resources and natural beauty of the whole system for future generations.

By working together, Alva has enhanced the rural village and its surrounding natural amenities, preserved its heritage, and ensured it's the long-term quality of life for the entire Alva area.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 09-07, 11-21)

- 2. Gasparilla Island/Boca Grande** - In 1980, the Florida Legislature found that the community of Boca Grande, comprised of Gasparilla Island and nearby islands, is part of the fragile barrier island system as defined in the Presidential Directive on barrier islands dated May 23, 1977, and is an area of particular natural beauty containing abundant plant, marine, animal and bird life. The State of Florida recognized that the conservation of the natural beauty, plant, marine, animal and bird life of the islands was in the best interest of the residents and property owners of the islands, the citizens of Lee and Charlotte Counties and the State of Florida, and consequently created the Gasparilla Island Conservation District by enacting the Gasparilla Island Conservation District Act of 1980 (Ch 80-473). The Act was subsequently amended in 1983 and 1986 (Ch 83-385 and Ch 86-341) and is hereafter referred to as the GICDA. The intent of the GICDA is to limit density and development to a level which will not degrade the fragile environment or overburden the limited infrastructure of the islands.

For the purposes of this comprehensive plan, the community of Boca Grande includes Gasparilla Island, Boca Grande Isles, the Gasparilla Golf Course Island, Three Sisters Island, Hoagen's Key, Loomis Island, Cole Island, and the Gasparilla Island bridge lands and causeway islands, and includes all submerged lands, tidal lands, overflow lands and tidal ponds as described in the GICDA.

To insure that the intent of the GICDA is carried out, actions proposed in sections that follow must be undertaken to promote sound environmental policy, preserve the character and history of the community, safeguard the water supply, protect the sports fishing industry and support the essentially seasonal businesses in Boca Grande, and to ensure that residents have adequate access, law enforcement, and emergency and utility services.

The core of the Gasparilla Island/Boca Grande community is the unincorporated village of Boca Grande, designated as an Historic District. This community is unique in that it has no direct road access to or from the rest of Lee County. All access to Boca Grande by motor vehicle is via Charlotte County, or by boat, or small seaplane. The Lee County portion of Gasparilla Island/Boca Grande is designated as Urban Community, Outer Islands, Public Facilities, Conservation Lands, and Wetlands on the Future Land Use Map. Maximum density in the Urban Community category is restricted to three dwelling units per acre.

The population is highly seasonal with peak population residency and daily visiting occurring during the months of November through May. With land vacancy of less than 15%, Gasparilla Island/Boca Grande has virtually no capacity for additional new development, while substantial population growth is expected in adjacent areas of Charlotte and Sarasota Counties. The Gasparilla Island/Boca Grande community is dedicated to preserving its historic character and scale and its unique island residential character so that the community will look substantially as it does today through 2030, including its unique mix of vital small businesses, without fast food franchises, formula and intense retail or intense commercial tourist activities, other than the historic Gasparilla Inn.

High priorities for Gasparilla Island/Boca Grande are the preservation and conservation of its fragile environment, including recreation and open space areas, its Historic District, the residents' quality of life and right to continued enjoyment of its natural and cultural gifts, and consistent enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the GICDA and the Historic District.

To the greatest extent possible, the community of Boca Grande, Lee County and Charlotte County should work together to jointly develop land development regulations and ordinances which are required by the policies found in this Comprehensive Plan.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 05-19, 07-12)

- Bonita** - This Community is located in south Lee County from the Estero River and the northern boundary of the Brooks of Bonita development south to the Collier County line. It is generally west of I-75 except south of Bonita Beach Road where it extends to the east county line. The Community contains all the islands south of the Town of Fort Myers Beach including those in the area of Mound Key. This community has a wide variety of Future Land Use designations from Rural to Central Urban. It includes Industrial Development areas and a General Interchange area. The General Interchange, Outlying Suburban, and Rural lands east of I-75 are included because they do not have the same characteristics as the other lands within the Southeast Lee County community described below which is almost entirely Density Reduction/Groundwater Resource.

Bonita Springs is one of the fastest growing communities in Lee County and is expected to nearly double in population between 1996 and 2030. The Bonita Community will also remain an attractive seasonal homeowner destination.

The pressure to incorporate Bonita Springs will continue and will likely succeed during the life of this plan. If the boundaries of the new city are different than this community's, the Bonita Planning Community should be amended to reflect the corporate limits of Bonita Springs.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

4. **Fort Myers Shores** - This Community is located south of the Caloosahatchee River, east of Hickey Creek, and north of the Orange River; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains two distinct areas: Caloosahatchee Shores, located east of I-75, and Palm Beach Boulevard, located west of I-75. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Outlying Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange River; and along I-75 east to the Buckingham Rural Community Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

Palm Beach Boulevard: The Palm Beach Boulevard Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I-75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 03-21)

5. **Burnt Store** - This Community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of The Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

6. **Cape Coral** - The Cape Coral Community includes all the unincorporated enclaves with the exception of the few enclaves located on Pine Island Road West of Chiquita Boulevard. These enclaves may annex into the city and it may be advantageous at that time to amend the Community Map and the corresponding allocation tables to reflect such annexations. While commercial and industrial opportunities of all varieties exist in the City of Cape Coral, many of the residents still satisfy their needs outside of the city. Likewise, many residents of less intense areas of the county will utilize Cape Coral's commercial and industrial opportunities for their needs. Development in the Cape will be stimulated by the expansion of the airport, the construction of the new university, and the availability of reasonably-priced lots with public water and sewer. The imbalance between the city's population and its relatively small commercial and industrial sectors will continue to present a challenge in spite of the city's success in promoting the S.R. 78 corridor as an employment center. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)
7. **Captiva** - This community includes the major islands of Captiva Island, Upper Captiva Island, Cayo Costa Island, Useppa Island, Buck Key, and Cabbage Key and the surrounding smaller islands. Although Captiva itself is a seasonal resort community, in comparison to the other islands in this community it is the center of activity. Due to the nature of this community, residents must satisfy their major commercial and industrial needs outside of this community. Conversely, the commercial aspects of the Captiva Community are utilized by many residents and tourists from outside of the Community. The population of Captiva is not expected to greatly change by 2030. Furthermore, the area will look much as it does today in the absence of a major hurricane or other natural disaster. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)
8. **Fort Myers** - The Fort Myers Community includes all land within the City of Fort Myers along with most areas included in the repealed Fort Myers Urban Reserve and the portions of Gateway which are in the process of annexing or expected to annex into the City of Fort Myers. The City of Fort Myers is annexing land in an aggressive manner, especially in the vicinity of Gateway. An urban reserve overlay for the City of Fort Myers is no longer in effect. Due to cessation of the inter-local with the City of Fort Myers, this planning tool was deleted from the Lee Plan in the 1992/1993 amendment cycle. The Morse Shores/Tice area is unlikely to annex into the City of Fort Myers and is not included in this community even though it was previously in the Fort Myers Urban Reserve. While the emphasis of new commercial and industrial activity in Lee County has been moving south along US 41, the community of Fort Myers remains an administrative, financial, and cultural center for the rest of Lee County. This situation is not expected to change during the life of this plan. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)
9. **Fort Myers Beach** - This community includes all land incorporated in the Town of Fort Myers Beach as of this date. The town of Fort Myers beach will continue to have a strong retail base for tourist needs and the daily needs of the residents. However, major consumer needs will remain to be met outside of this community. Fort Myers Beach does a boating and marina industry on the island which fosters the employment base of the community. The development of its own comprehensive plan ensures that the Town of Fort Myers Beach will look much as it does today in the absence of a major hurricane or other natural disaster. The population of this community is very influenced by seasonal factors. This community is nearly built out today and will not have a substantial increase in permanent population by the year 2030. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)
10. **Gateway/Airport** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway

development), Airport, Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow substantially from today to 2030.

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)) and all other Lee Plan provisions.

The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses.

(Amended by Ordinance No. 04-16, 07-12, 09-14, 10-20)

11. Daniels Parkway - This Community is located between I-75 and the Six Mile Cypress Slough, south of the City of Fort Myers and north of the Alico Road industrial area. The community contains lands designated Rural, Outlying Suburban, and a small area of General Interchange. This community is considered one of the primary gateways to Lee County. This community has some rural characteristics which will remain in existence through the year 2030. Much of the existing vacant land will be developed into low density gated communities. While there is a potential to redevelop the large lot home sites north of Daniels Parkway into the smaller lots allowed by the Outlying Suburban category, this development pattern is not anticipated by 2030. This community will grow through 2030. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

12. Iona/McGregor - This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible sub-areas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

- 13. San Carlos** - This Community is located in the southern portion of Lee County, east of Hendry Creek and, for the most part, south of Alico Road. It is north of the Estero River on the west side of US 41 then north of the new Brooks of Bonita development east of US41. The community does extend east of I-75 to include the approved developments along Corkscrew Road and all lands designated University Community. The majority of the land in this community is designated as Suburban and then Urban Community (both having a maximum standard density of 6 units per acre) with the remaining areas designated as Rural, Outlying Suburban, and Industrial Development. There are three distinct areas within this community: San Carlos Park, Island Park, and the new university area. All of these areas will be experiencing tremendous development pressures as this community continues to grow.

This community will be challenged with addressing the needs of the Lee County community that contains the newest major state university, a new semi-professional ice-hockey arena, and immediate access to the Southwest Florida International Airport. Most of the vacant property in this community (nearly 70%) has some type of development approval most of which were granted prior to the advent of many of these new development engines. The San Carlos/Estero will struggle with these conflict throughout the life of this plan but will emerge a vibrant urban core for Lee County's high-tech research and development employment base. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

- 14. Sanibel** - This community includes all land incorporated in the City of Sanibel as of this date. Sanibel does have a strong retail base for tourist needs and the daily needs of the residents. However, for more major needs residents do utilize businesses outside of this community. Conversely, Sanibel will remain a destination for residents and tourist looking for novelty tourist items. The community as a whole will look much as it does today, except that a new emphasis on public transportation will reduce gridlock during the tourist season. Nominal population growth is expected in Sanibel as the community is nearly built out today. (Added by Ordinance No. 99-15)

- 15. South Fort Myers** - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

- 16. Pine Island** - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth, a fragile ecology, and a viable and productive agricultural community. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, farmers, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage “Old Florida” styles, and historic buildings will be treasured. Pine Island will continue to be a place where people, nature and agriculture exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out. (Added by Ordinance No. 99-15, Amended by Ordinance No. 03-03, 05-21)
- 17. Lehigh Acres** - A “sustainable community of choice” is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 10-16)
- 18. Southeast Lee County** - As the name implies, this Community is located in the southeast area of Lee County, south of SR 82, north of Bonita Beach Road, east of I- 75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities), and west of the county line. With very minor exceptions, this community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This community consists of regional mining operations, active and passive agricultural uses, public wellfields and water treatment plants, significant contiguous tracts set aside for preservation, a private golf course, and very large lot residential home sites. Through the year 2030, Southeast Lee County will change dramatically. Mining pits will double in size as the northwest portion serves as the major supplier of limerock aggregate for southwest Florida, an activity that continues to generate significant truck traffic especially on Alico Road. The remainder of Southeast Lee County will continue as the county’s primary agricultural region and home to its largest (and still expanding) natural preserves. Residential and commercial development will not be significantly increased except in very limited areas where development rights are concentrated by this plan. Some existing farmland will be restored to natural conditions to increase the natural storage of water and to improve wildlife habitat. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12; 10-20)
- 19. North Fort Myers** - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan’s goals, objectives, and policies.

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways, North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

(Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 09-11)

20. Buckingham - This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the Buckingham Rural Community Preserve. The property in this community is predominantly designated Rural Community Preserve with some pockets of Public Facilities, Rural, and Outlying Suburban. The residents will continue to work to maintain the rural nature of this area of the county. The residents have limited the commercial activity within the community to a node focused around the intersections of Buckingham Road and Cemetery Road and Buckingham Road and Orange River Road. It is their preference that the majority of the communities commercial needs be met outside of their community. They also have concerns with any transportation projects which increase the volume of traffic through their community. The population of Buckingham will not change substantially during the life of this plan. (Added by Ordinance No. 99-15)

21. Estero - To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport. Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will be a highly valued place to live, work, and visit because of development standards and design guidelines that promote: 1) desirable neighborhoods and public amenities; 2) vibrant economic centers; 3) attractive landscaping, streetscaping, lighting, signage, and architectural features; and 4) an interconnected transportation network. The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community. (Amended by Ordinance No. 14-16)

Post
Approved
NA

- 22. Bayshore** - The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single-family subdivisions and mobile homes on smaller lots, which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community. (Added by Ordinance No. 03-02)
- 23. Page Park** - The Page Park Community, bound by US 41 and Danley Road to the west, Iona Drainage District (IDD) Canal "L" to the east, the IDD Canal "L-7" to the south, and the Page Field Airport to the north, is predominantly a residential area consisting of single-family and multi-family homes, often abutting commercial and/or industrial uses. Due to its centralized location between two major commercial corridors (U.S. 41 and Metro Parkway), Page Park has felt pressure from more intense development than it desires, and faces traffic cut-through concerns. The Page Park Community desires to maintain and enhance the small community feel, while embracing its heritage and unique beginnings as Lee County's only military base and transition to compatible mixed-use redevelopment in a more attractive, architecturally pleasing way. An upgrade of the housing stock is also a desirable outcome of the planning process. The Community strives to create these redevelopment opportunities through various economic incentives. (Added by Ordinance No. 09-08)
- 24. Northeast Lee County** - Northeast Lee County - This Planning Community is located generally in the northeast corner of the county, east of SR 31 and north of Lehigh Acres. The vision for this Planning Community is a safe and friendly community where people want to live, work and recreate. The citizens desire a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area's heritage and rural character. The Planning Community currently contains two identifiable areas: Alva and North Olga.

The Alva area is located in the northeast corner of the county, west of the Hendry County line and south of the Charlotte County line. Alva is further identified with its mixed-use rural village located around the intersections of Broadway Street with North River Road and with SR 80. Infill development in the rural village produces a compatible mix of residential, professional office, small retail shops, cafes, and bed and breakfast lodging.

The North Olga area is located south of the Charlotte County line, north of the Caloosahatchee River, west of the Caloosahatchee Regional Park, Bob Janes Preserve and Telegraph Creek Preserve to State road 31. The North Olga community is further identified by the W.P. Franklin North Campground, also known as the "Franklin Locks" and the Owl Creek Boat Works facility in the western end of the area.

(Added by Ordinance No. 11-14)

- 25. North Olga** - To establish a community plan in order to preserve and promote the unique rural character, historic heritage and quality of life in North Olga, as well as proactively and appropriately plan for future growth within the area. (Added by Ordinance No. 11-14)

Implementation of the Plan

This plan will be fully meaningful only if promptly and properly implemented. Some provisions of the plan are self-implementing; in other words, they are to guide county actions on a day-to-day basis without the need for further implementing legislation. Other provisions indicate that detailed regulations must be developed to implement a general policy statement contained in the plan. When such a policy makes reference to a specific year of completion, the county's intent is to have such regulations in place by the end of that year. Finally, numerous objectives and policies direct the county to complete programs or plans by a specific date. All such objectives and policies should be construed to require completion of the task by the end of the designated year in the absence of a reference to a particular date.

FUTURE LAND USE



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter II

II. Future Land Use

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

OBJECTIVE 1.1: FUTURE URBAN AREAS. Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

POLICY 1.1.1: The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs and Town of Fort Myers Beach are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09, 07-12, 07-13)

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 eight dwelling units per acre (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. (Amended by Ordinance No. 94-30, 09-06, 10-10, 16-07)

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. (Amended by Ordinance No. 94-30, 02-02, 09-06, 16-07)

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. (Amended by Ordinance No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07)

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. 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. (Amended by Ordinance No. 94-30, 16-07)

POLICY 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Amended by Ordinance 91-19, 03-20, 07-09)

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas, the other Future Urban Areas will include a broad combination of residential, commercial, public and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations) and office complex (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New limerock mining and fill dirt operations must be approved through the Mine Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the

Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 138± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises;
2. Commercial uses are integrated into the primary R&D/Industrial development; or,
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12, 10-14, 10-16, 10-20)

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

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University Board of Trustees.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

POLICY 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Lee Plan Policies 28.2.11 and 29.1.8 specify portions of the North Fort Myers and Fort Myers Shores Planning Communities, where the maximum permitted FAR is 0.26 and 0.25 respectively. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development.

(Added by Ordinance No. 07-09, Amended by Ordinance No. 10-34)

POLICY 1.1.11: The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:
 - a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.

- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

(Added by Ordinance No. 07-09)

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT AREAS. Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2030. Designate on the Future Land Use Map existing and proposed development areas for Page Field General Aviation Airport. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the respective Airport Layout Plans suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 02-02, 04-16, 07-12, 09-14)

POLICY 1.2.1: Airport Lands includes the existing facility and projected growth areas for the Southwest Florida International Airport and Page Field General Aviation Airport through the year 2030. The Airport Lands comprising the Southwest Florida International Airport includes airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses at Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Wetland mitigation for any future expansion or development of aviation and non-aviation uses on Airport Lands must be designed so it does not create a wildlife hazard. Development and land management practices on airport property will be in accordance with FAA directives and other required agency approvals. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

All development on Airport Lands comprising Southwest Florida International Airport must be consistent with Map 3F and Table 5(a). Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020.

Future development on Airport Lands comprising Page Field General Aviation Airport must be consistent with Objective 1.9 and related policies as well as Map 3G and Table 5(b).

If the airport master planning process precipitates a substantive change to the Airport Layout Plan (Map 3F or Map 3G), then the Port Authority must amend Map 3F or Map 3G, as appropriate, prior to obtaining local development approval.

The non-aviation related development areas have been depicted on the approved Airport Layout Plan sheets (Maps 3F and 3G). These uses will be constructed upon Airport lands with long term leases. All development within the non-aviation land use areas will be subject to mitigation requirements for wetland impacts. Mitigation of wetland impacts will be in accordance with the U.S. Army Corps of Engineers and South Florida Water Management District requirements. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Lee County Land Development Code.

(Amended by Ordinance No. 94-30, 00-22, 04-16, 07-12, 09-14, 11-16, 13-12)

POLICY 1.2.2: The Tradeport areas are 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 except to the extent provided in Chapter XIII of the Plan. 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, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ 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. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09, 09-06, 10-14, 10-20, 10-37)

POLICY 1.2.3: Airport Noise Zones are subject to varying levels of airport-related noise; see Policy 1.7.1 for details of these overlay zones.

POLICY 1.2.4: The Airport AOPD zoning resolution must be amended before any non-aviation related uses can be developed at the Southwest Florida International Airport. The intensity of the proposed aviation and non-aviation land uses at Southwest Florida International Airport must be consistent with Lee Plan Table 5(a). The Page Field General Aviation Airport project must be rezoned to AOPD prior to development of the new non-aviation uses proposed in Map 3G and Table 5(b). (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

POLICY 1.2.5: Map 3F, as currently incorporated into the Lee Plan, includes transportation improvements that exceed those shown on the balance of the Transportation Map Series maps. The direct access improvements to I-75 depicted on Map 3F, which are being pursued by the Port Authority to benefit the midfield terminal, include an interchange at I-75 and grade separation at Treeline Avenue/Ben Hill Griffin Parkway. These future improvements are the Port Authority's desired access to the airport. The Port Authority will be responsible for achieving consistency between Map 3F and the balance of the Transportation Map Series concerning access to I-75. The Port Authority will serve as the lead agency for achieving direct access to I-75. (Added by Ordinance No. 04-16)

POLICY 1.2.6: Any future airport expansion or development of aviation-related or non-aviation related uses will provide appropriate buffer areas, as determined by Lee County, for the protection of groundwater resources in the Southeast and Northeast quadrants of the airport property. (Added by Ordinance No. 04-16)

POLICY 1.2.7: In cooperation with local, state, and Federal regulatory agencies, the Port Authority will work to minimize and correct any wildlife hazards arising from existing wetlands located on airport property. Site improvements on airport property will be designed to minimize attractiveness to wildlife of natural areas and man-made features on airport property such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Development within the non-aviation area, as designated on Map 3F, is limited to a maximum of 300 acres north of runway 6-24 and approximately 52 acres within the midfield terminal area. All development must be in compliance with Map 3F and the intensities outlined in Table 5(a). Development of additional acreage will require prior Lee Plan amendment approval. (Added by Ordinance No. 04-16, Amended by Ordinance No. 11-16, 13-12)

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 99-18, 00-22, 16-02)

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

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

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

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

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 1.3.6: Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the county in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, county staff will estimate the possible right-of-way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Relocated by Ordinance No. 99-18, Amended by Ordinance No. 00-22)

POLICY 1.3.7: The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.

Access Control Standards for Lockett Road and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing

standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.

2. The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.
3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.
4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATIO N	DISTANCE ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
160+59.33	n/a	Yes	All	Oriole Road
170+54.54	995.21 ft.	Yes ⁽²⁾	All	Alico Int. Park DRI
177+74.54	720 ft.	Yes	All	Three Oaks Parkway
222+81	n/a	Yes	EB to NB Left-in ⁽³⁾ Rt-in/Rt-out from N&S	Coca-Cola Bottling Co. (N) University Plaza (S)
234+44	1163 ft.	Yes	All	Ben Hill Griffin Pkwy.

- (1) Distance measured from next connection to the west.
- (2) Unsignalized only. Subject to future restrictions if traffic signal warranted.
- (3) A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

Access Control Standards for Corkscrew Road

The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE ⁽¹⁾	MEDIAN OPENING?	MOVEMENT	CONNECTION
172+84	n/a	Yes	All	Three Oaks Parkway
179+44	660 ft.	Yes	EB to NB Left-in ⁽²⁾ Rt-in/Rt-out from N&S	Corkscrew Crossing (#1)
185+29	585 ft.	Yes	All	Corkscrew Crossing (#2)
187+83	254 ft.	No	Rt-in/Rt-out from N ⁽³⁾	Pic-N-Run Entrance
190+34	253 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N	Esterio Int. Com. Park (#3)
194+29	395 ft.	Yes	WB to SB Left-in NB to WB Left-out Rt-in/Rt-out from S	Corkscrew Woodlands
221+47	n/a	Yes	U-turns only	None
230+14	867 ft.	Yes	EB to NB Left-in Rt-in/Rt-out from N&S ⁽⁴⁾	Miromar Outlet Mall
236+73	660 ft.	Yes	All	Ben Hill Griffin Pkwy.

(1) Distance measured from next connection to the west.

(2) A WB to SB left-in may be allowed at this location if necessary.

(3) The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.

(4) The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.

(Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-05)

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

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22, 07-12, 10-20)

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

POLICY 1.4.3: The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)

POLICY 1.4.4: Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 107.1.1.4). (Added by Ordinance No. 94-30)

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 be submitted 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 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 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. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.
(Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24, 15-13)

POLICY 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may

include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

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.

The standard maximum density is one dwelling unit per 2.7 acres (1du/2.7 acres). Maximum densities will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 21.

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 serve the island residents and visitors as set forth in Policy 14.4.4, and low density residential uses. Bonus densities are not allowed in this land use category.

(Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21, 10-17, 16-07)

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

POLICY 1.5.2: When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

POLICY 1.5.3: Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands. (Added by Ordinance No. 98-09)

OBJECTIVE 1.6: NEW COMMUNITY. Designate on the Future Land Use Map areas which are suitable for the development of large-scale multi-use communities developed pursuant to an overall master plan. This category is also considered a Future Urban Area.

POLICY 1.6.1: New Community areas are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the county (other than those associated with the delay in placing property improvements on the tax rolls). (Amended by Ordinance No. 00-22)

New Communities will not exceed a residential density of six dwelling units per gross acre and must have at least the following characteristics:

1. The land will be developed under a well-conceived overall master plan;
2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);
6. Off-site impacts must be mitigated; and,
7. On-site levels of service must meet the county-wide standards contained in this plan.

OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

POLICY 1.7.1: The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

Airport Noise Zone A is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development.

Airport Noise Zone B does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone C allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone. (Amended by Ordinance No. 00-22, 02-02, 07-09)

POLICY 1.7.2: The Development of Regional Impact overlay is an informational tool showing all of the Lee County property subject to Development Orders approved pursuant to Chapter 380 of the Florida Statutes. Development in these areas is regulated by the terms of the applicable development orders. (Amended by Ordinance No. 94-30)

POLICY 1.7.3: The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.

POLICY 1.7.4: Certain lands are designated as Future Urban Areas because of special needs for the provision of Privately Funded Infrastructure. Development in these areas may occur in accordance with the provisions of Goal 3 and its subsequent objectives and policies. (Amended by Ordinance No. 93-25)

POLICY 1.7.5: The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Greater Pine Island area under Goal 14, and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22)

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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. 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. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
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, 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. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.
(Amended by Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20)

POLICY 1.7.7: The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of public acquisition activities in the county. (Amended by Ordinance No. 91-19, 00-22)

POLICY 1.7.8: The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Added by Ordinance No. 94-30)

POLICY 1.7.9: The Urban Infill and Redevelopment overlay (Map 15) designates areas that have been targeted for economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core, in accordance with F.S. 163.2517. These areas have the opportunity to receive additional funding to implement the planning program through the Urban Infill and Redevelopment Assistance Grant Program through the Florida Department of Community Affairs. (Added by Ordinance No. 02-02)

POLICY 1.7.10: The Airport Mitigation Lands overlay (Map 3M) depicts lands owned by Lee County that were acquired for the purpose of mitigating environmental impacts attributable to development of the Southwest Florida International Airport. Activities performed in these areas must be in accordance with state and federal permitting agency requirements. This Overlay is

intended solely as an informational tool designed to identify the location of the lands and the purpose for which the land was acquired. The Overlay does not restrict the use of the land in and of itself. Use of these lands will be determined by permit requirements. In all cases, the use of this land will be consistent with the underlying Future Land Use category. (Added by Ordinance No. 04-16, Renumbered by Ordinance No. 14-10)

POLICY 1.7.11: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. (Added by Ordinance No. 09-16, Renumbered by Ordinance No. 14-10)

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. (Added by Ordinance No. 10-20, Renumbered by Ordinance No. 14-10)

POLICY 1.7.13: The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.5. This overlay affects only Southeast Lee County and identifies five types of land:

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

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24, Renumbered by Ordinance No. 14-10, Amended by Ordinance No. 15-13)

POLICY 1.7.14: The Historic Surface and Groundwater Levels overlay (Map 25) depicts the best available analysis of historic wet-season water depths and hydroperiods for Southeast Lee County as of March 2010. This depiction is based on detailed ecological analyses of 1953 aerial photography as described in the 2008 report, *Ecological Memorandum of the Density Reduction/Groundwater Resource Area*, by Kevin L. Erwin, Consulting Ecologist, Inc. For purposes of determining compliance with Policy 1.4.5, additional evidence as to historic water levels and hydroperiods may be submitted during the rezoning or development review processes

as a basis for site-specific hydrological analysis for project design. (Added by Ordinance No. 10-20, Renumbered by Ordinance No. 14-10)

OBJECTIVE 1.8: [RESERVED] (Reserved by Ordinance No. 10-16)

OBJECTIVE 1.9: PAGE FIELD GENERAL AVIATION AIRPORT. Page Field General Aviation Airport plays a vital role as a reliever airport facility to Southwest Florida International Airport. In its role as a reliever airport, Page Field reduces general aviation traffic from Southwest Florida International Airport, thereby increasing the capacity and efficiency of the International Airport. Therefore, it is important to designate the land comprising the Page Field General Aviation Airport as Airport Lands on the Future Land Use Map. This designation should include adequate land to accommodate the projected growth needs of Page Field General Aviation Airport in its continued role as an airport reliever, including the industrial, commercial and office uses necessary to continue viable aviation activity through 2025. (Added by Ordinance No. 09-14)

POLICY 1.9.1: In order to create the revenue source necessary to maintain Page Field General Aviation Airport as a viable aviation operation and reliever to Southwest Florida International Airport, the Port Authority seeks to establish non-aviation uses on the Page Field General Aviation Airport property. Suitable locations for these non-aviation uses are designated on the Page Field Airport Layout Plan adopted as Lee Plan Map 3G. The Page Field Airport Layout Plan sheet (Map 3G) was adopted by the Federal Aviation Administration as part of the 2002 Page Field Airport Master Plan Update. This update and documents comprising the 2002 Master Plan approval are incorporated into the Lee Plan by reference as support for adoption of Map 3G and Table 5(b). (Added by Ordinance No. 09-14)

POLICY 1.9.2: The Page Field Airport Layout Plan (Map 3G) identified existing facilities and projected growth areas for both aviation and non-aviation uses through 2025. The mix of uses is identified on Table 5(b). This mix of uses is intended to support the continued future development of Page Field General Aviation Airport and includes aviation and non-aviation related land uses such as light industrial and office development and expands the non-aviation uses to include retail development. Development of the aviation and non-aviation uses on Page Field General Aviation Airport property must be consistent with Map 3G and Table 5(b) and will be required to comply with the Lee County Land Development Code regulations, including, but not limited to, the impact fee regulations. Any environmental mitigation deemed necessary to support development of Page Field General Aviation Airport property will be addressed separately by each development project and is not entitled to claim a benefit from the Airport Mitigation Lands Overlay area (Map 3M). (Added by Ordinance No. 09-14)

POLICY 1.9.3: If the Port Authority determines expansion of the Page Field General Aviation Airport boundaries is necessary in order to provide continued viability to Page Field as a reliever to Southwest Florida International Airport, then the Port Authority will submit to the Board of County Commissioners the appropriate application and support documentation to amend Map 3G, Table 5(b) and the Future Land Use Map to reflect the land added to Page Field General Aviation Airport. (Added by Ordinance No. 09-14)

POLICY 1.9.4: The Page Field Airport Master Plan and Airport Layout Plan will be updated no less than every 5-8 years, with the next amendment anticipated to be approved by the Federal Aviation Administration in 2010. A comprehensive plan amendment will be submitted by the Port Authority to update Map 3G and Table 5(b) to reflect the updated Page Field Master Plan as approved. The planning horizon used for the master plan update should be consistent with the Lee Plan Horizon, which can be verified by Lee County as part of the Master Plan Update process. Lee County staff will be included in the Master plan update process as required under

the terms of the existing memorandum of understanding regarding airport development. (Added by Ordinance No. 09-14)

POLICY 1.9.5: The Port Authority will seek to eliminate or modify existing uses on the Page Field property deemed incompatible with existing aviation activity or causing a diminution in the Page Field Airport capacity. In order to protect Page Field as a Southwest Florida International Airport reliever, the Port Authority will use its capacity/authority as a reviewing entity to influence land-use decisions and approvals with respect to development of the lands surrounding Page Field in order to promote development that is compatible with the aviation activity at Page Field General Aviation Airport. (Added by Ordinance No. 09-14)

POLICY 1.9.6: Development on Page Field lands must be consistent with the Airport Layout Plan (Map 3G). If the Page Field Airport Master Plan or Airport Layout Plan set is amended or updated by the Port Authority in a manner that constitutes a substantive change from Map 3G or Table 5(b), local development order approval may be delayed or denied pending a Lee Plan Amendment, by the Port Authority, with respect to Map 3G and Table 5(b). (Added by Ordinance No. 09-14)

POLICY 1.9.7: Non-aviation development areas at Page Field Airport, as depicted on Map 3G, will be developed under long term land leases. All non-aviation development must comply with Land Development Code regulations, including payment of impact fees. The intensity of non-aviation development must be consistent with Table 5(b). (Added by Ordinance No. 09-14)

POLICY 1.9.8: In cooperation with local, state, and Federal regulatory agencies, the Port Authority will work to minimize and correct any wildlife hazards arising from existing wetlands located on airport property. Site improvements on airport property will be designed to minimize attractiveness to wildlife of natural areas and man-made features on airport property such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. (Added by Ordinance No. 09-14, Amended by Ordinance No. 13-12)

POLICY 1.9.9: Future aviation and non-aviation development at Page Field General Aviation Airport must comply with the provisions of the Educational Restriction Zone established under Florida Statutes, section 333.03 and the School Zone Map adopted as part of the Lee County Land Development Code. (Added by Ordinance No. 09-14)

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

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

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

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

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

POLICY 2.1.4: Any facility licensed under Chapter 10A-5 F.A.C. (e.g. an adult congregate living facility) will be deemed a residential use and limited to locations and densities appropriate for residences. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

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

POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

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

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

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

OBJECTIVE 2.3: PUBLIC PROVISION OF INFRASTRUCTURE. The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the Future Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Other infrastructure planning priorities are contained in Policy 38.2.4 and Policy 95.1.1. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.3.1: Specific level-of-service standards and capital improvement priorities will be detailed in the relevant elements of this plan and carried out through a capital improvements program as described in the Capital Improvements element. (Amended by Ordinance No. 00-22)

POLICY 2.3.2: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds. (Amended by Ordinance No. 00-22)

POLICY 2.3.3: All facility provisions from the special funding sources in Policy 2.3.2 must be consistent with this plan.

OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

POLICY 2.4.1: The county will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Amended by Ordinance No. 94-30)

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02, 14-10)

POLICY 2.4.3: Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion,

which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

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

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

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22, 04-16)

OBJECTIVE 2.5: ANNEXATION POLICY. The county will strive to negotiate interlocal agreements with the incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. Urban Reserve boundaries adopted in such agreements will be designated on the Future Land Use Map (see Policies 1.7.3 and 152.1.4). (Amended by Ordinance No. 00-22)

OBJECTIVE 2.6: REDEVELOPMENT. Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this plan, and the desired community character. (Amended by Ordinance No. 00-22)

POLICY 2.6.1: Community redevelopment activities will be conducted by the Lee County Community Redevelopment Agency within approved redevelopment areas according to adopted redevelopment plans. (Amended by Ordinance 91-19, 00-22)

POLICY 2.6.2: Redevelopment activities will be comprehensive in approach and include the following components:

- Study of incompatible land uses;
- Correction of outdated zoning classifications;

- Elimination of substandard or unsafe buildings;
 - Traffic circulation and parking;
 - Economic revitalization;
 - Protection of adjacent residential neighborhoods and historic and natural resources;
 - Signage;
 - Landscaping;
 - Urban Design/Master Planning;
 - Affordable Housing.
- (Amended by Ordinance 91-19, 00-22)

POLICY 2.6.3: Within the Charleston Park CRA residential, commercial and industrial uses which meet the needs of the low-income residents and which are suitable to the scale and location of the community and will be compatible with the residential character of the community and consistent with the adopted CRA plan will be permitted. (Amended by Ordinance No. 92-35, Relocated by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

OBJECTIVE 2.7: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 2.8: COASTAL ISSUES. Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals 105, 109, 110, 111, 112, and 113.

OBJECTIVE 2.9: SCENIC CORRIDORS. By 1995, formally consider the establishment of specialized design standards along specified arterial and collector roads. (Amended by Ordinance No. 94-30)

POLICY 2.9.1: The county will identify key road segments which, with specialized design and landscaping standards, could become scenic landmarks. These segments may be relatively undeveloped arterial or collector roads or may be older roads along which revitalization or historic preservation efforts would be appropriate. (Amended by Ordinance No. 00-22)

POLICY 2.9.2: A study will be conducted in cooperation with interested parties to identify and evaluate alternative design themes and land use patterns. The study will recommend specific incentives, development regulations, and funding sources to implement a scenic corridor program. (Amended by Ordinance No. 00-22)

OBJECTIVE 2.10: SCHOOL LOCATION. In order to ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies proposals for new schools are subject to the objectives and policies contained under Goal 66. (Added by Ordinance No. 99-15)

OBJECTIVE 2.11: CARRYING CAPACITY. Understand the carrying capacity of the future land use map and integrate the concept into planning strategies. (Added by Ordinance No. 07-16)

POLICY 2.11.1: During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information. (Added by Ordinance No. 07-16)

POLICY 2.11.2: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic. (Added by Ordinance No. 07-16)

POLICY 2.11.3: Evaluate a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space). (Added by Ordinance No. 07-16)

POLICY 2.11.4: Evaluate science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.). (Added by Ordinance No. 07-16)

POLICY 2.11.5: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs. (Added by Ordinance No. 07-16)

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial. (Added by Ordinance No. 09-06)

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. (Added by Ordinance No. 09-06)

POLICY 2.12.2: Future development within the Tradeport and Industrial Development future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate. (Added by Ordinance No. 09-06)

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density". (Added by Ordinance No. 09-06)

GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE. To assist in the provision of a full range of privately funded urban infrastructure in specified Future Urban areas which have existing or projected deficits in one or more essential services. (Amended by Ordinance No. 94-30)

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

POLICY 3.1.1: The county will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that

more appropriate mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general county revenues. (Amended by Ordinance No. 00-22)

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

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

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

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

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

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN. To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. (Amended by Ordinance No. 94-30, 07-15)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. (Amended by Ordinance No. 91-19, 94-30, 07-15)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

OBJECTIVE 4.2: MIXED-USE OVERLAY - Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. (Added by Ordinance No. 07-15)

POLICY 4.2.1: The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. (Added by Ordinance No. 07-15)

POLICY 4.2.2: The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design. (Added by Ordinance No. 07-15)

POLICY 4.2.3: Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile. (Added by Ordinance No. 07-15)

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. (Added by Ordinance No. 07-15, Amended by Ordinance No. 16-07)

POLICY 4.2.5: Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay. (Added by Ordinance No. 07-15)

POLICY 4.2.6: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay. (Added by Ordinance No. 07-15)

OBJECTIVE 4.3: Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings. (Added by Ordinance No. 07-15)

POLICY 4.3.1: Developments within the Mixed Use Overlay conforming to Chapter 32 - Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in this objective. (Added by Ordinance No. 07-15, Amended by Ordinance No. 11-18)

POLICY 4.3.2: Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

- a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).
- b. Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.
- c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size,

scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.

- d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

(Added by Ordinance No. 07-15)

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

- a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
- b. Well defined centers and edges with public or civic space creating an element around which other development is located.
- c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
- d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.
- e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.
- f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
- g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
- h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
- i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.
- j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:
 1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.

2. limited number and size of signs.
 3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.
- k. An “A/B” street grid system may be utilized where “A” streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while “B” streets may include a limited amount of properly designed non-pedestrian oriented uses.
- l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

(Added by Ordinance No. 07-15)

POLICY 4.3.4: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

- a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.
- b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.
- c. Parking lots will be screened from streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.
- d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.
- e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

(Added by Ordinance No. 07-15)

POLICY 4.3.5: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

- a. Internal traffic circulation system design will include:
 1. traffic calming techniques to maintain safe multi-modal transportation.
 2. an interconnected street grid system extended to adjacent sites at the least intrusive locations.
 3. maximum use of common access drives.

4. a system of alleyways for service vehicles and access to parking.
5. convenient access to transit facilities.
- b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.
- c. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.
- d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.
- e. Block sizes will be small enough to create an easily dispersed traffic flow.

(Added by Ordinance No. 07-15)

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

- a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.
- b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.
- c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

(Added by Ordinance No. 07-15)

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

- a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.
- b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.
- c. Buffering of uses internal to a Mixed Uses development are not required.
- d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

(Added by Ordinance No. 07-15)

POLICY 4.3.8: Properties in a Mixed Use Overlay are preferred areas for achieving allowable bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern. (Added by Ordinance No. 07-15, Amended by Ordinance No. 16-07)

POLICY 4.3.9: The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 07-15)

OBJECTIVE 4.4: Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions. (Added by Ordinance No. 07-16)

POLICY 4.4.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies. (Added by Ordinance No. 07-16)

POLICY 4.4.2: The permitting measures developed should improve the storage within existing natural and manmade flowways. (Added by Ordinance No. 07-16)

POLICY 4.4.3: The permitting measures should reevaluate the relationship of volume/area to stormwater management and storage. (Added by Ordinance No. 07-16)

POLICY 4.4.4: The permitting measures should link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types. (Added by Ordinance No. 07-16)

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30, 07-12)

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

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

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

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30, 07-09)

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

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

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

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

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

POLICY 5.1.10: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that: (Amended by Ordinance No. 92-35, 00-22, Relocated by Ordinance No. 07-12)

- a. The Planned Development zoning is utilized; and
- b. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and

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- c. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and
- d. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.

OBJECTIVE 5.2: Redevelopment of Existing Multi-Family Residential Development: To incentivize and promote cost effective and timely redevelopment of multi-family developments that were approved and developed prior to the adoption of the 1984 Lee Plan, in excess of the standard density range for their current Future Land Use Category. (Added by Ordinance No. 10-08)

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

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

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

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

POLICY 5.2.5: All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species. (Added by Ordinance No. 10-08)

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

1. Have sufficient elevation to address a storm surge from a land falling category 5 hurricane;
2. Be constructed to withstand winds of 200 mph in accordance with the Florida Building Code;
3. Utilize impact protection for all exterior openings in accordance with the Florida Building Code;
4. Be equipped with emergency power and potable water supplies to last up to five days;

5. Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment; and,
6. Be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include:
 - a. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences.
 - b. Up-lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.
 - c. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

(Added by Ordinance No. 10-08)

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

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

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

- a. Traffic and access impacts (rezoning and development orders);
- b. Landscaping and detailed site planning (development orders);
- c. Screening and buffering (planned development rezoning and development orders);
- d. Availability and adequacy of services and facilities (rezoning and development orders);
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
- f. Proximity to other similar centers (rezoning); and
- g. Environmental considerations (rezoning and development orders).

(Amended by Ordinance No. 00-22)

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. (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, 16-07)

POLICY 6.1.3: Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 00-22)

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

(Amended by Ordinance No. 94-30, 00-22)

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to:

- frontage roads;
- clustering of activities;
- limiting access;
- sharing access;
- setbacks from existing rights-of-way;
- acceleration, deceleration and right-turn-only lanes; and
- signalization and intersection improvements (Amended by Ordinance No. 94-30, 00-22)

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

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

POLICY 6.1.8: Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas. (Amended by Ordinance No. 94-30, 98-09)

POLICY 6.1.9: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)

POLICY 6.1.10: The approval or existence of commercial development on one corner of an intersection will not dictate the development of all corners for commercial development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used. (Amended by Ordinance No. 00-22)

POLICY 6.1.11: Provide appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas. (Amended by Ordinance No. 94-30, 07-12)

POLICY 6.1.12: Encourage the upgrading or revitalization of deteriorating commercial areas (consistent with approved CRA plans, where applicable), but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access. (Amended by Ordinance No. 94-30)

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

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30)

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

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

- f. employment characteristics (rezoning);
- g. fire and safety (rezoning and development orders);
- h. noise and odor (rezoning and development orders);
- i. buffering and screening (planned development rezoning and development orders);
- j. impacts on transportation facilities and access points (rezoning and development orders);
- k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
- l. utility needs (rezoning and development orders); and
- m. sewage collection and treatment (rezoning and development orders).

(Amended by Ordinance No. 00-22)

POLICY 7.1.2: Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

- 1. promote compatibility and screening;
- 2. reduce dependence on the automobile;
- 3. promote pedestrian movement within the development;
- 4. utilize joint parking, access and loading facilities;
- 5. avoid negative impacts on surrounding land uses and traffic circulation;
- 6. protect natural resources; and
- 7. provide necessary facilities and services where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 98-09, 00-22)

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

POLICY 7.1.4: The Future Land Use Map must designate a sufficient quantity of land to accommodate the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations. (Amended by Ordinance No. 93-25, 94-30, 00-22, 09-06)

POLICY 7.1.5: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities. (Amended by Ordinance No. 00-22)

POLICY 7.1.6: Land that is located outside of the Industrial Development, Tradeport, and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:

- a. The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands);
or
- b. The parcel is located in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange land use categories, and is zoned as a Planned Development. (Amended by Ordinance No. 94-30, 98-09, 99-18, 04-16)

POLICY 7.1.7: Permit agriculturally-related industrial uses that directly serve the rural and agricultural community in areas indicated on the Future Land Use Map as Rural or Open Lands, provided they have adequate fire protection, transportation, and wastewater treatment and water supply, and have no adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22)

POLICY 7.1.8: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

POLICY 7.1.9: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

POLICY 7.1.10: All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

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

OBJECTIVE 8.1: Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (See Map 12) (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 8.2: All development approvals for marine-oriented land uses must also comply with requirements in the Ports, Aviation and Related Facilities sub-element, Objective 128.5: Marine Facilities Siting Criteria, and Objective 128.6: Marina Design Criteria. (Amended by Ordinance No. 94-30, 00-22, 07-09)

GOAL 9: AGRICULTURAL LAND USES. To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas. (Amended by Ordinance No. 00-22)

OBJECTIVE 9.1: Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)

POLICY 9.1.1: In accordance with F.S. 187.201(23)(b)1, nothing in this plan will be construed to permanently prohibit the conversion of agricultural uses to other land uses. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 9.1.2: Encourage the utilization of energy, water, and soil conservation management practices in agricultural activities. (Amended by Ordinance No. 10-19)

POLICY 9.1.3: Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District. (Amended by Ordinance No. 94-30)

POLICY 9.1.4: 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. (Amended by Ordinance No. 94-30, 02-02, 10-20)

POLICY 9.1.5: Continue to update and analyze agricultural land use data. (Added by Ordinance No. 94-30, Relocated by Ordinance No. 07-12)

POLICY 9.1.6: Lee County will work with a private agricultural advisory committee, agricultural operators, and landowners to establish incentives to encourage the continuation of existing agricultural operations and improvements to existing agricultural operations as needed to store and treat water and improve ecological values. The county will investigate the feasibility of a Transfer of Development Rights (TDR) bank for agricultural property by 2012 (see Policy 33.3.6). (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-19)

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. (Added by Ordinance No. 10-19)

OBJECTIVE 9.2: To prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from Future Urban Areas. (Added by Ordinance No. 00-22)

POLICY 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Sub-Outlying Suburban, Outlying Suburban, or Suburban where parcels five acres or larger

may request rezoning to an agricultural zoning district. These requests will be reviewed on a case by case basis. Approval will be based on:

- a. current and future availability of urban infrastructure;
- b. compatibility of the existing and future land uses;
- c. acreage of rezoning request;
- d. cumulative effect on county tax base; and
- e. Suburban and Sub-Outlying Suburban lands must be located within the Pine Island and Caloosahatchee Shores Planning Communities;
- f. evaluation of how environmental features, including but not limited to flowways, protected species, and habitat, will be protected or mitigated.

(Added by Ordinance No. 00-22, Amended by Ordinance No. 14-01)

POLICY 9.2.2: Planned Development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Added by Ordinance No. 00-22)

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. (Amended by 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. (Amended by Ordinance No. 10-20)

POLICY 10.1.1: 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). (Added by Ordinance No. 10-20)

POLICY 10.1.2: The future uses of any new or existing natural resource extraction operation must be evaluated at the time the property 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. (Added by Ordinance No. 10-20)

POLICY 10.1.3: 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 natural resource extraction permits for new or expanding sites, or for future use of such sites, must include 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. (Amended by Ordinance No. 00-22, 02-02, 10-20)

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, Open Lands, and Density Reduction/Groundwater Resource, provided they have 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 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.

(Amended by 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 to enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, education, and other appropriate uses, and/or strengthen community environmental benefits. (Amended by Ordinance No. 99-15, 02-02, 10-20)

OBJECTIVE 10.2: Coordinate mining activities, including evaluation, monitoring, reclamation, and redevelopment, with water supply planning, surface and groundwater management activities, wetland protection, wildlife conservation, and future residential activities. Consider the cumulative and watershed-wide impacts of mining activities, not just the direct impacts of each individual mine in isolation. (Added by Ordinance No. 10-20)

POLICY 10.2.1: Natural resource extraction operations must provide a monitoring system to measure surface and groundwater levels and quality to assess any degradation of surface and groundwater resources. Particular attention will be given to potential travel time to wellfields and residential wells. Mining applications are strongly encouraged to include a minimum of three years baseline monitoring and assessments of the likely change in flow, timing of travel, and direction of surface and groundwater systems on-site and in the impacted area. (Amended by Ordinance No. 02-02, Relocated and Amended by 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, 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.
(Amended by Ordinance No. 00-22, 02-02, Relocated and Amended by Ordinance No. 10-20)

POLICY 10.2.3: The depth of mining for a proposed excavation will be limited as necessary to prevent any breach of an aquaclude or confining layer. (Added by Ordinance No. 10-20)

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

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

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

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

OBJECTIVE 10.3: Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents of its Future Urban Areas. (Added by Ordinance No. 98-09, Renumbered by Ordinance No. 10-20)

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
 - request that the service area of an adjacent water utility be extended to incorporate the property;
 - establish a community water system for the development; or
 - develop at an intensity that does not require a community water system.
7. Lee County Utilities may provide potable water service to properties not located within the Future Water Service Area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.
(Amended by Ordinance No. 94-30, 00-22, 16-01)

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STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.
3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
- request that the service area of an adjacent sewer utility be expanded to incorporate the property;
 - establish a self-provided sanitary sewer system for the development;
 - develop at an intensity that does not require sanitary sewer service; or
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the Future Sewer Service Area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.
(Amended by Ordinance No. 94-30, 00-22, 16-01)

STANDARD 11.3: TRAFFIC.

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:
- Developments of Regional Impact (D.R.I.'s);
 - Planned Developments (as specified in the Zoning Regulations); and
 - Developments requiring a county development order, as specified in the Land Development Code.

2. The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:
 - if the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system;
 - if the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system.

(Amended by Ordinance No. 94-30, 00-22)

STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)

GOAL 12: SAN CARLOS ISLAND. All development approvals on San Carlos Island must be consistent with following objective and policy in addition to other provisions of this plan. (Added by Ordinance No. 94-30)

OBJECTIVE 12.1: SAN CARLOS ISLAND WATER-DEPENDENT OVERLAY ZONE. To protect marine-orientated land uses on San Carlos Island from incompatible or pre-emptive land uses all development must be consistent with the following policies in addition to other provisions of this plan. (Added by Ordinance No. 99-15)

POLICY 12.1.1: New development and substantial redevelopment within the Industrial Development and the Destination Resort Mixed Use Water Dependant land use categories on San Carlos Island will be permitted only in accordance with the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses. (Amended by Ordinance No. 10-38)

1. At the foot of the Matanzas Pass Bridge - Within the water-dependent overlay zone which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and water-dependent functions of recreational marinas.
 - Landward of the overlay zone (150-foot line): marine industrial uses, in addition to water-related accessory uses which may be permitted to occupy up to 50% of that portion of a parcel lying landward of the 150-foot line.
2. North of Main Street - Within the water-dependent overlay zone, which is defined as land within 150 feet of the shoreline: water-dependent marine industrial uses and recreational marinas.

- Landward of the overlay zone (150-foot line): marine industrial uses, in addition to commercial or marine industrial uses which support the major industrial activities and recreational marinas.
3. South of Main Street - Within the water-dependent overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses as well as those uses described under Goal 31 and Policy 31.3.4.
- Landward of the overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the “planned development” rezoning process, provided the following is clearly demonstrated:
 - Water access can be provided with only minimal interference to the waterfront industrial uses; and
 - Adequate road access is provided for the waterfront industrial uses; and
 - Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than five percent (5%) of the site, unless located within the Destination Resort Mixed Use Water Dependand future land use category.

(Amended by Ordinance No. 10-38)

4. Water-Dependent Overlay Zones in General - The water-dependent overlay zones will be included in the Lee County Zoning Regulations and may be the subject of deviation requests during the “planned development” rezoning process. This provision is particularly intended to encourage joint use of parking, access easements, and stormwater retention facilities where such joint use does not negate the essential purpose of the overlay zones. (This also applies to the water-dependent overlay zones elsewhere on San Carlos Island as described in Policy 12.1.1.)
5. Ancillary Commercial Uses - Wherever water-dependent, marine industrial uses are permitted, water-related ancillary commercial uses may also be permitted, provided they are clearly subordinate to the parcel's principal use and their total development area (building, parking, required buffers, water retention, etc.) does not exceed fifteen (15) percent of the parcel's total area. However, at the foot of the Matanzas Pass Bridge, this percentage may be increased to twenty-five (25) percent so long as the resulting commercial use of land lying in the Industrial Development land use category does not exceed fifty (50) percent of all land in that category that is under unified ownership or control as of March 1, 1988. (Amended by Ordinance No. 94-30, 99-15, 00-22)
6. Destination Resort Mixed Use Water Dependand Future Land Use Category - Development within this land use category must be consistent with the requirements of Goal 31. (Added by Ordinance No. 10-38)

POLICY 12.1.2: New development and substantial redevelopment within a portion of the Urban Community land use category on San Carlos Island will be subject to the additional requirement that within a water-dependent overlay zone, wet or dry storage recreational marinas and other water-dependent uses only will be permitted. This water-dependent overlay zone affects two separate areas, both lying south of Main Street and east of San Carlos Boulevard, as depicted on Map 2 and described as follows:

- land within 150 feet of the shoreline along the inlet (between other lands designated as Industrial Development but exempting the Gulf Cove Trailer Park); and
- land within 300 feet of the shoreline and lying east of, and within 930 feet of, the main Industrial Development area.

(Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-22)

OBJECTIVE 12.2: To manage growth, development, and redevelopment on San Carlos Island. To maintain and enhance the area's quality of life and public and private infrastructure. (Added by Ordinance No. 98-09)

POLICY 12.2.1: As part of the transit design process, the county will consider ways to establish pull-overs and turn-offs for the pick-up and discharge of passengers from all trolley and mass transit vehicles and requiring that such pick-up and discharge be done only at specified transit stops. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.2: Prior to the expenditure of public funds for the construction of new parking facilities within San Carlos Island, an analysis of the relationship of the facility to the level-of-service on constrained and backlogged roads will be undertaken, in order to determine if the location, size and function of the facility is appropriate and consistent with the adopted CRA plan and the Transportation Element of the Lee Plan. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.3: Recreation areas must have a minimum of impervious surfaces. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 12.2.4: Sidewalks, bike paths and mass transit routes must be designed to provide convenient and safe access to all recreational facilities in the area. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

GOAL 13: CAPTIVA. To maintain and enhance the historic pattern of development on Captiva, consisting of unobtrusive, low-density residential use in an environment characterized by diverse and healthy native vegetation, clean offshore water with diverse and healthy marine life, and limited commercial development and traffic. The purpose of this goal is to provide policies to confirm and reinforce that historic pattern. (Added by Ordinance No. 03-01)

OBJECTIVE 13.1: Develop and maintain incentive and/or regulatory programs to ensure the long-term protection and enhancement of wetland habitats, water quality, natural upland habitats, community facilities, existing land use patterns, infrastructure capacity, and historically significant features on Captiva Island. (Added by Ordinance No. 03-01)

POLICY 13.1.1: No subdivisions of parcels that were zoned RSC-2 (Captiva Estate) on January 1, 2002, regardless of their zoning at any time thereafter, may be permitted unless all of the resulting lots comply with all of the minimum lot size and dimensional requirements in the RSC-2 district. (Added by Ordinance No. 03-01)

POLICY 13.1.2: Due to the nature of a barrier island, the height of buildings and structures is dependent on conditions such as elevation of the site above sea level and mandatory flood elevation requirements. In response to these conditions, the height of buildings and structures may not exceed the least restrictive of the two following options:

- a) 35 feet above the average grade of the lot in question or 42 feet above mean sea level measured to the peak of the roof, whichever is lower; or
- b) 28 feet above the lowest horizontal member at or below the lawful base flood elevation measured to the mean level between eaves and ridge in the case of gable, hip, and gambrel roofs. If lowest horizontal member is set above the base flood elevation the 28 foot measurement will be measured starting from the base flood elevation.

Notwithstanding the above height limitations, purely ornamental structural appurtenances and appurtenances necessary for mechanical or structural functions may extend an additional four (4) feet above the roof peak or eight (8) feet above the mean height level in the case of gable, hip, and gambrel roofs, whichever is lower, so long as these elements equal 20% or less of the total roof area. (Added by Ordinance No. 03-01, Amended by Ordinance No. 11-19)

POLICY 13.1.3: Lee County will encourage and support efforts by Captivans to strengthen existing vegetation ordinances to establish a landscaping code for Captiva Island that will require all new development, including single family residences, to implement minimum landscaping requirements intended to preserve, promote, and enhance the existing native vegetation and tree canopy on the Island. New landscaping requirements will focus on areas including, but not limited to, buffering and separation between new structures and Captiva Drive, buffering between adjoining properties, preservation and enhancement of native plant communities including, but not limited to, beach dune community, tropical hardwood hammock, coastal scrub and mangroves. (Added by Ordinance No. 03-01)

POLICY 13.1.4: Lee County will continue to support the effort of the Captiva Erosion Prevention District, a beach and shore preservation authority under provisions of Chapter 161, Florida Statutes, to preserve, protect and maintain Captiva's beaches using environmentally responsible methods. (Added by Ordinance No. 03-01)

POLICY 13.1.5: Lee County will encourage and support efforts by the Captiva community to investigate and recommend measures that will improve water quality in Pine Island Sound and the Gulf of Mexico adjacent to Captiva Island. Such measures may include sewers only if sized to limit development to that permitted by this plan. (Added by Ordinance No. 03-01)

POLICY 13.1.6: The Captiva Island Community will establish a "document clearing house" on Captiva, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-01)

POLICY 13.1.7: The owner or agent for any rezoning, variance, or special exception request within the Captiva Planning Community must conduct one public informational session on Captiva where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 03-01)

POLICY 13.1.8: Lee County will encourage and support the solicitation of the widest possible range of public input for any future Lee Plan amendments that directly apply to Captiva or the policies adopted for Captiva under this section of the Lee Plan. To that end, Lee County is committed to provide continuing assistance to the Captiva Community as part of the Evaluation and Appraisal Report process as well as ongoing technical expertise related to the functioning of the adopted policies. (Added by Ordinance No. 03-01)

POLICY 13.1.9: Lee County will encourage and support efforts by Captivans to develop and submit ordinances that will encourage the siting and building of structures consistent with the historical character of the island. (Added by Ordinance No. 03-01)

POLICY 13.1.10: New requests for residential re-zoning that would increase density on said property above current zoning will not be permitted. (Added by Ordinance No. 05-19)

POLICY 13.1.11: Variances should be limited to unique, specifically authorized circumstances and will be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following are met:

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

(Added by Ordinance No. 05-19)

POLICY 13.1.12: Mangroves on Captiva Island will be protected to the greatest extent possible. (Added by Ordinance No. 05-19)

POLICY 13.1.13: Within two years of the adoption of this policy Indigenous or Native trees will be replanted and maintained along Captiva Drive between Blind Pass and the north end of Captiva Drive. The replanting of trees within the Captiva Drive right-of-way is needed to replace the loss of tree canopy following Hurricane Charley. A comprehensive Captiva Drive landscape plan that addresses specific native tree species, tree placement, public safety, access and utilities to facilitate the restoration of tree canopy will be created. The comprehensive Captiva Drive landscape plan will identify funding sources for implementing the plan and will designate the entity or entities responsible for long term maintenance. (Added by Ordinance No. 05-19)

POLICY 13.1.14: Notwithstanding anything pertaining to Captiva Community Plan Height Restriction Policy 13.1.2, due to the unique degree of public interest attached to it regarding emergency communications services, the existing telecommunications tower facility located in the maintenance and engineering area of South Seas Resort may be replaced in such area to a height not to exceed 170 feet, provided that said new facility makes space available to the county for adequate emergency communications service coverage for Captiva, as well as co-location within the capabilities of that tower for all wireless carriers desirous of serving Captiva. Destruction of mangroves will not be allowed in order to build or operate such a tower or related

tower facilities. The telecommunication tower will be a monopole, unless public safety is compromised. (Added by Ordinance No. 05-19)

OBJECTIVE 13.2: MIXED USE DEVELOPMENT. The Captiva community seeks to preserve the island's unique neighborhood-style commercial activities and to provide islanders with reasonable access to basic goods and services without having to leave the island. Toward that end, Lee County will encourage mixed use developments in specific and appropriate areas of the Captiva planning community through its regulations, policies and discretionary actions. (Added by Ordinance No. 07-09).

POLICY 13.2.1: Mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure, are strongly encouraged on Captiva properties that were zoned C-1 or CT as of Jan. 1, 2006. Such properties may be allowed one residential unit in addition to commercial uses. Such developments will only be permitted if approved as a Commercial Planned Development. (Added by Ordinance No. 07-09)

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; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on Lee Plan Map 1, Page 2. (Amended by Ordinance No. 94-30, 05-21, 16-07)

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 will serve the long-term preservation of native upland vegetation and wildlife habitat. (Amended by Ordinance No. 94-30, 00-22, 16-07)

POLICY 14.1.1: The county will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.1.2: Lee County will map the seagrass beds around Greater Pine Island, and will regulate boating activities around Greater Pine Island and marina siting on Greater Pine Island in such a way as to prevent the net loss of seagrasses due to "prop dredging." (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 14.1.3: Lee County will explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, 16-07)

POLICY 14.1.4: Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined.

POLICY 14.1.5: New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer

area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in chapter 14 of the Land Development Code;
- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

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

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

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

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

(Amended by Ordinance No. 00-22, 03-03, 11-30)

POLICY 14.1.6: The county will continue to purchase environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.1.7: Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures. (Amended by Ordinance No. 94-30, 00-22, 03-03)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

OBJECTIVE 14.2: ROAD IMPROVEMENTS. The county will continually monitor traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times in accordance with Objective 14.8. (Amended by Ordinance No. 00-22, 16-07)

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. (Added by Ordinance No. 16-07)

POLICY 14.2.2: By 2030 Lee County will work toward attaining a level of service for out of county hurricane evacuation in a Category 5 storm event that does not exceed 18 hours. (Added by Ordinance No. 16-07)

POLICY 14.2.3: Lee County will work 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. (Added by Ordinance No. 16-07)

POLICY 14.2.4: The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. This path should be designed similar to the bicycle path north of Pineland that was completed in 2001. (Added by Ordinance No. 03-03, Amended by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.3.1: Due to the constraints on future development posed by the limited road connections to mainland Lee County, only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table I(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. (Amended by Ordinance No. 16-07)

POLICY 14.3.2: When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities.

POLICY 14.3.3: Adjusted Maximum Density is not permitted to be located within Coastal Rural designated lands within the Coastal High Hazard Area. (Added by Ordinance No. 16-07)

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 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.

(Added by Ordinance 16-07)

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. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.1: Future urban area in Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha. (Amended by Ordinance No. 16-07)

POLICY 14.4.2: Commercial development at locations outside Pine Island Center, but within future urban land use categories, must be designed to minimize impacts to residential and adjacent agricultural uses. Permitted uses should be restricted to the following: marinas; fish houses; and minor commercial uses to serve the day to day needs of local residents and island visitors. (Amended by Ordinance No. 94-30, 00-22, 10-17, 16-07)

POLICY 14.4.3: The county will provide specific architectural and site design standards for Greater Pine Island in the Land Development Code. These standards must: promote but not mandate rehabilitation over demolition; address the size and scale of building mass in relation to the built and natural environment; establish community-specific architectural standards in support of Greater Pine Island's coastal rural character; preserve mature trees wherever possible; encourage the location of off-street parking to the side and rear of buildings to preserve viewsheds along public roadways; require large windows and forbid most blank walls; and

encourage metal roofs and other features of traditional “Old Florida” styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. Deviations from these standards may not be granted unless the request meets the County approval criteria for variances set forth in Chapter 34 of the Land Development Code. (Added by Ordinance No. 03-03, Amended by 16-07)

POLICY 14.4.4: In the Coastal Rural future land use category, non-residential development is restricted to minor commercial development. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

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

(Added by Ordinance No. 10-17, Renumbered and Amended by Ordinance No. 16-07)

OBJECTIVE 14.5: HISTORIC RESOURCES. Lee County will continue to formally designate historic resources and archaeological sites on and around Greater Pine Island. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.1: The county will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.2: Public acquisition of historic structures and archaeological sites will be considered in conjunction with other public purposes such as parks or preservation of environmentally sensitive lands. (Amended by Ordinance No. 00-22)

POLICY 14.5.3: The county will evaluate the effects of county regulations (such as zoning, road setbacks, and other development regulations) on designated historic districts and other districts of local concern, and will modify such regulations where necessary to protect both the interests of owners of historic structures and the health, safety, and welfare of the general public. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.4: The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places. (Added by Ordinance No. 03-03)

OBJECTIVE 14.6: GREATER PINE ISLAND TRANSFER OF DEVELOPMENT RIGHTS PROGRAM. To promote and preserve the rural character of Pine Island, Lee County will pursue the incorporation of Greater Pine Island's purchase and transfer of development rights programs into the Land Development Code. (Added by Ordinance No. 05-21, Amended by 16-07)

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. (Added by Ordinance No. 16-07)

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

- a. Creation of Transferable Development Units (TDUs).
 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. (Added by Ordinance No. 16-07)

POLICY 14.6.3: The county will administer the TDR program and will develop a clear and concise forum to disseminate program information and records, including but not limited to a: TDR program website that will provide general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, for-sale TDU clearinghouse

information for those individuals that request to be included within the TDU clearinghouse program. (Added by Ordinance No. 16-07)

OBJECTIVE 14.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 10-17)

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues. (Added by Ordinance No. 10-17)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

POLICY 14.8.3: Comprehensive Plan amendments within Greater Pine Island must be found consistent with Policy 109.1.5. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

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. (Added by Ordinance No. 16-07)

GOAL 15: RESERVED. (Deleted by Ordinance No. 11-20)

GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. To ensure that the development of Private Recreational Facilities in the DR/GR areas is compatible with the intent of this Future Land Use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Added by Ordinance No. 99-16)

OBJECTIVE 16.1: To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Added by Ordinance No. 99-16)

POLICY 16.1.1: The Private Recreation Facilities Overlay Map, Map 4, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR area. The areas depicted on Map 4 are consistent with the application of the following locational criteria:

1. Located outside of those areas designated for public acquisition through the Florida Conservation and Recreational Land Program (C.A.R.L.), the Corkscrew Regional Ecosystem Water Trust (C.R.E.W.), the South Florida Water Management District's Save Our Rivers Program, and the County's 2020 Conservation Program;
2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;
3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan, as amended through June of 1998;
4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;
5. Located in areas characterized by large lot single or limited ownership patterns; and,
6. Located in areas with direct access to existing roadways.

(Added by Ordinance No. 99-16)

POLICY 16.1.2: Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on Map 4, Private Recreational Facilities Overlay Map. (Added by Ordinance No. 99-16)

OBJECTIVE 16.2: GROWTH MANAGEMENT. Development of Private Recreation Facilities in the DR/GR areas must be consistent with the growth management principles and practices as provided in the following policies. (Added by Ordinance No. 99-16)

POLICY 16.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT. By the end of December, 2000, Lee County will amend the Lee County Land Development Code (LDC) to include provisions for a new Private Recreation Facilities Planned Development zoning category. All Private Recreational Facilities proposed within the Density Reduction Groundwater Resource land use category must be reviewed as a Development of County Impact, Private Recreation Facilities Planned Development. (Added by Ordinance No. 99-16)

POLICY 16.2.2: Approved Private Recreation Facilities Planned Developments will automatically expire, reverting to the original zoning category, if a Lee County Development Order is not obtained within five (5) years of zoning approval. (Added by Ordinance No. 99-16)

POLICY 16.2.3: RESIDENTIAL USES PRECLUDED. Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 16.2.6 are not permitted in conjunction with a Private Recreational Facility Planned Development. Residential density associated with land zoned as Private Recreational Facility will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Added by Ordinance No. 99-16, Amended by Ordinance No. 10-21)

POLICY 16.2.4: Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Added by Ordinance No. 99-16)

POLICY 16.2.5: The boundaries of the Private Recreational Facility Planned Development may not be designed to allow out-parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 16.2.6. (Added by Ordinance No. 99-16, Amended by Ordinance No. 10-21)

POLICY 16.2.6: Time share, fractional ownership units (meaning any dwelling unit for which ownership is shared among multiple entities for the primary purpose of creating short-term use or rental units rather than permanent full time residential units), and Bed and Breakfast establishments may be permitted if the property is included on Map 17 as Rural Golf Course Residential Overlay area. These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use. (Added by Ordinance No. 10-43)

POLICY 16.2.7: Time share, fractional ownership units, or Bed and Breakfast establishments will only be permitted in a designated Rural Golf Residential Overlay area as specified on Map 17 and may only be constructed through transferring density in accordance with Policy 33.3.2(1). Each TDR credit that is eligible to be transferred to a Mixed-Use Community on Map 17 can be redeemed for one timeshare unit, one fractional ownership unit, or two Bed and Breakfast bedrooms. (Added by Ordinance No. 10-43)

POLICY 16.2.8: Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Added by Ordinance No. 99-16, Renumbered by Ordinance No. 10-43)

POLICY 16.2.9: Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Added by Ordinance No. 99-16, Renumbered by Ordinance No. 10-43)

POLICY 16.2.10: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Added by Ordinance No. 99-16, Renumbered by Ordinance No. 10-43)

POLICY 16.2.11: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Added by Ordinance No. 99-16, Renumbered by Ordinance No. 10-43)

POLICY 16.2.12: During the 2010 comprehensive plan Evaluation and Appraisal Report process the County will conduct a comprehensive evaluation of the impacts of Private Recreation Facilities on surface and groundwater quality and quantity. Recommendations from this evaluation will then be incorporated into the Lee Plan. (Added by Ordinance No. 99-16, Renumbered by Ordinance No. 10-43)

OBJECTIVE 16.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Added by Ordinance No. 99-16)

POLICY 16.3.1: Private Recreational Facilities will submit a Master Concept Plan at the time of Planned Development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Added by Ordinance No. 99-16)

POLICY 16.3.2: Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an analysis of the environment, historical and natural resources and a protected species survey as required by chapter 10 of the LDC. (Added by Ordinance No. 99-16)

POLICY 16.3.3: In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Added by Ordinance No. 99-16)

POLICY 16.3.4: The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Added by Ordinance No. 99-16)

POLICY 16.3.5: Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the Planned Development Review. (Added by Ordinance No. 99-16)

POLICY 16.3.6: No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Added by Ordinance No. 99-16)

POLICY 16.3.7: Native and xeriscape vegetation will be encouraged, such that:

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

(Added by Ordinance No. 99-16)

POLICY 16.3.8: The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 16.2.6, permitted under this subdivision must have a minimum lot size of ten acres.

2. Building Setbacks.
 - a. Fifty (50) feet from an existing right-of-way line or easement.
 - b. Seventy-five (75) feet from any private property line under separate ownership and used for residential dwellings.
 - c. Fifty (50) feet from any adjacent agricultural or mining operation.
 - d. Greater setbacks may be required during the Public Hearing process to address unique site conditions.

3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or structures must be shown on the Master Concept Plan required as part of the Planned Development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities. In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:
 - a) be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
 - b) provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
 - c) be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

4. Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.

5. Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.

(Added by Ordinance No. 99-16, Amended by Ordinance No. 02-04, 10-21)

POLICY 16.3.9: The following uses are the only uses allowed under the PRFPD designation. Density/Intensity Limitations proposed uses are subject to the following limitations:

Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18-hole golf course, limited to 150 square feet per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course.
Horse Stable:	40,000 SF of Stable Building/10 acres.

Fractional Ownership/Time-share Units:	The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD. All timeshare/fractional ownership units must be transferred in accordance with Policy 33.3.3(1).
Bed and Breakfast Establishments:	The maximum number of Bed and Breakfast Establishments will be limited to 1 per every 18 holes of golf. Bedrooms within a Bed and Breakfast Establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom.
Camping Restrooms:	One (1) toilet per four (4) camp units, clustered in structures not to exceed 500 square feet per structure. One (1) shower per four (4) toilets.
Camping Area Office:	1,000 SF per campground.

(Added by Ordinance No. 99-16, Amended by Ordinance No. 02-02, 10-21)

OBJECTIVE 16.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Added by Ordinance No. 99-16)

POLICY 16.4.1: All applications and documentation for the planned development rezoning process must be submitted to the Lee County Division of Natural Resources for their formal review and comment. The Division of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the Planned Development.

Applicant modeling efforts must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County Utilities Division. Issues of well locations, easements and wastewater re-use must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County Utilities Division during the Planned Development process. Formal agreements addressing these issues will be entered into prior to the issuance of a Development Order. Co-location of recreational and public facilities is encouraged. (Added by Ordinance No. 99-16, Amended by Ordinance No.03-04).

POLICY 16.4.2: Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Added by Ordinance No. 99-16)

POLICY 16.4.3: Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 16.7). (Added by Ordinance No. 99-16)

POLICY 16.4.4: As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the

applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Added by Ordinance No. 99-16)

POLICY 16.4.5: Any “Private Recreational Facility” located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Division of Natural Resources and the Lee County Utilities Division. (Added by Ordinance No. 99-16, Amended by Ordinance No. 03-04)

POLICY 16.4.6: The surface water management system design must incorporate natural flowway corridors, cypress heads, natural lakes, and restore impacted natural flowway corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.
2. The development must maintain the function and integrity of local and regional flowways. Flowways are precluded from being primary surfacewater treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the South Florida Water Management District's South Lee County Watershed Plan.
3. The Historic Flowway Aerial Map depicts the general flowway paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a Development Order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flowway is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.

(Added by Ordinance No. 99-16)

POLICY 16.4.7: Any Private Recreational Facilities proposed within the DR/GR land use category must cooperate with Lee County and SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 117.1. Compliance with these Policies must be demonstrated during Development Order approval. (Added by Ordinance No. 99-16)

POLICY 16.4.8: If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Added by Ordinance No. 99-16)

OBJECTIVE 16.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Added by Ordinance No. 99-16)

POLICY 16.5.1: The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or endangered species. (Added by Ordinance No. 99-16)

POLICY 16.5.2: All proposed fencing must be designed to permit wide-ranging animals to traverse the site. (Added by Ordinance No. 99-16)

POLICY 16.5.3: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Added by Ordinance No. 99-16)

OBJECTIVE 16.6: NATURAL RESOURCES. Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flowways, waterways, wetlands, natural water bodies, and indigenous uplands. (Added by Ordinance No. 99-16)

POLICY 16.6.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Division of Planning prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following:

- Exotic pest plant control;
- Removal of any trash and debris;
- Restoration of appropriate hydrology;
- Prescribed fire;
- Native plant restoration, where appropriate;
- Discussion of flora and fauna;
- Enhancement of wildlife habitat; and,
- Retention of dead trees and snags.

(Added by Ordinance No. 99-16)

POLICY 16.6.2: The development will minimize adverse effects on wetlands and riparian areas; and will result in no net reduction in functional wetland acreage as identified by the South Florida Water Management District Wetland Rapid Assessment Procedure (WRAP). (Added by Ordinance No. 99-16)

POLICY 16.6.3: Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Added by Ordinance No. 99-16)

POLICY 16.6.4: The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Added by Ordinance No. 99-16)

OBJECTIVE 16.7: MONITORING AND ENFORCEMENT. In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Added by Ordinance No. 99-16)

POLICY 16.7.1: Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development

groundwater and surface water analysis required by Policy 16.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Division of Natural Resources for their review. (Added by Ordinance No. 99-16)

POLICY 16.7.2: If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Added by Ordinance No. 99-16)

POLICY 16.7.3: The approved Private Recreational Facility must submit an annual monitoring report for a period of five (5) years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring - the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities - including those used on the golf course, as well as natural and preserve areas.
3. Wildlife Monitoring - the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring - the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring - the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.
6. Integrated Pest Management Monitoring - the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

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

OBJECTIVE 16.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within Private Recreational Facilities will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five (5) 18-hole golf courses, for a total of 90 golf holes, will be permitted through 2030. (Added by Ordinance No. 99-16, Amended by Ordinance No. 10-21)

POLICY 16.8.1: Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Added by Ordinance No. 99-16)

POLICY 16.8.2: An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Added by Ordinance No. 99-16)

POLICY 16.8.3: If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flowways and water bodies must be bridged. Created or restored flowways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and the South Florida Water Management District. (Added by Ordinance No. 99-16)

POLICY 16.8.4: Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain. (Added by Ordinance No. 99-16)

POLICY 16.8.5: A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by the South Florida Water Management District for regional water management objectives. (Added by Ordinance No. 99-16)

POLICY 16.8.6: For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Added by Ordinance No. 99-16)

POLICY 16.8.7: Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Added by Ordinance No. 99-16)

POLICY 16.8.8: The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.
2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.
3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. (Added by Ordinance No. 99-16)

POLICY 16.8.9: Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, re-use water, where available, will be utilized for irrigation. Re-use water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Added by Ordinance No. 99-16)

POLICY 16.8.10: Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Added by Ordinance No. 99-16)

POLICY 16.8.11: It is the landowner(s) responsibility to notify the County within ten (10) working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not

submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Added by Ordinance No. 99-16)

POLICY 16.8.12: GOLF SITE REQUIREMENTS.

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

(Added by Ordinance No. 99-16, Amended by Ordinance No. 02-02)

GOAL 17: BUCKINGHAM. To manage the future growth in the Buckingham Community; to preserve the existing rural and agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic and rural character; and to protect the unique historical and environmental values of the Buckingham Community. For the purposes of this plan, the precise boundaries of the Buckingham Community are indicated on the Future Land Use Map Series, Map 1, Page 2 of 8, Special Treatment Areas. To help maintain the rural and historic character, and create a visually attractive community, the Buckingham Community will draft and submit amendments to the Lee County Land Development Code to implement the intent of the Buckingham Community objectives and policies for Lee County to review and consider for adoption. (Added by Ordinance No. 91-19, Amended by Ordinance No. 93-25, 94-30, 10-15)

OBJECTIVE 17.1: LAND USE. The primary land use designation for the Buckingham Community is "Rural Community Preserve." Other land use designations exist within the Buckingham Community, such as Rural, Sub-Outlying Suburban, Conservation Lands, and Wetlands. Public Facilities have also been designated as appropriate. No land in the Buckingham Community will be changed to a land use

category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. Land use decisions will be guided by preserving the rural and agricultural land use pattern. (Amended by Ordinance No. 00-22, 10-15)

POLICY 17.1.1: No property within the Buckingham Community will be rezoned to RVPD. (Amended by Ordinance No. 00-22, 10-15)

POLICY 17.1.2: The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road is designated as the commercial node for the Buckingham Community. With the exception of the uses and the property identified in this policy, no new commercial development will be located outside of this commercial node. All new commercial developments in the node are required to provide a minimum of 30% open space. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard. Commercial uses permitted in agricultural zoning districts, such as Feed and Tack stores, are allowed outside of the commercial node if appropriate zoning approval is granted. Commercial boarding stables throughout the Rural Community Preserve will be allowed to give lessons and clinics if lawfully existing or appropriate zoning approval is granted. Commercial uses are permitted on the property zoned C-1 located at 9140 Buckingham Road. (Amended by Ordinance No. 94-30, 98-09, 00-22, 10-15)

POLICY 17.1.3: Except for those clustered areas approved in accordance with Policy 17.1.5, all lots created in the Rural Community Preserve land use category must have a minimum area of 43,560 square feet, unless a Minimum Use Determination has been issued. Calculation of lot size must exclude any road right-of-way or easement areas, water management areas, and natural water bodies. (Amended by Ordinance No. 00-22, 10-15)

POLICY 17.1.4: Bonus density is prohibited in the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.1.5: Clustering of residential development in the Rural Community Preserve requires residential planned development (RPD) zoning. Density in clustered developments will be based on upland acreage. Dwelling units must be located away from the property boundaries. Clustering of residential development is limited in the following fashion:

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

(Added by Ordinance No. 10-15)

POLICY 17.1.6: When possible, residential development adjacent to the Rural Community Preserve boundary should make appropriate transitions to the community with a graduated increase in density as development moves away from the Rural Community Preserve boundaries. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.1.7: To preserve the shoreline, a 50 foot set back is required from the Orange River. The setback will be measured from the mean high water line or from the top of bank of the Orange River, whichever is further landward. Docks are exempt from this setback requirement. (Added by Ordinance No. 10-15)

OBJECTIVE 17.2: TRANSPORTATION. Lee County supports the community desire to protect the rural character of the Buckingham Community by keeping the majority of the roadways within the community to two lanes. For purposes of this objective, improvements related to bicycle, pedestrian and equestrian facilities or safety improvements, including but not limited to intersection and turn lane additions or improvements, will not be deemed an expansion of the roadway. (Amended by Ordinance No. 94-30, 99-15, 00-22, 10-15)

POLICY 17.2.1: Future multi-lane expansions within the Buckingham Community will be limited to the four-laning of Buckingham Road (except for the portion of Buckingham Road that is encompassed by the Lockett Road Extension). All other existing roadways within the boundaries of the Buckingham Community will remain in their two-lane configuration. This policy does not include bicycle, pedestrian and equestrian facilities or safety improvements on roadways within the boundaries of the Buckingham Community that may be deemed necessary by the Lee County Department of Transportation. As part of any future expansions of Buckingham Road or segments of Buckingham Road within the boundaries of the Buckingham Community, the Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. regarding the proposed road expansion. (Added by Ordinance No. 10-15)

POLICY 17.2.2: Future extensions of roadways into or through the boundaries of the Buckingham Community will be limited to the Lockett Road Extension on the alignment and in the configuration as adopted by the Board of County Commissioners on June 3, 2008. During the June 3rd meeting the Board recognized the potential to avoid bisecting the Heritage Lakes parcel by shifting the alignment to the east, and that this could be accomplished if the Heritage Lakes parcel is ultimately acquired through the Conservation 20/20 program. If the Heritage Lakes parcel is acquired, a revision in the alignment will be coordinated with CLASAC. Any proposal to further change the adopted alignment of the Lockett Road Extension within the Buckingham Community (beyond the one discussed above) will require analysis and public input. The Lee County Department of Transportation must have at least one public meeting within the community, and the Lee County Board of County Commissioners must have at least one public meeting after 5:00 p.m. regarding the proposed road changes. The analysis must consider the community's desire to have this alignment as far south as possible, starting east of Pangola, in order to skirt the Buckingham Community. In addition, specific roadway extensions are prohibited as follows:

1. The extension of State Road 31 south of the Orange River is prohibited.
2. The extension of Ellis Road is prohibited.
3. The extension of Staley Road to State Road 82 is prohibited.
4. The extension and connection of Long Road to Ellis Road is prohibited.
5. No new east/west collector roadways will be planned or built within the Rural Community Preserve.

(Added by Ordinance No. 10-15)

POLICY 17.2.3: The Lee County Department of Transportation will work with the Buckingham Community to identify issues, propose options, and develop a plan directed at improving safety on roads, limiting the negative effects of traffic, and improving the overall functionality of roads within the Buckingham Community to the extent practicable and consistent with the balance of applicable policies. (Added by Ordinance No. 10-15)

OBJECTIVE 17.3: PUBLIC FACILITIES AND UTILITIES. To protect the rural character of the Buckingham Community, public facilities and utilities will be designed to maintain or enhance the overall rural character of the community.(Amended by Ordinance No. 00-22, 03-19, 10-15)

POLICY 17.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Rural Community Preserve, except to the areas identified by Lee Plan Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Sewer lines may be extended to future public facilities after one or more public meetings are held in the community and a public hearing is held before the Board of County Commissioners. The County may also extend transmission/force mains through the Rural Community Preserve, if necessary. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. The County will consider waivers to Lee County Utility's central sewer mandatory connection requirement in the Buckingham Community. A waiver may not be granted unless the landowner has the approval of the Health Department, and the request is in accordance with section 381.00655(2)(b), F.S. (Added by Ordinance No. 10-15)

POLICY 17.3.2: Central water lines may be extended along roads of the Rural Community Preserve upon request of property owners, with extension and connection fees paid by the person(s) receiving the water service. The County may also extend central water lines through the Rural Community Preserve, if necessary. Extension of public central water lines will require the Lee County Board of County Commissioners to hold at least one public meeting after 5:00 p.m. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 17.1.5), within the Rural Community Preserve. (Added by Ordinance No. 10-15)

POLICY 17.3.3: All new large developments (as defined in chapter 10 of the Land Development Code) must install utilities underground. Utilities include, but are not limited to, electricity, telephone, and cable lines. (Added by Ordinance No. 10-15)

POLICY 17.3.4: East County Water Control District is encouraged to continue to develop and maintain its infrastructure to minimize flooding, manage flows down the Orange River, and improve water quality. In addition, ECWCD is encouraged to work with the Lee County Emergency Operations Center to develop a system to warn residents in advance of large releases of water. (Added by Ordinance No. 10-15)

POLICY 17.3.5: Any development or redevelopment of the property must be developed in a manner that does not adversely impact the rural community. Any use must provide appropriate separation, buffering, traffic mitigation and control, and environmental protection. (Added by Ordinance No. 10-15)

POLICY 17.3.6: Detention and correctional facilities are prohibited within the Buckingham Community boundaries. (Added by Ordinance No. 10-15)

POLICY 17.3.7: No new landfills or resource recovery facilities are permitted in the Buckingham Community. Expansion of the Resource Recovery facilities located on the County property is permitted, including the introduction of new operations and facilities to address solid waste needs. (Added by Ordinance No. 10-15)

POLICY 17.3.8: Lee County Staff will continue to participate in the selection of proper locations and routes for electrical and natural gas transmission lines, and utilities facilities, such as electrical substations and power plants, by facilitating public input from the affected communities. However, the final determination of location and transmission line routes is determined by the State of Florida. (Added by Ordinance No. 10-15)

OBJECTIVE 17.4: LANDSCAPING, BUFFERING, COMMUNITY AESTHETICS, AND QUALITY OF LIFE. Adequate and appropriate landscaping, open space, and buffering must be provided as a means of protecting and enhancing the Buckingham Community's historic rural character and environmental values from developments, utilities, public services, roads, and land use changes or other improvements. (Added by Ordinance No. 10-15)

POLICY 17.4.1: Essential Service and Community Facilities must provide an appropriate native vegetative buffer to address compatibility issues and to enhance the Buckingham Community's rural and low density residential character. Buffering materials must be designed to enhance and protect the aesthetic values inherent to the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.4.2: Lee County will continue, through Lee County Solid Waste Collection Agreements, to require all current and future solid waste collection contractors to perform weekly litter collection along approximately one and one half miles of Buckingham Road, in the vicinity of the Resource Recovery Facility. (Added by Ordinance No. 10-15)

POLICY 17.4.3: Within the Buckingham Community, residential walls are prohibited as boundaries for housing subdivisions or large residential developments. Berms are allowed in accordance with the Lee County Land Development Code, but must be designed to be undulating. (Added by Ordinance No. 10-15)

POLICY 17.4.4: Residential and commercial lighting must be designed to reduce light pollution and light trespass in the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.4.5: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, or signage guidelines. (Added by Ordinance No. 10-15)

OBJECTIVE 17.5: ENVIRONMENT, OPEN SPACE AND PARKS. The Buckingham Community values its rural environment and has a goal of protecting open space for the present and future generations. (Added by Ordinance No. 10-15)

POLICY 17.5.1: Lee County will work with the Buckingham Community to develop a plan for an interconnected system of parks, hiking, and horse riding trails within the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.5.2: The Orange River has areas where it is narrow, with fluctuating levels of water flow and surrounding low density residential uses. Any access to the Orange River, except for single family docks, will be reviewed through the Planned Development zoning process to insure consistency with surrounding areas. Docks, except for single family docks, approved prior to March 3, 2010 may remain but may not be expanded unless the expansion complies with this policy. (Added by Ordinance No. 10-15)

POLICY 17.5.3: The removal of invasive exotic plants, as defined by the state or county, is required for all new development within the Rural Community Preserve. (Added by Ordinance No. 10-15)

OBJECTIVE 17.6: It is the policy of Lee County to protect the historical agricultural uses within the Buckingham Community. These uses include a variety of agricultural applications such as tree farms, citrus farms, stables, cattle, cows, goats, and other livestock and crops of varying sizes. Lee County will accommodate existing agriculture uses into the future. (Added by Ordinance No. 10-15)

POLICY 17.6.1: Lee County will, when asked by the Property Appraiser, advise the Property Appraiser that it is the intent of the Lee Plan to protect and maintain agriculture in the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.6.2: Growing of crops for alternative energy sources on an experimental basis, such as *Jatropha curcas*, will be considered an agricultural use. (Added by Ordinance No. 10-15)

OBJECTIVE 17.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals that affect the Buckingham Community. (Added by Ordinance No. 10-15)

POLICY 17.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Buckingham Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 10-15)

POLICY 17.7.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within or adjacent to the Buckingham Planning Community, or with access to Buckingham Road must conduct one public informational session within the Buckingham Community where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 10-15)

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

OBJECTIVE 18.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies. (Amended by Ordinance No. 00-22)

POLICY 18.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities. (Amended by Ordinance No. 00-22)

POLICY 18.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development. (Amended by Ordinance No. 00-22)

POLICY 18.1.3: Lee County will maintain and as necessary adopt appropriate regulations providing for university housing, including student dormitories and boarding houses. (Amended by Ordinance No. 00-22, 07-12)

POLICY 18.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community. (Amended by Ordinance No. 00-22, 07-12, 10-40)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

Prior to local Development Order approval on property within Area 9, the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County. The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication. (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

POLICY 18.1.6: Lee County will facilitate mass transit opportunities connecting the University Community to other parts of the county, in accordance with the goals, objectives, and policies of the Mass Transit element. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.7: A diverse mixture of land uses will be encouraged within the University Community. Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.8: All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens. Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property. Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 18.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road. (Amended by Ordinance No. 94-30, 10-40)

POLICY 18.1.11: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. The development of the lands in Area 9 at the

county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site. (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

POLICY 18.1.13: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.14: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be born by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.15: The cost for the provision and expansion of facilities necessary to comply with the recommendations of the Estero Basin that benefits development in the University Community will be borne by those who benefit. Such funding may include (but is not limited to) outright construction by the developer, special taxing or benefit districts, or Uniform Community Development Districts (Chapter 190, F.S.). The cost for these types of improvements will not be borne by the county. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

- 1. Mixed Use:** Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. Development on Alico West, Area 9, must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code, recognizing there may be significant deviations to accommodate the proposed development. The following minimum and maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

Residential: Minimum 800 units, maximum 1,950 units;

Retail: Minimum 200,000 square feet, maximum 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.);

Office/Research/Development: Minimum 400,000 square feet, maximum of 918,000 square feet (additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above);

Donation Site to University: Minimum 40,000 square feet, maximum 400,000 square feet; and

Hotel: Minimum 0 rooms, maximum 250 rooms.

2. **Main Street Town Center:** The development must provide an area for a main street town center that is supportive of FGCU, with mixed use development employing the Traditional Neighborhood Development (TND) form as defined in the glossary of the Plan. This portion of the development must contain mixed use buildings but may also contain some single use buildings. The Town Center must be a minimum of 25 Gross Acres. The minimum Residential Units within the area defined as the Town Center will be 200. Commercial Uses, including retail, office, employment, institutional or civic uses within the Town Center must provide a minimum total of 125,000 square feet. Coupled with the applicable Policy Framework, the required minimum percentage of non-residential land uses in the Town Center will be as follows:

Retail / Commercial:	50% MIN
Office / Employment:	25% MIN
Public, Institutional & Civic:	5% MIN

3. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed main street town center while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but not to exceed a total of 1,950 dwelling units.
4. **Retail Uses:** The total retail floor area for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be appropriately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:
- One (1) grocery store may be constructed to a maximum of 45,000 square feet;
 - Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;
 - Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and,
 - At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9.

5. **Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.
6. **Development Acreage:** The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations known as fines.

These and other activities have left an area of approximately 350 acres that has never been mined that remains suitable for development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, non-residential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with rezoning approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will not be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed.

7. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to the easterly portion of FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and student safety features. Prior to vertical development on Area 9 this connection must be in place.
8. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community with student safety features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express and other alternative modes of transportation.
9. **Golf Course Prohibited:** In order to facilitate a compact design, maximize the use of the developable area within Area 9, and to accomplish the goals established in Policy 18.2.2 to develop and support a viable University Community, Area 9 is prohibited from having a golf course facility.
10. **Parking:** Parking in Area 9 should be minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. All parking must be consistent with the requirements identified below:
 - A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:
 1. A minimum of 50% of the required parking will be contained in parking structures.
 2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.
 3. A minimum of 25% of the required parking would be on street parking in a TND design.
 4. Off-street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.
 - B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards

and buffers. Further the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, use of on-street parking, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.

C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.

11. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will each be limited to 195 units. All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.
12. **Entertainment District:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as amphitheaters, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
13. **Landscaping:** All plantings used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook-up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping.
14. **Reclamation:** Development within Area 9 must include reclamation of the adjacent mine pit, including installation of appropriate littoral zones.
15. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.
16. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.
17. **Development Within Five Years of Comprehensive Plan Amendment approval:** Development in Area 9, including the 40 acre parcel to be donated to FGCU, will be limited as follows: 105,000 square feet of commercial-retail development, 45,000 square feet of general office development, 200 residential units of which a maximum of 100 units may be either single family or zero lot line or a combination thereof and 40,000 square feet of development on the University parcel. Approval of Development Orders are prohibited beyond these limitations until the necessary infrastructure is included in the first three years of the Capital Improvement Program.

(Added by Ordinance No. 10-40, Amended by Ordinance No. 14-03)

OBJECTIVE 18.2: UNIVERSITY COMMUNITY SUB-CATEGORIES. The University Community meets an educational infrastructure need for the Southwest Florida five county area by providing the necessary and appropriate land uses to carry out the mission of Florida's 10th University as stated by the Board of Regents. Within the University Community land use category there are two distinct sub-categories: University Campus and the University Village. The University Window overlay is also a part of the University Community land use category. (Amended by Ordinance No. 94-30)

POLICY 18.2.1: The University Campus area provides for the land uses of the University and its related functions. Development within the University Campus will be in accordance with provisions of any development agreement(s) between the Department of Community Affairs and the Board of Regents under the provisions of Chapter 380 F.S. and any other applicable state law. (Amended by Ordinance No. 00-22)

POLICY 18.2.2: The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. (Amended by Ordinance No. 00-22, 14-03)

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Treeline Avenue	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Future Extension of County Road 951
Corkscrew Road	From I-75 to Treeline Avenue
Koreshan Boulevard	From I-75 to Treeline Avenue

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

(Amended by Ordinance No. 00-22, 07-12, 10-40)

GOAL 19: ESTERO. Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:

- Protecting the natural resources, environment, and lifestyle;
- Establishing minimum aesthetic and design requirements;
- Managing the type, location, quality, design and intensity of future land uses;
- Providing greater opportunities for public participation in the land development approval process; and
- Promoting a true sense of place in Estero.

(Added by Ordinance No. 14-16)

OBJECTIVE 19.1: CHARACTER & LAND USE. Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place. (Added by Ordinance No. 14-16)

POLICY 19.1.1: Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing Lee Plan policies, Land Development Code (LDC) regulations, and other planning tools that:

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- a. Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities;
- b. Promote the use of low impact design, sustainable energy, water, and other environmental features;
- c. Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay;
- d. Encourage the redevelopment and infill of underutilized commercial and residential lands; and
- e. Increase public participation in the land development approval process to ensure future development efforts support the Estero community plan and adopted Lee Plan policies and LDC standards.

(Added by Ordinance No. 14-16)

POLICY 19.1.2: Lee County may not approve any proposed project that is inconsistent with the Lee Plan including this Goal 19 and its objectives and policies. Projects will be reviewed through a public process that includes the Estero community, property owners, and Lee County staff to ensure that the development is consistent with Estero’s plan and vision. (Added by Ordinance No. 14-16)

POLICY 19.1.3: Encourage new developments that achieve the Estero community’s vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the Lee Plan and Land Development Code that:

- a. Promote urban integrated forms of development in targeted areas identified on the Mixed-Use Overlay;
- b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;
- c. Promote the use of green design, sustainable energy, water, and other environmental features;
- d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards;
- e. Enable infill of underutilized commercial and residential lands; and
- f. Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories.

(Added by Ordinance No. 14-16)

POLICY 19.1.4: Facilitate the redevelopment of properties constructed prior to the adoption of Estero Lee Plan policies and LDC regulations by establishing incentives (including, but not limited to, utilization of Bonus Densities established through the Lee Plan Urban land use categories) and streamlined development processes that enable older properties to come into compliance with adopted Lee Plan policies and LDC standards. (Added by Ordinance No. 14-16)

POLICY 19.1.5: Recognize the unique historical and cultural values of the Estero Community by establishing and implementing development incentives and regulations within the Lee Plan and Land Development Code that:

- a. Encourage the development of the Old Estero area into a mixed-use center;
- b. Incorporate design features of Estero’s historic structures into future architectural design, streetscape, and community-wide LDC standards; and
- c. Identify, protect, and promote historic resources and facilities such as those related to Koreshan Park, Old Estero area, and the Estero Community Park.

(Added by Ordinance No. 14-16)

POLICY 19.1.6: Establish and promote Estero’s unique character and identity by enhancing the community’s boundaries through the use of gateway entry features such as ornamental landscape features, hardscape elements and Estero identification signs. Encourage, where feasible, that gateways are constructed by working with the Florida Department of Transportation and private property owners to build the gateways at appropriate locations. (Added by Ordinance No. 14-16)

POLICY 19.1.7: Explore opportunities to identify, prioritize, and fund local capital improvement projects (particularly projects that enhance transportation and infrastructure systems) within the Estero community. Evaluate the feasibility of local, dedicated funding options—e.g.: MSBU, Tax Increment Finance District, or other similar mechanism. Capital projects that could be targeted for such funding include:

- a. Streetscape improvements such as roadway pavers, street furniture, street signs and lighting, trash receptacles, and other hardscape features—particularly in Old Estero and within new mixed-use centers;
- b. Pedestrian scale lighting;
- c. Landscaping and hardscape features—particularly along US 41;
- d. Public trails and greenways facilities;
- e. Blue way facilities that provide public access to Estero River;
- f. Multi-modal transportation facilities that expand or establish pedestrian, bike, transit, and rail services;
- g. Public space, park, and recreational facilities;
- h. Urban level infrastructure services and systems within mixed-use center areas; and
- i. Historic resources and facilities such as those associated with the Koreshan Park and Estero Community Park.

(Added by Ordinance No. 14-16)

OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS. Promote Estero’s quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero’s residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. (Added by Ordinance No. 14-16)

POLICY 19.2.1: Where feasible, provide for the development of walkable mixed-use town centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community’s natural resources through Lee Plan policies and LDC regulations that support Estero’s distinct community character and the following community priorities:

- a. Support the development of a central town center to unify the community;
- b. Improve the connectivity between Estero’s residential neighborhoods, economic areas, civic uses, and park and recreational facilities;
- c. Diversify the community’s economic base and employment opportunities;
- d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;
- e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;
- f. Improve access to the community’s blueways—particularly the Estero river—, greenway trails, other open spaces;
- g. Promote the community’s cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;

- h. Commercial and mixed-use developments will maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage; and
 - i. Promote and incentivize private investment within mixed-use centers and economic areas.
- (Added by Ordinance No. 14-16)

POLICY 19.2.2: Facilitate the development of a town center for the Estero community through the development of LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods, commercial areas, and community park and recreational facilities. (Added by Ordinance No. 14-16)

POLICY 19.2.3: Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, along the U.S. 41 corridor, along Corkscrew Road, and in the Old Estero area that:

- a. Address streetscaping design and amenities, residential buffering standards, commercial center developments, signage, transportation facility needs, and other community concerns;
- b. Provide for the economic and employment needs of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of mixed-use centers along the US 41, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and
- c. Encourage mixed-use centers at these locations.

(Added by Ordinance No. 14-16)

POLICY 19.2.4: Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or Compact Communities Planned Development (CCPD). (Added by Ordinance No. 14-16)

POLICY 19.2.5: Except as set forth in Policy 19.2.5(a), the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard. (Added by Ordinance No. 14-16)

POLICY 19.2.5 (a): Nightclubs, bars, and cocktail lounges, which are not within a Group III Restaurant, may be permitted within a mixed use center approved as a CCPD or MPD through the public hearing process. The CCPD or MPD Project must include, at a minimum, a residential development of 1000 or more dwelling units and commercial development or activity which includes 1,000,000 square feet or more of floor area. These uses must be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) located in the approximate center of the mixed-use development project. (Added by Ordinance No. 14-16)

POLICY 19.2.6: Encourage commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. (Added by Ordinance No. 14-16)

POLICY 19.2.7: Encourage the development of medical related uses within Estero by working with Economic Development Staff and private property owners to adopt appropriate land policies, land development standards, identify appropriate sites and locations, and establish incentives for the development of health related facilities. Particular emphasis will focus on establishing a medical economic center in the southern section of Estero along U.S. 41. (Added by Ordinance No. 14-16)

POLICY 19.2.8: Facilitate the development of professional, and research and development economic areas by working with Economic Development Staff and private property owners to adopt land development standards, identify appropriate sites and locations, and establish incentives for the development of professional and research and development facilities. Particular emphasis shall be on locating such facilities in areas that are in the proximity of FGCU educational resources and high technology facilities. (Added by Ordinance No. 14-16)

OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS. Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms. (Added by Ordinance No. 14-16)

POLICY 19.3.1: Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

- a. Are compatible with adjacent uses, public facilities, and infrastructure systems;
- b. Impact surrounding environmental and natural resources;
- c. Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;
- d. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and
- e. Contribute to the overall design, landscaping, and aesthetics that make up the community's character.

(Added by Ordinance No. 14-16)

POLICY 19.3.2: Meet the future residential and commercial needs of Florida Gulf Coast University by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed-use centers, in close proximity to Florida Gulf Coast University. The development of such housing and mixed-use centers will consider the transitions between the adjacent residential neighborhoods, commercial centers, and park and recreational facilities. (Added by Ordinance No. 14-16)

POLICY 19.3.3: Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use center. (Added by Ordinance No. 14-16)

OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY. Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system. (Added by Ordinance No. 14-16)

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19.3.3?

POLICY 19.4.1: Establish land development code standards that ensure the development of a well connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

- a. Require, where feasible, interconnects with adjacent uses;
- b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
- c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
- d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Estero Community.

(Added by Ordinance No. 14-16)

POLICY 19.4.2: Expand opportunities for Estero's transportation network of pedestrian and bicycle pathways, sidewalks, trails, and other facilities by working with the State of Florida and other local, state, and regional entities to:

- a. Construct multi-use pathways that feature shade trees, benches, bike racks, and other design elements to attract usage;
- b. Identify targeted funding sources including development contributions, private donations, public funding sources (e.g.: MSBU), or other mechanisms;
- c. Implement the greenways master plan within the Estero community by working with Lee County Parks Department;
- d. Utilize the FP&L right of way within Estero State Buffer Preserve by working with FP&L and Lee County;
- e. Establish a pedestrian-bike trail within or along the rail right of way for public recreation by working with the existing rail corridor and private developers; and
- f. Encourage the development of an effective rail system by working with the existing rail corridor to improve and expand use of existing rail facilities.

(Added by Ordinance No. 14-16)

POLICY 19.4.3: All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms. (Added by Ordinance No. 14-16)

POLICY 19.4.4: Provide for well designed, safe, and multi-use transportation corridors by establishing, maintaining, and implementing complete street design guidelines for the major roadways within Estero including the US 41, Corkscrew Road, Via Coconut/Sandy Lane, and Three Oaks Parkway. In design, provide roadway and median landscape standards, access management guidelines, signage, street lighting, and sidewalks to ensure safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. (Added by Ordinance No. 14-16)

POLICY 19.4.5: Address regional transportation demands and considerations by proactively working with private developers, and the applicable advisory boards and other local, regional, and state agencies to improve transportation connectivity and mobility throughout Estero and to other communities. (Added by Ordinance No. 14-16)

OBJECTIVE 19.5: NATURAL RESOURCES AND ENVIRONMENT. Ensure that Estero's natural environment enhances the character and quality of life of the community by protecting the natural resources of Estero, promoting the area's natural environment to visitors and residents, and supporting public access to greenway and waterfront areas. (Added by Ordinance No. 14-16)

POLICY 19.5.1: Protect the natural environment and resources of Estero by maintaining, amending, and implementing Lee Plan or LDC regulations that:

- a. Promote the quality of Estero's natural environment, native species and habitats, and ecological resources; and;
- b. Facilitate where feasible, new development to provide public access to Estero waterways and greenways, as appropriate. Particular emphasis shall be given to properties along Estero River, its tributaries, and any Estero open spaces;
- c. Incentivize the protection of Estero's natural resources—e.g.: wetlands, uplands, historic flow ways, native habitat, or other ecological resources; and
- d. Require all new developments adjacent to Estero River or its tributaries to incorporate design techniques that protect the river's water quality through improved runoff or stormwater discharge practices. These techniques may include: the preservation of wetland areas, the incorporation of Low Impact Development techniques, or other surface water quality enhancement technologies.

(Added by Ordinance No. 14-16)

POLICY 19.5.2: Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water-dependent facilities. (Added by Ordinance No. 14-16)

POLICY 19.5.3: Support the long term protection of Estero's environment and natural resources by working with local, regional, state, and national agencies and organizations to identify and preserve natural resources and the environment. (Added by Ordinance No. 14-16)

POLICY 19.5.4: The Estero Community attaches great importance to the integrity of provisions in the Lee Plan and the Land Development Code with respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of place, and character of Estero. (Added by Ordinance No. 14-16)

OBJECTIVE 19.6: PUBLIC SPACES, PARKS, AND RECREATIONAL FACILITIES. Support Estero's quality of life through the development of a broad array of community parks, public spaces, and recreational facilities. (Added by Ordinance No. 14-16)

POLICY 19.6.1: Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities. (Added by Ordinance No. 14-16)

POLICY 19.6.2: Expand the use, variety, and type of public spaces, parks, and recreational facilities within Estero by working with private developments to provide linkages, access, public parks, public space, and recreational amenities through the use of incentives, LDC requirements, and other development tools. (Added by Ordinance No. 14-16)

POLICY 19.6.3: Promote Estero Community Park as a hub for the entire community. (Added by Ordinance No. 14-16)

POLICY 19.6.4: Encourage the use of park areas to link neighborhoods, commercial and mixed-use centers, and other open space and recreational facilities through an integrated system of bike, pedestrian, and roadways connections. (Added by Ordinance No. 14-16)

POLICY 19.6.5: Consistent with the Lee Plan Parks, Recreation, and Open Space Element, integrate the Koreshan State Historic Site into the fabric of the community by collaborating with the appropriate agencies such as the State of Florida to improve the area's landscaping, enhance pedestrian and bicycle access, historic resources and structures, and community park program and activities. (Added by Ordinance No. 14-16)

POLICY 19.6.6: Consistent with the Lee Plan Parks, Recreation, and Open Space Element, provide passive recreational opportunities within Estero State Buffer Preserve, Estero River, and Estero Bay by collaborating with the appropriate local, regional, and state agencies and private property owners to ensure the community's parks, natural amenities, and open spaces have easy access, parking, trails, and other community amenities. (Added by Ordinance No. 14-16)

OBJECTIVE 19.7: PUBLIC PARTICIPATION. Ensure the public has meaningful and appropriate opportunities to participate in and comment upon development in and around the Estero community. (Added by Ordinance No. 14-16)

POLICY 19.7.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Estero community planning area that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 14-16)

POLICY 19.7.2: The Estero Community will establish an online document clearing house for their community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations, and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the online document clearing house, or failure of the online document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 14-16)

POLICY 19.7.3: The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, Administrative Amendments, and Development Orders for county approval within the Estero Community must conduct one public informational session within the community in a publicly owned or leased facility where the agent will provide a general overview of the project for any interested citizens. Lee County encourages planning, zoning, and/or development services staff to participate at such public meetings. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting place, time and date and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. If the applicant chooses to hold the public meeting before any established community groups, then the minutes of that meeting as may be applicable must be provided prior to a finding of sufficiency. (Added by Ordinance No. 14-16)

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north. (Added by Ordinance No. 03-02).

OBJECTIVE 20.1: LAND USE. The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 03-02)

POLICY 20.1.1: Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-02)

POLICY 20.1.2: Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road, will be deemed consistent with Policy 20.1.1. (Added by Ordinance No. 03-02)

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted. (Added by Ordinance No. 03-02)

POLICY 20.1.4: No new mining uses or commercial excavations are permitted. (Added by Ordinance No. 03-02)

OBJECTIVE 20.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity. (Added by Ordinance No. 03-02)

POLICY 20.2.1: Any expansion of the state arterial roadways should include physically separated provisions for bicyclists/pedestrians. (Added by Ordinance No. 03-02)

POLICY 20.2.2: Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character. (Added by Ordinance No. 03-02)

POLICY 20.2.3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community. (Added by Ordinance No. 03-02)

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible. (Added by Ordinance No. 03-02)

POLICY 20.3.1: Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan. (Added by Ordinance No. 03-02)

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community. (Added by Ordinance No. 03-02)

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility. (Added by Ordinance No. 03-02)

GOAL 21: CALOOSAHATCHEE SHORES: To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 8 in the Appendix. (Added by Ordinance No. 03-21)

OBJECTIVE 21.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community. (Added by Ordinance No. 03-21)

POLICY 21.1.1: By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

POLICY 21.1.2: In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged. (Added by Ordinance No. 03-21)

POLICY 21.1.3: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards. (Added by Ordinance No. 03-21)

POLICY 21.1.4: By the end of 2007, the Caloosahatchee Shores community will draft enhanced code enforcement standards to be considered by staff for possible inclusion in Chapter 33 of the LDC. (Added by Ordinance No. 07-09)

POLICY 21.1.5: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after May 15, 2009, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 09-06)

OBJECTIVE 21.2: COMMERCIAL LAND USES. New commercial uses will be limited to properties already zoned for commercial uses as well as commercial centers designated on Map 19, the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with the Commercial Future Land Use designation, and Future Urban Areas including the central urban and suburban categories adjacent to S.R. 80. New commercial zoning must be approved through the Planned Development rezoning process. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in Policy 6.1.2. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node.
(Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.2: In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be prohibited. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.3: The Olga Mall property, 2319 S. Olga Drive, may continue to provide minor commercial retail services for the Olga community. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.4: Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails. (Added by Ordinance No. 03-21)

POLICY 21.2.5: To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Exhibit 1 as a conceptual redevelopment plan for this corridor. (Added by Ordinance No. 03-21)

OBJECTIVE 21.3: RESIDENTIAL USES: Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space. (Added by Ordinance No. 03-21)

POLICY 21.3.1: By the end of 2007, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

OBJECTIVE 21.4: MIXED USE DEVELOPMENT. Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives. (Added by Ordinance No. 03-21)

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

POLICY 21.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and that provide for an integration of commercial with residential uses with pedestrian linkages are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.

- Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

(Added by Ordinance No. 03-21)

POLICY 21.4.3: Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2007, the Caloosahatchee Shores

community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments. (Added by Ordinance No. 03-21, Amended by Ordinance No. 07-12)

OBJECTIVE 21.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 03-21)

POLICY 21.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses. (Added by Ordinance No. 03-21)

POLICY 21.5.2: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront. (Added by Ordinance No. 03-21)

POLICY 21.5.3: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian, bicycle or equestrian linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 03-21)

POLICY 21.5.4: Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities. (Added by Ordinance No. 03-21)

OBJECTIVE 21.6: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 03-21)

POLICY 21.6.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

POLICY 21.6.2: The Caloosahatchee Shores Community will establish a "document clearing house," where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the

document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 03-21)

POLICY 21.6.3: The owner or agent of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in the public information session. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the public information session; and a proposal for how the applicant will respond to any issues that were raised.

(Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

GOAL 22: BOCA GRANDE. The Boca Grande Community Plan seeks to preserve and conserve the surrounding fragile environment, recreation and open space areas, the Historic District, the quality of life and the continued enjoyment of its natural and cultural gifts. The plan seeks consistent

enforcement of all current and future regulations with respect to zoning, traffic, parking, law enforcement, public utilities, the Gasparilla Island Conservation District Act and the Boca Grande Historic District. (Added by Ordinance No.05-19)

OBJECTIVE 22.1: FUTURE LAND USE. To preserve the traditional character, scale, and tranquility of the historic village and residential areas of the Boca Grande community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment, overburden the existing infrastructure, or require additions to the present infrastructure.

Lee County will continue to enforce the regulations found in the Gasparilla Island Conservation District Act, and will assist the residents of Boca Grande to further develop growth management policies and regulations to limit densities and intensities of development on Gasparilla Island, in order to maintain the historic scale and development patterns of the community. (Added by Ordinance No. 05-19)

POLICY 22.1.1: Lee County will work with the Boca Grande community to establish boating and marine facility site location standards which will help to identify appropriate locations and development regulations that are consistent with a scope and intensity that will protect the community from the potential negative impacts. Future public boat ramps and other watercraft launching facilities on Gasparilla Island will only be developed with adequate on-site parking, and should minimize impacts to traffic and pedestrian safety, the environment, neighborhoods, and consider marine safety issues. (Added by Ordinance No. 05-19)

POLICY 22.1.2: In order to preserve the existing community character of Boca Grande, the Boca Grande community will work to develop standards to regulate all commercial uses on Gasparilla Island. Development standards will identify commercial design guidelines, parking and signage standards, appropriate intensity of uses and establish location standards to ensure consistency with the existing community character. (Added by Ordinance No. 05-19)

POLICY 22.1.3: The Boca Grande community will work to develop regulations within two years of the adoption of this Policy, to better manage rental and tour businesses which have an impact on the neighborhoods and environment of the community. These regulations will address issues such as the number and location of operators, safety, privacy, security, liability insurance, parking facilities, property maintenance, storm water management, and compatibility. (Added by Ordinance No. 05-19)

POLICY 22.1.4: Lee County will work with the Boca Grande community to establish a Document Clearing House in Boca Grande, where copies of selected documents from permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, Historic District Special Certificates of Appropriateness, and Administrative Variances and for any development on Gasparilla Island will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 05-19)

POLICY 22.1.5: The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Boca Grande where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 05-19)

POLICY 22.1.6: In order to promote water conservation and better manage this important resource, the Boca Grande community will develop standards for permit requests of new buildings to conduct a cistern feasibility study as part of the permitting process. For redevelopment projects, Lee County will seek to encourage the establishment of cisterns as a non potable water source, wherever practicable. (Added by Ordinance No. 05-19)

POLICY 22.1.7: In order to maintain the traditional scale and historic patterns of development on Gasparilla Island, including areas outside the Boca Grande Historic District, the Boca Grande community will develop regulations to preserve light, space and air around new residential dwelling construction and to discourage "mega houses" or "mansions" of Boca Grande. New development or redevelopment will recognize that traditional setbacks, particularly front and side yard setbacks, as well as strict adherence to the Coastal Construction Control Line, within existing and proposed neighborhoods on Gasparilla Island, should be maintained. (Added by Ordinance No. 05-19)

POLICY 22.1.8: Lawfully existing businesses and commercial buildings in the Boca Grande commercial areas will be deemed to be vested as related to parking, setbacks, height, and land use. Any expansion or change of use to one of higher intensity will require a review of parking impacts, setbacks, height, and uses as necessary. (Added by Ordinance No. 05-19)

POLICY 22.1.9: Lee County will support the Boca Grande community in their efforts to further investigate the need for modified development regulations applicable to Boca Grande, based upon the unique nature of the community, the location of Boca Grande on a barrier island at the mouth of Charlotte Harbor, the limited opportunities for supporting infrastructure, the seasonal nature of the demand upon public facilities, and the need for cross-county administration of growth management legislation. The Boca Grande community may propose development regulations that address the following:

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

(Added by Ordinance No. 05-19)

OBJECTIVE 22.2: TRANSPORTATION, PARKING AND TRAFFIC CIRCULATION. To ensure residential and commercial land use in Boca Grande that recognizes the connection between the existing transportation infrastructure and the community's desire to preserve Boca Grande's community character as a tranquil residential community, with an historic village center, and

abundant open space and preservation areas. No policy in this community plan will be construed or interpreted to imply that Lee County will implement and/or enforce new traffic regulations, traffic control, or parking regulations which are determined to be significantly substandard or may cause a defined safety or operational problem.

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

POLICY 22.2.1: Lee County will continue to enforce the provisions of the Gasparilla Island Conservation District Act which limit growth, limit building height and restrict advertising throughout Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.2.2: Lee County will support the provision of convenient, safe bridges providing access to Gasparilla and Cole Islands and supports the highest standard of safety for vehicles, golf carts, bicycles, and pedestrians including strict enforcement of traffic laws. (Added by Ordinance No. 05-19)

POLICY 22.2.3: Lee County will assist in efforts to create a Master Plan for improvements to the bike and golf cart path along Gulf Boulevard, south of the village. (Added by Ordinance No. 05-19)

POLICY 22.2.4: In order to preserve the historic characteristics of the community, Lee County will support the use of all way stop intersections or other traffic control methods, rather than traffic signals, whenever possible in the Boca Grande community. (Added by Ordinance No. 05-19)

POLICY 22.2.5: Lee County will support efforts of the Boca Grande community to beautify road right-of-ways and enhance the public realm of Boca Grande by including provisions for streetscaping in Historic Downtown Villages in the Lee Scape Master Plan. In order to maintain low traffic volumes, operating speeds, and noise levels, improvements will emphasize traffic calming techniques, and the need to preserve the aesthetic values of the community. Particular emphasis will be placed in the Historic District. Enhancements may include village streetscaping such as additional street trees, trash receptacles, benches and burying utilities underground. (Added by Ordinance No. 05-19)

POLICY 22.2.6: Lee County will continue to ensure viable hurricane evacuation options for the residents and stakeholders of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.2.7: Lee County will support improvement of pedestrian safety by establishing and marking crosswalks throughout the community, and by improving pedestrian circulation within the Historic District. (Added by Ordinance No. 05-19)

OBJECTIVE 22.3: Lee County will consider a funding request for the Boca Grande Community Plan implementation that provides for a parking and traffic study to identify ways to create safe and efficient parking for employees, patrons and visitors, and to determine the appropriate parking standards which will address the capacity and design needs of the Boca Grande commercial district. The parking and traffic study will address the following policies. (Added by Ordinance No. 05-19)

POLICY 22.3.1: As a result of regional growth and local redevelopment, Lee County will provide assistance to develop a long-range strategy to address increased parking demand. This may result in regulations, infrastructure improvements or adoption of management practices which incorporate any number of the following:

- a. Revised traffic count thresholds
- b. Maximum development intensities
- c. Revised minimum parking requirements
- d. Traffic congestion mitigation practices
- e. Vehicle and pedestrian safety programs
- f. Shared parking agreements
- g. Public/Private partnerships to fund new or expanded parking facilities.

(Added by Ordinance No. 05-19)

POLICY 22.3.2: Lee County will seek to maximize the efficiency and the functionality of existing parking facilities by improving trailblazing signage, re-designing existing parking facilities, and creating specific facilities for golf cart and bicycle parking. Designated parking for employees, the appropriate number of parking spaces for new and expanded uses, and enforcement of existing parking restrictions and permit requirements will also be examined. (Added by Ordinance No. 05-19)

POLICY 22.3.3: Parking along the beach access streets and other public rights-of-way will be regulated to allow convenient ingress and egress to residences and permit adequate emergency vehicle access at all times. Lee County will support efforts of the Boca Grande community to analyze the appropriateness of overnight and long term parking in the public rights-of-way, the Gilchrist median, and along beach access streets. (Added by Ordinance No. 05-19)

POLICY 22.3.4: Lee County will seek to direct service vehicles and delivery vehicles to designated unloading zones. Due to the traffic congestion in the Historic District, Lee County will assist in establishing time restrictions on service and delivery trucks during peak traffic periods, such as those occurring in March and April. (Added by Ordinance No. 05-19)

POLICY 22.3.5: For all new development and redevelopment, Lee County will continue to support and improve design and permitting efforts through the site plan review process that adequately address truck deliveries, emergency vehicle access, and solid waste disposal. (Added by Ordinance No. 05-19)

POLICY 22.3.6: Lee County will assist in a study of traffic patterns and flow in and around the Post Office, Park Avenue, East Railroad Avenue and West Railroad Avenue, seeking to develop a plan of action that will improve the functionality of the infrastructure while preserving the aesthetics of the community. (Added by Ordinance No. 05-19)

OBJECTIVE 22.4: CONSERVATION AND COASTAL MANAGEMENT. Lee County will preserve, protect, and, where possible, enhance the physical integrity, village character, ecological values, and natural beauty of Boca Grande and Gasparilla Island, focusing upon the diverse and healthy native vegetation, the clear offshore waters, and the varied and abundant native marine and wildlife resources in a manner compatible with the Gasparilla Island Conservation District Act, the promotion and preservation of the historic Boca Grande village as a thriving community, and preservation of Gasparilla Island's historic heritage.

Lee County will support the efforts of the Federal and State authorities, and the Boca Grande community to preserve, protect, and enhance the positive environmental qualities of Gasparilla Island. Lee County will involve local community organizations in the planning process and will enforce these community plan policies through implementation in the land development regulations. (Added by Ordinance No. 05-19)

POLICY 22.4.1: Lee County will support and encourage beach renourishment and other efforts to maintain the beaches and protect Gasparilla Island from tidal events. (Added by Ordinance No. 05-19)

POLICY 22.4.2: Lee County will support the State's efforts to protect and preserve mangroves both on private properties as well as within public lands and easements. Not later than December 31, 2005, Lee County will review the State regulations regarding mangrove trimming and removal and determine whether additional protections need to be enacted on Gasparilla Island to protect its fragile environment. (Added by Ordinance No. 05-19)

POLICY 22.4.3: Lee County will strictly enforce its own policies related to the preservation of the beach dune system, beach dune vegetation, and beach dune wildlife, by discouraging any construction seaward of the 1979 Coastal Construction Control Line. This policy will not apply to the placement of raised walkways intended to cross over the dune system from adjoining properties, nor will it apply to bona fide beach renourishment and shoreline protection efforts. Lee County will support the State's efforts to protect the beach dune system, beach dune vegetation, and beach dune wildlife communities on Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.4.4: The Beach renourishment efforts of Lee County will include the re-establishment of a beach dune system, beach dune vegetation, and beach dune wildlife communities, including nesting birds and turtles, to the greatest extent practicable. Lee County will monitor and enforce its policies and regulations protecting dunes, dune vegetation, and dune wildlife communities on Gasparilla Island. Any rock or hard revetment will be covered with sand and planted with salt resistant native plants. (Added by Ordinance No. 05-19)

POLICY 22.4.5: Except for emergency events and public purposes, Lee County will ban vehicular traffic from all beaches on Gasparilla Island and will provide enforcement of the ban. (Added by Ordinance No. 05-19)

POLICY 22.4.6: Lee County will use regulatory powers to preserve, protect, and enhance the marine habitat surrounding Gasparilla Island, including sea grass beds, manatee habitat, estuarine habitat, and near shore waters of Gasparilla Island. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Added by Ordinance No. 05-19)

POLICY 22.4.7: Lee County will review and enforce all permits for new dock construction to assure the protection of sea grass beds, manatee habitat, tarpon fishing grounds, and other environmental values intrinsic to Charlotte Harbor. Copies of dock and shoreline permits will be sent to the Document Clearing House as established pursuant to Policy 22.1.4. Nothing in this policy requires Lee County to support unreasonable policies of any other regulatory agency. (Added by Ordinance No. 05-19)

POLICY 22.4.8: Lee County will assist in the enforcement of best management practices for anchorages of Gasparilla Island. The Regional Planning Council and its advisory committees will be the source of such information. (Added by Ordinance No. 05-19)

POLICY 22.4.9: Within two years of the adoption of this Policy, Lee County will establish policies and guidelines for beach clean-up during red tide and similar extraordinary tidal events. (Added by Ordinance No. 05-19)

POLICY 22.4.10: Within two years of the adoption of this Policy, Lee County will establish a program to restore the plant diversity on County owned lands on Gasparilla Island through the removal of exotic vegetation and its replacement with native species. Such a program will be phased so that the general character of the community will be maintained during the maturation process. Exotic species which are killed in place will be removed as appropriate so as not to create a negative impact or create a hazard to the community. (Added by Ordinance No. 05-19)

POLICY 22.4.11: Lee County will support programs that provide periodic clean-up activities in aquatic preserves, on the beaches of Gasparilla Island, and at beach access points on Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.4.12: Lee County will work in conjunction with Charlotte County to implement a plan to stop the proliferation of iguanas and other exotic fauna on Gasparilla Island by January, 2006. (Added by Ordinance No. 05-19)

POLICY 22.4.13: Lee County will provide financial and political support for research into the causes and control of red tide and other similar extraordinary tidal events. (Added by Ordinance No. 05-19)

OBJECTIVE 22.5: Lee County will manage public resources and direct public efforts to preserve, protect, and enhance the natural environments on Gasparilla Island through measures to control the risk of harm attributable to human impact. (Added by Ordinance No. 05-19)

POLICY 22.5.1: Lee County will support efforts to preserve, protect, and, where possible, enhance the tarpon and game fish population of Charlotte Harbor and the near shore waters of the Gulf of Mexico. (Added by Ordinance No. 05-19)

OBJECTIVE 22.6: COMMUNITY FACILITIES AND SERVICES. Lee County will seek to ensure the continued delivery of high quality, accessible community facilities and services that meet the educational, recreational, informational, and public safety, health and welfare needs of the residents, visitors and stakeholders of Boca Grande.

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

POLICY 22.6.1: Lee County will seek to maintain and enhance the public/ private partnership for the operation and enhancement of the Boca Grande Community Center and other County operated facilities open to the public in the community of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.6.2: Lee County will cooperate with the Gasparilla Island Water Association (GIWA) to ensure the continued provision of potable water and sanitary sewer service to the community of Boca Grande. Lee County will continue to support the Wellhead Protection

regulations adopted by the GIWA and Charlotte County to protect and preserve the sources upon which the community of Boca Grande relies for its potable water. (Added by Ordinance No. 05-19)

POLICY 22.6.3: Lee County will facilitate and provide for the disposal of solid waste, including refuse, recyclables, and horticultural waste. Lee County will enter into an inter-governmental agreement with Charlotte County, if necessary, to ensure that the community of Boca Grande will have access to Charlotte County's solid waste disposal area located on Environmental Way in Charlotte County. (Added by Ordinance No. 05-19)

POLICY 22.6.4: Lee County will facilitate and cooperate with the applicable mosquito control district to control the health risk that mosquitoes represent. Lee County will continue to support the utilization of safe, effective, and environmentally responsible measures for mosquito control, recognizing the need to preserve local flora and fauna, including marine life. (Added by Ordinance No. 05-19)

POLICY 22.6.5: Lee County will work with the applicable mosquito control district to facilitate the dissemination of aerial spraying schedules, as well as any threat to the public health, to the community of Boca Grande, the Boca Grande Health Clinic, and the newspapers that serve the community of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.6.6: Lee County will support the operation and enhancement of a reference library facility, including the provision and improvement of adequate electronic based equipment, internet access, and software, in cooperation with local community organizations. Professionally trained library personnel will manage and operate the facility. (Added by Ordinance No. 05-19)

POLICY 22.6.7: So long as local interest exists in the community of Boca Grande to maintain an Island School to serve the population of the community of Boca Grande, Lee County will support the Lee County School Board, if necessary, with an inter-local agreement, in maintaining a viable school site and educational programs. Such support may include, but is not limited to, facilitation of land use regulations, joint use of community resources, funding assistance, joint utilization of staffing, or other applicable coordination efforts. (Added by Ordinance No. 05-19)

POLICY 22.6.8: Lee County will cooperate with the Boca Grande Fire Control District (BGFCD) in the provision of fire protection services to the community of Boca Grande. Such cooperation will include, but will not be limited to, recognition that the Fire Chief of the BGFCD has the authority for interpretation and enforcement of fire codes in the community of Boca Grande. All homes will be required to have the address clearly posted on the property. (Added by Ordinance No. 05-19)

POLICY 22.6.9: Lee County will provide the necessary communications infrastructure as required to manage and dispatch all 911 calls affecting the community of Boca Grande, entering into agreements as necessary with the BGFCD and Charlotte County. (Added by Ordinance No. 05-19)

POLICY 22.6.10: Lee County will cooperate in the establishment of inter-local agreements between and among all necessary parties to provide for: 1) the appropriate handling of hazardous materials incidents; 2) mutual aid agreements with the Englewood Fire Control District and Charlotte County Fire and EMS; 3) advanced life support emergency medical services; and 4) back-up EMS response as may be required by the community of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.6.11: Lee County will cooperate as necessary in the provision of communications, information distribution, public service meetings, educational efforts, and a local liaison for emergency situations affecting the community of Boca Grande. Lee County will maintain an up-to-date list of first-in team contacts, cooperate as necessary with applicable jurisdictions and service providers for communication of evacuation status, shelter locations, and re-entry information in the event of an emergency situation. The issuance of evacuation notices will be coordinated with Charlotte County. Lee County will work with other local, State, and Federal authorities as necessary to assist in the provision of adequate means by which the community of Boca Grande can be evacuated through the Cape Haze Peninsula in the event of an emergency situation. It is acknowledged that the appropriate Emergency Operations Center (EOC) is determined by the Boca Grande Fire Control District. (Added by Ordinance No. 05-19)

POLICY 22.6.12: Lee County Emergency Medical Services will provide land or air transportation to the most appropriate facility based on the patients medical history and will maintain a liaison with the Boca Grande Health Clinic to keep the clinic fully informed of all Emergency Medical protocols and procedures for operations and any changes that may be implemented whether temporary or permanent. The Boca Grande Health Clinic will be informed relating to any public health issues or public county health problems. (Added by Ordinance No. 05-19)

POLICY 22.6.13: Lee County will promote and assist as necessary in the provision of a full-time police and law enforcement presence for the community of Boca Grande. Cooperative arrangements in the form of inter-local agreements, or other mechanisms as may be applicable, between Lee and Charlotte County will be supported if necessary. (Added by Ordinance No. 05-19)

POLICY 22.6.14: The Lee County Department of Transportation will continue to provide the necessary maintenance and improvements on all public rights-of-way to ensure the continued safety and efficiency of roadways, paths, and surface water management systems. (Added by Ordinance No. 05-19)

OBJECTIVE 22.7: OPEN SPACE, RECREATION AND BEAUTIFICATION. Lee County will seek to promote, protect and enhance existing and potential open space, recreational facilities, and the quality of life for the residents and stakeholders of Boca Grande. These efforts will enhance the aesthetic qualities of Boca Grande and benefit its residents while preserving the characteristics of its fragile barrier island system.

Lee County recognizes that Boca Grande represents a unique cross-jurisdictional, barrier island community with distinct physical attributes that govern the preservation of open space and recreational opportunities. Lee County will seek to enhance and protect the quality of life for residents, visitors and stakeholders through the preservation of functional open space and recreational opportunities while seeking to limit demands upon a restricted infrastructure and enhance the aesthetic qualities of Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.7.1: Lee County will support efforts to protect and enhance the functionality of the eight-mile long pedestrian/bike/electric golf cart path on Gasparilla Island. Lee County recognizes that this eight-mile long linear park and path serves a recreational purpose, a transportation purpose, and an aesthetic purpose for the residents, visitors and stakeholders of the Island. Not later than December 31, 2005, Lee County will undertake efforts to improve the pedestrian/bike/electric golf cart path along the southerly end of the path similar to those

improvements located in the northerly, GICIA owned portion of the path. (Added by Ordinance No. 05-19)

POLICY 22.7.2: Lee County will coordinate public works projects, such as street resurfacing, repairs, maintenance, drainage swales and other surface water management systems, with the Boca Grande community so that they include landscaping and aesthetic options that are in keeping with the concept of promoting, preserving and enhancing the ecological and aesthetic values of Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.7.3: Not later than December 31, 2005, Lee County will investigate the feasibility of converting Banyan Street to a one-way facility and reducing the pavement width in order to better preserve and protect the banyan trees. Lee County will assist in establishing an historic, scenic or similar type of designation, as recommended in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, prepared by the Lee County Division of Environmental Sciences, to further provide for the protection and preservation of this unique street area. (Added by Ordinance No. 05-19)

POLICY 22.7.4: Upon adoption of this Policy, Lee County will prohibit automobile parking on 5th Street from Park to Gilchrist, known as Mahogany and Veterans Park, in order to protect the unique aesthetic features of this roadway. (Added by Ordinance No. 05-19)

POLICY 22.7.5: Lee County will continue to support the designation of Gasparilla Island as a bird and wildlife sanctuary, as adopted in Lee County Ordinance 83-16. Lee County will support the efforts of Charlotte County for the designation of Cole Island, Live Oak Key, Peekins Ranch Cove and Key, the fishing pier at the old 400 foot railroad bridge, and the peninsula located north of the Lee County line, (as identified in the Open Space Inventory) and all remaining land zoned Environmentally Sensitive, as well as the Charlotte County portion of Gasparilla Island, as a bird and wildlife sanctuary. (Added by Ordinance No. 05-19)

POLICY 22.7.6: Lee County will support and promote the preservation of environmentally sensitive lands, and will continue to support, promote and investigate additional funding sources for the Gasparilla Island Conservation and Improvement Association Land Conservancy Stewardship Program and other preservation programs. Element V of the Boca Grande Community Plan includes the inventory of existing community open space and sensitive lands. (Added by Ordinance No. 05-19)

OBJECTIVE 22.8: Lee County will preserve and maintain the functionality of the existing recreational facilities currently available on the Island. (Added by Ordinance No. 05-19)

POLICY 22.8.1: Lee County will maintain the existing recreational facilities on Gasparilla Island, including two tennis courts, a basketball court, a volleyball court, the baseball field on Wheeler Street, the various beach access locations, a community playground, the picnic areas, and fishing sites, including one on the Bayou. (Added by Ordinance No. 05-19)

POLICY 22.8.2: Lee County will assist private and public efforts to acquire the approximately 9.19 acre F. P. & L./Belcher Oil owned property located at the south end of Gasparilla Island. If the Florida Power & Light property on Gasparilla Island is acquired in whole or in part with public funds, Lee County will support a community planning workshop before recommending appropriate uses for that property. (Added by Ordinance No. 05-19)

POLICY 22.8.3: Lee County will support efforts in the Historic District to install and maintain additional native landscaping, especially along Park Avenue and Fourth Street, to provide greater community aesthetics, safer pedestrian movement, landscaped parking areas for automobiles and golf carts and more efficient traffic flow. (Added by Ordinance No. 05-19)

OBJECTIVE 22.9: HISTORIC PRESERVATION. To protect, preserve, and enhance the historic resources and heritage of the Boca Grande community.

Lee County will seek to preserve the historic resources of Boca Grande through the adoption of policies and regulations that recognize the unique community characteristics, a tranquil residential community, with an historic village center, and abundant open space and preservation areas, and that also recognize the local sensitivity of the community's architecture, history and legacy as an old railroad town. (Added by Ordinance No. 05-19)

POLICY 22.9.1: Lee County will establish a Boca Grande Historic Preservation Board with the powers and duties found in Lee County Land Development Code Chapter 22, Section 22-74, which includes the ability to designate historic resources and to approve or deny applications for Special Certificates of Appropriateness. The Boca Grande Historic Preservation Board will be comprised of seven members from the categories found in the Lee County Land Development Code, Section 22-72, except that whenever possible the members will be residents of the Lee County portion of the Boca Grande community. Members will serve as described in Section 22-72 and will be appointed by the Lee County Board of County Commissioners. (Added by Ordinance No. 05-19)

POLICY 22.9.2: Lee County will provide copies of applications for historic designations and of all Special Certificates of Appropriateness, as well as administrative variances, to the Document Clearing House as established pursuant to Policy 22.1.4, and will send notices to all surrounding property owners, in order that the community may be better informed and have the opportunity to participate in the process to preserve its historic resources. (Added by Ordinance No. 05-19)

POLICY 22.9.3: Lee County will work with the community of Boca Grande in updating its inventory of contributing and non-contributing structures as part of its efforts to preserve the historic resources of Gasparilla Island. Lee County will assist in efforts to create a record of the historic features of the Island in order to sustain a legacy for future generations. (Added by Ordinance No. 05-19)

POLICY 22.9.4: Lee County will work with the Boca Grande Historic Preservation Board and the community of Boca Grande in reviewing the design parameters applicable to the Historic District of Boca Grande to ascertain whether additions, modifications, or deletions need to be considered. (Added by Ordinance No. 05-19)

POLICY 22.9.5: Lee County will investigate the designation of Banyan Street as an historic resource and assist with the implementation of additional recommendations found in the *Banyan Tree Assessment Report, Banyan Street-Boca Grande, Florida*, completed by the Lee County Division of Environmental Sciences, as recommended by the Boca Grande Historic Preservation Board. (Added by Ordinance No. 05-19)

POLICY 22.9.6: Lee County will investigate additional fiscal and tax incentives to preserve the economic viability of the Historic District of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.9.7: Lee County will preserve the historic village character of the commercial sector of Boca Grande by adhering to the criteria of the *Design Guidelines Manual for the Boca Grande Historic District in Lee County, Florida*. Lee County will support efforts of the Boca Grande community to modify site and design regulation within the Boca Grande Historic District to include commercial signage and other design components or uses that are not in keeping with the historic elements of the existing community character on Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.9.8: Lee County will work with the Boca Grande Historic Preservation Board and the community to review the build-back regulations to ascertain whether modifications need to be undertaken in order to restore historic features in the event of catastrophe. If necessary, regulations to allow designated historic resources to be reconstructed will be adopted. (Added by Ordinance No. 05-19)

OBJECTIVE 22.10: ECONOMICS. To identify and preserve the elements of the Gasparilla Island economy that contribute to the quality of life for the residents and stakeholders, including the restaurants, shops, fishing guides, art galleries, real estate companies, and existing commercial businesses which combine to make Boca Grande a unique village economy.

Lee County will work with all of the interests that make up the economy of Boca Grande to preserve and promote the economic health of the Boca Grande community while not expanding the amount of commercial property on the Island in accordance with the Gasparilla Island Conservation District Act (GICDA). (Added by Ordinance No. 05-19)

POLICY 22.10.1: Lee County will support efforts by the Gasparilla Island Bridge Authority (GIBA) to secure funding for the repair and maintenance of the bridges connecting Gasparilla Island to the mainland. (Added by Ordinance No. 05-19)

POLICY 22.10.2: Lee County will support efforts to preserve, maintain, and enhance the beaches of Gasparilla Island. (Added by Ordinance No. 05-19)

POLICY 22.10.3: Lee County will work with the Boca Grande community to review and ensure adopted levels of service for the provision of water, sewer, roadway capacity, and parks and recreation are consistent with the Goals, Objectives and Policies adopted in the Comprehensive Plan. (Added by Ordinance No. 05-19)

POLICY 22.10.4: To ensure the continued economic health of Boca Grande, Lee County will seek to maximize the efficiency and the functionality of existing parking facilities and review existing parking standards for their consistency with the historic and environmental constraints found in the community. (Added by Ordinance No. 05-19)

POLICY 22.10.5: Lee County will coordinate with the Lee County School District to ensure adequate educational opportunities are available to the residents and stakeholders of Boca Grande. (Added by Ordinance No. 05-19)

POLICY 22.10.6: To ensure Boca Grande's economic health, Lee County will support the preservation of historic businesses and commercial structures. Support may include historic preservation grants and development regulations which will encourage mixed use buildings. The Gasparilla Inn is an example. (Added by Ordinance No. 05-19)

GOAL 23: THE PALM BEACH BOULEVARD CORRIDOR. To redevelop the Palm Beach Boulevard corridor into a vibrant commercial and residential neighborhood, with mixed-use nodes, enhanced landscaping, pedestrian facilities, transit service, and recreational areas; and to recapture the historic identity of the area through signage and public facilities. This Goal and subsequent Objectives and Policies apply to The Palm Beach Boulevard boundaries as depicted on Map 1 (Page 2 of 8). (Added by Ordinance No. 07-09)

OBJECTIVE 23.1: COMMUNITY CHARACTER. The Palm Beach Boulevard community will draft and submit regulations, policies, and discretionary actions affecting the character and aesthetic appearance of the corridor for Lee County to adopt and enforce to help create a visually attractive community. (Added by Ordinance No. 07-09)

POLICY 23.1.1: By the end of 2007, The Palm Beach Boulevard community will draft and submit regulations, policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering and shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards. (Added by Ordinance No. 07-09)

POLICY 23.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines, or compliance with architectural standards. (Added by Ordinance No. 07-09)

POLICY 23.1.3: By the end of 2007, the Palm Beach Boulevard community will draft enhanced code enforcement standards to be considered by staff for possible inclusion in Chapter 33 of the LDC. (Added by Ordinance No. 07-09)

OBJECTIVE 23.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Palm Beach Boulevard Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage and provide for employment opportunities. Uses that are not compatible with adjacent uses or those that have significant adverse impacts on natural resources will be discouraged. (Added by Ordinance No. 07-09)

POLICY 23.2.1: Lee County encourages commercial developments within the Palm Beach Boulevard community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to reverse frontage roads, bike paths and pedestrian access ways. (Added by Ordinance No. 07-09)

OBJECTIVE 23.3: RESIDENTIAL USES. Lee County must protect and enhance the residential character of the Palm Beach Boulevard Community by strictly evaluating adjacent uses, natural resources, access, and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 07-09)

POLICY 23.3.1: By the end of 2007, The Palm Beach Boulevard community will draft and submit regulations and policies for Lee County to review, amend, or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature. (Added by Ordinance No. 07-09)

POLICY 23.3.2: Mixed Use developments that provide for an integration of commercial and residential uses with pedestrian linkages are encouraged. (Added by Ordinance No. 07-09)

OBJECTIVE 23.4: INTERLOCAL COOPERATION. Lee County will coordinate activities and work with the City of Fort Myers to create a cohesive program for redevelopment along the Palm Beach Boulevard corridor from Billy's Creek to I-75. (Added by Ordinance No. 07-09)

POLICY 23.4.1: Lee County will work with the City of Fort Myers and the Florida Department of Transportation and enter into interlocal agreements where necessary to promote a unified redevelopment program for Palm Beach Boulevard. (Added by Ordinance No. 07-09)

POLICY 23.4.2: Lee County will work with the City of Fort Myers and the Florida Department of Transportation to prepare a streetscape plan for Palm Beach Boulevard. (Added by Ordinance No. 07-09)

OBJECTIVE 23.5: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 07-09)

POLICY 23.5.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Palm Beach Boulevard Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 07-09)

POLICY 23.5.2: The owner or agent for any Planned Development request within the Palm Beach Boulevard community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. (Added by Ordinance No. 07-09)

OBJECTIVE 23.6: COMMUNITY FACILITIES. Lee County will work with the Palm Beach Boulevard community to provide or facilitate the provision of a broad mix of Community Facilities. (Added by Ordinance No. 07-09)

POLICY 23.6.1: The Palm Beach Boulevard community will work with Lee County, the State of Florida and the Seminole Gulf Railroad to create a linear park along the railroad in order to enhance community recreational opportunities. (Added by Ordinance No. 07-09)

POLICY 23.6.2: Lee County will work with the community to ensure that the development of parks and open spaces are integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 07-09)

POLICY 23.6.3: Lee County will work with the residents of the Russell Park community to preserve the existing linear waterfront County park and to explore maintenance issues associated with the public boat ramp. (Added by Ordinance No. 07-09)

GOAL 24: COMMUNITY PLANNING. To encourage and support both citizen and County initiated community planning efforts that address the unique community character of specific geographic areas in Lee County. (Added by Ordinance No. 07-09)

OBJECTIVE 24.1: Lee County will encourage and support citizen initiated community planning efforts for geographically small areas. Lee County may initiate community planning efforts for geographic areas that do not have an organized citizen initiative when it is determined that critical circumstances exist that can best be addressed by developing community plans. (Added by Ordinance No. 07-09)

POLICY 24.1.1: Within community planning boundaries, ensure a continuing and cooperative effort to educate and coordinate the public regarding community planning, comprehensive planning, and smart growth principles by requiring community meetings and better communication with community planning panels and government media access. (Added by Ordinance No. 07-09)

POLICY 24.1.2: Assure that existing/ongoing community plans are coordinated with County-wide and regional plans addressing population accommodation and infrastructure needs. (Added by Ordinance No. 07-09)

GOAL 25: NORTH CAPTIVA (Upper Captiva). The North Captiva Community seeks to preserve its character, scale, fragile environment, and way of life by guiding future land use; transportation and roads; conservation and coastal management; Safety Harbor; shore and water quality, water and waste management; open space, recreation, and quality of life; and citizen participation and community education. (Added by Ordinance No. 09-09)

OBJECTIVE 25.1: FUTURE LAND USE: Preserve the traditional character, scale, and tranquility of the North Captiva community by continuing to limit the densities and intensities of use and development to sustainable levels that will not adversely impact the natural environment or overburden the existing infrastructure. (Added by Ordinance No. 09-09)

POLICY 25.1.1: The owner or agent for any rezoning, variance or special exception request within the North Captiva community must conduct at least one duly noticed public informational meeting on North Captiva where the owner or agent will provide a general overview of the project and answer questions from interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. A minimum of ten days written notice of the public meeting must be given. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 09-09)

POLICY 25.1.2: Variances should be limited to unique, specifically authorized circumstances and be allowed only in situations where unnecessary hardship would otherwise occur; i.e., where all of the following criteria are met:

1. the hardship cannot be corrected by other means allowed in the land development regulations;

2. strict compliance with the applicable regulations allows the property owner no reasonable use of the property;
3. the variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties located on the same street and within the same Future Land Use category, unless denial of the variance would allow no reasonable use of the property;
4. the applicant did not cause the need for the variance, and;
5. the variance is not contrary to the spirit of the Land Development Code.
(Added by Ordinance No. 09-09)

POLICY 25.1.3: By the end of 2013, the North Captiva community will draft and submit Land Development Code regulations applicable to North Captiva for Lee County to review and consider, based upon the unique nature of the community, its status as a bridgeless barrier island, the limitations on supporting infrastructure, and the seasonal nature of the demand upon public facilities.
(Added by Ordinance No. 09-09)

POLICY 25.1.4: The location of North Captiva provides a view of the night sky that is virtually unparalleled in Lee County. By the end of 2013, the North Captiva community will develop land development regulations for the County to review and consider that are applicable to exterior residential and commercial lighting as a means to limit light pollution, light trespass and its potential detrimental effects on wildlife to the greatest extent possible. (Added by Ordinance No. 09-09)

OBJECTIVE 25.2 TRANSPORTATION AND PATHWAYS. Ensure that the character of North Captiva is retained while providing adequate facilities for ingress, egress, and intra-island transportation consistent with property rights. (Added by Ordinance No. 09-09)

POLICY 25.2.1: Lee County will cooperate with the North Captiva community in the location and provision of public boat ramps, access facilities, and parking for the purpose of providing access to North Captiva. (Added by Ordinance No. 09-09)

POLICY 25.2.2: The North Captiva community may collaborate with and seek technical advice from Lee County from time to time on procedures necessary to accomplish pathway maintenance and safety. (Added by Ordinance No. 09-09)

POLICY 25.2.3: Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva. (Added by Ordinance No. 09-09)

OBJECTIVE 25.3: CONSERVATION AND COASTAL MANAGEMENT. Preserve, protect and enhance the natural resources, wildlife habitat, and natural beauty of North Captiva, by maintaining diverse and healthy native vegetation, clear offshore waters, diverse and abundant native marine life, wildlife resources, and by minimizing harm resulting from human activity. (Added by Ordinance No. 09-09)

POLICY 25.3.1: The North Captiva community will work with Lee County to support the efforts of the Federal, State and County authorities to preserve, protect, and enhance its positive environmental qualities. Lee County will involve the North Captiva community organizations in the planning process. (Added by Ordinance No. 09-09)

POLICY 25.3.2: The North Captiva community and Lee County will support the State of Florida and Lee County's efforts to protect and preserve the distinct environmental resources on North Captiva to the greatest extent possible, while addressing the other defined needs and objectives of the community. These resources include but are not limited to:

- mangroves
- the beach dune system, beach dune vegetation, and beach dune wildlife
- coastal dunes, beaches, and coastal scrub vegetation
- beach dune wildlife, including shorebird nesting habitat and sea turtle habitat
- the marine habitat, including sea grass beds and fisheries

(Added by Ordinance No. 09-09)

POLICY 25.3.3: It is the intent of the North Captiva community that, except for emergency events, public purposes, and human powered vehicles, vehicular traffic be banned from all beaches on North Captiva. (Added by Ordinance No. 09-09)

POLICY 25.3.4: The North Captiva community and Lee County will cooperate to stop the proliferation of invasive exotic vegetation and nuisance pests as identified by the Exotic Pest and Plant Council of Florida incentives, disincentives and regulations may be developed to accomplish this policy. (Added by Ordinance No. 09-09)

OBJECTIVE 25.4: WATER AND WASTE MANAGEMENT. Ensure a high quality of living by managing natural resources and waste products in a way that is sustainable, cost effective, and agreeable to island residents and island taxpayers. (Added by Ordinance No. 09-09)

POLICY 25.4.1: The North Captiva community may conduct a feasibility study of cisterns and other water conservation systems, the long-term development of an island-wide potable water system, and the development of an island-wide wastewater treatment system. The feasibility study will include, but not be limited to, costs estimates, new or innovative technologies, grant funding assistance and other funding opportunities. (Added by Ordinance No. 09-09)

POLICY 25.4.2: The North Captiva community may conduct a potable water hydrology study to support potable water planning. (Added by Ordinance No. 09-09)

POLICY 25.4.3: Lee County Solid Waste Division will review, document, and compile a report on existing solid waste management practices and future options for the North Captiva community. This report will focus on residential, commercial, construction, horticulture, and special waste. Following this report, Lee County will present programmatic options that could be implemented to provide the North Captiva island community with a more comprehensive and uniform solid waste management system. (Added by Ordinance No. 09-09)

OBJECTIVE 25.5: OPEN SPACE, RECREATION, AND QUALITY OF LIFE. Lee County will seek to promote, protect, and enhance existing and potential open space, minimal recreational facilities and the quality of life for residents and visitors to North Captiva. The intent of these efforts is to enrich the island's aesthetic qualities while preserving its fragile barrier island character. At the same time, Lee County will consider the demands on the island's limited infrastructure. (Added by Ordinance No. 09-09)

POLICY 25.5.1: The North Captiva community and Lee County cooperate to preserve, protect, and enhance open space, passive recreation areas, and beach access points, regardless of size on North Captiva. This may be accomplished by Lee County acquiring property or conservation easements on private lands or vacant lots. (Added by Ordinance No. 09-09)

POLICY 25.5.2: The North Captiva community and Lee County will cooperate in the community's efforts to obtain an accessible community facility and library for the purposes of meeting, recreation, and community education. (Added by Ordinance No. 09-09)

POLICY 25.5.3: The North Captiva community will work with Lee County, the State of Florida, and the National Parks Service and other agencies to provide appropriate new or enhanced greenways, ecological corridors, or recreational trail systems. These opportunities may include passive parks or nature and pedestrian trails, and may be developed through public/private partnerships. (Added by Ordinance No. 09-09)

OBJECTIVE 25.6: CITIZEN PARTICIPATION AND COMMUNITY EDUCATION. The North Captiva community will seek to enhance the community character, sustain natural resources, and involve the public in decisions that affect them, by providing educational and participation opportunities. (Added by Ordinance No. 09-09)

POLICY 25.6.1: Lee County will work with the North Captiva community to establish an electronic Document Clearing House, where copies of selected documents will be available. These documents will include permit applications, variance requests, staff reports, Hearing Examiner recommendations and resolutions, administrative variances, and changes to the Lee Plan and Land Development Code for any development on North Captiva, barrier islands, and Pine Island Sound. The county's failure to provide or to provide in a timely manner a document to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 09-09)

POLICY 25.6.2: Lee County will involve the North Captiva community in planning processes that relate specifically to North Captiva and generally to barrier islands, island ingress and egress, and other changes that may affect the island and its environment. (Added by Ordinance No. 09-09)

POLICY 25.6.3: Through the Document Clearinghouse Lee County will provide notice to the North Captiva island community of proposed actions (i.e. zoning, construction projects) to be considered or undertaken by Lee County that will impact the island. (Added by Ordinance No. 09-09)

POLICY 25.6.4: Upon request Lee County will collaborate with the North Captiva island community to develop an understanding of natural resources by providing educational programs on energy conservation, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, green building, harbor management, cultural resources, and history. The site for these programs will be located on North Captiva. (Added by Ordinance No. 09-09)

OBJECTIVE 25.7: PUBLIC SAFETY. Preserve the character of North Captiva by providing for a law enforcement presence on North Captiva island. (Added by Ordinance No. 09-09)

POLICY 25.7.1: The North Captiva Community will encourage the Lee County Sheriff's Office to be present during special events and during periods of high occupancy on North Captiva. The North Captiva community will work to identify housing and other resources as necessary in support of enforcement activities. (Added by Ordinance No. 09-09)

POLICY 25.7.2: Lee County will continue to ensure viable hurricane evacuation for hurricanes and other emergencies as well as emergency communication options for the residents and other affected persons. (Added by Ordinance No. 09-09)

[NOTE: Goal 26 as adopted by Ordinance No. 09-07 was replaced in its entirety by new Goal 26 as adopted by Ordinance No. 11-21]

GOAL 26: ALVA. To support and enhance Alva's unique rural, historic, agricultural character and natural environment and resources, including the rural village and surrounding area, the boundaries of which are depicted on Map 1, page 2 of 8. (Added by Ordinance No. 11-21)

OBJECTIVE 26.1: RURAL CHARACTER. Maintain and enhance the rural character and environment of Alva through planning practices that:

1. Manage growth and protect Alva's rural nature.
2. Maintain agricultural lands and rural land use patterns.
3. Provide needed community facilities, transportation systems, and infrastructure capacity.
4. Protect and enhance native species, ecosystems, habitats, natural resources, and water systems.
5. Preserve Alva's historic places and archaeological sites.

(Added by Ordinance No. 11-21)

POLICY 26.1.1: By 2014, Alva will work with Lee County to evaluate and identify appropriate commercial areas with a focus on the rural village area described under Goal 26 and as identified on Map 1, page 6 of 8. (Added by Ordinance No. 11-21)

POLICY 26.1.2: Alva will work with Lee County to develop sustainable land use practices through which transportation and infrastructure systems, public services, and parks are provided consistent with Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.1.3: Alva will work with Lee County to identify appropriate locations for and promote the establishment of community gardens. (Added by Ordinance No. 11-21)

POLICY 26.1.4: New industrial activities or changes of land use that allow future industrial activities, not directly associated with Alva's commercial agriculture, are prohibited in Alva. By 2014, Alva will work with Lee County to establish regulations in the land development code to further this policy. (Added by Ordinance No. 11-21)

POLICY 26.1.5: New natural resource extraction mining activities are prohibited in Alva. By 2014, Alva will work with Lee County to establish regulations in the land development code to further implement this policy. (Added by Ordinance No. 11-21)

POLICY 26.1.6: Outdoor display in excess of one (1) acre and commercial uses that require outdoor display to such an extent are prohibited. (Added by Ordinance No. 11-21)

OBJECTIVE 26.2: RURAL LANDS FRAMEWORK. Provide for the varied residential, commercial, and natural resource needs of Alva's rural lands by establishing a planning framework that serves the area's different users. (Added by Ordinance No. 11-21)

POLICY 26.2.1: Alva will work with Lee County to ensure that future development projects maintain or enhance Alva's rural character by establishing planning policies and land development code standards that are compatible with Alva's vision and guiding principles. (Added by Ordinance No. 11-21)

POLICY 26.2.2: Land use amendments that would increase the allowable total density of Alva are discouraged. Land use amendments that would decrease the allowable total density of the area and that are otherwise consistent with the objectives and policies of this goal are encouraged in Alva. No land use amendments to a more intensive category will be permitted unless a finding of overriding public necessity is made by a supermajority of the members of the Board of County Commissioners. (Added by Ordinance No. 11-21)

POLICY 26.2.3: By 2014, Alva will work with Lee County to promote sustainable residential development patterns and promote Alva's rural character by utilizing rural planning practices to establish land development code requirements that:

1. Limit new residential development clustered in compact, interconnected neighborhoods situated in appropriate locations.
2. Designate appropriate allowed uses.
 3. Establish compatible parcel sizes, density, and intensity standards.
4. Conserve natural resources.
5. Provide standards for adequate open space.
6. Maintain commercial agricultural uses.
7. Incorporate green building standards.
8. Identify locations suitable for public services.

(Added by Ordinance No. 11-21)

POLICY 26.2.4: By 2014, utilize the land development code to establish architectural standards that support and enhance Alva's historic rural character and quality of life by:

1. Featuring architectural and design themes consistent with Alva's historic architectural styles.
2. Including street graphic standards that address size, location, style, and lighting.

(Added by Ordinance No. 11-21)

POLICY 26.2.5: By 2014, Alva will work with Lee County to establish standards in the land development code that promote economic opportunities, including ecotourism, commercial agriculture, and associated businesses that contribute to Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.2.6: By 2014, Alva will work with Lee County to establish design standards in the land development code that:

1. Foster a unique landscape theme for the rights-of-way for North River Road and other county-maintained roads.
2. Address connectivity and separation among differing uses.
3. Preserve native plant communities, including subtropical and tropical hardwood hammock, scrub, and wetlands, to enhance the existing native vegetation and tree canopy.
4. Encourage the removal of exotic species.

(Added by Ordinance No. 11-21)

POLICY 26.2.7: By 2014, Alva will work with Lee County to establish planning policies and development standards in the land development code that promote Alva's commercial agriculture including programs that address:

1. Farm to market demands on the area's roadway infrastructure.
 2. Storage of commercial agricultural equipment at a private residence of an individual employed or engaged in an agricultural operation as a permitted use in residential zoning districts in Alva.
 3. Maintaining land in commercial agriculture through programs such as farmland trusts and easements.
 4. Location of associated packaging, processing, warehousing, and other value-added activities.
- (Added by Ordinance No. 11-21)

POLICY 26.2.8: Promote Alva's historic character by utilizing the land development code to:

1. Consider formal local designation of additional historic buildings and districts.
2. Identify potential national or state registered history buildings and districts.
3. Evaluate the effects of county regulations on designated historic districts.
4. Modify regulations, as necessary, to protect both the interests of the historic structures owners and Alva.

(Added by Ordinance No. 11-21)

POLICY 26.2.9: By 2014, Alva will work with Lee County to develop and promote innovative rural planning tools, such as purchase and transfer of development rights, to:

1. Maintain commercial agriculture.
2. Conserve and restore agricultural lands, open lands, native vegetated uplands and wetlands.
3. Sustain the rural character of Alva.

(Added by Ordinance No. 11-21)

OBJECTIVE 26.3: RURAL VILLAGE FRAMEWORK. Through cooperative efforts among Alva and Lee County, establish the appropriate regulatory and incentive framework to implement Alva's vision for a mixed-use rural village center in the area depicted on Map 1, page 6 of 8. (Added by Ordinance No. 11-21)

POLICY 26.3.1: Alva will work with Lee County to evaluate and amend the Compact Communities Code, Land Development Code Chapter 32, to establish standards for a mixed-use rural village center that provides for walkable residential areas, appropriately located commercial and professional services, and public resources that meet the area's needs consistent with the Alva vision and guiding statements. Through this code, Alva will describe the form, function, street layout, streetscape, and public spaces of the historic core and sub-areas 1 through 4 (including charleston Park) of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.3.2: Alva will work with Lee County to consider designating the rural village and areas therein as historic districts. (Added by Ordinance No. 11-21)

POLICY 26.3.3: By 2014, Alva will work with Lee County to establish a maximum height standard in the land development code for the historic core, as depicted on Map 1, Page 6a of 8, that supports the Alva Methodist Church and the Alva School buildings position as dominant features and landmarks of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.3.4: By 2014, Alva will work with Lee County Parks and Recreation Department to explore the feasibility and potential funding for developing and implementing a site improvement plan for the existing boat launch area and facilities on Pearl Street and the Alva Heritage Park on Palm Beach Boulevard and the right-of-way for High Street. (Added by Ordinance No. 11-21)

POLICY 26.3.5: To prevent strip development along Palm Beach Boulevard, the majority of acreage available for commercial development will be located within the rural village, particularly the village center (sub areas 2 and 3). By 2014, Alva will work with Lee County to amend the land development code to accomplish this policy. (Added by Ordinance No. 11-21)

POLICY 26.3.6: Any new development on parcels within the rural village area currently zoned commercial will be evaluated for consistency with the design and use standards of the rural village through the development review process in order to contribute to the overall design concept and be compatible with the village character and adjacent neighborhoods. (Added by Ordinance No. 11-21)

OBJECTIVE 26.4: CONNECTIVITY. Provide appropriate and reasonable access and linkages throughout Alva, while supporting the area’s rural character. (Added by Ordinance No. 11-21)

POLICY 26.4.1: Alva will work with Lee County to utilize the Compact Communities Code, Land Development Code Chapter 32, to establish a walkable mixed-use rural village center that provides for the needs of pedestrians, cyclists, equestrian riders, and drivers. Through this code, Alva will describe the form, function, layout, streetscape, and public spaces of roadways and pathways within the historic core and sub-areas 1 through 4 (including Charleston Park) of the rural village. (Added by Ordinance No. 11-21)

POLICY 26.4.2: By 2014, Alva will work with Lee County to provide for multiple connections to the existing transportation network by establishing land development practices and regulations through which new streets and roads—particularly those in residential areas or rural centers—will be required to interconnect with adjacent land uses. Additionally, the regulations will prohibit entry gates and perimeter walls around residential development. (Added by Ordinance No. 11-21)

POLICY 26.4.3: During all phases of transportation planning and review, Alva will work with Lee County to address roadway transportation needs in a manner that ensures the rural character of the area including:

1. Evaluating the capacity and level of service standards for rural roads.
2. Monitoring traffic levels in coordination with Hendry County.
3. Designating North River Road and other qualifying roads as county scenic roads and obtaining Florida Scenic Highway designation from the State.
4. Farm-to-market functions of rural roadways including North River Road and Palm Beach Boulevard.

(Added by Ordinance No. 11-21)

POLICY 26.4.4: By 2014, Alva will work with Lee County to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through Alva. (Added by Ordinance No. 11-21)

OBJECTIVE 26.5: NATURAL RESOURCES AND ENVIRONMENTAL SYSTEMS. Enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of Alva. (Added by Ordinance No. 11-21)

POLICY 26.5.1: By 2014, Alva will work with Lee County to establish planning policies and development standards that:

1. Promote developments that protect the integrity, stability, and beauty of the natural environment.
 2. Maintain wildlife habitat and habitat travel corridors.
 3. Require new development and redevelopment to be designed and operated to conserve critical habitats of protected, endangered, and threatened species, and species of special concern.
 4. Increase development setbacks from natural areas and surface waters.
 5. Establish requirements for natural buffers from parcel lines to development areas.
 6. Prohibit developments that would harm protected, endangered, and threatened species, or species of special concern.
 7. Enhance connectivity to maintain uninterrupted wildlife corridors among, between, and within parcels.
 8. Develop surface water management system design standards that incorporate natural flowway corridors, cypress heads, natural lakes, and restore impacted natural surface waters.
 9. Evaluate the feasibility and opportunities for an overall surface water management plan.
- (Added by Ordinance No. 11-21)

POLICY 26.5.2: Alva will work with Lee County to identify and evaluate land conservation funding opportunities and acquisition priorities to protect vital natural resources, ecosystems, and habitats from the impacts of clear cutting for residential or agricultural purposes. (Added by Ordinance No. 11-21)

POLICY 26.5.3: As a minimum standard, Lee County will require all new development and redevelopment to comply with State of Florida mandated Total Maximum Daily Load (TMDL) requirement for designated water bodies. (Added by Ordinance No. 11-21)

POLICY 26.5.4: New development and redevelopment in or near existing and potential wellfields must:

1. Be designed to minimize the possibility of contaminating groundwater during construction and operation.
 2. Comply with the Lee County Wellfield Protection Ordinance.
- (Added by Ordinance No. 11-21)

OBJECTIVE 26.6: PUBLIC RESOURCE ACCESS. Increase the opportunity for public access to and enjoyment of the scenic, historic, recreational, and natural resources in Alva. (Added by Ordinance No. 11-21)

POLICY 26.6.1: Alva will work with Lee County to identify opportunities to link public lands, facilities, and recreation areas that minimize disturbance of natural systems and wildlife habitat and incorporate these links into the Greenways Master Plan. (Added by Ordinance No. 11-21)

POLICY 26.6.2: By 2014, Alva will work with Lee County to identify potential public uses for significant historic structures and archaeological sites. (Added by Ordinance No. 11-21)

POLICY 26.6.3: Alva will work with Lee County to identify areas suitable for passive water-dependent/water-related recreational uses and activities, such as canoe and kayak launch areas, boardwalks, jogging paths, fishing platforms, and waterside parks. (Added by Ordinance No. 11-21)

POLICY 26.6.4: Alva will continue to work with Lee County to evaluate appropriate access and use of Conservation 20/20 lands to support kayaking and canoeing, bird watching, hiking, and other passive recreation related to eco-tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program. (Added by Ordinance No. 11-21)

OBJECTIVE 26.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 11-21)

POLICY 26.7.1: As a courtesy, Lee County will register individuals, citizen groups, and civic organizations within Alva who desire notification of pending review of land development code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail, email, or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-21)

POLICY 26.7.2: As a courtesy, Lee County will notify Alva about public hearings, workshops, and hearings for land development decisions in Alva for the purpose of enabling Alva to participate in and pursue the applicability of the guiding statements for Alva's rural character. (Added by Ordinance No. 11-21)

POLICY 26.7.3: Alva will work with Lee County to establish a document clearing house in Alva where copies of selected zoning submittal documents, staff reports, hearing examiner recommendations and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-21)

POLICY 26.7.4: The owner or agent for any Planned Development of a requested Lee Plan amendment or zoning action (planned development, conventional rezoning, special exception, or variance requests) within Alva must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such the public workshops information session. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting in Alva, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the public information session; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 11-21)

POLICY 26.7.5: Alva will work with Lee County to improve its citizens' understanding of natural resources through educational programs on energy conservation, energy efficiency, greenhouse gas emission reductions, solid waste management, hazardous waste, surface water runoff, septic maintenance, water conservation, xeriscaping, green building, cultural resources, history, etc. The site for these programs will be located in Alva. (Added by Ordinance No. 11-21)

POLICY 26.7.6: Alva will work in coordination and partnership with North Olga to implement and achieve the Northeast Lee County vision, goal, objectives, and policies. As part of this effort, Alva will coordinate with North Olga on the review of development efforts that impact the Northeast Lee Planning Community. (Added by Ordinance No. 11-21)

POLICY 26.7.7: Alva will work in coordination and partnership with the other planning communities in the East Lee County area in order to ensure effective collaboration and coordinated planning efforts. (Added by Ordinance No. 11-21)

POLICY 26.7.8: Alva will work with Lee County to coordinate planning efforts with the adjacent counties, and other local, regional, state, and federal agencies to maintain the rural character of Alva. (Added by Ordinance No. 11-21)

GOAL 27: PAGE PARK COMMUNITY. To revitalize the village-like residential neighborhood into a vibrant mixed-use community, that captures the area's heritage by providing infrastructure, pedestrian and bicycle connections, and business opportunities together with consistency in signage, landscaping, and enhanced development standards, thereby promoting a mix of commercial and residential uses that will provide services to the local community and the driving public. For the purposes of this goal and related objectives and policies, Page Park is generally defined and bound by Page Field Airfield to the north, U.S. 41 (Cleveland Avenue) and Danley Road to the west, Iona Drainage District (IDD) Canal "L-7" to the south, and IDD Canal "L" to the east. (Added by Ordinance No. 09-08)

OBJECTIVE 27.1: Enhance the existing physical appearance of Page Park while maintaining the historic character of the community. (Added by Ordinance No. 09-08)

POLICY 27.1.1: By the end of 2009, the Page Park Planning Panel will submit regulations for Lee County to consider as Land Development Code regulations that provide for enhanced landscaping along roadways, greater buffering between existing and proposed incompatible uses, enhanced property appearance standards, architectural standards, and signage, lighting, and uses consistent with the Page Park Community Vision Statement and all Land Use and Overlay designations. (Added by Ordinance No. 09-08)

POLICY 27.1.2: Lee County is discouraged from approving deviations and variances that would result in a reduction of adopted landscaping, buffering, and signage guidelines, or compliance with the property appearance standards and architectural standards. (Added by Ordinance No. 09-08)

POLICY 27.1.3: By the end of 2009 Lee County will evaluate historic resources, if any, and draft a proposal for their designation under Chapter 22 of the Land Development Code. (Added by Ordinance No. 09-08)

OBJECTIVE 27.2: MIXED USE OVERLAY. Encourage mixed use developments throughout Page Park in a manner that is consistent with the Page Park Vision Statement, Goal 27, and the Page Park Overlay Map. (Added by Ordinance No. 09-08)

POLICY 27.2.1: By the end of 2009, the area known as Page Park Community will adopt and be designated as a Mixed-Use Overlay on the Lee County Future Land Use Map. (Added by Ordinance No. 09-08)

POLICY 27.2.2: By the end of 2009, the Page Park Planning Panel will propose regulations that encourage and allow mixed use developments within the Page Park Mixed Use Overlay as depicted on Map 1 of the Lee Plan, page 6 of 6, Mixed Use Overlay Map. (Added by Ordinance No. 09-08)

POLICY 27.2.3: Mixed use developments, as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure are strongly encouraged throughout the mixed use areas of Page Park. (Added by Ordinance No. 09-08)

OBJECTIVE 27.3: RESIDENTIAL USE. Lee County must protect and enhance the residential properties of the Page Park Community by strictly evaluating adjacent uses, and access. (Added by Ordinance No. 09-08)

POLICY 27.3.1: New residential development, with the exception of a single-family residential dwelling, that requires a rezoning within the Page Park Community must be rezoned as a Residential Planned Development (RPD). (Added by Ordinance No. 09-08)

OBJECTIVE 27.4: COMMERCIAL USE. Because of poorly planned and incompatible commercial developments of the past, existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the preferences of the Page Park Community to ensure that commercial areas maintain a pleasing visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on the neighboring properties. (Added by Ordinance No. 09-08)

POLICY 27.4.1: New stand-alone commercial activity and uses will be limited to Danley Drive and within the Commercial/Mixed Use areas shown in Red/Orange on the Page Park Overlay Map. Commercial uses will be permitted elsewhere within the Page Park Community, but only as part of a mixed-use development, either as defined in the Lee Plan, or as a mixed-use development containing both commercial and residential uses within the same structure. This policy does not apply to existing commercial uses and property currently zoned for commercial uses. (Added by Ordinance No. 09-08)

POLICY 27.4.2: The following uses are prohibited within the Page Park Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display over one acre. (Added by Ordinance No. 09-08)

POLICY 27.4.3: By the end of 2009, Lee County will evaluate the Industrial Development Future Land Use designation to determine if an amendment to change the Industrial Development designation to the Central Urban Future Land Use designation should be considered to accommodate all existing industrial uses as well as the transition to mixed-use development and redevelopment. (Added by Ordinance No. 09-08)

POLICY 27.4.4: New stand-alone industrial development that requires rezoning within the Page Park Community must be rezoned as an Industrial Planned Development (IPD). (Added by Ordinance No. 09-08)

OBJECTIVE 27.5: HOUSING. The County will explore ways to assure decent, workforce housing to meet the needs of present and future residents of the Page Park Community. (Added by Ordinance No. 09-08)

POLICY 27.5.1: By the end of 2009 the Page Park Planning Panel will submit regulations that will provide standards for “live-work” housing within Page Park for Lee County to review, amend or adopt. (Added by Ordinance No. 09-08)

POLICY 27.5.2: The County will encourage “live-work” housing units within the Page Park Community’s Mixed Use Overlay, whereby the occupant can live and work from within the same building structure. (Added by Ordinance No. 09-08)

POLICY 27.5.3: The County will continue to enforce minimum standards of housing and sanitation and require prompt action after the identification of abandoned or dilapidated property that may need to be demolished in accord with the Lee County Land Development Code. (Added by Ordinance No. 09-08)

POLICY 27.5.4: Upon request, the County will inform, educate, and encourage residents of the Page Park Community about funding opportunities or programs available to assist in the rehabilitation of existing residential structures that are in need of repair, rehabilitation or removal. (Added by Ordinance No. 09-08)

OBJECTIVE 27.6: TRANSPORTATION. All road improvements within the Page Park Community considered by the County will address the Community’s goal to maintain its small town character and give preference to alternatives that allow existing roads to function at their current capacity. (Added by Ordinance No. 09-08)

POLICY 27.6.1: To mitigate or curtail cut-through and speeding traffic on local residential streets within the Page Park Community, the Page Park Planning Panel with assistance and guidance from the Lee County Department of Transportation, will prepare a traffic calming plan for local residential streets within the Page Park Community, consistent with Administrative Code AC-11-14, for residential streets that are determined by Lee County Department of Transportation to have discernable through traffic problems and/or experience 85th percentile speeds above the norm for the character of the local residential streets. Upon approval and receipt of funding, appropriate traffic calming techniques will be employed as financially feasible, as the need or opportunity arises to repair, renovate, expand, or modify a section of street that utilizes these techniques within the plan. (Added by Ordinance No. 09-08)

POLICY 27.6.2: As part of development of the traffic calming plan, the County may review and evaluate traffic control devices in the Page Park community, including one-way streets and stop controls, and remove or revise traffic control devices found to be obsolete for traffic routing. (Added by Ordinance No. 09-08)

POLICY 27.6.3: Expansion of Danley Drive or South road should include engineering and financial feasibility analysis for physically separated provisions for bicyclists/pedestrians to provide for connection to the Ten Mile Linear Park, Jerry Brooks Park, and US 41 corridors. Paved shoulders and sidewalks may be considered where a separated path is not feasible. (Added by Ordinance No. 09-08)

POLICY 27.6.4: Mixed-use and commercial developments within the Page Park Community are required to provide interconnect opportunities with adjacent mixed-use and commercial uses in order to minimize access points onto primary roads. Residential developments are also encouraged to provide interconnect opportunities with commercial and mixed-use areas, including but not limited to bike paths and pedestrian paths. (Added by Ordinance No. 09-08)

OBJECTIVE 27.7: SEWER AND WATER: Given the desire to provide a mix of uses and a mix of residential densities, central sewage service is essential and is strongly encouraged for the Page Park Community within all land use categories. (Added by Ordinance No. 09-08)

POLICY 27.7.1: Central sewer service is strongly recommended for future higher density and intensity developments proposed within the Page Park Community. Any new developments that meet the criteria outlined in Lee Plan Standard 11.2 are required to connect to a central sewer system. (Added by Ordinance No. 09-08)

OBJECTIVE 27.8: PARKS AND RECREATION. Lee County will work with the Page Park Community to ensure that recreation for the Page Park Community is provided. (Added by Ordinance No. 09-08)

POLICY 27.8.1: Lee County Department of Parks and Recreation will work with surrounding property owners to evaluate options for code compliant parking and increased pedestrian safety for the users of Jerry Brooks Park, including the potential future realignment of South Road in accordance with the Board and Federal Aviation Administration adopted Page Field Airport Master Plan. (Added by Ordinance No. 09-08)

POLICY 27.8.2: Lee County Department of Parks and Recreation will work with the Page Park Community to ensure that all enhancements of Jerry Brooks Park meet the recreational needs of the Page Park Community and are integrated into the existing park areas. (Added by Ordinance No. 09-08)

OBJECTIVE 27.9: DESIGN GUIDELINES: To enhance the visual appeal of new development, the Page Park Planning Panel will propose architectural guidelines that will address the character and aesthetic appearance of the Page Park Community. (Added by Ordinance No. 09-08)

POLICY 27.9.1: By the end of 2009 the Page Park Planning Panel will propose regulations for architectural design guidelines. (Added by Ordinance No. 09-08)

POLICY 27.9.2: The architectural design guidelines will apply to all new development and to all redevelopment of, or additions or renovations to, an existing building, where the cumulative increase in total floor building area exceeds 50 percent of the square footage of the existing building being enlarged or renovated. (Added by Ordinance No. 09-08)

OBJECTIVE 27.10: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of County regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 09-08)

POLICY 27.10.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Page Park Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. The County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 09-08)

POLICY 27.10.2: The applicant for any Planned Development or Lee Plan amendment request within the Page Park Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 09-08)

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community. (Added by Ordinance No. 09-11)

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community. (Added by Ordinance No. 09-11)

POLICY 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community. (Added by Ordinance No. 09-11)

POLICY 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans. (Added by Ordinance No. 09-11)

POLICY 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing. (Added by Ordinance No. 09-11)

POLICY 28.1.4: To support the diversity of housing types available, the North Fort Myers Community supports utilizing the Mixed Use Overlay to apply to small scale mixed use projects with residential above or adjacent to retail and service uses. (Added by Ordinance No. 09-11)

POLICY 28.1.5: Consider revision to the Land Development Code to establish buffers between existing large lot residential subdivision and emerging adjacent higher density and intensity uses. (Added by Ordinance No. 09-11)

POLICY 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives. (Added by Ordinance No. 09-11)

POLICY 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units. (Added by Ordinance No. 09-11)

POLICY 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

(Added by Ordinance No. 09-11)

POLICY 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department for the North Fort Myers community. (Added by Ordinance No. 09-11)

POLICY 28.1.10: The North Fort Myers Community supports incorporating into the Mixed Use Overlay the addition of single person apartment types of 500 square feet or less and the evaluation of flexibility for all types of fees associated with the development of those units. (Added by Ordinance No. 09-11)

POLICY 28.1.11. Accessory apartments, such as mother-in-law or student housing units, will be considered affordable units, allowing those units to be considered bonus density when calculating allowable density. (Added by Ordinance No. 09-11)

OBJECTIVE 28.2: LAND USE: CENTERS AND CORRIDORS. Identify and pursue Town Center overlay districts, road corridor overlay districts and redevelopment areas. (Added by Ordinance No. 09-11)

POLICY 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use. (Added by Ordinance No. 09-11)

POLICY 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development and redevelopment.

- North Cleveland Avenue and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore and I-75.

(Added by Ordinance No. 09-11)

POLICY 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- A mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- Parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- To dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- Parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

(Added by Ordinance No. 09-11)

POLICY 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District. (Added by Ordinance No. 09-11)

POLICY 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19). (Added by Ordinance No. 09-11)

POLICY 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking;
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

(Added by Ordinance No. 09-11)

POLICY 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to-lines;
- Conservation of natural features and native vegetation;
- Buffers to adjacent residential neighborhoods;
- Requirements for shared access and side/rear yard parking;
- Incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- Shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported. (Added by Ordinance No. 09-11)

POLICY 28.2.8: Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships. (Added by Ordinance No. 09-11)

POLICY 28.2.9: The following uses are prohibited within the North Fort Myers Planning community: “detrimental use” as defined in the Land Development Code. (Added by Ordinance No. 09-11)

POLICY 28.2.10: The North Fort Myers Community supports a review of county codes that address the provision of interconnection between existing land uses to minimize access onto primary road corridors and to improve the safety for non-motor transportation. (Added by Ordinance No. 09-11)

POLICY 28.2.11: Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Lee Plan Policy 1.1.10, located south of Pine Island Road between Orchid Road and Barrett Road will be 0.26. (Added by Ordinance No. 10-34)

OBJECTIVE 28.3: TRANSPORTATION. The North Fort Myers community will have neighborhood, corridors and community interface improvements identified. (Added by Ordinance No. 09-11)

POLICY 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area. (Added by Ordinance No. 09-11)

POLICY 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with the Lee County Roadway Landscape Advisory Committee to review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community. (Added by Ordinance No. 09-11)

POLICY 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders. (Added by Ordinance No. 09-11)

POLICY 28.3.4: Standards for Walkable Urban Thoroughfares. The Department of Public Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. (Added by Ordinance No. 09-11)

POLICY 28.3.5: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community. (Added by Ordinance No. 09-11)

POLICY 28.3.6: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility. (Added by Ordinance No. 09-11)

OBJECTIVE 28.4: COMMUNITY FACILITIES and SERVICES. Recommendations for the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified and recommendations to address those needs will be considered in the capital improvement planning programs of operational departments. (Added by Ordinance No. 09-11)

POLICY 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. (Added by Ordinance No. 09-11)

POLICY 28.4.2: The North Fort Myers community supports a collaborative effort (hospital board, private providers, public health and economic agencies) to complete an analysis of the feasibility to provide supportive medical services and facilities in one or more centers identified in the North Fort Myers vision. (Added by Ordinance No. 09-11)

POLICY 28.4.3: Septic Tanks and Waste Water Treatment. The North Fort Myers community supports the concept of a single source of sewage service within the North Fort Myers community. (Added by Ordinance No. 09-11)

OBJECTIVE 28.5: PARKS, RECREATION and CONSERVATION. The North Fort Myers community will identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies. (Added by Ordinance No. 09-11)

POLICY 28.5.1: Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries. (Added by Ordinance No. 09-11)

POLICY 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments. (Added by Ordinance No. 09-11)

POLICY 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community. (Added by Ordinance No. 09-11)

POLICY 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers. (Added by Ordinance No. 09-11)

POLICY 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River. (Added by Ordinance No. 09-11)

POLICY 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, recreation facilities and areas, and the water access points. (Added by Ordinance No. 09-11)

POLICY 28.5.7: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

(Added by Ordinance No. 09-11)

POLICY 28.5.8: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to identify opportunities for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county. (Added by Ordinance No. 09-11)

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area. (Added by Ordinance No. 09-11)

POLICY 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizen groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 09-11)

POLICY 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 09-11)

POLICY 28.6.3: The North Fort Myers community will conduct an annual "town hall meeting." The community will invite the participation of the North Fort Myers District Commissioner, and appropriate county staff who can provide an update on public works needs in North Fort Myers and progress in addressing those needs. This progress report is intended to include topics such as:

- Congestion or capacity problems on existing facilities;
- Changes in the scope or timing of planned improvements; and
- Successes and failures in meeting levels of service.

(Added by Ordinance No. 09-11)

OBJECTIVE 28.7: The North Fort Myers community supports the creation of a project specific, time specific, cost specific redevelopment plan for the North Fort Myers Downtown Waterfront area. (Added by Ordinance No. 09-11)

POLICY 28.7.1: The North Fort Myers community supports the integration of the redevelopment plan for waterfront downtown with the planning for the alignment, functional classification, and location of any Hancock Bridge Parkway expansion. (Added by Ordinance No. 09-11)

POLICY 28.7.2: The redevelopment plan will consider the stormwater needs and water and sewer needs that result from the transportation and land use changes of Downtown Waterfront. (Added by Ordinance No. 09-11)

POLICY 28.7.3: The land use component of Downtown Waterfront will include land uses that assist in completing North Fort Myers employment base, and broaden housing base for those who will be employed by the new center. (Added by Ordinance No. 09-11)

GOAL 29: OLGA COMMUNITY. To capture and maintain Olga's heritage and rural character while allowing new development to "fit in" the following objectives and policies will be implemented to direct the new density and intensities for the Olga Community. For the purpose of this Goal, the Olga Community boundaries are generally defined by Caloosahatchee River on the north, Old Olga Road as it intersects SR 80 at its most eastern point on the east, SR 80 (aka Palm Beach Boulevard) on the south and Old Olga Road at the intersection of Buckingham Road/SR 80/Old Olga Road intersection to the west along with an imaginary line north to the Caloosahatchee River. (Added by Ordinance No. 09-10)

OBJECTIVE 29.1: Olga's Future Land Use Map reflects the vision and desires of the Olga Community. Any land use regulations, comprehensive plan changes, County regulated amendments or project developments imposed by Lee County will consider the Olga's Land Use Map prior to making any decisions. (Added by Ordinance No. 09-10)

POLICY 29.1.1: All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot (8') wide bicycle and pedestrian facilities along one

side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road; and, on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized. (Added by Ordinance No. 09-10)

POLICY 29.1.2: Any new commercial projects must be a Commercial Planned Development and may not have a residential component unless it matches the abutting residential density. (Added by Ordinance No. 09-10)

POLICY 29.1.3: Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses. (Added by Ordinance No. 09-10)

POLICY 29.1.4: Parking lots will be internal to the building site with buildings lining or shielding the parking lot from the street and neighborhood. (Added by Ordinance No. 09-10)

POLICY 29.1.5: If deemed appropriate by the Director of Zoning, parking space requirements may be reduced by up to one half in order to provide more open space and less impervious surfaces on the site. (Added by Ordinance No. 09-10)

POLICY 29.1.6: Canopy trees must be planted in all parking areas in order to provide shade. (Added by Ordinance No. 09-10)

POLICY 29.1.7: The minimum commercial building setbacks will be as follows:

1. Street: 40 feet
2. Side: 30 feet
3. Rear: 50 feet

(Added by Ordinance No. 09-10)

POLICY 29.1.8: Floor Area Ratio (FAR) maximums in the Commercial Future Land Use Category described in Lee Plan Policy 1.1.10, located north of SR 80 and east of South Olga Road will be a maximum of 0.25. (Added by Ordinance No. 09-10, Amended by Ordinance No. 10-34)

POLICY 29.1.9: Open Space Requirements:

1. Projects less than five acres (Small Projects) will provide 30% open space.
2. Projects between five and ten acres will provide 40% open space.
3. Projects more than ten acres will provide 50% open space.

(Added by Ordinance No. 09-10)

POLICY 29.1.10: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Added by Ordinance No. 09-10)

POLICY 29.1.11: Heritage trees, as defined in Land Development Code Sec. 10-415, will be preserved or when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space. (Added by Ordinance No. 09-10)

POLICY 29.1.12: The community will support a collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive. If constructed the roadway connection will be at the developer's expense as properties along the proposed roadway are built. (Added by Ordinance No. 09-10)

POLICY 29.1.13: Projects must be designed to maintain the integrity of the natural environment when developing property, especially when significant tree canopies or natural habitats exist on the parcel. These natural features must be integrated into the site design. (Added by Ordinance No. 09-10)

POLICY 29.1.14: When undertaking streetscape improvements, new private construction and building rehabilitation, place utility lines underground where it is economically feasible and where practical to improve visual qualities. (Added by Ordinance No. 09-10)

POLICY 29.1.15: The FDOT outfall ditch easement and drainage ditch located on the R&D Cattle site is described in Lee County Deed Book 175, Page 445 may be relocated within the Commercial Future Land Use area immediately north of River Hall if it is demonstrated that the new ditch alignment will maintain the hydrological connection and capacity existing at its present location. The appropriateness of the ditch realignment must be demonstrated based upon sound engineering principals prior to rezoning or development approval, whichever occurs first. The easement establishing the new alignment must be reviewed and approved by Lee County and all other applicable regulatory agencies prior to recording. (Added by Ordinance No. 09-10)

GOAL 30: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. (Added by Ordinance No. 09-16)

OBJECTIVE 30.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and commercial marina uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project. (Added by Ordinance No. 09-16)

POLICY 30.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. A maximum height of 220 feet is permitted if multiple layers of parking are incorporated into the structures. (Added by Ordinance No. 09-16)

POLICY 30.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system. (Added by Ordinance No. 09-16)

POLICY 30.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that

enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements. (Added by Ordinance No. 09-16)

POLICY 30.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public. (Added by Ordinance No. 09-16)

POLICY 30.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan Map 5. (Added by Ordinance No. 09-16)

GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment. (Added by Ordinance No. 09-15)

OBJECTIVE 31.1: To ensure that Destination Resort Mixed Use Water Dependant categories are located in the most appropriate areas. (Added by Ordinance No. 09-15)

POLICY 31.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density." (Added by Ordinance No. 09-15)

POLICY 31.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Areas within costal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.

(Added by Ordinance No. 09-15)

POLICY 31.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria. (Added by Ordinance No. 09-15)

OBJECTIVE 31.2: GROWTH MANAGEMENT. Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with the growth management principles and practices provided in the following policies. (Added by Ordinance No. 09-15)

POLICY 31.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development. (Added by Ordinance No. 09-15)

POLICY 31.2.2: Destination Resort Mixed Use Water Dependant land use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources. (Added by Ordinance No. 09-15)

POLICY 31.2.3: Adjacent contiguous properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas. (Added by Ordinance No. 09-15)

POLICY 31.2.4: Applications for Destination Resort Mixed Use Water Dependant development will be reviewed and evaluated as to their impacts on, and may not negatively affect, adjacent, existing residential, commercial or conservation activities. (Added by Ordinance No. 09-15)

POLICY 31.2.5: The Lee County Land Development Code (LDC) must be amended to include specific property development regulations for this category. The LDC provisions will encourage joint use of parking, access easements, and storm-water retention facilities where appropriate. (Added by Ordinance No. 09-15)

POLICY 31.2.6: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet. (Added by Ordinance No. 09-15; Scrivener's error amended by Ordinance No. 09-27)

OBJECTIVE 31.3: COMMERCIAL LAND USES. Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. Commercial land uses must be designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area. (Added by Ordinance No. 09-15)

POLICY 31.3.1: The property owners of lands designated DRMUWD will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service. (Added by Ordinance No. 09-15)

POLICY 31.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the DRMUWD area will be borne by those who benefit. Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts. (Added by Ordinance No. 09-15)

POLICY 31.3.3: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as

part of the mix. This land use category allows a mixture of land uses related to and justified by the development of a destination resort. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed in this category.

Water related Permitted Uses:

1. Aids to navigation
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services
4. Communication facilities essential to service water dependant uses.
5. Facilities for refueling and providing other services for boats, ships and related marine equipment
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurants
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair and building
19. Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development.

(Added by Ordinance No. 09-15)

POLICY 31.3.4: The following uses are prohibited within the DRMUWD:

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

(Added by Ordinance No. 09-15)

POLICY 31.3.5: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to, bike paths and pedestrian access ways. (Added by Ordinance No. 09-15)

POLICY 31.3.6: The category must be developed with a mix of uses not to exceed:

- Residential (Maximum of 271 dwelling units)
- Lodging (Maximum of 450 hotel rooms)
- Office (Maximum of 10,000 square feet)
- Retail (Maximum of 98,000 square feet)
- Marina (Maximum of 850 wet or dry boat slips)
- Civic (Maximum of 10,000 square feet)

(Added by Ordinance No. 09-15)

POLICY 31.3.7: To reduce the impact on wildlife such as sea turtles and migrating birds, projects must be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:

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

(Added by Ordinance No. 09-15)

OBJECTIVE 31.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements. (Added by Ordinance No. 09-15)

POLICY 31.4.1: This land use category will provide opportunities for public access to the water and will include provisions for bicyclists/pedestrians. At a minimum, one public access easement must be provided to the waterfront per development. (Added by Ordinance No. 09-15)

POLICY 31.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community. (Added by Ordinance No. 09-15)

OBJECTIVE 31.5: COMMUNITY CHARACTER. Land Development Code provisions will incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community. (Added by Ordinance No. 09-15)

POLICY 31.5.1: In order to maintain a Marine identity for the community, commercial developments must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged. (Added by Ordinance No. 09-15)

POLICY 31.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area, this land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform. (Added by Ordinance No. 09-15)

OBJECTIVE 31.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan). (Added by Ordinance No. 09-15)

POLICY 31.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations. Mixed use Developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation. (Added by Ordinance No. 09-15)

POLICY 31.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate alternative modes of transportation. When possible, connections to adjacent developments must be provided. (Added by Ordinance No. 09-15)

POLICY 31.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development. (Added by Ordinance No. 09-15)

POLICY 31.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water. (Added by Ordinance No. 09-15)

OBJECTIVE 31.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but will not be limited to, mass transit stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, airport shuttle services and water-taxi transportation facilities. (Added by Ordinance No. 09-15)

POLICY 31.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions, but will at a minimum provide three (3) round trips daily. (Added by Ordinance No. 09-15)

POLICY 31.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both. (Added by Ordinance No. 09-15)

POLICY 31.7.3: Where Projects are intersected by public roadways a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this policy is to safely move pedestrian and bicycles across the road. Examples of grade separation would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths. (Added by Ordinance No. 09-15)

POLICY 31.7.4: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street meeting Lee Tran standards or better. Improvements to bring Main Street up to Class A road standards, subject to deviations where appropriate, will be provided by the developer. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code. (Added by Ordinance No. 09-15, Amended by Ordinance No. 10-38)

OBJECTIVE 31.8: SERVICE AREA AND EQUIPMENT. Ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage. (Added by Ordinance No. 09-15)

POLICY 31.8.1: Materials, supplies, or equipment must be stored inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors

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

POLICY 31.8.2: Screening devices must be of a height at least equal to that of the material or equipment screened. The design, material, textures, and colors of screening devices must be architecturally compatible with those of the building and with the landscaping. The design of these elements will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the “hardness” of man-made screens. (Added by Ordinance No. 09-15)

OBJECTIVE 31.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns. (Added by Ordinance No. 09-15)

POLICY 31.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process. (Added by Ordinance No. 09-15)

POLICY 31.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor. (Added by Ordinance No. 09-15)

OBJECTIVE 31.10: Development and Redevelopment in the Destination Resort Mixed Use Water Dependent category in the Coastal High Hazard Areas must mitigate hurricane sheltering and evacuation impacts consistent with the following policy. (Added by Ordinance No. 09-15)

POLICY 31.10.1: An agreement must be executed between the County and the property owner to mitigate the project’s hurricane sheltering and evacuation impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

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

(Added by Ordinance No. 09-15)

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1. (Added by Ordinance No. 10-16)

OBJECTIVE 32.1: ESTABLISH A SUSTAINABLE COMMUNITY OF CHOICE. To ensure that development and redevelopment within the Lehigh Acres Planning Community evolves into a sustainable community containing a broad mix of residential types and non-residential uses served by efficient infrastructure. (Added by Ordinance No. 10-16)

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. Incentives may include, but not be limited to, transfer of development rights, expedited reviews, special land development regulations within the Lehigh Acres Planning Community, and public private partnerships to utilize alternative funding methods including Municipal Service Taxing Units (MSTU) and Municipal Service Benefit Units (MSBU). (Added by Ordinance No. 10-16)

POLICY 32.1.2: Establish a series of specialized mixed use nodes throughout the Lehigh Acres Community to provide opportunities to diversify employment, vary housing types, reduce the need for future roadway expansions, and reduce the need for commuting. (Added by Ordinance No. 10-16)

POLICY 32.1.3: The Lee County Board of Commissioners acknowledges that there is an over abundance of single-family homesites available to construct detached single-family homes. (Added by Ordinance No. 10-16)

POLICY 32.1.4: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types. (Added by Ordinance No. 10-16)

POLICY 32.1.5: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community. (Added by Ordinance No. 10-16)

POLICY 32.1.6: Encourage pedestrian friendly development with an emphasis on human scale design. (Added by Ordinance No. 10-16)

POLICY 32.1.7: Encourage connectivity between all land uses through an efficient multi-modal transportation network. (Added by Ordinance No. 10-16)

POLICY 32.1.8: Lee County will work with Lee Tran to improve the mass transit system within the Lehigh Acres Planning Community. (Added by Ordinance No. 10-16)

POLICY 32.1.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4. (Added by Ordinance No. 10-16)

POLICY 32.1.10: The Lehigh Acres Community Plan Overlays Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

- a. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.
- b. Tier 2 consists of those areas immediately adjacent to Tier 1 where public facilities such as water and sewer are not fully available today, but where the provision of these public facilities should be prioritized in the second decade of the planning horizon, 10 to 20 years from adoption of the plan.
- c. Tier 3 consists of the extreme northern and eastern fringe of Lehigh Acres. This area is the least developed and is the lowest in zoned density due to the preponderance of one acre and half acre lots. This area has virtually no public services and facilities, little commercial uses and many roads that are in poor or very poor condition.

For the purpose of Capital Improvement Programming Tier 1 and 2 are the priority areas to receive capital improvements. (Added by Ordinance No. 10-16)

POLICY 32.1.11: By the end of 2011, Lee County will amend the Land Development Code to incorporate:

- a. Land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Land development and urban design standards for Lee Boulevard and SR 82.
- c. Design and development standards for duplex and two-family attached structures within Lee County.

(Added by Ordinance No. 10-16)

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES. Are areas that will help to contribute the uses needed to support the Lehigh Acres Planning Community in an integrated and sustainable approach. (Added by Ordinance No. 10-16)

POLICY 32.2.1: Specialized mixed use nodes will be classified in three sub-categories. These sub-categories are identified on Map 1, Page 8 of 8 of the Lee Plan as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers. (Added by Ordinance No. 10-16)

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Stand-alone residential planned developments are prohibited. Residential uses may only be permitted in conjunction with a mixed use planned development. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c) of the Lee Plan. The Community Mixed-Use Activity Center located south of SR 82 at Daniels Parkway is also designated as a DR/GR Mixed-Use Community on Map 17 of the Lee Plan, and development approvals may follow any of the procedures established for DR/GR Mixed-Use Communities instead of being reviewed as a Planned Development. (Added by Ordinance No. 10-16)

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density. (Added by Ordinance No. 10-16)

POLICY 32.2.4: The site location standards described in Policy 6.1.2 do not apply within areas designated as specialized mixed use nodes. (Added by Ordinance No. 10-16)

POLICY 32.2.5: Within the boundaries of the Specialized Mixed-Use Nodes on-street parking, as provided for in Section 4 of Lee County Ordinance No. 91-29 and meeting the dimensional requirements of Section 34-2016(1) of the Land Development Code, may be provided as a one-to-one substitute for required on-site parking. (Added by Ordinance No. 10-16)

POLICY 32.2.6: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas. (Added by Ordinance No. 10-16)

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

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

(Added by Ordinance No. 10-16)

POLICY 32.2.8: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations. (Added by Ordinance No. 10-16)

POLICY 32.2.9: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension:

- a. W 12th Street and Sunshine Boulevard
- b. W 12th Street and Williams Avenue
- c. W 12th Street and Richmond Avenue
- d. W 12th Street and Joel Boulevard

(Added by Ordinance No. 10-16)

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES. Is an area expected to redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. It will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights. (Added by Ordinance No. 10-16)

POLICY 32.3.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night. (Added by Ordinance No. 10-16)

POLICY 32.3.2: The downtown provides a living environment to a growing segment of society that no longer desires the suburban lifestyle. It provides housing for a wide variety of income levels, in an environment that allows less reliance on the automobile. (Added by Ordinance No. 10-16)

POLICY 32.3.3: Create and revitalize the downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences. (Added by Ordinance No. 10-16)

POLICY 32.3.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County. (Added by Ordinance No. 10-16)

POLICY 32.3.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program. (Added by Ordinance No. 10-16)

OBJECTIVE 32.4.: COMMUNITY MIXED-USE ACTIVITY CENTERS. Are areas of sufficient size and location that will help to contribute the uses needed to support all of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1. (Added by Ordinance No. 10-16)

POLICY 32.4.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community. (Added by Ordinance No. 10-16)

POLICY 32.4.2: These areas provide the best opportunity for resolving many of the problems inherent in a single use platted community that lacks a diversity of uses. (Added by Ordinance No. 10-16)

POLICY 32.4.3: The emphasis of the future development of these areas is to provide employment opportunities mixed with facilities offering goods and services that support the wider community. (Added by Ordinance No. 10-16)

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER. Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1. (Added by Ordinance No. 10-16)

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types. (Added by Ordinance No. 10-16)

POLICY 32.5.2: In addition to adhering to the policies under Objective 32.2, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are highly encouraged. (Added by Ordinance No. 10-16)

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged. (Added by Ordinance No. 10-16)

OBJECTIVE 32.6: LOCAL MIXED-USE ACTIVITY CENTERS. Are areas located within existing and emerging residential neighborhoods that are intended to support the local daily commercial needs of the neighborhood. Local Activity Centers are envisioned as floating designations that may be applied for as part of a rezoning. (Added by Ordinance No. 10-16)

POLICY 32.6.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed Use Activity Centers will not be assumed to be an encroachment into the neighborhood. (Added by Ordinance No. 10-16)

POLICY 32.6.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged. (Added by Ordinance No. 10-16)

POLICY 32.6.3: Buffer walls between commercial and residential uses are not required. (Added by Ordinance No. 10-16)

POLICY 32.6.4: Local Mixed-Use Activity Centers may be located on property as small as one lot, but are limited to a maximum of one platted block. (Added by Ordinance No. 10-16)

POLICY 32.6.5: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities. (Added by Ordinance No. 10-16)

POLICY 32.6.6: Within the boundaries of Local Mixed-Use Activity Centers on-street parking, as provided for in Section 24 of the Lee County Code of Laws and Ordinances, may be provided as a one-to-one substitute for required on-site parking. (Added by Ordinance No. 10-16)

POLICY 32.6.7: To receive the Local Mixed-Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 32.2, Specialized Mixed Use Nodes, and must meet the following locational and access criteria

- a. Must initially have frontage on two publicly maintained streets.
- b. Local Mixed-Use Activity Center will be designated through the zoning process.
- c. May be expanded to an area that is adjacent to a previously designated Local Mixed-Use Activity Center.

(Added by Ordinance No. 10-16)

OBJECTIVE 32.7: COMMERCIAL OVERLAY ZONES. Designate additional overlay zones on the Future Land Use Map to establish potential commercial land uses in Lehigh Acres. The Commercial Overlay Zones are identified on Map 1, page 8 of 8 of the Lee Plan. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres. (Added by Ordinance No. 98-09; Amended and Relocated by Ordinance No. 10-16)

POLICY 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area). (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22; Amended and Relocated by Ordinance No. 10-16)

POLICY 32.7.2: Because of the shortage of suitable undivided tracts in the Lehigh Acres Planning Community, commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated as part of the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assembly of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the planned development zoning processes or by requesting the CN-3 conventional commercial zoning district that was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:
 - a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
 - b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

(Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22; Amended and Relocated by Ordinance No. 10-16)

OBJECTIVE 32.8: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. Lee County will explore opportunities to create a coherent network of parks, greenways, water amenities, open space, and other public facilities. (Added by Ordinance No. 10-16)

POLICY 32.8.1: Lee County Parks and Recreation will work with the East County Water Control District to identify rights-of-way or easements that can be incorporated into the County's greenway plan. (Added by Ordinance No. 10-16)

POLICY 32.8.2: Lee County, the East Lee County Water Control District, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities. (Added by Ordinance No. 10-16)

POLICY 32.8.3: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design, as required by Policy 77.3.7 of the Lee Plan. (Added by Ordinance No. 10-16)

POLICY 32.8.4: Lee County will work with the Lee County School District and other agencies that operate within the Lehigh Acres Planning Community to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres. (Added by Ordinance No. 10-16)

OBJECTIVE 32.9: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. Lee County will work to improve transportation, parking, and circulation within the Lehigh Acres Planning Community. (Added by Ordinance No. 10-16)

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged. (Added by Ordinance No. 10-16)

POLICY 32.9.2: All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82. (Added by Ordinance No. 10-16)

POLICY 32.9.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan. (Added by Ordinance No. 10-16)

POLICY 32.9.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas. (Added by Ordinance No. 10-16)

POLICY 32.9.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods. (Added by Ordinance No. 10-16)

POLICY 32.9.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community. (Added by Ordinance No. 10-16)

POLICY 32.9.7: New Single-Family Model Homes are prohibited within 300 feet of Arterial and Collector Roads. (Added by Ordinance No. 10-16)

OBJECTIVE 32.10: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems. (Added by Ordinance No. 10-16)

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued. (Added by Ordinance No. 10-16)

POLICY 32.10.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon of the Lee Plan. (Added by Ordinance No. 10-16)

POLICY 32.10.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for the expansion of utilities. (Added by Ordinance No. 10-16)

OBJECTIVE 32.11: NATURAL RESOURCES. Lee County will preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres, by maintaining the diverse and healthy native vegetation, and wildlife resources. (Added by Ordinance No. 10-16)

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Planning Community boundary. Development must also be consistent with Goal 77, and Objective 77.3 of this Plan. (Added by Ordinance No. 10-16)

POLICY 32.11.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community. (Added by Ordinance No. 10-16)

POLICY 32.11.3: Lee County will provide incentives (for example increased density, Transfer of Development Rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Lehigh Acres Planning Community. (Added by Ordinance No. 10-16)

POLICY 32.11.4: Where not inconsistent with the South Florida Water Management District design criteria, natural habitat restoration is preferred to open water systems for treating stormwater. (Added by Ordinance No. 10-16)

OBJECTIVE 32.12: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 10-16)

POLICY 32.12.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Lehigh Acres Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments through mail, email or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail, email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 10-16)

POLICY 32.12.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that

were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 10-16)

OBJECTIVE 32.13: INTERGOVERNMENTAL COORDINATION. The Lehigh Acres Planning Community depends on agencies that are external to Lee County for certain services, such as the East County Water Control District, Lee County Health Department, Florida Governmental Utilities Authority, and Hendry County. Lee County will work with these organizations on matters under their jurisdiction. (Added by Ordinance No. 10-16)

POLICY 32.13.1: Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate “tax forgiveness” efforts with the School Board, Fire District, Southwest Florida Water Management District and East County Water Control District. (Added by Ordinance No. 10-16)

POLICY 32.13.2: Lee County will work with Hendry County to coordinate trail connections at the counties’ boundaries in order to promote a regional trail system. (Added by Ordinance No. 10-16)

POLICY 32.13.3: Lee County will work with the Lehigh Acres Fire District to identify locations for new facilities that will assure adequate and uniform fire protection throughout the Lehigh Acres Planning Community. (Added by Ordinance No. 10-16)

POLICY 32.13.4: Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention areas. (Added by Ordinance No. 10-16)

POLICY 32.13.5: Lee County will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities. (Added by Ordinance No. 10-16)

POLICY 32.13.6: Lee County will work with the Lee County Health Department to discourage the approval of septic tank variances and to address regulations that allow two septic systems on one small lot. (Added by Ordinance No. 10-16)

OBJECTIVE 32.14: OVERSIGHT AND COORDINATION BY LEE COUNTY. The Lehigh Acres Planning Community is entirely within unincorporated Lee County, as such Lee County can perform activities that will help guide and accommodate attractive development; plan for and construct capital improvements; and establish policies to concentrate development within appropriate areas and provide protection of natural features. These activities will help to assure that the Lehigh Acres Planning Community develops in a way that is consistent with its vision. (Added by Ordinance No. 10-16)

POLICY 32.14.1: Lee County will assist in establishing comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property for stormwater management purposes. (Added by Ordinance No. 10-16)

POLICY 32.14.2: Lee County will explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. (Added by Ordinance No. 10-16)

POLICY 32.14.3: Lee County will use Tier 1 and Tier 2 as capital improvement priority areas for public facilities and services that are under the control of Lee County, and will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities. (Added by Ordinance No. 10-16)

POLICY 32.14.4: Lee County will not permit mine truck traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Planning Community as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only. (Added by Ordinance No. 10-16)

POLICY 32.14.5: By the end of 2011, Lee County will complete the following activities:

- a. Amend the Land Development Code to incorporate land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82.
- c. Amend the Land Development Code to incorporate design and development standards for duplex and two-family attached structures within Lee County.
- d. Explore the establishment of a Land Swap Program, where parcels gained through the escheatment process in Tier 1 or Tier 2 could be swapped for undeveloped parcels in Tier 3.
- e. Define appropriate sending and receiving areas for a Transfer of Development Rights program.

(Added by Ordinance No. 10-16)

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. (Added by 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). (Added by 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. (Added by 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. (Added by 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. (Added by 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.

(Added by 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. (Added by 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. (Added by 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. (Added by Ordinance No. 10-20)

OBJECTIVE 33.2: 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. (Added by Ordinance No. 10-19)

POLICY 33.2.1: 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. (Added by Ordinance No. 10-19, Amended by Ordinance No. 15-13)

POLICY 33.2.2: The DR/GR Priority Restoration overlay depicts 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). 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 evaluate this overlay map every 7 years to determine if 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. (Added by Ordinance No. 10-19)

POLICY 33.2.3: It is in southwest Florida's interest for public and nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means. These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. 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.

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.

(Added by Ordinance No. 10-19, Amended by Ordinance No. 12-24)

POLICY 33.2.4: Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and natural resource priority. On individual sites, restoration can be carried out in stages:

1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or establishing control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.
2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.

(Added by Ordinance No. 10-19)

POLICY 33.2.5: Lee County recognizes the importance of maintaining agricultural lands within Southeast Lee County for local food production, water conservation and storage, land conservation, wildlife habitat, and wetland restoration. The continued use of ever evolving agricultural best management practices will protect native soils and potentially improve the

quantity and quality of water resources, allowing sustainable agriculture to be integrated into restoration planning for Southeast Lee County. (Added by Ordinance No. 10-19)

POLICY 33.2.6: On existing farmland, the county will offer incentives to encourage the continuation of agricultural operations. Incentives will include the ability to concentrate all existing development rights while farming continues on the remainder of the tract; and, the ability to sever and sell all development rights while farming continues on the entire tract. Other incentives may be provided to agricultural operations that implement and maintain best management practices. Continued agricultural use may be a desirable long-term use even within land designated on the priority restoration overlay as potentially eligible for protection (see Policy 9.1.7). (Added by Ordinance No. 10-19)

POLICY 33.2.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources. (Added by Ordinance No. 10-19)

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the Density Reduction/Groundwater Resource future land use category (Improved Residential Communities). (Added by Ordinance No. 10-43, Amended by Ordinance No. 12-24, 15-13)

POLICY 33.3.1: Existing acreage subdivisions are shown on Map 17. These subdivisions should be protected from adverse external impacts such as natural resource extraction. (Added by Ordinance No. 10-43)

POLICY 33.3.2: Unsubdivided land is too valuable to be consumed by inefficient land-use patterns. Although additional acreage or ranchette subdivisions may be needed in the future, the preferred pattern for using existing residential development rights from large tracts is to concentrate them as compact internally connected Mixed-Use Communities along existing roads and away from Future Limerock Mining areas. Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from major DR/GR tracts into traditional neighborhood developments (see glossary).

1. Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Allowable residential development without the benefit of TDR credits is limited to the existing allowable dwelling units from the upland and wetland acreage of the entire contiguous DR/GR tract. The only net increases in dwelling units will be through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDR credits from TDR sending areas as provided in Policies 33.3.5 and 33.3.6.

- a. When expanded with transferred development rights, the maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community as shown on Map 17.
 - b. The maximum basic intensity of non-residential development is 75 square feet, per by right clustered dwelling unit.
 - c. The additional intensity that can be created using TDR credits may not exceed 300,000 square feet of non-residential floor area in any Mixed-Use Community.
 - d. These limits on dwelling units and non-residential floor area do not apply to any land in a Mixed-Use Community that is designated Central Urban rather than DR/GR. Numerical limits for Central Urban land are as provided elsewhere in the Lee Plan.
2. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided the property under contiguous ownership does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 17.
 3. In 2010 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, construction may occur on land designated as a Mixed-Use Community on Map 17 provided the impacts to natural resources, including water levels and wetlands, are offset through appropriate mitigation within Southeast Lee County. 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. When possible, it is recommended that wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.
 4. To create walkable neighborhoods that reduce automobile usage and minimize the amount of DR/GR land consumed by development, the Land Development Code will specify how each Mixed-Use Community will provide:
 - a. A compact physical form with identifiable centers and edges, with opportunities for shopping and workplaces near residential neighborhoods;
 - b. A highly interconnected street network, to disperse traffic and provide convenient routes for pedestrians and bicyclists;
 - c. High-quality public spaces, with building facades having windows and doors facing tree-lined streets, plazas, squares, or parks;
 - d. Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility; and
 - e. Resiliency and sustainability, allowing adaptation over time to changing economic conditions and broader transportation options.

(Added by Ordinance No. 10-43, Amended by Ordinance No. 12-24)

POLICY 33.3.3: Properties within the DR/GR that have existing approvals for residential development inconsistent with the current DR/GR density requirements, may damage surface and sub-surface water resources, impact habitat, and encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts additional densities may be granted if strict criteria improving the adverse impacts are followed.

1. These properties may be designated on Map 17 as “Improved Residential Communities,” provided they meet all of the following requirements:
 - a. Abut lands designated as future urban areas;
 - b. Adjacent to and eligible for public water and sewer services;
 - c. Can provide two (2) direct accesses to an arterial roadway, and;
 - d. Is not already designated on Lee Plan Map 17 as an Existing Acreage Subdivision or a Mixed Use Community.
2. In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:
 - a. Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in the DR/GR than the existing development approvals.
 - b. Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.
 - c. Active and passive recreational amenities to promote a healthy lifestyle.
 - d. Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following.
 - (1) Lower irrigation demand.
 - (2) Eliminates private irrigation wells
 - (3) Protects Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.
 - (4) Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
 - (5) Connects to public water and sewer service, and must connect to reclaimed water when available.
 - (6) Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.
 - (7) Designed to accommodate existing or historic flowways.
 - e. Includes an enhanced lake management plan, that addresses at a minimum the following issues:
 - (1) Best management practices for fertilizers and pesticides
 - (2) Erosion control and bank stabilization
 - (3) Lake maintenance requirements

(4) Public well field protection

- f. Indigenous Management Plans must address human-wildlife coexistence.
3. Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three (3) dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:
 - a. 2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.
 - b. 2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.
 - c. 1.5 dwelling units for every additional acre of onsite property put under a conservation easement.
 - d. 1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the Planned Development rezoning process.
 - e. 2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.
 - f. 2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flowway identified in the Lee Plan.
 - g. 1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the county to extinguish density on other Southeast DR/GR parcels.
 - h. 1 dwelling unit for every \$8,500 the applicant provides to the county to construct a planned large mammal roadway crossing in the Southeast DR/GR area.

The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future "Improved Residential Communities" proposed to be added to Map 17 must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria (g.) or (h.) are used to account for the increased density. (Added by Ordinance No. 12-24)

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the "Environmental Enhancement and Preservation Communities" overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below;
 - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.

- b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.
2. The property is rezoned to a Planned Development that meets the following:
- a. Planned Development must include a minimum of 60 percent open space, not including previously mined lakes, which will be used to accommodate the following:
 - 1. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 - 2. Restore and accommodate existing and historic groundwater levels;
 - 3. Restore and preserve wetlands;
 - 4. Restore and preserve indigenous upland habitats;
 - 5. Provide critical wildlife connections to adjacent conservation areas; and
 - 6. Provide 100' foot buffer along Corkscrew Road East of Alico Road.
 - b. Includes an enhanced lake management plan, that:
 - 1. Applies best management practices for fertilizers and pesticides;
 - 2. Provides erosion control and bank stabilization; and
 - 3. Establishes lake maintenance requirements.
 - c. Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.
 - d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a Community Development District (CDD) or a master home owners association must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the Planned Development, prior to issuance of certificate of compliance (CC) for first local development order.
 - e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights.
 - f. Indigenous management plans must address human-wildlife coexistence.
 - g. Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.

- h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.
 - i. Elimination of any agricultural row crop uses at time of first development order.
 - j. Protects public wells through compliance with the requirements of the Well Field Protection Ordinance.
 - k. Each Planned Development within the Overlay will be required to mitigate the traffic impacts of the Planned Development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code 13-16. The proportionate share amount can be offset, in accordance with AC13-16, by the dedication of needed right of way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a Planned Development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any Development Order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.
 - l. Connect to public water and sewer service. Connect to reclaimed water if available at time of development order approval.
 - m. Obtain written verification as to adequate public services for the Planned Development, from the sheriff, EMS, fire district, and Lee County School District.
 - n. Demonstrate that the proposed rezoning will not result in significant detrimental impacts on present or future water resources.
3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
- a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.
 - b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.
 - c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.

- d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lake will be calculated at the density provided above).
- e. Additional dwelling units may be approved in the Planned Development meeting the requirements above if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office.
(Added by Ordinance No. 15-13, Amended by Ordinance No. 15-14)

POLICY 33.3.5: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table I(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

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

4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).
5. Lee County encourages landowners to concentrate development rights from contiguous DR/GR property under common ownership or control.
6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
 - a. Other Mixed-Use Communities;
 - b. Rural Golf Course Communities;
 - c. Improved Residential Communities
 - d. Future Urban Area (see Objective 1.1);
 - e. Mixed-Use Overlay;
 - f. Lehigh Acres Specialized Mixed-Use Nodes;
 - g. Lee Plan designation that allow bonus density (see Table 1(a)); and,
 - h. Incorporated municipalities that have formally agreed to accept TDR credits.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24, Amended by Ordinance No. 14-09, Renumbered by Ordinance No. 15-13)

POLICY 33.3.6: The new TDR program will have the following characteristics:

1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
2. The preferred receiving locations for the transfer of TDRs are within designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only sites in the DR/GR area permitted to receive transferred development rights are Mixed-Use Communities or Rural Golf Course Communities, Improved Residential Communities as shown on Map 17.
3. TDR credits will be available from sending areas as follows:
 - a. One TDR credit may be created for each allowable dwelling unit attributable to sending parcels within the Southeast DR/GR area. As an incentive for permanently protecting indigenous native uplands, one extra dwelling unit will be allowed for each five acres of preserved or restored indigenous native uplands.
 - b. As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3 or the southern two miles of Tiers 5, 6 or 7, as shown on the DR/GR Priority Restoration overlay.
4. The maximum number of TDR credits that can be created from the Southeast DR/GR lands is 9,000.

5. No more than 2,000 dwelling units can be placed on receiving parcels within the Southeast DR/GR Mixed-Use Communities through the TDR credit program.
6. TDR Credits may be redeemed in designated TDR receiving areas as follows:
 - a. In Mixed-Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
 - b. In Rural Golf Course Communities, see Policy 16.2.7.
 - c. In the Future Urban Areas described in paragraph 2. above, each TDR credit may be redeemed for a maximum of two dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a). TDR credits may not be redeemed for non-residential floor area in these Future Urban Areas.
 - d. Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban Areas, each TDR credit may be redeemed for a maximum of two dwelling units.
7. When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:
 - a. Continued agricultural uses will be permitted;
 - b. Conservation uses only;
 - c. Conservation use and restoration of the property; or
 - d. some combination of the above options.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24; Renumbered by Ordinance No. 15-13)

POLICY 33.3.7: The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed-Use Communities as designated on Map 17. (Added by Ordinance No. 10-19, Renumbered by Ordinance No. 12-24, Renumbered by Ordinance No. 15-13)

POLICY 33.3.8: By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. (Added by Ordinance No. 10-19, Renumbered by Ordinance No. 12-24, Renumbered by Ordinance No. 15-13)

GOAL 34: NORTHEAST LEE COUNTY PLANNING COMMUNITY. Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands within the Planning Community. The boundaries for North Olga and Alva are delineated on Map 1, Page 2 of 8. Alva and North Olga will work cooperatively toward this goal for the entire Planning Community through the objectives and policies that follow, and through their individual/local planning efforts. (Added by Ordinance No. 11-14)

OBJECTIVE 34.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands. (Added by Ordinance No. 11-14)

POLICY 34.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands. (Added by Ordinance No. 11-14)

POLICY 34.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code. (Added by Ordinance No. 11-14)

POLICY 34.1.3: Work with residents and property owners of Alva and North Olga to amend the Land Development Code to provide opportunities for rural mixed-uses that are connected to and compatible with adjacent areas. (Added by Ordinance No. 11-14)

POLICY 34.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the Land Development Code that will foster agricultural operations and support rural uses. (Added by Ordinance No. 11-14)

POLICY 34.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character. (Added by Ordinance No. 11-14)

OBJECTIVE 34.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations. (Added by Ordinance No. 11-14)

POLICY 34.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs, conservation and agricultural easements, farmland trusts, and Land Development Code regulations. (Added by Ordinance No. 11-14)

POLICY 34.2.2: The Northeast Lee County Planning Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community. (Added by Ordinance No. 11-14)

OBJECTIVE 34.3: NATURAL RESOURCES. To enhance, preserve and protect the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on:

1. Water Basins;
2. Native vegetation;
3. Wildlife habitat and resources; and
4. Areas designated for long-term conservation.

(Added by Ordinance No. 11-14)

POLICY 34.3.1.: Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve. (Added by Ordinance No. 11-14)

POLICY 34.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources. (Added by Ordinance No. 11-14)

POLICY 34.3.3: Lee County will work to identify areas suitable for public water-dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County.

OBJECTIVE 34.4: CONNECTIVITY. Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community. (Added by Ordinance No. 11-14)

POLICY 34.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation. (Added by Ordinance No. 11-14)

POLICY 34.4.2: Plan and implement alternatives to roadways - e.g., greenways, blueways, equestrian trails, and other pedestrian pathways - within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed-use villages. (Added by Ordinance No. 11-14)

POLICY 34.4.3: Proactively plan for wildlife connections within Northeast Lee County that support habitat needs of native animals on public lands and waters. (Added by Ordinance No. 11-14)

POLICY 34.4.4: Work with Alva and North Olga to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the planning community. (Added by Ordinance No. 11-14)

OBJECTIVE 34.5: PUBLIC PARTICIPATION. To encourage and solicit public input and participation within Northeast Lee County on proposed amendments to county regulations, including the Land Development Code, Lee Plan, and zoning applications affecting the Northeast Planning Community. (Added by Ordinance No. 11-14)

POLICY 34.5.1: As a courtesy, register citizen groups, civic organizations, and interested individuals within Northeast Lee County who desire notification of pending amendments to the LDC, zoning actions, and Lee Plan amendments within Northeast Lee County. Upon

registration, provide registrants with documentation regarding pending amendments. This notification is not jurisdictional. The county's failure to notify, or a registrant to receive notification, will not constitute a defect in the jurisdictional notice requirements or bar public hearings on an application. (Added by Ordinance No. 11-14)

POLICY 34.5.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendment within the Northeast Lee County Planning Community must conduct public informational meetings with both the Alva and North Olga Communities where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues. (Added by Ordinance No. 11-14)

POLICY 34.5.3: The Alva and North Olga Communities will coordinate their planning activities to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County. (Added by Ordinance No. 11-14)

GOAL 35: NORTH OLGA COMMUNITY. To promote and support North Olga's unique rural character, heritage, economy, and quality of life by establishing a participatory community planning effort to guide North Olga's future. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8 of the Lee Plan. (Added by Ordinance No. 11-14)

OBJECTIVE 35.1: COMMUNITY CHARACTER. By 2014, the North Olga Community will work with Lee County to establish comprehensive plan policies, land development regulations, and other planning and development tools to manage future community development in a manner that protects and enhances North Olga's rural character and aesthetic appearance, while supporting the continued viability of commercial agricultural businesses. (Added by Ordinance No. 11-14)

POLICY 35.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses. (Added by Ordinance No. 11-14)

POLICY 35.1.2: In partnership with Lee County, the North Olga Community will develop a rural planning toolbox to promote a compact development pattern within the community. Planning tools will include but are not limited to a Transfer of Development Rights (TDR) program, Purchase of Development Rights (PDR) program, conservation and agricultural easements, farm land trusts, and land development code regulations. The North Olga Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community. (Added by Ordinance No. 11-14)

POLICY 35.1.3: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services. (Added by Ordinance No. 11-14)

POLICY 35.1.4: In partnership with Lee County, the North Olga Community will amend Chapter 33 of the LDC to establish enhanced design, landscaping, signage, and architectural standards to promote the community's rural character. (Added by Ordinance No. 11-14)

POLICY 35.1.5: Following the adoption of North Olga Community LDC amendments, discourage the approval of deviations or variances from standards that would result in a degradation of landscaping, signage guidelines, or compliance with applicable architectural standards. (Added by Ordinance No. 11-14)

POLICY 35.1.6: Work with the North Olga Community to improve the safety and accessibility of roadways, trails, and pathways through the implementation of the rural complete streets program. (Added by Ordinance No. 11-14)

POLICY 35.1.7: Lee County will support the North Olga Community's rural character by ensuring that any proposed Future Land Use Map amendments within the community are determined to be consistent with the goals, objectives and policies of the Lee Plan by at least three members of the Board of County Commissioners in a decision that is entered in a public meeting after the opportunity for public input. (Added by Ordinance No. 11-14)

OBJECTIVE 35.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands. (Added by Ordinance No. 11-14)

POLICY 35.2.1: Proposed Planned Developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability preservation of open space, natural assets, and diversity of choice within the community. (Added by Ordinance No. 11-14)

POLICY 35.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one (1) unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one (1) acre. (Added by Ordinance No. 11-14)

POLICY 35.2.3: Encourage proposed Planned Developments to provide community gardens to allow for social, recreational and education activities for the residents of the Planned Development. (Added by Ordinance No. 11-14)

OBJECTIVE 35.3: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community, County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping architecture, lighting and signage. (Added by Ordinance No. 11-14)

POLICY 35.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that

promote compact development patterns and the preservation of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and /or retail outlets. (Added by Ordinance No. 11-14)

POLICY 35.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted. For the purposes of this policy, ancillary commercial uses are defined as non-residential uses that support the local, rural-based economy. (Added by Ordinance No. 11-14)

POLICY 35.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within LDC Chapter 33 as part of the development review process. (Added by Ordinance No. 11-14)

OBJECTIVE 35.4: ECONOMIC DEVELOPMENT. Encourage future economic development opportunities in the North Olga Community that identify and promote the rural and agricultural-based quality of life for the residents and surrounding communities. (Added by Ordinance No. 11-14)

POLICY 35.4.1: Continue to protect and support the long-term viability of commercial agricultural businesses within the community. (Added by Ordinance No. 11-14)

POLICY 35.4.2: Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments. (Added by Ordinance No. 11-14)

POLICY 35.4.3: Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program. (Added by Ordinance No. 11-14)

OBJECTIVE 35.5: TRANSPORTATION. Road improvements within the North Olga Community considered by the county will promote the community's goal to maintain its rural character and provide for safe access, and appropriate transportation resources including roadways and pedestrian, bike, and equestrian trails and pathways. (Added by Ordinance No. 11-14)

POLICY 35.5.1: Future improvements to North River Road or other public roadways within the North Olga community should be pursued only after careful analysis of safety, need, community and environmental impact. Public roadways improvements should incorporate rural design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga community. (Added by Ordinance No. 11-14)

POLICY 35.5.2: Work with the North Olga Community to allow for the use of roadways in a manner that supports local commercial agriculture businesses and their continued viability. (Added by Ordinance No. 11-14)

POLICY 35.5.3: Work with the North Olga Community to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the community. (Added by Ordinance No. 11-14)

OBJECTIVE 35.6: AGRICULTURE. The North Olga Community will support small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable commercial agriculture in order to foster a diverse local economy while maintaining the community's agricultural heritage. For the purposes of this objective, alternative, agriculturally-based enterprises including but are not limited to the production of biofuel crops, niche farming activities, agri-tourism, and carbon offset farming. (Added by Ordinance No. 11-14)

POLICY 35.6.1: Support the use of public and private lands for community gardens. (Added by Ordinance No. 11-14)

POLICY 35.6.2: Evaluate future development proposals, not including lot splits, for compatibility with adjacent, existing small- and large-scale farming operations, including buffers, setbacks, and site design standards to ensure that those activities do not unduly impact the viability of the community's agricultural businesses. (Added by Ordinance No. 11-14)

OBJECTIVE 35.7: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES. Facilitate public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community. (Added by Ordinance No. 11-14)

POLICY 35.7.1: Incorporate key linkages within the North Olga community into the Greenway Master Plan, such as connection between the North River Road Greenway and the Franklin Locks. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimize disturbances to wildlife habitats and natural systems. (Added by Ordinance No. 11-14)

POLICY 35.7.2: Work with the North Olga community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River. (Added by Ordinance No. 11-14)

POLICY 35.7.3: Proposed Planned Developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the river. (Added by Ordinance No. 11-14)

POLICY 35.7.4: Work in coordination with the North Olga community to identify and expand water-dependent/water-related uses and activities, including but not limited to canoe/kayak launch areas, boardwalks, fishing platforms and waterside parks. (Added by Ordinance No. 11-14)

POLICY 35.7.5: Evaluate the need for community facilities within North Olga to provide public meeting space. This evaluation will include the identification of funding sources and the facility's appropriate location and scale. (Added by Ordinance No. 11-14)

OBJECTIVE 35.8: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation. (Added by Ordinance No. 11-14)

POLICY 35.8.1: Balance public access to the Caloosahatchee River with protection and rehabilitation efforts, in order to preserve the River's natural features and function. (Added by Ordinance No. 11-14)

POLICY 35.8.2: Encourage future development to maintain on-site native vegetation communities. (Added by Ordinance No. 11-14)

POLICY 35.8.3: Proposed Planned Developments will consider the incorporation of "Firewise" Principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface. (Added by Ordinance No. 11-14)

OBJECTIVE 35.9: WATER DEPENDENT OVERLAY. Protect marine-oriented land uses within North Olga from incompatible or pre-emptive land uses. The water dependent overlay within the community applies to the Owl Creek Boat Works as described on Lee Plan Map 12, Page 3 of 12. (Added by Ordinance No. 11-14)

POLICY 35.9.1: Prior to the redevelopment of the Owl Creek Boat Works facility, the owner will be required to conduct a cultural resource assessment of the property to determine the existence of historical structures, archaeological resources and other cultural resources. (Added by Ordinance No. 11-14)

OBJECTIVE 35.10: PUBLIC PARTICIPATION. Encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals. (Added by Ordinance No. 11-14)

POLICY 35.10.1: As a courtesy, register citizen groups and civic organizations within the community that desire notification of pending review of LDC amendments and Lee Plan amendments. Upon registration, Lee County will provide registrants with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. The County's failure to mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-14)

POLICY 35.10.2: Work with the North Olga Community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates made available to the public. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for development in the community will be kept for public inspection. The County's failure to provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled. (Added by Ordinance No. 11-14)

POLICY 35.10.3: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendments within the North Olga Community, as identified on Map 1, page 2 of 8, must conduct one public informational meeting where the agent provides a general overview of the project for interested citizens. This meeting must be conducted before the application can be found sufficient by

County Staff. The applicant is responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues raised at the meeting; and a proposal for how the applicant will respond to those issues. (Added by Ordinance No. 11-14)

POLICY 35.10.4: The North Olga Community will work with the Alva Community to implement and achieve the Northeast Lee County vision, goal, objectives, and policies. (Added by Ordinance No. 11-14)

POLICY 35.10.5: The North Olga Community is responsible for the ongoing, long-term implementation of the community's adopted goal, objectives, and policies in coordination with the county. (Added by Ordinance No. 11-14)

TRANSPORTATION



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter III

III. Transportation

a. Traffic Circulation

GOAL 36: MAPS. Provide and keep current an integrated series of maps, which, when coordinated with the policies and programs in this plan and the plans of other agencies and jurisdictions, will insure a safe, convenient, and energy-efficient multi modal transportation system for Lee County, within the constraints of financial feasibility. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 36.1: TRANSPORTATION MAP. Conduct a review of the adopted Transportation Map Series at least every two years, and amend these maps as necessary based on that review. (Amended by Ordinance No. 98-09)

POLICY 36.1.1: The Lee County Metropolitan Planning Organization’s 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO 2030 Financially Feasible Highway Plan Map, as adopted December 7, 2005 and as amended through March 17, 2006, is incorporated as Map 3A of the Transportation Map series. Also, the comprehensive plan amendment analysis for the **Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from Estero Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order.** Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT;

Intersection	Improvements
US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/ Estero Parkway	Southbound and Westbound Dual Left Turn Lanes

(Amended by Ordinance No. 98-09, 99-15, 02-02, 02-29, 03-19, 07-11)

POLICY 36.1.2: Lee County has included Map 3B (Future Functional Classification Map) as part of the Transportation Map series, to meet the requirements of Chapter 9J-5.019(5)(a), Florida Administrative Code. Map 3B is not intended to serve a regulatory function. References to the functional classification of roadways (i.e., arterials, collectors, etc.) in the county land development regulations will rely on the existing or future classification of roads. The existing classification of public roads will be kept by the Lee County Department of Transportation. The existing classification of private roads will be kept by the Lee County Division of Development Services. The future classifications are identified on the Official Trafficways Map. (Added by Ordinance No. 99-15)

POLICY 36.1.3: Changes to the Lee Plan map series may be necessary from time to time, and Lee County will work with the MPO to ensure any necessary changes are incorporated into the MPO Plan so that the two plans remain consistent. (Relocated by Ordinance No. 99-15)

POLICY 36.1.4: This Transportation Map series serves as the future transportation map series required by Rule 9J-5 of the Florida Administrative Code. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

POLICY 36.1.5: Construction of new roads and widening of major road segments by the county will be based on a prioritized list of the improvements needed to create the network depicted on Transportation Map 3A. This list will be updated annually through the county's capital improvements program. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 36.1.6: In order to acquire rights-of-way and complete the construction of all roads designated on Transportation Map 3A (2020 Financially Feasible Plan map), voluntary dedications of land and construction of road segments and intersections by developers will be encouraged through relevant provisions in the development regulations and other ordinances as described below:

- Voluntary dedication of rights-of-way necessary for improvements shown on Transportation Map 3A will be encouraged at the time local development orders are granted.
- In cases where there are missing segments in the traffic circulation system, developers will be encouraged to also construct that portion of the thoroughfare that lies within or abuts the development. Road impact fee credits will be granted consistent with the provisions of the Lee County Land Development Code. Site-related improvements are not eligible for credits towards impact fees. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 36.2: OFFICIAL TRAFFICWAYS MAP. The county will maintain a map depicting the estimated ultimate road and right-of-way needs at the theoretical buildout of Lee County based on the development capacities of the future land use plan. This map will be known as the Official Trafficways Map. The Official Trafficways Map does not, in itself, represent a construction plan or program to be implemented within a given time period, nor does it imply that Lee County will be responsible for constructing all roads on the map. (Amended by Ordinance No. 99-15)

POLICY 36.2.1: The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year 2030 and are therefore not shown on Transportation Map 3A. (Amended by Ordinance No. 98-09, 99-15, 07-12)

POLICY 36.2.2: Changes to the future land use map that allow increased areas for urban development will be made simultaneously with proposed amendments to designate additional corridors on the Official Trafficways Map if necessary. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.3: The Official Trafficways Map is intended to show existing and planned transportation corridors which are needed to ensure county-wide continuity of the future road

system. Review for voluntary compliance with these corridors will occur at the time of approval and issuance of local development orders and development permits, as defined in Section 163.3164(6) and (7), respectively, Florida Statutes. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.4: Transportation corridors contained in local development orders, planned development approvals, or DRI development orders will be reviewed by the county to determine compliance with the corridor needs shown on the Official Trafficways Map. Conflicts with these corridors and the corridors contained on the Official Trafficways Map will be identified and mutual resolution of these conflicts will be encouraged. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

POLICY 36.2.5: Standards for use and development permits within Official Trafficways Map corridors will be specified in county zoning and development regulations in a manner consistent with these policies. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.6: The county will identify those existing and planned transportation corridors on the Official Trafficways Map under the highest development pressure. The county will then establish the precise center lines and roadway widths so that adequate (but not excessive) right-of-way widths for ultimate buildout are available. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY. To minimize the development impacts of the Babcock Ranch Community (BRC) in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and to assure the transportation impacts in Lee County, generated by the Babcock Ranch Community (BRC) approved in Charlotte County, are funded entirely by the BRC Independent Service District (ISD) or other BRC related funding mechanism. In addition, to provide a process by which these identified improvements are added to the Lee Plan Transportation Map Series and the Capital Improvement Program (CIP). (Added by Ordinance No. 10-03)

POLICY 36.3.1: Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c) below. (Added by Ordinance No. 10-03)

POLICY 36.3.2: The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Lee Plan Transportation Map Series and the CIP may be necessary.

- a. Lee County does not have the responsibility to fund the capital transportation/mobility improvements required by the development of the BRC in Charlotte County.
- b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the Babcock Ranch Community Road Planning Agreement dated May 23, 2006, the capital transportation/mobility improvements required by the development of the BRC will be funded entirely by the

BRC Independent Service District (ISD) or other BRC related funding mechanism (hereinafter the Developer).
(Added by Ordinance No. 10-03)

POLICY 36.3.3: Analysis of the development of the Babcock Ranch Community in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Lee Plan Transportation Map Series; therefore any future amendments to the Lee Plan Transportation Map Series related to the BRC will be consistent with the procedures set forth below:

- a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Lee Plan Transportation Map Series, as well as future amendments to the CIP.
- b. Prior to Lee County amending the Lee Plan Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.
- c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County, which mechanisms will coincide with each increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified transportation/mobility improvement, the County will include the transportation/mobility improvement on the Lee Plan Transportation Map Series and the transportation/mobility improvements will be included in the Capital Improvements Program (CIP) as funded by developer contributions.
- d. Failure of the developer of the BRC to fully fund the transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Lee Plan Transportation Map Series and the CIP.

(Added by Ordinance No. 10-03)

POLICY 36.3.4: In recognition of the environmentally sensitive nature of the area, any transportation/mobility improvements in Lee County or within two miles of the Lee County border must include an analysis of the location and design of wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including: South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), Charlotte County, U.S. Fish and Wildlife Service (USFWS), and Lee County Division of Environmental Sciences. (Added by Ordinance No. 10-03)

GOAL 37: LEVEL OF SERVICE STANDARDS. Establish and maintain specified levels of service on state and county roads within unincorporated Lee County and the roads the county maintains within the municipalities, including those level of service standards adopted by Rule by the Florida Department of Transportation for Florida Intrastate Highway System (FIHS) facilities. (Amended by Ordinance No. 98-09, 99-15, 00-08)

OBJECTIVE 37.1: GENERAL STANDARDS. 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. (Amended by Ordinance No. 99-15, 16-07)

POLICY 37.1.1: LOS “E” is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. LOS standards for the State Highway System during peak travel hours are “D” in urbanized areas and “C” outside urbanized areas.

The minimum acceptable LOS for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2.

For minimum acceptable levels of service determination, the peak season, peak hour and peak direction conditions 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 and 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, 16-07)

POLICY 37.1.2: Link-specific service volumes (capacities) have been established for arterials and collector roadways based on specific Lee County conditions, for use in the annual monitoring report. Because these service volumes are heavily dependent on existing geometrics, signal timing and spacing, variables subject to considerable change over time, the link-specific service volumes are appropriate only for short-term analyses (five years or less, as measured from the date of the last update of those service volumes). Lee County has also developed generalized service volumes for future year analyses. The Lee County Department of Transportation is responsible for keeping both sets of service volumes up to date. Preparers of Traffic Impact Statements for DRIs, rezonings and development orders and other transportation analyses must use the most appropriate and up-to-date set of service volumes, as determined by the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 14-09)

POLICY 37.1.3: Lee County will continue to maintain its permanent and periodic traffic count program on state and county arterials and collectors in Lee County as the basis for determining existing roadway conditions. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 37.1.4: Lee County will continue to use the 2000 Highway Capacity Manual and the 2002 Florida Department of Transportation Quality Level of Service Handbook to calculate levels of service, service volumes, and volume-to-capacity ratios. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

OBJECTIVE 37.2: CONSTRAINED ROADS. Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed “constrained” and therefore will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. (Amended by Ordinance No. 99-15, 00-08)

POLICY 37.2.1: Constrained roads are identified in Table 2(a). (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 37.2.2: A maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated area. No permits will be issued by Lee County that cause the maximum volume-to-capacity ratio to be exceeded or that affect the maximum volume-to-capacity ratio once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume-to-capacity ratio on the constrained segment at or below 1.85. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 37.2.3: For each constrained road identified in Table 2(a), an Operational Improvement Program is hereby established. This program identifies operational and capacity-enhancing improvements that can be implemented within the context of that constrained system. The Operational Improvement Program for constrained roads is identified in Table 2(b). (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

OBJECTIVE 37.3: TRANSPORTATION CAPACITY MONITORING SYSTEM. Lee County will continue to monitor the capacity of the roadway network for planning and informational purposes in order to identify where areas of concern may be expected. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 14-09)

POLICY 37.3.1: Lee County will measure traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S. 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, 16-07)

POLICY 37.3.2: Lee County will continue to annually identify roadway conditions and available capacity on major roadways as part of its capacity monitoring report. The report will identify existing traffic conditions (based on the latest year's traffic counts), a one-year projection (adding traffic from projects with approved building permits) and forecast traffic conditions (adding traffic from projects with approved local development orders). The available capacity for existing conditions will include the added capacity of roadway improvements programmed for construction in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 00-08, Amended by Ordinance No.07-09, 14-09)

POLICY 37.3.3: All proposed development activity (local development order requests) will be inventoried against the available capacity identified in the annual capacity monitoring report based on existing conditions. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09, 14-09)

OBJECTIVE 37.4: PROPORTIONATE FAIR SHARE PROGRAM. Lee County will maintain a Transportation Proportionate Fair Share Program that provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. (Added by Ordinance No. 07-09, Renumbered and Amended by Ordinance No. 14-09)

POLICY 37.4.1: Lee County will provide developers with an opportunity to proceed with development under certain conditions notwithstanding the failure to achieve transportation concurrency, by allowing developers to contribute their fair share of the cost of improving impacted transportation facilities that are a bar to concurrency. (Added by Ordinance No. 07-09)

POLICY 37.4.2: Previously vested concurrency certificates (i.e., a long-term concurrency certificate) will remain valid as long as the certificate includes the following: including up to a 10-year time limitation, a limitation on changes to the DRI development parameters over time, and was executed as part of a local government development agreement in which the developer agreed to pay the full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-88, Renumbered and Amended by Ordinance No. 14-09)

POLICY 37.4.3: Lee County will amend its land development regulations to include methodologies that will be used to calculate proportionate fair share contributions to enable developers to satisfy transportation concurrency requirements. (Added by Ordinance No. 07-09)

POLICY 37.4.4: Lee County will annually review and update, as necessary, the Capital Improvement Element to reflect proportionate fair share contributions received pursuant to the program. (Added by Ordinance No. 07-09)

GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING. Provide an objective, predictable, and fully funded program for the construction of roadway improvements, consistent with all portions of this comprehensive plan. (Amended by Ordinance No. 99-15)

OBJECTIVE 38.1: REVENUES. A wide variety of innovative financial planning techniques will be considered to fully develop the facilities depicted on the Transportation Maps and satisfy the travel demand needs of Lee County. (Amended by Ordinance No. 98-09)

POLICY 38.1.1: The county will maintain an effective and fair system of impact fees to insure that development creating additional impacts on arterial and collector roads pays an appropriate fair share of the costs to mitigate its (off-site) impacts. (Amended by Ordinance No. 99-15)

POLICY 38.1.2: Credit may be given against future impact fees for the dedication of rights-of-way and the construction of road improvements that are included in the 5 year CIP and for roads identified on the future Transportation Map (Map 3A). Other non-site related road improvements may be eligible for credits based on the criteria in the Lee County Land Development Code. The amount of credits will be governed by the provisions of the Lee County Land Development Code. No credits will be granted for those improvements determined to be site related. (Amended by Ordinance No. 98-09, 99-15)

POLICY 38.1.3: Roads impact fees will be reviewed regularly and updated when necessary to reflect travel characteristics and construction and right-of-way costs and to determine if the capital impacts of new growth are met by the fees. (Amended by Ordinance No. 99-15)

POLICY 38.1.4: The county will encourage private funding or contributions of road construction or right-of-way acquisition through innovative means including, but not limited to, voluntary MSTUs and MSBUs. The county may establish involuntary MSTUs or MSBUs to correct deficiencies in specific areas or neighborhoods. MSTUs/MSBUs will be reviewed regularly to determine whether existing units can be eliminated or new units should be created. (Amended by Ordinance No. 99-15)

POLICY 38.1.5: The county may designate various limited access facilities (such as causeways, expressways, and bridges) as toll facilities. (Amended by Ordinance No. 99-15)

POLICY 38.1.6: The county will maintain standards, criteria, and fees to equitably define developers' obligations and costs associated with the construction and right-of-way needs for necessary site-related and off-site improvements. (Amended and Relocated by Ordinance No. 99-15)

POLICY 38.1.7: Roadway and intersection improvements mandated by Lee County development orders will be determined on the basis of demonstrated need resulting in part or in total from the impacts of that development. These improvements, as well as improvements funded by Roads Impact Fees, will be based on roadway and intersection improvement needs resulting from new development and will not be limited by jurisdictional responsibility for any specific road segment. The use of Road Impact Fee revenues to improve state roads is an acceptable application of those funds. Lee County will continue to participate in the funding of improvements to state roads. (Amended and Relocated by Ordinance No. 99-15)

POLICY 38.1.8: The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fees or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations. (Added by Ordinance No. 10-40)

POLICY 38.1.9: Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program. (Added by Ordinance No. 15-13)

OBJECTIVE 38.2: TIMING. When possible, plan the construction of roadway facilities and new developments so that established service levels are maintained through time despite the additional traffic load. (Amended by Ordinance No. 99-15)

POLICY 38.2.1: Roadway facilities will be included in the Capital Improvements Program to be funded by the county if they resolve existing service level deficiencies, if they are forecasted to operate at service level deficiencies during the next five years, or as otherwise provided in Policies 38.2.4 and 95.1.1 of this plan. (Amended by Ordinance No. 99-15)

POLICY 38.2.2: No development order or development permit, as defined in Section 163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development, unless the applicant has been granted previous development rights consistent with the Florida Department of Community Affairs' Declaratory Statements #88-DS-1 and 88-DS-2. (Amended by Ordinance No. 99-15)

POLICY 38.2.3: The following priorities are established for improving the existing and future road system, in addition to the priorities in Policy 95.1.1:

- Priority will be given to the construction, maintenance, and reconstruction, where necessary, of roadways needed to serve existing development, including hurricane evacuation needs.
- Roads operating at or below the adopted level of service standard as specified in Policy 37.1.1 and projected to have additional traffic, will be improved or parallel facilities will be constructed consistent with Transportation Map 3A before other new roads are constructed in uncongested areas or improvements are made to roads operating at or better than their adopted level of service standard. (Amended by Ordinance No. 98-09, 99-15, Relocated by Ordinance No. 07-09)

POLICY 38.2.4: The county will maintain an ordinance, pursuant to Section 163.3220-163.3243, Florida Statutes, enabling the county to enter into “development agreements” granting incentives to developers and landowners who commit to provide improvements to public facilities beyond those required by the Lee Plan and other county regulations. (Amended by Ordinance No. 99-15, Relocated by Ordinance No. 07-09)

POLICY 38.2.5: In order to help protect the interregional and intrastate travel functions of Interstate 75 as part of the Florida Intrastate Highway System, and provide alternatives for local traffic use, Lee County will implement a system of parallel reliever roads, consistent with Transportation Map 3A. (Added by Ordinance No. 98-09, Relocated by Ordinance No. 07-09)

GOAL 39: DEVELOPMENT REGULATIONS. Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)

POLICY 39.1.1: New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees.

(Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.2: County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.3: County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.4: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.5: The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.6: Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.7: Existing development regulations will be periodically reviewed to determine if they further the transportation goals, objectives, and policies stated in this comprehensive plan. (Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.8: Consistent with state law, Developments of Regional Impact (DRIs) are required to analyze their impacts on an existing-plus-committed (E+C) network. For purposes of DRI analyses, Lee County defines an E+C network as those roadways that exist, or are programmed for improvement through the construction phase within the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 99-15)

GOAL 40: SAFETY, ENERGY-EFFICIENCY, ACQUISITION, PRESERVATION, AND PROTECTION MEASURES FOR A MULTIMODAL TRANSPORTATION SYSTEM.

Establish strategies for safe, convenient, and energy-efficient operation for roads and the development acquisition, preservation, and protection of a multi-modal transportation system that is aesthetically-pleasing and furthers the efficient movement of commerce. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 40.1: PROTECTION OF ROADWAY CAPACITY. The county will protect the capacity and operational ability of county-maintained roadways through the enforcement of access control, connection separation standards and other methods. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.1.1: The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:

- Regulating accesses to collector and arterial streets to the extent permitted by state law.
- Providing sufficient distance between land access and expressway/freeway interchanges.
- Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.
- Prohibiting on-street parking on arterials and collectors except in areas designated by the Board of County Commissioners.
- Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.
- Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted use needs, including turn lanes, acceleration and deceleration lanes, and funding for future signalization. (Amended and Relocated by Ordinance No. 99-15)

POLICY 40.1.2: The following standards are hereby established as the minimum desirable distances between connections to the county-maintained road network:

Roadway Classification	Centerline Distances (Feet)
Arterial	660
Collector	330
Local Street	125
Frontage road, reverse frontage road or accessway	60

Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 40.1.3: The county will utilize a combination of methods to maintain the connection separation standards, including but not limited to requiring access roads, interconnections between developments, cross-access easements, continuous right-turn lanes, and other appropriate methods. The proper application of these various methods, and when any exceptions to the standards may apply, will be specified in the county's land development code. The county will maintain an Access Road Location Map identifying where access streets are the preferred method of maintaining the connection separation standards. (Added by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 40.2: EFFICIENCY AND SAFETY. The county will continue its program of system modifications to increase travel safety and efficiency, such as the institution of automated toll collection and the Variable Pricing Program to encourage reduced-peak usage of toll facilities. Other measures designed to make the county's transportation system safer and more efficient will be proposed and implemented on an ongoing basis. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.2.1: In order to pursue more efficient use of existing road space, conserve energy, and reduce peak hour vehicle usage in congested areas, the county will promote for others and implement itself:

- Variable or staggered work hours.
- Car pooling and ride sharing.
- Incentives and programs to increase the use of mass transit.
- Incentives and programs to encourage transportation demand management.

POLICY 40.2.2: Low-cost efficiency and safety improvements will be prioritized, such as:

- Continuing a traffic signal progression program (including synchronization) for arterial roadways, monitored quarterly, and rapidly responding to emergency progression problems.
- Monitoring and improving signals, signs, street lighting, and lane markings on all roadways.
- Restricting median cuts and driveways.
- Keeping maintenance programs adequately funded.
- Maintaining existing highway facilities or reconstruction of existing intersections.

POLICY 40.2.3: The county will maintain a transportation systems management program to identify high-hazard accident locations. Engineering studies designed to identify structural and non-structural measures to mitigate such hazards should be prepared annually and incorporated into the Capital Improvements Program. (Amended by Ordinance No. 99-15)

POLICY 40.2.4: Safety conditions will be improved by incorporating state-of-the-art safety measures into development regulations and by reconstructing unsafe roadway conditions. (Amended by Ordinance No. 99-15)

POLICY 40.2.5: A special roadway signalization, direction, and clearing plan will be developed and kept up to date to insure that any necessary hurricane evacuation along county roadways has maximum favorable roadway operating conditions. (Amended by Ordinance No. 99-15)

POLICY 40.2.6: The County will consider implementation of appropriate improvements identified through the Lee County Metropolitan Planning Organization's Congestion Management System (CMS). (Added by Ordinance No. 98-09)

POLICY 40.2.7: The County will annually fund its Traffic Signal/Intersection Improvement program in its Capital Improvement Program, to be used to pursue the types of improvements identified under Objective 40.2 to make the transportation system safer and more efficient. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

OBJECTIVE 40.3: ROADWAY LANDSCAPING. The county will implement a landscaping program for Lee County roadways utilizing the guidelines for design implementation and long term maintenance set forth in the Lee County Roadway Landscape (LeeScape) Master Plan updated on August 28, 2001. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 40.3.1: The LeeScape Master Plan is a long term operating document and guide for the landscape development and maintenance along designated arterial and collector roadways within Lee County. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.3.2: The LeeScape Master Plan includes a range of landscaping levels for targeted roadways, from a “core level” to enhanced options that may be added to projects over time. The “core level” planting design emphasizes tree canopy, which provides high visibility and shade and establishes an overall site framework. As increased capacity for maintenance is available, or as priorities for enhancement are mandated on special roadways, additional levels of landscaping may occur. The typical designs identified for urban and rural roadway cross-sections consider safety as well as beauty. (Amended by Ordinance No. 99-15)

POLICY 40.3.3: The Roadway Landscape Advisory Committee has been established to advise County staff on the update and implementation of the LeeScape Master Plan. (Added by Ordinance No. 99-15)

OBJECTIVE 40.4: OTHER MODES OF TRANSPORTATION. When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.1: The county will consider the mass transit policies under Objective 43.1 during roadway studies. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.2: The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet the users’ needs for transportation and recreation, consistent with the **Bikeways/Walkways Facilities Plan (Map 3D)**. The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.3: Safety considerations for pedestrians and cyclists will be incorporated into the design of segments and intersections of arterial and collectors. (Amended by Ordinance No. 99-15)

POLICY 40.4.4: County implementation of the relevant portions of the system as shown in Map 3D will be through incorporation of bicycle/pedestrian facilities where possible in the construction plans of new and expanded roadways, requirements for new development to install facilities, federal and state grant applications, and annual County funding of improvements. (Added by Ordinance No. 99-15)

POLICY 40.4.5: The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 40.4.6: Develop and maintain an environmentally sensitive transportation system that provides safe, convenient and efficient travel through an affordable balance of alternative transportation modes, coordination with the Lee County Bikeways/Walkways Facilities Plan, and coordination with adjacent communities in accordance with the Lee County Greenways Master Plan (Map 22). (Added by Ordinance No. 07-09)

POLICY 40.4.7: The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non-residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)

POLICY 40.4.8: Promote non-motorized transportation greenway projects throughout Lee County and coordinate multi-use trail projects whenever feasible with Lee County Department of Transportation and other agencies as identified in the Greenways Master Plan. (Added by Ordinance No. 07-09)

GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS. Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.1: COMMUNITY IMPACTS. New and expanded transportation facilities will be aligned and designed to protect existing development except where no feasible alternative exists. (Amended by Ordinance No. 98-09, 99-15)

POLICY 41.1.1: Alignments of new and expanded roads and other transportation improvements will be selected to minimize the cost/benefit ratio while:

- Minimizing the number of businesses and residences displaced.
- Using major roads to define neighborhoods.
- Allowing sufficient land area between arterials to enable the formation of new neighborhoods.
- Distributing traffic loadings among available facilities.

(Amended by Ordinance No. 98-09)

POLICY 41.1.2: The alignment of arterials or expressways that penetrate or divide established residential neighborhoods will be avoided except where no feasible alternative exists. (Amended by Ordinance No. 99-15)

POLICY 41.1.3: For those neighborhoods where too much through traffic is a problem, the county will study (and implement when warranted) neighborhood traffic control plans to protect residential areas from the harmful impacts of excessive traffic. (Amended by Ordinance No. 02-02)

POLICY 41.1.4: Local streets will be used to mitigate existing arterial or collector congestion problems only as a last resort. Planning new corridors through such areas will be undertaken in conjunction with reimbursement for losses and a safety and buffering program for remaining residents. (Amended by Ordinance No. 99-15)

OBJECTIVE 41.2: ENVIRONMENTAL IMPACTS. New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas and rare and unique habitats (see Conservation and Coastal Management element). (Amended by Ordinance No. 98-09)

POLICY 41.2.1: Construction of new collector and arterial roads will not be undertaken by the county in Non-Urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where needed for through traffic to or between designated future urban areas. (Amended by Ordinance No. 99-15)

POLICY 41.2.2: New roads or expansion of existing facilities will not be extended through wetland systems and estuarine water bodies except in instances of overriding public interest and unless:

- It is the only feasible route to serve existing or designated future urban areas;
- The crossing is culverted or bridged to the greatest degree possible, maintaining pre-development volume, direction, distribution, and surface water hydroperiod consistent with County standards and providing adequate wildlife corridors;
- Scenic overlook opportunities are provided if appropriate; and
- Equivalent mitigation is provided. (Amended by Ordinance No. 99-15)

POLICY 41.2.3: The design phase of all new or improved arterial and collector roads which would affect wetland systems and estuarine water bodies will include an environmental impact assessment. This assessment will also address impacts on historic structures, archaeological resources (if the road travels through a zone of archaeological sensitivity), and rare and unique upland habitats (RU, see Objective 104.1). (Amended by Ordinance No. 99-15)

POLICY 41.2.4: Adequate provision will be included for the safe passage of wildlife across new or reconstructed county roads where required by law, permit conditions or where otherwise appropriate. (Amended by Ordinance No. 99-15)

POLICY 41.2.5: New and expanded roadways will not destroy archaeological sites unless full recovery of data and artifacts is included in the process. (Amended by Ordinance No. 99-15)

GOAL 42: INTERGOVERNMENTAL COORDINATION. Cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within or affecting Lee County. (Amended by Ordinance No. 99-15, 02-02)

OBJECTIVE 42.1: PLANNING. Lee County will plan cooperatively with its municipalities, surrounding counties, and FDOT. (Amended by Ordinance No. 99-15)

POLICY 42.1.1: The county will participate in the MPO and Regional Planning Council planning processes for system-wide facility needs.

POLICY 42.1.2: The county will use informal mediation whenever possible to resolve disputes before pursuing other formalized processes. (Amended by Ordinance No. 99-15)

POLICY 42.1.3: The county declares a position of interest for land use decisions affecting county and state roads within Sanibel, Cape Coral, Fort Myers Beach, Bonita Springs, and Fort Myers, and state roads and county roads shared with adjacent counties. (Amended by Ordinance No. 99-15, 02-02)

OBJECTIVE 42.2: FINANCING. The county will continue to pursue multi-jurisdictional funding sources for shared facilities.

POLICY 42.2.1: The county will continue to encourage the municipalities to maintain a roads impact fee program or to participate in the county's program. (Amended by Ordinance No. 99-15)

POLICY 42.2.2: The county will encourage interlocal agreements with the State of Florida, affected municipalities, and adjoining counties to plan, design, construct, and/or maintain selected roadway facilities. (Amended and Relocated by Ordinance No. 99-15)

b. Mass Transit

GOAL 43: MASS TRANSIT SERVICE. In an effort to minimize the number of automobile trips on Lee County roads, the county will provide high quality public transit service to residents and visitors in and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation. (Amended by Ordinance No. 99-15, 07-09)

OBJECTIVE 43.1: RIDERSHIP. The county will maintain efforts to increase annual public transit ridership sufficient to achieve 1.3 passenger trips per revenue mile by 1999. (Amended by Ordinance No. 98-09)

POLICY 43.1.1: Provide access for bicycle and pedestrian interface with mass transit, through the linkage of bicycle/pedestrian facilities and bus stops. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.1.2: Maintain efforts to provide for the construction of bus stop amenities such as bus shelters and bus pull-off bays at far-side locations on arterials and collector roadways with posted speeds of 45 mph or greater where needed. (Amended by Ordinance No. 98-09, 07-09)

POLICY 43.1.3: Establish park-and-ride lots and routes for commuters and visitors to serve high demand locations (e.g. shopping centers, condominiums, apartments and residential areas) and areas with limited roadway facilities.

POLICY 43.1.4: Continue the development of multi-modal transfer facilities, various ride-sharing techniques, paratransit service, and vanpooling to complement conventional public transit service especially where major trip generators or attractors exist or are proposed. Establish incentives and disincentives to promote Multiple Occupancy Vehicle use and to discourage Single Occupancy Vehicle traffic during the peak hour. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.1.5: Study and implement enhanced fixed route service and alternatives to fixed route service, to make the mass transit system more attractive to non-users. (Amended by Ordinance No. 07-09)

POLICY 43.1.6: Provide for the density and intensity requirements for efficient mass transit service when considering amendments to the Future Land Use Map. (Amended by Ordinance No. 98-09, 07-09)

POLICY 43.1.7: Maintain public transit service where it is currently available in urban areas and expand public transit service to (and between) the future urban areas as delineated in the Future Land Use element where feasible.

POLICY 43.1.8: Develop and maintain convenient public transit between new or expanded urban areas and existing destinations such as central Fort Myers and Cape Coral, other centers of employment, and shopping, medical, educational, and recreation centers.

POLICY 43.1.9: Lee Tran will coordinate with the Port Authority to continue to provide high quality public transit service to the Southwest Florida International Airport. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 43.1.10: Work with the Florida Board of Regents to provide public transit service for Florida Gulf Coast University. (Amended by Ordinance No. 98-09, 99-15)

POLICY 43.1.11: Explore rider incentives through local businesses, such as discount coupons, and other options identified through transportation demand management (TDM) evaluations. (Amended by Ordinance No. 98-09, 99-15)

POLICY 43.1.12: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities. (Added by Ordinance No. 07-16)

OBJECTIVE 43.2: NEW DEVELOPMENT. Require that large new developments provide convenient access to mass transit.

POLICY 43.2.1: Through county development regulations, require that developments with a **Suburban Area density or higher provide the following as needed**, all of which will meet the Americans with Disability Act requirements:

- Bus accommodations such as dedicated transfer/loading areas, adequate lane widths and turn arounds;
- Bus shelters with route information displays;
- Bicycle storage areas near major bus stops; and
- Walkways for access to bus stops. (Amended by Ordinance No. 98-09, 99-15, 07-09)

OBJECTIVE 43.3: OPERATING POLICIES. Maintain a public transit service that offers reliability, accessibility, safety, convenience, affordable prices, and efficiency (as measured in Policy 43.3.1) (Amended by Ordinance No. 98-09, 99-15)

POLICY 43.3.1: Provide service that will establish operating standards of 14 passengers per revenue vehicle hour, 1.3 passenger per revenue vehicle mile, and farebox revenues at a minimum of 20% of operating expenses. (Amended by Ordinance No. 99-15)

POLICY 43.3.2: Seek out new and innovative funding to supplement public funding for operation. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.3.3: Widely disseminate mass transit scheduling and service information throughout the transit service area. Increase efforts to educate the public about the services and features of the mass transit system through outreach programs and additional advertising campaigns. Investigate innovative methods to make mass transit a more attractive transportation alternative. (Amended by Ordinance No. 99-15)

POLICY 43.3.4: Use the citizens advisory committee (CAC) of the Lee County MPO to bring additional public input into the system's decision-making process. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.3.5: Develop convenient schedules and other mechanisms to encourage downtown employees to use mass transit for commuting trips; and establish flexible scheduling for county employees to relieve congestion on mass transit and roadway facilities. (Amended by Ordinance No. 99-15)

POLICY 43.3.6: Develop a plan for conversion of transit vehicles to alternative fuels by 2012. (Added by Ordinance No. 07-09)

OBJECTIVE 43.4: COORDINATION. All mass transit plans will be coordinated with state, regional, and other local governmental agencies and special needs groups. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.4.1: Coordinate mass transit activities with the Metropolitan Planning Organization, the Florida Department of Transportation, and the Federal Transit Administration. (Amended by Ordinance No. 99-15)

POLICY 43.4.2: Provide transit service accessibility to elderly and disabled residents and to others with special needs. (Amended by Ordinance No. 99-15, 07-09)

POLICY 43.4.3: Co-operate with the private sector to increase the viability of privately funded transit service, especially in areas with a large seasonal population.

POLICY 43.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events. (Added by Ordinance No. 07-16)

OBJECTIVE 43.5: CORRIDOR PROTECTION. Consider the establishment of exclusive mass transit corridors where necessary and appropriate. (Amended by Ordinance No. 98-09)

POLICY 43.5.1: Consider the demand for mass transit, and particularly for future mass transit rights-of-way or exclusive corridors, while conducting all major transportation planning studies.

GOAL 44: TRANSIT DEVELOPMENT PLAN. To continue the development of a Transit Development Plan (TDP) for the county. (Amended by Ordinance No. 99-15)

OBJECTIVE 44.1: TDP STUDY. Complete a comprehensive update of the Lee County Transit Development Plan every three years, with annual minor updates, and implement its recommendations in order to enhance and improve the future of mass transit in Lee County. (Amended by Ordinance No. 98-09, 99-15)

POLICY 44.1.1: Develop and conduct ridership surveys in order to assess and identify any changes in the existing and potential ridership profile. (Amended by Ordinance No. 99-15)

POLICY 44.1.2: Identify and analyze existing problems and needs. (Amended by Ordinance No. 98-09, 99-15)

POLICY 44.1.3: Develop transit system alternatives to fixed route bus service, such as High Occupancy Vehicle Lanes, Bus Rapid Transit and Light Rail. (Added by Ordinance No. 07-09)

OBJECTIVE 44.2: TDP IMPLEMENTATION. Select and implement the desired transit system alternatives from the Transit Development Plan study as prescribed in the plan. (Amended by Ordinance No. 98-09, 99-15)

POLICY 44.2.1: Prioritize the transit system alternatives

POLICY 44.2.2: Investigate additional funding programs to implement the desired transit system, with full consideration given to establishing a dedicated source of funding for mass transit. (Amended by Ordinance No. 99-15, 07-09)

POLICY 44.2.3: Identify long-term funding support strategies to ensure the implementation of the transit development program.

POLICY 44.2.4: Include the future mass transit facilities in the Future Transportation Map series (Map 3C). (Amended by Ordinance No. 98-09)

c. Ports, Aviation and Related Facilities

GOAL 45: MARINE NAVIGATION MANAGEMENT. Develop and implement a comprehensive marine access program. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)

OBJECTIVE 45.1: CHANNEL DREDGING. The county will maintain the support facility and service systems of existing ports. (Amended by Ordinance No. 99-15)

POLICY 45.1.1: The county will monitor the maintenance of support facility and service systems of existing ports, with responsibility for:

- Coordination between the U.S. Army Corps of Engineers and Lee County on the timing of maintenance dredging on federally maintained channels.
- Assessing the possibility of instituting a private channel maintenance assessment on properties benefiting from the channels. (Amended by Ordinance No. 99-15)

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS.

Develop and maintain a coordinated system of railways, aviation, ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

OBJECTIVE 46.1: EXPANDED PORT AUTHORITY. By 2005 the county will investigate the possible expansion of the current role of the Lee County Port Authority to deal with all issues over which it has statutory authority. (Amended by Ordinance No. 99-15)

POLICY 46.1.1: The county will coordinate with the Lee County Airports Special Management Committee on recommended expansion of the Port Authority's role in order to further integrate the county's different modes of transportation. (Amended and Relocated by Ordinance No. 99-15, Relocated by Ordinance No. 07-09)

OBJECTIVE 46.2: FUTURE LAND USES. The county will encourage the location of suitable commerce movement support facilities such as warehouses, cargo handling facilities, and transfer points at areas appropriately designated on the Future Land Use Map. (Amended by Ordinance No. 99-15)

POLICY 46.2.1: The following interchange areas are appropriate examples of truck terminal transfer points: Lockett Road, Daniels Parkway, and Alico Road. (Amended by Ordinance No. 99-15)

POLICY 46.2.2: Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these uses during the rezoning process and propose mitigation measures for adverse impacts. (Amended by Ordinance No. 99-15)

POLICY 46.2.3: The county will develop a study of possible additional warehousing, cargo handling facilities, and transfer points that may be needed for viable commerce movement, and recommend the undertaking of these projects to such entities as the Horizon Council, Industrial Development Authority and the Lee County Port Authority. (Amended by Ordinance No. 99-15)

OBJECTIVE 46.3: AGENCY COORDINATION. The county will require port operators to obtain all required permits and leases prior to the construction of new or improved port facilities; construction and operation of the facilities will be performed in close cooperation with the appropriate federal, state, and local agencies including but not limited to the U.S. Army Corps of Engineers, Department of Environmental Protection, Metropolitan Planning Organization and the Florida Department of Transportation to ensure that access routes to ports are properly integrated with other means of transportation. (Amended by Ordinance No. 99-15)

POLICY 46.3.1: Private ports, in cooperation with the U.S. Coast Guard and the state, will be prepared to contain spills of petroleum and other toxic materials. Petroleum ports will have containment devices on site. The adequacy of proposed containment measures will be evaluated during the rezoning or development-of-regional-impact process. (Amended by Ordinance No. 99-15)

POLICY 46.3.2: The county will encourage rail providers, as appropriate, to provide rail access to the ports and the Southwest Florida International Airport where feasible. (Amended by Ordinance No. 99-15, 07-09)

POLICY 46.3.3: The county will encourage private investors to develop and use rail freight facilities by encouraging construction of connecting rail tracks in a manner consistent with this plan, and seeking the necessary funding to maintain and improve Lee County's rail link. (Amended and Relocated by Ordinance No. 99-15)

POLICY 46.3.4: The county will encourage discussions between the Florida High Speed Rail Commission and appropriate local groups in regards to the location of a high speed rail train in the county in a manner consistent with this plan. (Amended and Relocated by Ordinance No. 99-15)

POLICY 46.3.5: The county will prepare a coordinated intermodal transportation management program for surface water, and air transportation. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

OBJECTIVE 46.4: COORDINATION OF ELEMENTS. Port operators will be required to abide by all relevant parts of the Lee Plan in the construction and operation of the ports, especially the Future Land Use, Conservation and Coastal Management, and Transportation elements. (Amended by Ordinance No. 98-09, 99-15)

POLICY 46.4.1: Adverse structural and non-structural impacts upon natural resources from port facilities will be mitigated, and natural resources will be preserved and protected. These issues will be evaluated during the rezoning and development-of-regional-impact processes. (Amended by Ordinance No. 99-15)

POLICY 46.4.2: In order to protect ports and related facilities from the encroachment of incompatible land uses, development proposals (including but not limited to residential and commercial uses within the vicinity of existing or proposed ports and railways and related facilities) must demonstrate land use compatibility with these uses and propose mitigation measures for any adverse impacts during the rezoning and development-of-regional-impact processes. (Amended by Ordinance No. 99-15)

GOAL 47: COORDINATED SYSTEM OF AVIATION FACILITIES. Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

OBJECTIVE 47.1: ECONOMIC GROWTH. To aid in the diversification of the county's economic growth the capacity and long term development of the Southwest Florida International Airport and Page Field General Aviation Airport will be expanded in compliance with Maps 3F and 3G, and Table 5(a) and 5(b). Specific project implementation and approval of the proposed development will be coordinated through the annual Capital Improvement Program process and be consistent with the Airport Layout Plans (Map 3F and 3G). These expansions will be funded through user fees, airline contributions, and other funding sources not involving general county tax dollars. The Port Authority will strive to minimize impacts to surrounding land uses while maintaining a safe and efficient facility for airport operations. (Amended by Ordinance No. 98-09, 99-15, 04-16, 09-14)

POLICY 47.1.1: The Port Authority will coordinate the implementation of scheduled infrastructure and facility improvements for the Southwest Florida International Airport and Page Field General Aviation Airport consistent with the approved Airport Layout Plan sheets (Map 3F and Map 3G, respectively) and the Development Schedules (Table 5(a) and (b), respectively). (Amended by Ordinance No. 98-09, 99-15, 04-16, 09-14)

POLICY 47.1.2: The development potential of Southwest Florida International Airport will continue to be protected by the acquisition of additional land for runway and taxiway, road access, storm water management, and environmental mitigation use, consistent with the adopted Airport Master Plan and the Port Authority's Capital Improvement Program. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 47.1.3: The Port Authority will continue to expand existing and proposed aviation facilities such as the terminal building, airport aprons, cargo facilities, roadways and parking in order to meet the forecasted demand. (Amended by Ordinance No. 98-09, 99-15, 04-16)

POLICY 47.1.4: The Port Authority will continue to investigate commercial and industrial potentials at Page Field and at Southwest Florida International Airport through market surveys and the solicitation and receipt of acceptable proposals for land lease at fair market value as well as efforts to cultivate appropriate public/private partnerships in pursuing this potential. (Amended by Ordinance No. 98-09, 07-09)

POLICY 47.1.5: The Port Authority will capitalize on its Port of Entry and Foreign Trade Zone status to encourage economic diversification. This will be accomplished by actively: (1) seeking to increase international commerce movement; (2) implementing an international marketing program designed to increase tourist activity; (3) continuing planning efforts to ensure availability of adequate airport facilities to accommodate increases in international air traffic; and, (4) pursuing development of international corporate activity. (Amended by Ordinance No. 99-15, 04-16)

POLICY 47.1.6: The Port Authority will maintain guidelines for the location, development, and operation of private aviation facilities that would add to Lee County's overall tax base. (Amended by Ordinance No. 99-15)

POLICY 47.1.7: The Port Authority will plan to accommodate growth at the existing facilities and provide for the development of future aviation facilities as warranted. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 47.2: DEVELOPMENT COMPATIBILITY. The county and Port Authority will evaluate development proposals for property located within the vicinity of existing aviation facilities to ensure land use compatibility, to preclude obstructions to aircraft operations, and to protect airport capacities. (Amended by Ordinance No. 99-15, 07-09)

POLICY 47.2.1: The Port Authority will coordinate efforts with aviation and other transportation interests at the Southwest Florida International Airport to establish multi-modal transfer facilities. During prior master planning efforts, the Port Authority identified on its Airport Layout Plan (Map 3F) an "Ultimate Passenger Multi Modal" area. As part of the normal Airport Master Plan update approval process, the Airport Layout Plan was approved by the FAA, FDOT, and the Board of County Commissioners and is consistent with other transportation-related objectives. Future Southwest Florida International Airport Master Plan Update efforts will re-evaluate appropriate locations for multi-modal transfer facilities on airport property. (Amended by Ordinance No. 99-15, 04-16, 11-16)

POLICY 47.2.2: The county will coordinate with the Port Authority to ensure that regulations in the Lee County Land Development Code restrict land uses in areas covered by the Airport Noise Zones (ANZ) to those uses that are compatible with the operation of the airport. (Amended by Ordinance No. 99-15)

POLICY 47.2.3: Future updates of the Page Field and Southwest Florida International Airport Master Plans will monitor and incorporate development of non-aviation uses at the airports and suggest aviation-related uses as appropriate. (Amended by Ordinance No. 99-15, 04-16)

POLICY 47.2.4: To the greatest extent possible, future airport master plans will retain the long term aviation expansion capability and capacity at both Page Field Airport and the Southwest Florida International Airport. (Amended by Ordinance No. 99-15)

POLICY 47.2.5: The county will utilize the approved Airport Master Plans and FAR Part 150 Study, including updates, as a basis to amend the comprehensive land use plan and the land development code to prohibit development that is incompatible with the Southwest Florida International Airport or Page Field General Aviation Airport; and, to ensure future economic enhancement consistent with Objective 46.2. Future updates of the Southwest Florida International Airport Master Plan and Page Field General Aviation Airport Master Plan that precipitate substantive changes to the Airport Layout Plans (Map 3F and Map 3G, respectively) will require a Lee Plan Amendment prior to local permitting approval for the affected airport. In accordance with FAA requirements, the Southwest Florida International Airport Master Plan and corresponding Airport Layout Plan (Map 3F) will be comprehensively updated at least once every 5 to 8 years. (Amended by Ordinance No. 99-15, 04-16, 09-14)

POLICY 47.2.6: Through an interlocal agreement, the Port Authority and the City of Fort Myers will continue to coordinate the review of new land uses that have the potential to create tall structure obstructions to aviation within the City of Fort Myers. (Added by Ordinance No. 07-09)

OBJECTIVE 47.3: FUTURE DEMANDS. Continually evaluate the projected demands for public aviation facilities and ensure their adequate provision.

POLICY 47.3.1: The Port Authority Executive Director will coordinate all expansion plans contained in approved airport master plans with the Federal Aviation Administration and the Florida Department of Transportation to ensure that projects of interest to the Port Authority are included in the federal and state funding programs. (Amended by Ordinance No. 99-15)

POLICY 47.3.2: The appropriate costs for expansion as depicted in the approved Port Authority CIP will continue to be coordinated with the Capital Improvements element. (Amended by Ordinance No. 99-15)

POLICY 47.3.3: Maximum use of airport facilities should be ensured before expanding or developing new facilities. (Amended by Ordinance No. 07-09)

POLICY 47.3.4: The proposed development schedule for the Southwest Florida International Airport through the year 2020 for landside and airside uses and through the year 2030 for non-aviation uses is depicted in Table 5(a) of the Lee Plan. The proposed development schedule for the Page Field General Aviation Airport through the year 2025 is depicted in Table 5(b) of the Lee Plan. These Tables include both aviation and non-aviation related development. If the FAA/FDOT mandate navigational improvements (NAVAIDS) or require improvements related to Airport security or safety at Southwest Florida International Airport or Page Field General Aviation Airport, then the Port Authority may pursue installation of the improvement even though the improvement is not specifically identified on Table 5(a) or Table 5(b). However, the Port Authority must obtain all appropriate approvals and permits prior to installation, including approval from Lee County. If these improvements precipitate a substantive change to Table 5(a), Table 5(b), Map 3F, or Map 3G, then the Port Authority must pursue a Lee Plan amendment

incorporating the changes in the next available amendment cycle. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14, 11-16)

OBJECTIVE 47.4: ACCESS. The Southwest Florida International Airport is an intermodal facility of significant value to the regional, state and federal transportation systems. Protecting this resource requires the provision of adequate landside and airside capacity. (Amended by Ordinance No. 99-15)

POLICY 47.4.1: The County and Port Authority will coordinate aviation facility expansion and demand, consistent with the Airport Layout Plan, through the County's annual Capital Improvement Program in conjunction with regular briefings by Port Authority staff to County staff. (Amended by Ordinance No. 98-09, 99-15, 04-16)

POLICY 47.4.2: The county and Port Authority recognize that the access from Interstate 75 to the Southwest Florida International Airport is designated as a priority intermodal connector in the National Highway Plan and Florida Intrastate Highway System Plan, and will work with the MPO, FDOT and the Federal Highway Administration to ensure that this access receives funding and is developed compatibly with the intermodal access needs of the region. (Amended by Ordinance No. 99-15)

POLICY 47.4.3: The Port Authority will coordinate surface transportation planning for Page Field and the Southwest Florida International Airport with the Lee County Metropolitan Planning Organization, the county Department of Transportation, Lee Tran, and the Florida Department of Transportation to ensure adequate access to the airports. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 47.4.4: The County and Port Authority recognize the significance and value of the Southwest Florida International Airport. The Lee County Port Authority will aggressively pursue Federal and State funding for access roadway improvements as identified on the Airport Layout Plan. (Added by Ordinance No. 04-16)

POLICY 47.4.5: Development of non-aviation related uses on airport property will be required to meet concurrency standards set forth in the Lee County Land Development Code. (Added by Ordinance No. 04-16)

OBJECTIVE 47.5: COORDINATED COMMERCE MOVEMENT. The Port Authority will provide facilities that are economically feasible and compatible with adjacent land uses, environmental standards and public safety, and that also meet the needs of commerce movement enterprises and facilities. (Amended by Ordinance No. 99-15)

POLICY 47.5.1: The Port Authority will continue to coordinate plans for existing and proposed aviation facilities with appropriate transportation agencies such as the Federal Aviation Administration, the Transportation Security Administration, the Lee County Metropolitan Planning Organization, the Florida Department of Transportation, Lee Tran and the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 47.5.2: The county will monitor roads leading to Page Field and the Southwest Florida International Airport in order to facilitate efficient and convenient access for airport users. (Amended by Ordinance No. 99-15)

POLICY 47.5.3: The county will coordinate with private investors by reviewing plans and otherwise providing technical assistance in the development of aviation facilities in Lee County

to ensure land use, airspace, and environmental compatibility. (Amended by Ordinance No. 99-15)

POLICY 47.5.4: The county will consider land use compatibility when reviewing development proposals within the vicinity of existing or proposed aviation facilities. (Amended by Ordinance No. 99-15)

POLICY 47.5.5: Locations adjacent to or near aviation facilities are identified in the Future Land Use Map as suitable for commerce movement support facilities such as warehouses, cargo handling facilities, and other transfer points, and will be periodically reviewed and updated. (Amended by Ordinance No. 98-09)

POLICY 47.5.6: The Port Authority will encourage cargo and freight development at the Southwest Florida International Airport by implementing domestic and international cargo marketing programs and by expanding airport facilities, as needed, in order to accommodate large domestic and international cargo carriers. (Amended by Ordinance No. 99-15)

POLICY 47.5.7: The County will protect existing and proposed aviation facilities from the encroachment of incompatible land uses by updating the Future Land Use Map as needed to achieve consistency with revisions to the respective FAR Part 150 Studies (if applicable), and Airport Layout Plans for Southwest Florida International Airport and Page Field, as proposed by the Port Authority. (Amended by Ordinance No. 99-15, 04-16)

POLICY 47.5.8: The county will encourage the provision of warehouses, cargo handling facilities, and freight transfer points at aviation facilities needed for the movement of commerce by local industries, trade, and commercial enterprises. (Amended by Ordinance No. 99-15)

OBJECTIVE 47.6: AGENCY COORDINATION. Ensure that existing and future air system needs can be met safely and with a minimum of land use conflict by coordinating aviation facility plans with appropriate federal, state, regional, and local review and permitting agencies. (Amended by Ordinance No. 99-15)

POLICY 47.6.1: The Port Authority will coordinate and obtain approval for airport development from the County through the annual capital improvement planning and programming process; local permitting process; Airport Master Plan Update process; and, the Lee Plan amendment process to ensure compatibility with other County programs. The Port Authority will provide Lee County copies of the annual Capital Improvement Plan or other similar document for the Southwest Florida International Airport and Page Field General Aviation Airport. Airport development will remain consistent with the MPO Long Range Transportation Plan and will support the provision of regional transportation facilities for the efficient use and operation of the transportation system and airports. Additional specific coordination requirements are contained in Objective 151.4 and subsequent policies. (Amended by Ordinance No. 99-15, 04-16, 09-14)

POLICY 47.6.2: While airport facilities will be operated in conformance with applicable state and federal regulations, the Port Authority will strive to ensure that Lee County environmental and other regulations are also implemented to the greatest extent possible. (Amended by Ordinance No. 99-15)

POLICY 47.6.3: The Port Authority will develop plans for aviation in the county that are consistent with the Continuing Florida Aviation System Planning Process and the National Plan of Integrated Airport Systems. (Amended by Ordinance No. 99-15)

POLICY 47.6.4: The safety of aircraft operators, aircraft passengers, and persons on the ground will guide the Port Authority in the operation of county airports, and hazardous wildlife attractants on or near the airports will be avoided. (Added by Ordinance No. 99-15)

POLICY 47.6.5: The county will maintain the tall structure permitting process to ensure that proponents of potential structural hazards to aviation coordinate with the Port Authority and the Federal Aviation Administration to properly place, mark and light potential obstructions as necessary. (Added by Ordinance No. 99-15)

POLICY 47.6.6: In the interest of the safety of air commerce, the county will not approve a temporary or permanent structure that exceeds the height limitation standards, or does not comply with placement, lighting and marking standards, established by the Port Authority, Florida Statutes, or the Federal Aviation Administration rules and regulations. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

OBJECTIVE 47.7: COORDINATION OF ELEMENTS. Coordinate the expansion of existing airports and the proposed siting of any new airports with the Future Land Use and Conservation and Coastal Management elements. (Amended by Ordinance No. 99-15, 07-09)

POLICY 47.7.1: The use of existing and proposed aviation facilities will be promoted by the Port Authority consistent with the Future Land Use and Conservation and Coastal Management elements of the Lee Plan. (Amended by Ordinance No. 99-15)

POLICY 47.7.2: Ensure that adverse structural and non-structural impacts of aviation facilities upon natural resources and wildlife are mitigated consistent with FAA policies and procedures and in coordination with federal, state, regional and local environmental agencies. (Amended by Ordinance No. 99-15)

POLICY 47.7.3: The Port Authority will abide by all other relevant parts of this comprehensive plan in the construction and operation of Page Field Airport and the Southwest Florida International Airport, especially the Future Land Use, Conservation and Coastal Management, and Transportation elements. (Amended by Ordinance by No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

GOAL 48 - GOAL 52: [RESERVED]

COMMUNITY FACILITIES AND SERVICES



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter IV

IV. Community Facilities and Services

a. Potable Water

GOAL 53: POTABLE WATER INFRASTRUCTURE. To ensure the public health, welfare, and safety by the provision of high-quality central potable water service throughout the future urban areas of unincorporated Lee County, and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

OBJECTIVE 53.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies. (Amended by Ordinance No. 94-30, 00-22, 03-04)

POLICY 53.1.1: The Board of County Commissioners hereby establishes service areas for the Lee County Utilities water systems throughout which it will provide standard service as required by demand, and within which it will challenge applications by private water utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 6. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

POLICY 53.1.2: The minimum acceptable level-of-service standards (see Policy 95.1.3) for potable water connections to Lee County Utilities will be:

- An available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. (Amended by Ordinance No. 92-35, 00-22)

POLICY 53.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for the Lee County Utilities' water systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

After the deadline set above any private utility that cannot meet the Level-of- Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service it's franchised or certificated area. The proof will be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level-Of-

Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance No. 92-35, 00-22)

POLICY 53.1.4: The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and distribution systems that will meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 20 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). In addition, by September 30, 1994, all utilities are urged to deliver water pressure of 40 pounds per square inch (static pressure, excluding fire flow conditions). Each utility is encouraged to advise the planning and engineering staffs of the county regarding system expansions or modifications to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance No. 92-35)

POLICY 53.1.5: No county development order under the Land Development Code for a residential development more intense than 2.5 dwelling units per gross acre, for a commercial development of more than 30,000 square feet of gross floor area, or for any industrial plant of more than 30,000 square feet of gross floor area, will be issued in any franchised or certificated water service area, or within Lee County Utilities' future service area, unless potable water service, at the minimum acceptable level of service, is available at the property line, or surety is given that it will be installed prior to occupancy. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 53.1.2 and 95.1.3. (Amended by Ordinance No. 00-22, 09-13)

POLICY 53.1.6: No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memoranda of agreement as required. (Amended by Ordinance No. 00-22)

POLICY 53.1.7: In allocating Industrial Development Revenue Bond capacity, the county will give priority to private water utility firms proposing to construct basic facilities and to provide or upgrade infrastructure serving developed areas and antiquated subdivisions undergoing redevelopment. (Amended by Ordinance No. 00-22)

POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply. (Amended by Ordinance No. 94-30, 00-22)

POLICY 53.1.9: New development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. (Amended by Ordinance No. 00-22)

POLICY 53.1.10: By 1999, county staff will formulate the study proposal to determine the appropriateness of requiring certain existing residential developments at a density equal to or in excess of 2.5 dwelling units per acre to connect to a potable water or sewer system, if available. The study will address the issue of health related problems and will include the collection and analysis of well samples to determine if there is an immediate health problem as well as a cost benefit analysis. This study proposal will include recommendations regarding which pre-platted communities and subdivisions should be required to connect to a potable water or sewer system, if available. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

POLICY 53.1.11: The County will expand potable water facilities consistent with those improvements identified in Table 6, the Water Supply Development Projects table. Table 6 will be incorporated into the Lee Plan by ordinance in conjunction with the schedule of capital improvements adopted as part of the annual operating budget. (Added by Ordinance No. 09-13, Amended by Ordinance No. 16-01)

OBJECTIVE 53.2: WATER SUPPLY CONCURRENCY. Lee County will incorporate water supply into the concurrency management system consistent with the requirements of Section 163.3180(2)(a), F.S. (Added by Ordinance No. 09-13)

POLICY 53.2.1: County development regulations will be amended to specify that no building permit under the Land Development Code will be issued in a franchised or certificated water service area, or within Lee County Utilities' future service area, unless potable water supply will be available to meet current and projected growth demands, or surety is given that it will be available prior to occupancy. This policy does not exempt development of any size from meeting the levels of service required for concurrency under Policies 53.1.2 and 95.1.3. (Added by Ordinance No. 09-13)

GOAL 54: CONSERVATION. To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to **reduce consumption of potable water.**

OBJECTIVE 54.1: The county will continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water. Water consumption per Equivalent Residential Unit will be decreased by 2.5% annually through the year 2000. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.1: Using the personnel and resources of various county agencies, Lee County will continue to offer a program of public information and education. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies of water conservation, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging the building or grounds manager, including the individual householder, to maintain the water system, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapo-transpiration rates in controlling sprinkler systems;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of "Florida friendly landscaping" (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and

- generally encouraging the thoughtful use of water in all necessary activities. (Amended by Ordinance No. 94-30, 00-22, 16-01)

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

POLICY 54.1.3: Florida friendly landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the county's development regulations and through direct action while landscaping county-owned projects. (Amended by Ordinance No. 16-01)

POLICY 54.1.4: The Board of County Commissioners will periodically re-examine the “step rate” structure for the Lee County Utilities water systems which encourages water conservation by requiring that the commodity charge (basic monthly charge less readiness to serve fee and capital debt contribution) above a specified amount of water use increase continuously or by specified increments for that increased use of water. (Amended by Ordinance No. 94-30, 00-22)

POLICY 54.1.5: The Board of County Commissioners will encourage privately operated potable water utilities to adopt a “conservation” rate structure for users in their respective service areas. (Amended by Ordinance No. 00-22)

POLICY 54.1.6: Development regulations will continue to require that any development will pay the appropriate fees and connect to a re-use water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. Development regulations will be amended further as follows:

- Where a significant modification is proposed to a major development subject to Chapter 10 of the Land Development Code, wastewater reuse systems will be required in the same manner as for new developments.
- The county will require by ordinance the connection of specified existing development to a utility wastewater distribution system when one is available near or adjacent to the property. (Amended by Ordinance No. 91-19, 94-30, 00-22)

POLICY 54.1.7: It is hereby declared that the conservation of potable water supply and facility capacity is of such importance to the orderly growth of the community that in order to further provide incentive for its use, reuse water may be provided at a price significantly lower than finished potable water (the residual costs of operation being charged to the sewer users as part of the cost of effluent disposal).

POLICY 54.1.8: Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends. (Amended by Ordinance No. 00-22)

POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02, 14-09)

POLICY 54.1.10: The county will continue to implement and enforce regulations to reduce the amount of effluent being discharged into surface waters. (Amended by Ordinance No. 91-19, 94-30, 00-22)

POLICY 54.1.11: Continue to encourage new and existing developments to utilize the Fort Myers Beach/Iona-McGregor sewer system's dual water system. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09)

POLICY 54.1.12: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets. (Added by Ordinance No. 07-16)

GOAL 55: ORGANIZATION OF SERVICE AND FACILITY DELIVERY.

To provide greater local coordination of the activities of public and private utilities within the county.

OBJECTIVE 55.1: Ensure an adequate, reliable, and economical supply of potable water to meet the forecasted needs for all residents of Lee County through the year 2030 through regional planning and intergovernmental participation. (Amended by Ordinance No. 94-30)

POLICY 55.1.1: Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with other government agencies in the development of comprehensive plans as they relate to well field protection, aquifer recharge, water supply, and related capital facilities. (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04).

POLICY 55.1.2: Lee County Division of Natural Resources in conjunction with Lee County Utilities will perform groundwater modeling and analysis for new development, as needed, to assess the potential impact on the water resources of Lee County. The analysis will focus on the following issues:

- Adequacy of water supply, including groundwater level draw-down.
 - Avoidance of adverse impacts on natural systems from water supply withdrawals.
- (Added by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 03-04)

POLICY 55.1.3: Lee County will actively implement the Water Supply Facilities Work Plan as adopted by the Board of County Commissioners. Lee County will utilize the document as the County's guide to water supply facility planning with a planning horizon through the year 2030. A copy of the adopted Water Supply Facilities Work Plan will be maintained and kept on file by Lee County Utilities. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22, Relocated by Ordinance No. 03-04, Amended by Ordinance No. 09-13, 16-01)

POLICY 55.1.4: Lee County will continue to collect data from private suppliers of potable water, including reporting of water flows, storage capacity, pressures, number of customers, and committed future connections, and proposed expansion plans. This data will be updated on a yearly basis. (Amended by Ordinance No. 94-30, Relocated by Ordinance No. 00-22)

b. Sanitary Sewer

GOAL 56: SANITARY SEWER INFRASTRUCTURE. To protect the public health and environmental quality by encouraging and ensuring the provision of sanitary sewer service and

wastewater treatment and disposal throughout the future urban areas of the unincorporated county and to Fort Myers Beach. (Amended by Ordinance No. 98-09)

OBJECTIVE 56.1: The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies. (Amended by Ordinance No. 00-22)

POLICY 56.1.1: The Board of County Commissioners hereby establishes service areas for the Fort Myers Beach/Iona sewer system, the South Fort Myers sewer system, the East Lee County sewer system, and the Matlacha sewer system throughout which it will provide standard service as required by demand, and within which it will challenge applications by private sanitary sewer utilities to obtain a Certificate of Operation from the Florida Public Service Commission and reject all applications for a county franchise therein. These service areas are illustrated in Map 7. Within the Fort Myers urban reserve area, the service areas shown on the map are subject to modifications in accordance with existing and future interlocal agreements. (Amended by Ordinance No. 93-25)

POLICY 56.1.2: The minimum acceptable level-of-service standard (see Policy 95.1.3) for sanitary sewer connections to Lee County Utilities will be:

- available basic facility capacity (see glossary) to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month, except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. (Amended by Ordinance No. 92-35, 00-22)

POLICY 56.1.3: The Board of County Commissioners encourages all private utilities to set a minimum acceptable level of service to be adopted herein for use in the concurrency management system within their respective franchised or certificated areas. After the effective date of this plan or September 1, 1989, whichever is later, if the county has not adopted such standards into this plan, the standards adopted for Lee County Utilities' sanitary sewer systems will apply in those certificated or franchised areas and will be used in enforcing concurrency regulations (see Policy 95.1.3).

After the deadline set above any private utility that cannot meet the Level-of-Service standards set forth for Lee County Utilities will have the opportunity to petition for a Plan Amendment for a revised Level-of-Service requirement for the specific private utility plant if it can be proved that such utility has sufficient plant and system capacity to properly service its franchised or certificated area. The proof will be in the form of properly documented daily flow reports, occupancy rates or related statistical information, and any other necessary information that may be pertinent to the justification of the requested action, to establish a new individual Level-Of-Service standard. This data should be for a period covering at least the last two prior years. (Amended by Ordinance No. 92-35, 00-22)

POLICY 56.1.4: The Board of County Commissioners urges all utilities to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards and with the capacity to service the demand so generated and will meet or exceed the minimum requirements of the Department of Environmental Protection, the Department of Health and Rehabilitative Services, U.S. Environmental Protection Agency, or any local ordinances which exceeds the foregoing. Each utility is encouraged to advise the planning

and utility engineering staffs of the county regarding system expansions or modification to ensure coordination with other utilities and with all other issues of public interest and to prevent duplication of facilities and services. (Amended by Ordinance No. 92-35, 94-30)

POLICY 56.1.5: County development regulations will be amended to specify that no county development order under the Development Standards Ordinance for a residential development more intense than 2.5 dwelling units per gross acre, or for any commercial or industrial development that generates more than 5,000 gallons of sewage per day, will be issued in any franchised or certificated sanitary sewer service area, without a connection to such service if capacity is available at the minimum acceptable level of service anywhere within 1/4 mile of the development. This policy will in no way exempt any development of any size from meeting the levels of service required for concurrency under Policies 56.1.2 and 95.1.3. (Amended by Ordinance No. 93-25, 00-22)

POLICY 56.1.6: No permit will be issued allowing any utility to use a public right-of-way or to cut a pavement in a public right-of-way to extend service outside of its certificated or franchised area or to extend service into an area allocated to another utility, unless the other utility concurs in writing. This will be enforced along municipal and state rights-of-way by interlocal agreement and memorandum of agreement as required. (Amended by Ordinance No. 00-22)

POLICY 56.1.7: In allocating Industrial Development Revenue Bond capacity, the county will give highest priority to private sanitary sewer utilities proposing to construct basic facilities and/or to provide or upgrade infrastructure serving developed areas and antiquated subdivision undergoing redevelopment. (Amended by Ordinance No. 00-22)

POLICY 56.1.8: County development regulations will be amended to specify that any change in use or intensity in an approved development order will be subject to compliance with Policy 56.1.5. (Added by Ordinance No. 93-25, Amended by Ordinance No. 00-22)

POLICY 56.1.9: Lee County Utilities will continue to identify those properties within the Fort Myers Beach Fire Control District that are not fully connected to the wastewater collection system and require them to connect. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09)

OBJECTIVE 56.2: The county will maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service. (Amended by Ordinance No. 94-30, 00-22)

POLICY 56.2.1: It is hereby declared that in the interests of preserving public health and of preserving and enhancing environmental quality, it is in the public interest to abate and cease use of septic tanks and wastewater treatment package plants where and when central sewer is available.

POLICY 56.2.2: With the cooperation of the respective utility firms or agencies, the county will maintain a program for the abatement of septic tanks and package plants in areas in which sewer is presently available and in areas encompassed by assessment districts established for upgrading sewer availability. (Amended by Ordinance No. 94-30, 00-22)

POLICY 56.2.3: The county will encourage utilities to maintain or plan sufficient treatment capacity for near-term (2 years) availability to provide capacity for unserved development surrounded by existing areas with sewer service. (Amended by Ordinance No. 00-22)

OBJECTIVE 56.3: The county will ensure that the disposal of grease and septage are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30, 00-22)

POLICY 56.3.1: The county will maintain regulations that prohibit the disposal of grease and septage by landspreading or other means without first being properly treated to ensure that these products are either recycled as a beneficial product or disposed of properly. (Amended by Ordinance No. 94-30, 00-22)

GOAL 57: RESOURCE MANAGEMENT. To further the public health and protect environmental quality by using and encouraging conservation and resource management measures to reduce consumption of potable water and subsequent generation of wastewater.

OBJECTIVE 57.1: The county will continue its programs in education, technical advice, demonstration, rate revisions, and reuse to reduce per-capita water consumption and subsequent wastewater generation. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.1: Using the personnel and resources of various county agencies, Lee County will continue to design programs of public information and education to reduce demands on sewer facilities and natural systems. This program should include the use of print media, advertising, and public service announcements on radio and television highlighting and advocating various strategies to reduce demand for wastewater services, including, but not limited to:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances with low water consumption rates;
- advising householders to reduce water use;
- supporting various aspects of the concurrent water conservation program, particularly reliance on appliances and fixtures that use less water and maximizing the cost-effective use of those appliances;
- providing information on proper maintenance of septic tanks and package plants; and
- generally encouraging the thoughtful use of water in all necessary activities that generate wastewater. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.2: Programs to reduce the time and cost to treat wastewater will be considered, including discouraging excessive use of garbage grinders or toxic discharges which may stop or inhibit the treatment process. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.3: The Board of County Commissioners will encourage privately operated sanitary sewer utilities to adopt a "conservation" rate structure for users in their respective service areas. (Amended by Ordinance No. 00-22)

POLICY 57.1.4: In the design of each new wastewater treatment plant, the county will dispose of effluent through reuse water systems. (Amended by Ordinance No. 00-22)

POLICY 57.1.5: Development regulations will continue to require that any development will pay the appropriate fees and connect to a reuse water system if such system is near or adjacent to the development and has sufficient surplus to supply the development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 57.1.6: On-site sewer plants serving new golf course communities must be designed to reuse effluent for irrigation purposes. (Amended by Ordinance No. 00-22)

POLICY 57.1.7: In order to ensure its effectiveness as an effluent disposal system, reuse water may be provided at cost.

POLICY 57.1.8: In order to ensure the equitable distribution of the costs of a reuse water system, the costs of operation not covered by the commodity charge should fall to the sewer users as a charge for effluent disposal.

POLICY 57.1.9: Priority in the use of Industrial Development Revenue Bonds or other mechanisms of public finance will be given to regulated private utilities where not prohibited by the Florida constitution or statutes in order to achieve these public ends. (Amended by Ordinance No. 00-22)

GOAL 58: ORGANIZATION OF SERVICE AND FACILITY DELIVERY. To provide greater local coordination of the activities of public and private utility facilities within the county.

OBJECTIVE 58.1: Oversee sewer service delivery management through a joint effort between Lee County and the various private sector providers. Re-evaluate, as needed the effectiveness of this effort. (Amended by Ordinance No. 94-30, 07-12)

POLICY 58.1.1: Lee County will continue to collect data from private sanitary sewer providers, including reporting of sewage flows, holding and treatment capacity, number of customers, committed future connections, and proposed expansion plans. Thereafter, this data will be updated on a yearly basis. (Amended by Ordinance No. 94-30, 00-22, 07-12)

c. Surface Water Management

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

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Amended by Ordinance No. 94-30, 00-22)

POLICY 59.1.1: The County will update and implement the comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. (Amended by Ordinance No. 98-09, 07-12)

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. (Amended by Ordinance No. 00-22)

POLICY 59.1.3: By 2007, Lee County will update its flood plain regulations in accordance with the 2006 Flood Insurance Rate Map (FIRM) and other available sources. (Amended by Ordinance No. 94-30, 07-12)

POLICY 59.1.4: Continue to develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Amended by Ordinance 91-19, 94-30, 99-15, 02-02)

POLICY 59.1.5: The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22)

POLICY 59.1.6: The county will, through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with natural flow ways and otherwise provide for the reduction of the risk of flood damage to new development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 59.1.7: Priorities in public investment in surface water management facilities will be limited to new or expanded facilities serving the future urban areas, existing development, public facilities, and the maintenance of existing infrastructure; and outside the future urban areas, only to the prevention or reversal of environmental degradation, or the alleviation of bona fide health and safety emergencies. (Amended by Ordinance No. 00-22)

POLICY 59.1.8: The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 02-02)

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS.

To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 60.1: COUNTY-WIDE PROGRAM. Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries. (Amended by Ordinance No. 94-30, 00-22)

POLICY 60.1.1: Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water. (Relocated by Ordinance No. 07-12)

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats. (Relocated by Ordinance No. 07-12)

POLICY 60.1.3: The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 60.1.4: Additional public hearings on Lee Plan amendments will be held to incorporate each phase of the Surface Water Management Master Plan. These amendments will specifically address:

- (a) incorporating the additions to the database into the Lee Plan;
- (b) modifying the interim level-of-service standards; and
- (c) modifying the Future Land Use, Community Facilities and Services, and Capital Improvements elements as necessary to incorporate the study's initial findings.

(Amended by Ordinance No. 94-30, Relocated by Ordinance No. 07-12)

POLICY 60.1.5: Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards. (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12)

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District. (Amended by Ordinance No. 94-30, 07-12)

POLICY 60.2.1: The Surface Water Management Master Plan will identify those basins (or sub-basins) which may be most suitable for basin-wide surface water management, based on:

- natural flow ways and drainage patterns;
- existing development patterns;
- land ownership patterns; and
- development potential based on the Future Land Use element of this plan. (Amended by Ordinance No. 00-22)

POLICY 60.2.2: Taxing/benefit districts or other financing mechanisms established pursuant to Goal 3 of this plan will include an examination of the potential for basin-wide surface water management within the designated area. (Amended by Ordinance No. 00-22)

POLICY 60.2.3: The County will utilize the Water Conservation Utility to implement the provision and maintenance of collection and disposal systems for stormwater and the regulation of groundwater. By the end of 1996, the county will establish a dedicated funding source for the effective operation of the Stormwater Management Utility. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 60.3: LEVEL-OF-SERVICE STANDARDS. Level of Service Standards have been established for basins identified in the surface water master plan and are provided in the following policies. The Level of Service Standards will be updated as necessary based on new basin studies or more accurate information. (Amended by Ordinance No. 94-30, 07-12)

POLICY 60.3.1: The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 95.1.3).

A. Existing Infrastructure/Interim Standard

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

B. Six Mile Cypress Watershed (see Map 18)

The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

The following additional standards are hereby established as desired future level-of-service standards, to be achieved by September 30, 1994:

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

C. Other Watersheds (see Map 18):

Gator Slough, Yellow Fever Creek, Yellow Fever Creek-East Branch, Powell Creek, Billy Creek, Whiskey Creek, Deep Lagoon, Cow Creek, Hendry Creek, Ten Mile Canal, and Imperial River Watersheds.

The level-of-service standard for the above watersheds will be that all arterial roads at their crossing of the trunk conveyances, as referenced in the Lee County Surface Water Management Master Plan, will be free of flooding from the 25-year, 3-day storm event

(rainfall). This standard will not apply to Chiquita Boulevard because it is located within the City of Cape Coral.

The following additional standards are hereby established as desired future level-of-service standards to be achieved by September 30, 1994:

1. Floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall).
2. Water quality will be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

D. Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest. (Amended by Ordinance No. 92-35, 94-29, 00-22)

POLICY 60.3.2: The county will continue to maintain and update annually the CIP to provide for the needs of the surface water management program. (Amended by Ordinance No. 94-30)

POLICY 60.3.3: The revised levels of service required to guide future investments in surface water management facilities will be based on the recommendations of the Surface Water Management Master Plan, as updated, and procedures will be established to keep current the levels of service, remaining capacity of existing facilities, and demand for new facilities.

POLICY 60.3.4: Water management projects will be evaluated and ranked according to the priorities adopted into this plan. Major emphasis will be given to improving existing drainage facilities in and around future urban areas as shown on the Future Land Use Map, and to enhancing or restoring environmental quality. (Amended by Ordinance No. 00-22)

OBJECTIVE 60.4: CRITICAL AREAS. The Six Mile Cypress Basin (as defined in Chapter 10 of the Land Development Code) and the Density Reduction/Groundwater Resource land use category are both identified as "critical areas for surface water management." The county will maintain existing regulations to protect the unique environmental and water resource values of these areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 60.4.1: The county will maintain provisions in Chapter 10 of the Land Development Code that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin. (Amended by Ordinance No. 94-30, 00-22)

POLICY 60.4.2: The county will maintain the elimination of the exemptions in its development regulations for agricultural uses and small subdivisions within the "critical areas for surface water management" and will continue to subject these uses to an appropriate review process. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment. (Added by Ordinance No. 03-06).

POLICY 60.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways. (Added by Ordinance No. 03-06)

POLICY 60.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems. (Added by Ordinance No. 03-06)

POLICY 60.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways. (Added by Ordinance No. 03-06)

POLICY 60.5.4: The County will continue to identify and map flow-ways as part of the Lee County Surface Water Management Plan. The Plan provides a general depiction of watersheds and their trunk and major tributaries and has been expanded to some degree in the DRGR area. As new information is assembled, the Plan will be updated for public use. Due to its magnitude and need for site specific information, not all flow-ways will be shown. (Added by Ordinance No. 03-06)

POLICY 60.5.5: The County will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional surface water management systems that address flood protection, water quality/ environmental enhancement and water conservation. (Added by Ordinance No. 03-06)

POLICY 60.5.6: Develop a capital improvements program to provide for the reconstruction and maintenance of all flowways and include incentives for private participation. (Added by Ordinance No. 07-16)

GOAL 61: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

OBJECTIVE 61.1: WATER SUPPLY PLANNING. All county water supply planning will include the recognition of surface water runoff as a possible resource and will consider integrating the use of surface water runoff in any supply program or strategy that results. (Amended by Ordinance No. 00-22)

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality fresh water compatible with that use, consistent with financial and technical constraints. (Amended by Ordinance No. 00-22)

POLICY 61.1.2: The county will explore, and implement where financially and technically feasible, all existing options for storing and utilizing excess surface water runoff for human consumption and other uses. Such options may include surface impoundments; back-pumping to reservoirs, to upland wetlands, or to ground storage; and ground storage by exfiltration systems or by aquifer storage and recovery systems. Maximum contaminant levels consistent with Florida DEP and USEPA regulations governing receiving waters will be met through treatment as required. Excess surface water runoff will be defined as that water not required to maintain or restore estuarine waters or other valued wetland systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 61.1.3: In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available. (Amended by Ordinance No. 00-22, 07-12)

POLICY 61.1.4: The county's Surface Water Management Master Plan will place particular emphasis on 1) routing surface water runoff from areas of excess to areas where additional subsurface storage is available; and 2) maintaining and increasing historic surface and groundwater levels in the Density Reduction/Groundwater Resource land use category. (Amended by Ordinance No. 00-22)

POLICY 61.1.5: Work with the appropriate agencies to pursue funding a "mixing model" (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc. (Added by Ordinance No. 07-16)

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

POLICY 61.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes. (Amended by Ordinance No. 00-22)

POLICY 61.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the county will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations. (Amended by Ordinance No. 00-22)

POLICY 61.2.3: Outside the future urban areas where traditional drainage structures exist (ditches, canals, dikes, etc.), the county may permit their continued existence and maintenance, but will discourage their expansion or extension. (Amended by Ordinance No. 00-22)

POLICY 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.

POLICY 61.2.5: The policies above (61.2.1 through 61.2.4) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.

POLICY 61.2.6: The county will maintain regulations that require reclamation standards for future excavation that mimic natural systems through the techniques that improve water quality, wildlife utilization, and enhance groundwater recharge. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems. (Amended by Ordinance No. 94-30, 00-22)

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

POLICY 61.3.2: Floodplains must be managed to minimize the potential loss of life and damage to property by flooding. (Amended by Ordinance No. 00-22)

POLICY 61.3.3: Floodways should be kept 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. (Amended by Ordinance No. 00-22)

POLICY 61.3.5: The county will maintain regulations which provide for the management and protection of floodplains, consistent with state and federal regulations. (Amended by Ordinance No. 00-22)

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations. (Amended by Ordinance No. 00-22)

POLICY 61.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged. (Amended by Ordinance No. 00-22)

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents. (Amended by Ordinance No. 00-22)

POLICY 61.3.9: The county will adopt appropriate regulations to protect the natural functions of riparian systems from incompatible development practices along their banks. (Amended by Ordinance No. 00-22)

POLICY 61.3.10: New artificial drainage systems must not channel runoff directly into natural waterbodies. (Amended by Ordinance No. 00-22)

POLICY 61.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants. (Amended by Ordinance No. 00-22)

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight. (Amended by Ordinance No. 00-22)

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness. (Amended by Ordinance No. 00-22)

POLICY 61.3.14: Artificial watercourses must be designed so as to reduce velocity of runoff and prevent erosion. (Amended by Ordinance No. 00-22)

d. Solid Waste

GOAL 62: SOLID WASTE. To ensure the health, safety, and general welfare of the citizens of Lee County by protecting the quality of the environment through the proper management and disposal of solid waste.

OBJECTIVE 62.1: SOLID WASTE COLLECTION. Continue programs to segregate construction and demolition debris and to separate newspaper, aluminum cans, and glass bottles for recycling. (Amended by Ordinance No. 94-30)

POLICY 62.1.1: Continue to monitor and enforce the county's mandatory garbage and solid waste collection ordinance (Ordinance No. 86-14) and subsequent amending ordinance (Ordinance No. 86-38).

POLICY 62.1.2: Design and implement resource recovery and recycling programs for glass, paper, plastic, and nonferrous metal containers.

POLICY 62.1.3: Develop programs which will result in a decrease in the volume of materials in the solid waste stream requiring landfilling (i.e. source separation of material which can be reused or disposed of in another manner).

POLICY 62.1.4: Develop programs which will reduce the volume of roadside litter and the amount of illegal dumping in the unincorporated county.

OBJECTIVE 62.2: SOLID WASTE DISPOSAL. Continue operation of a waste to energy resource recovery facility and continue to explore means to reduce the volume of solid waste. (Amended by Ordinance No. 94-30, 07-12)

POLICY 62.2.1: The county will continue to study and implement as appropriate available disposal technologies and volume reduction by recycling to meet Objectives 62.1 and 62.2. Particular attention will be paid to volume reduction of bulky and potentially recyclable items such as horticultural waste, rubber tires, appliances, etc. (Amended by Ordinance No. 00-22)

POLICY 62.2.2: The county will continue to pursue a “clean community” campaign of education and information to reduce litter. The county will solicit operational funds from major sources of litter materials such as fast-food franchises and convenience market operators. (Amended by Ordinance No. 00-22)

POLICY 62.2.3: The county will pursue efforts to control the disposal of hazardous wastes. The county will continue to identify and monitor the disposal activities of hazardous wastes generators through cooperative programs with state agencies.

POLICY 62.2.4: The county will initiate a local program to collect (and properly dispose of) small quantities of hazardous materials such as pesticides, paint, used motor oil, etc. (Amended by Ordinance No. 00-22)

POLICY 62.2.5: The minimum acceptable level-of-service standard for availability of solid waste disposal facilities will be 7 pounds per capita per day (see also Policy 95.1.3).

POLICY 62.2.6: The county will immediately construct a new landfill to serve the entire county including all municipalities. (Amended by Ordinance No. 94-30, 00-22)

e. Groundwater Recharge

GOAL 63: GROUNDWATER. To protect the county's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

OBJECTIVE 63.1: WELLFIELD PROTECTION. The county will maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Amended by Ordinance No. 94-30, 00-22)

POLICY 63.1.1: The wellfield protection ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. (Amended by Ordinance No. 00-22)

POLICY 63.1.2: The staff hydrogeologist will review and comment on all development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (Amended by Ordinance No. 00-22)

POLICY 63.1.3: The staff hydrogeologist will review and comment on all development applications proposed in the DR/GR area. (Added by Ordinance No. 10-19)

OBJECTIVE 63.2: POTABLE GROUNDWATER. Base all future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) in order not to impair the native groundwater quality or create other environmental damage. Criteria for safe-yield determinations will be determined by the SFWMD, the agency charged with permitting these activities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 63.2.1: For maximum protection of groundwater resources, identify future wellfields and/or relocation site(s) for existing wellfields well in advance of need. Coordinate with

SFWMD, other water suppliers, and DEP to avoid duplication and to assist in data collection and interchange. (Amended by Ordinance No. 94-30)

POLICY 63.2.2: Institute a program to identify sources of groundwater pollutants in Lee County and to map these (point and non-point) on a county-wide basis.

POLICY 63.2.3: Identify water needs consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater. (Amended by Ordinance No. 94-30)

POLICY 63.2.4: Expand current programs to identify and map the contamination potential of groundwater resources for those areas of Lee County not currently under public ownership.

POLICY 63.2.5: Lee County, in cooperation with other agencies and the municipalities, will budget to maintain its current program of plugging non-valved, abandoned, or improperly-cased artesian wells so that at least seventy-five of these wells are plugged each year until such wells are eliminated. (Amended by Ordinance No. 94-30, 00-22)

f. Libraries

GOAL 64: LIBRARIES. To increase the availability of information services throughout Lee County by increasing the size and quality of the Lee County library system and by ensuring that library services are provided in a manner that is responsive to the needs of the community and of specific targeted constituencies.

OBJECTIVE 64.1: STANDARDS. Raise the non-regulatory standards for building and collection size to meet the following Florida Library Association standards by the year 2010:

- Level C collection size of 2.8 items per capita (permanent residents); and
- Minimum building size level of .6 square feet per capita (permanent residents). (Amended by Ordinance No. 94-30)

POLICY 64.1.1: The following standards are the current acceptable non-regulatory levels of service for the Lee County library system (see Policy 95.1.3):

- Maintain existing per-capita inventory of 1.6 library items per capita (permanent residents); and
- Provide .274 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30)

POLICY 64.1.2: The following standards are the desired non-regulatory future levels of service for the Lee County library system by the year 2000 (see Policy 95.1.4):

- Increase the inventory to 2.0 items per capita (permanent residents); and
- Maintain .424 square feet of library space per capita (permanent residents). (Amended by Ordinance No. 94-30)

OBJECTIVE 64.2: MONITORING. By 2009, establish a system to accurately assess the information needs of the various constituencies in the community. (Amended by Ordinance No. 94-30, 07-12)

POLICY 64.2.1: The county library system will periodically survey the service and information needs and preferences of the business community, government, media, general public, and special targeted constituencies, adjusting acquisitions and personnel assignments accordingly. This will be done by periodic surveys of users and non-users. (Amended by Ordinance No. 94-30, 00-22)

POLICY 64.2.2: The Fort Myers-Lee County Main Library will be the central county resource for reference facilities and services. Such services and facilities are extended to member libraries on demand. (Amended by Ordinance No. 94-30, 00-22)

POLICY 64.2.3: The county library system will strive to ensure that programs of cooperation and collaboration between the county library system and the libraries of Edison Community College, USF-Fort Myers, and Florida's tenth university are established and carried out. Inter-library loan programs will be enhanced through program expansion and automation. (Amended by Ordinance No. 94-30)

g. Fire Protection

GOAL 65: FIRE PROTECTION. To assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated county. (Amended by Ordinance No. 94-30)

OBJECTIVE 65.1: EXISTING FIRE SERVICE. Improve ISO ratings of the independent fire services throughout the unincorporated county.

POLICY 65.1.1: Support mutual aid and joint venture agreements between the fire districts and provide certain types of services which the individual districts cannot duplicate individually at similar or lower costs.

POLICY 65.1.2: Reexamine the fire flow and pressure standards for water facilities that are contained in Chapter 10 of the Land Development Code on a periodic basis to ensure that they are in compliance with recognized engineering standards. (Amended by Ordinance No. 94-30)

POLICY 65.1.3: When cost-effective and technically feasible, existing potable water systems will be refitted to current fire flow standards.

POLICY 65.1.4: Refer requests for rezonings and development reviews to independent fire districts for comments and recommendations (when requested by the individual districts).

POLICY 65.1.5: Maintain a fire and EMS impact fee program that allows for voluntary participation of the individual fire districts. (Amended by Ordinance No. 94-30)

POLICY 65.1.6: Provide technical assistance to fire districts (when requested) on site selection and continue to assist the districts in the rezoning process. (Amended by Ordinance No. 94-30)

POLICY 65.1.7: Maintain and, where feasible, enhance the “911” emergency communications system to improve communications with the fire districts. (Amended by Ordinance No. 94-30)

OBJECTIVE 65.2: AREAS OUTSIDE THE EXISTING FIRE SERVICE. Insure that county development orders outside the established fire service areas are granted only if fire service expansions or other mitigation measures are approved concurrently.

POLICY 65.2.1: All new development (excluding single-family, mobile home, duplex, and agricultural structures) should be located in an established fire district in an area provided with public water. Provisions in the Land Development Code that require adequate fire protection systems in areas where no public water is available will be maintained. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 65.3: FIRE CODE ENFORCEMENT. Insure the consistent and uniform enforcement of the Lee County Fire Code.

POLICY 65.3.1: Maintain a uniform fire code for the unincorporated portion of Lee County and provide for its uniform and consistent interpretation and effective enforcement.

POLICY 65.3.2: Insure the enforcement of the fire code by the establishment of a mechanism to fund the service provided by a County Fire Marshall to any fire district that chooses not to accept the responsibility of enforcing the fire code.

POLICY 65.3.3: The county will notify all independent fire districts of all written interpretation of fire code matters. (Amended by Ordinance No. 00-22)

h. Education and Public School Facilities

GOAL 66: EDUCATION. To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)

OBJECTIVE 66.1: SCHOOL LOCATION PLANNING. Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)

POLICY 66.1.1: The County will work in collaboration with the Lee County District Board of Education, representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.2: All educational institutions will comply with the policies of this plan and the Land Development Code where not pre-empted by state statutes or administrative rules. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.3: Lee County will continue to maintain and regularly update a school impact fee. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 66.1.4: The county, in concert with the Lee County District School Board, will assist developers considering school site contributions by providing information relating to land availability, use and other pertinent parcel data. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.5: Lee County will coordinate with the State Board of Regents on the development of the Florida Gulf Coast University through the Campus Master Plan process, and the required Development Agreement, and through other means of intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.1.6: To the maximum extent possible, Lee County will seek to collocate public facilities, such as parks, libraries, and community centers, with public schools. (Added by Ordinance No. 99-15)

OBJECTIVE 66.2: COOPERATION. The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)

POLICY 66.2.1: Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-22)

POLICY 66.2.2: The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 00-22)

POLICY 66.2.3: The County will collaborate with the District Board of Education when planning and making decisions regarding population projections. In order to maximize the benefits to be gained from joint planning efforts, the County will coordinate with the School District to base respective plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. (Added by Ordinance No. 03-04, 08-17)

POLICY 66.2.4: The County will assist the School District in the development of siting criteria that encourages the location of public schools in close proximity to urban residential areas. (Added by Ordinance No. 08-17)

OBJECTIVE 66.3: LAND USE COMPATIBILITY. The county will seek to have the siting of all new schools follow these policies aimed at land use and transportation compatibility: (Amended by Ordinance No. 00-22)

POLICY 66.3.1: Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses.

POLICY 66.3.2: Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.

POLICY 66.3.3: Encourage the acquisition of school sites large enough to accommodate projected increases in enrollment.

POLICY 66.3.4: Consider the shared use of park and school sites when a surplus of school land is available (see also Goal 87). (Amended by Ordinance No. 94-30)

POLICY 66.3.5: Land uses and development will not be permitted to the extent that it could necessitate the relocation of schools due to pressures from incompatible uses. (Amended by Ordinance No. 00-22)

POLICY 66.3.6: Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.

POLICY 66.3.7: Require that new residential developments provide for adequate pedestrian and bicycle access for school children.

POLICY 66.3.8: School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)

POLICY 66.3.9: Elementary schools whenever possible must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (Amended by Ordinance No. 00-22)

POLICY 66.3.10: Prohibit school sites that are or will be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the school.

POLICY 66.3.11: Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone B or within other high noise impact areas. Additionally, in accordance with Florida Statute Chapter 333, the construction of a public or private school is prohibited within an area extending five miles along the extended centerline of a runway (either existing or proposed) with a width one half the length of the runway. As per State Statute, "Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location." (Amended by Ordinance No. 07-09)

POLICY 66.3.12: The county will cooperate with the School Board to encourage consideration in the design and construction of new schools that they may be expected to serve as hurricane evacuation and emergency shelters. (Amended by Ordinance No. 00-22)

POLICY 66.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans. (Added by Ordinance No. 07-16)

OBJECTIVE 66.4: ENVIRONMENTAL EDUCATION. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics. (Added by Ordinance No. 07-16)

POLICY 66.4.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities. (Added by Ordinance No. 07-16)

GOAL 67: PUBLIC SCHOOL FACILITIES. Lee County will have a public school system that offers a high quality educational environment, provides accessibility for all of its students, and ensures adequate school capacity to accommodate enrollment demand. (Added by Ordinance No. 08-17)

OBJECTIVE 67.1: ADEQUATE SCHOOL FACILITIES. Establish and maintain specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. Incorporate and maintain Lee Plan Map, Map 23, depicting the existing educational and public School District Facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants over the five-year and long-term planning period. (Added by Ordinance No. 08-17)

POLICY 67.1.1: The County adopts the following Level of Service (LOS) standards for public schools, based upon Permanent Florida Inventory School Houses (FISH) capacity.

- a. Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- b. Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- c. High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- d. Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

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

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

Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation. (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

POLICY 67.1.2: Any modification of public school Level of Service (LOS) standards must be accomplished by amending the 2008 School Concurrency Interlocal Agreement and the adoption of amendments to the County's comprehensive plan. No LOS will be amended without a showing that the amended LOS is financially feasible, supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School District's Five Year Capital Facilities Plan. (Added by Ordinance No. 08-17)

POLICY 67.1.3: The County adopts the School Board's current School Choice Zone boundaries depicted on Lee Plan Map 24, as Concurrency Service Areas (CSAs). CSAs exclude multizone magnet schools and Special Purpose Facilities. Concurrency for new development will be measured against capacity in the 3 Student Assignment Zones (West Zone, East Zone, and South Zone) depicted on Map 24. Special Purpose Facility capacity will be added to the total CSA capacity as

these facilities potentially provide service to students from all CSAs. Following the release of the 2010 census data, Lee County and the School District will evaluate expanding the number of CSAs to utilize the CSA Zone geography as the basis for measuring school concurrency. (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

POLICY 67.1.4: The School District staff and County staff will discuss the need to amend the CSAs, as contained in the Lee Plan, prior to the initiation of the annual regular amendment cycle following the release of the 2010 census data. School District staff will informally present any proposed modification to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for an amendment to the Lee Plan to change the CSAs. (Added by Ordinance No. 08-17)

POLICY 67.1.5: Any proposed boundary changes to the CSAs require a demonstration by the School District that the change complies with the adopted LOS standard and that utilization of school capacity is maximized to the greatest extent possible. (Added by Ordinance No. 08-17)

OBJECTIVE 67.2: PUBLIC SCHOOL CONCURRENCY MANAGEMENT SYSTEM. Lee County will utilize a public school concurrency management system consistent with the requirements of Section 163.3180, F.S., and Rule 9J-5.025, F.A.C. (Added by Ordinance No. 08-17)

POLICY 67.2.1: By December 2008, the County will adopt school concurrency provisions into its Land Development Regulations (LDRs). (Added by Ordinance No. 08-17)

POLICY 67.2.2: The County, with the assistance of the School District, will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA. (Added by Ordinance No. 08-17)

POLICY 67.2.3: All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located. If capacity is available or appropriate mitigation has been agreed to by the County and the School District, a concurrency certificate may be issued, valid for three years. If capacity is not available in the CSA where the development is proposed, then the County will examine if the contiguous CSAs have capacity. If capacity is not available in the CSA in which the proposed development is located or in a contiguous CSA and appropriate mitigation can not be agreed to, no concurrency certificate will be issued. A concurrency certificate may be renewed for an additional 3 year period and may be extended a maximum of two additional periods of 2 years each consistent with the existing provisions of the Land Development Code applicable to Development Orders. (Added by Ordinance No. 08-17)

POLICY 67.2.4: By December 2008, the LDC will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options may include, but are not limited to:

The donation of land or funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development; and

Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.

Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the County and the School District must enter into an enforceable binding developer agreement with the developer. If mitigation cannot be agreed upon, the County must deny the application based upon inadequate school capacity.

Relocatable classrooms will not be accepted as mitigation.

(Added by Ordinance No. 08-17)

POLICY 67.2.5: The following residential uses are exempt from the requirements of school concurrency:

1. Single family lots having received final plat approval prior to the effective date of this policy.
2. Multi-family residential development having received a final development order and concurrency certificate prior to the effective date of this policy and said final development order and concurrency certificate are valid and active.
3. Amendments to existing residential development approvals that do not increase the number of residential units or change the type of residential units proposed.
4. Other residential uses that do not generate school age children such as licensed Adult Living Facilities or age restricted residential developments prohibiting persons under the age of 18 from residing there as permanent residents through recorded covenants and restrictions that cannot be amended for a period of 30 years.
5. Developments of Regional Impact approved pursuant to Chapter 380, Florida Statutes prior to July 1, 2005, but only as to the number of residential units authorized in the DRI Development Order.

(Added by Ordinance No. 08-17)

POLICY 67.2.6: For school concurrency purposes, the number of projected students from a proposed residential development will be calculated using the student generation rate for the unit type identified in the School Impact Fee Update Study prepared by Duncan Associates adopted on September 23, 2008. The projected number of students is the product of the number of residential units multiplied by the student generation rate for each unit type. (Added by Ordinance 08-27)

OBJECTIVE 67.3: COORDINATION. All new public schools built within the County will be consistent with the appropriate jurisdiction's future land use map designation, will be co-located with other appropriate public facilities (when possible), and will have needed supporting infrastructure. (Added by Ordinance No. 08-17)

POLICY 67.3.1: The County and the School District will jointly determine the need for and timing of on-site and off-site improvements necessary to support new school facilities. The County and the District will explore opportunities for shared funding of necessary infrastructure improvements. (Added by Ordinance No. 08-17)

POLICY 67.3.2: The County may enter into an agreement with the School Board identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support new school facilities. (Added by Ordinance No. 08-17)

POLICY 67.3.3: The County, in conjunction with the School District, will seek opportunities to co-locate public facilities with schools, such as parks, libraries, and community centers, as the need for these facilities is identified. The County will also explore the co-location and shared use of school and governmental facilities for health care and social services. (Added by Ordinance No. 08-17)

POLICY 67.3.4: The County will forward all applications for rezonings and comprehensive plan amendments that increase density on the Future Land Use Map to the School District for review. The County will inform the School District of the affect of proposed amendments upon school capacity. (Added by Ordinance No. 08-17)

POLICY 67.3.5: The School District will periodically review the Education and Public School Facilities Element. If the School District desires amendments to the element, the proposed modifications will be informally presented to Lee County staff for initial comments and input. The School District will be the lead agency and will make application for any desired amendment to the Education and Public School Facilities Element. (Added by Ordinance No. 08-17)

POLICY 67.3.6: The County, in conjunction with the School District and the municipalities within the County, will identify issues relating to public school emergency preparedness, such as:

1. The determination of evacuation zones, evacuation routes, and shelter locations.
2. The design and use of public schools as emergency shelters.
3. The designation of sites other than public schools as long-term shelters, to allow schools to resume normal operations following emergency events.

(Added by Ordinance No. 08-17)

POLICY 67.3.7: In order to reduce hazardous walking conditions to schools, the County, in coordination with the School Board, will implement the following strategies:

1. New developments adjacent to school properties will be required to provide a right of way and a direct safe access path for pedestrian travel to existing and planned school sites and will connect to the neighborhood's existing and proposed pedestrian improvements;
2. In order to ensure continuous pedestrian access to public schools, provisions for construction of facilities to address hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, will be included in the schedule of capital improvements adopted each fiscal year;
3. Evaluate school zones to consider safe crossing of children along major roadways and prioritize areas for sidewalk improvements to increase the ability of children to walk safely to school; and
4. Coordinate existing and planned public school facilities with the plans for supporting infrastructure to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

(Added by Ordinance No. 08-17)

OBJECTIVE 67.4: ELIMINATION OF SCHOOL DEFICIENCIES. To prioritize the Elimination of Existing School Facility Deficiencies. (Added by Ordinance No. 08-17)

POLICY 67.4.1: The School District Capital Improvement Program, which will annually be incorporated into the Lee Plan's Capital Improvement Element, will prioritize projects that eliminate existing school facility deficiencies and projects that are needed to meet future level of service standards. (Added by Ordinance No. 08-17)

i. Health Care

GOAL 68: SERVICE PROVISION. To ensure the efficient provision of public services to health care facilities. (Renumbered by Ordinance No. 08-17)

OBJECTIVE 68.1: EMERGENCY MEDICAL SERVICES. The county will maintain and improve the Emergency Medical Services Division to keep up with new population growth and technological advancements. As part of this effort, the county will cooperate with and assist the independent fire districts and other units of government who operate first-provider rescue services to maintain those services in the face of new population growth and technological advancements. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

POLICY 68.1.1: The 9-1-1 emergency telephone system and centralized dispatcher program will be evaluated as to possible improvements. (Renumbered by Ordinance No. 08-17)

POLICY 68.1.2: The county will encourage and facilitate the inclusion of other jurisdictions in cooperative service extensions of centralized communication and dispatch systems. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

GOAL 69: POLLUTION CONTROL. To ensure a safe and healthful environment for all Lee County residents. (Renumbered by Ordinance No. 08-17)

OBJECTIVE 69.1: Lee County will continue its local pollution control program by educating the public on proper storage, handling and disposal methods for hazardous waste and providing collection days for homeowners and small businesses. (Amended by Ordinance No. 94-30, 00-22; Renumbered by Ordinance No. 08-17, 08-17)

POLICY 69.1.1: Lee County will continue mechanisms to educate and train small businesses in waste minimization and the proper storage, handling and disposal of hazardous materials through increased occupational license fees. (Amended by Ordinance No. 94-30, 00-22, 07-12; Renumbered by Ordinance No. 08-17)

POLICY 69.1.2: Efforts to protect public health through clean air and water requirements will be expanded and improved. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

POLICY 69.1.3: Natural and manmade environmental health hazards should be identified. (Renumbered by Ordinance No. 08-17)

POLICY 69.1.4: Information about environmental health conditions will be made available to the public. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

j. Police and Justice

GOAL 70: POLICE AND JUSTICE. To ensure the effective and efficient provision of facilities and services in support of law enforcement and justice for the growing population of Lee County. (Renumbered by Ordinance No. 08-17)

OBJECTIVE 70.1: PLANNING AND BUDGETING. Regularly evaluate the effects of both private development and public service provision of services on law enforcement. (Amended by Ordinance No. 94-30, 07-09; Renumbered by Ordinance No. 08-17)

POLICY 70.1.1: The county, in collaboration with the Lee County Sheriff and the Courts Administrator, will continue to cooperatively examine, evaluate, and project law enforcement budget needs. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

POLICY 70.1.2: The county in collaboration with the Lee County Sheriff will study the development of workable standards and criteria upon which to project long-range law enforcement needs. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

OBJECTIVE 70.2: FACILITIES PLANNING PROGRAM. Maintain a facilities planning program for justice and law enforcement needs. (Amended by Ordinance No. 94-30; Renumbered by Ordinance No. 08-17)

POLICY 70.2.1: The county with the help of the Lee County Sheriff will evaluate justice and law enforcement facilities and review and revise (as necessary) plans for such facilities. (Amended by Ordinance No. 94-30, 00-22; Renumbered by Ordinance No. 08-17)

POLICY 70.2.2: The county will cooperate with the Sheriff to evaluate the need for substation facilities in Lee County and will assist in the expansion, relocation, or reduction of the number of existing substation facilities as is necessary. (Amended by Ordinance No. 94-30, 00-22, 07-09; Renumbered by Ordinance No. 08-17)

POLICY 70.2.3: The county will cooperate with the Sheriff's Office to identify potential areas to share County facilities in an effort to reduce the overall cost of providing law enforcement services throughout Lee County. (Added by Ordinance No. 07-09; Renumbered by Ordinance No. 08-17)

k. Energy Conservation

GOAL 71: ENERGY CONSERVATION. Lee County will promote the protection and preservation of the county's limited energy resources. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

OBJECTIVE 71.1: ENERGY CONSERVATION. By 1995 the county will support management and education programs on energy efficiency and conservation, resource conservation and recycling, appropriate community technology, and environmental protection. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

POLICY 71.1.1: The county will, through regulation, provision of incentives to the private sector, and its own capital investments, promote the use of energy efficient transportation systems, solar energy applications for new and existing development, true solid waste resource recovery systems, and other similar technologies. (Amended by Ordinance No. 00-22; Renumbered by Ordinance No. 08-17)

GOAL 72 - GOAL 75: [RESERVED]

PARKS, RECREATION AND OPEN SPACE



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter V

V. Parks, Recreation and Open Space

GOAL 76: DISTRIBUTION OF FACILITIES. To provide, maintain and preserve a diverse park, recreational, and open space system which provides equitable access and distribution to all residents of unincorporated Lee County regardless of interest, age, sex, income, race, handicap, or location of residency within unincorporated Lee County. (Amended by Ordinance No. 94-30)

OBJECTIVE 76.1: During each five-year Evaluation and Appraisal Report, or subsequent to each decennial census, the county will examine the composition and location of population growth to determine if redistricting of community park impact fee districts is warranted. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.1: Based on community needs and interests, the county will equitably distribute community park facilities within impact fee districts in unincorporated Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.2: Due to the nature of regional parks and the limit on the availability of appropriate sites, regional park facilities will be distributed throughout the entire county. (Amended by Ordinance No. 94-30, 00-22)

POLICY 76.1.3: By using the experience and knowledge of community groups and professionals and by using data garnered from surveys and public hearings, the county will distribute facilities based on interest and need. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 76.2: The county will maintain inventories, surveys, and records essential to the park planning process, and will periodically update park planning documents and inventories. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 76.3: The county will continue to maintain a systematic approach to survey users of park facilities and residents of Lee County as to their needs, desires, preferences, and evaluations of park and recreation facilities and programs. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 76.3.1: Park users and residents will be surveyed in order to establish a reliable data base for future planning and decision-making.

POLICY 76.3.2: The results of user and resident surveys are an integral part of the planning process for park and recreation facilities and programs. (Amended by Ordinance No. 94-30, 07-12)

GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS. To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. (Amended by Ordinance No. 94-30, 02-02)

OBJECTIVE 77.1: Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents. (Amended by Ordinance No. 94-30, 00-22, 02-02)

POLICY 77.1.1: The county will continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the open space requirements of residents of new developments. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 77.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public. (Added by Ordinance No. 02-02)

POLICY 77.2.1: The county must continue to review the open space requirements of the Land Development Code to determine if these requirements should be modified in any way to best meet the objectives of open space requirements within new commercial and industrial developments. (Added by Ordinance No. 02-02)

OBJECTIVE 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)

POLICY 77.3.1: Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities. Any new development with existing native trees without associated native groundcover or understory is encouraged to provide half of the required open space with areas containing existing native trees. The planting of native shrub species within native tree protection areas is encouraged. (Added by Ordinance No. 02-02)

POLICY 77.3.2: Open space areas must be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees. (Added by Ordinance No. 02-02)

POLICY 77.3.3: The county encourages new developments to incorporate existing native plant communities and/or native trees along proposed and/or existing rights-of-way. (Added by Ordinance No. 02-02)

POLICY 77.3.4: The county encourages new developments to incorporate large, contiguous open space areas in the development design. (Added by Ordinance No. 02-02)

POLICY 77.3.5: Proposed planned developments must submit an open space design plan with an assessment of the existing native plant communities and native trees. The open space design plan must delineate the indigenous preserves and/or native tree preservation areas. (Added by Ordinance No. 02-02)

POLICY 77.3.6: Coordinate trails and greenway planning and construction efforts with private landowners to identify, protect, develop, and manage linear open space connectors for recreation and conservation greenway corridors and encourage private landowners to dedicate greenway facilities for public recreational use through incentives and impact fee credits. (Added by Ordinance No. 07-09)

POLICY 77.3.7: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design. In addition to counting towards the projects' general open space requirements, developments constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit. (Added by Ordinance No. 07-09)

POLICY 77.3.8: Criteria for local monitoring and enforcement for native vegetation will also consider southwest florida specific needs, such as attention to irrigation water content of chlorides and conductance, and to low nutrient fertilizers. (Added by Ordinance No. 07-16)

GOAL 78: LANDSCAPE/WAYSIDE PARKS. To improve the aesthetics of the community by providing Landscape/Wayside Parks where feasible and appropriate.

OBJECTIVE 78.1: The county will maintain its current inventory of Landscape/Wayside parks, evaluate the need for such facilities to serve the traveling public, and provide additional such facilities in the future to improve the beauty of the county.

POLICY 78.1.1: The county will continue to seek input from other County, State and Federal agencies and from community groups for the purpose of developing guidelines for landscape/wayside parks. (Amended by Ordinance No. 94-30, 00-22)

POLICY 78.1.2: The county will investigate alternative funding sources for the provision of landscape/wayside parks such as public/private partnerships, community involvement programs, and community groups. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

GOAL 79: BOAT RAMPS. To provide a share of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways.

OBJECTIVE 79.1: The "non-regulatory" minimum acceptable level of service is one boat ramp lane, with adequate parking, per 12,500 people, based on seasonal population (see Policy 95.1.3). Boat ramp lanes will include federal, state, county, municipal, and non-government boat ramp lanes that are open to the public and have adequate on-site parking. (Amended by Ordinance No. 00-22, 11-22)

POLICY 79.1.1: Lee County will maintain a classification system for boat ramps which addresses location guidelines, types of boat ramp facilities for different areas, and needs and standards for parking for the different types of facilities. (Amended by Ordinance No. 94-30, 00-22)

GOAL 80: Increase the recreation potential of Lee County's natural waterways. (Added by Ordinance No. 07-09)

OBJECTIVE 80.1: Expand the Great Calusa Blueway and Lee County Paddling Trail System. (Added by Ordinance No. 07-09)

POLICY 80.1.1: Establish locations, design standards, and implementation techniques for providing public access to appropriate waterways. (Added by Ordinance No. 07-09)

POLICY 80.1.2: Designate canoe access points on appropriate waterways in accordance with the Lee County Greenways Master Plan. (Added by Ordinance No. 07-09)

GOAL 81: [RESERVED]

GOAL 82: MAINTAINED WATER ACCESSES. To improve access to public beaches and other bodies of water.

OBJECTIVE 82.1: WATER ACCESS STANDARD-ACQUISITION. The county will maintain its current inventory of water accesses and will acquire additional water accesses whenever and wherever economically feasible ("non-regulatory" desired future level of service, see Policy 95.1.4). (Amended by Ordinance No. 94-30, 00-22)

POLICY 82.1.1: The county will continue to pursue grants and other initiatives such as the "Save Our Coast" program as funding sources for additional water accesses. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and will develop or redevelop public water accesses throughout Lee County. (Amended by Ordinance No. 94-30, 00-22, 11-22)

POLICY 82.2.1: The development of each water access will be evaluated on an individual basis in order to provide the correct level of development for each site. Development of water accesses will vary from simple signage on some to parking areas, beach crossovers, and dune restoration on others.

POLICY 82.2.2: Lee County will provide parking at all water accesses where such development is appropriate and feasible. (Amended by Ordinance No. 00-22)

OBJECTIVE 82.3: INVENTORY OF WATER ACCESSES. Lee County will continue to research and maintain available data to determine if there are any additional publicly owned water access which could be added to the current inventories. This research will include the Gulf of Mexico frontage as well as the back bays. (Amended by Ordinance No. 94-30, 00-22)

POLICY 82.3.1: Lee County will reclaim any water accesses which are legally county owned property. This reclamation process will include removing any encroachments that have been placed in the access. (Amended by Ordinance No. 94-30, 00-22)

GOAL 83: COMMUNITY PARKS. To provide for the active recreational needs of the residents of unincorporated Lee County by providing adequate community park facilities appropriately located.

OBJECTIVE 83.1: COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in community parks by providing a minimum of 0.8 acres of developed Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). However, the County strives to provide 2 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved Community Park acres that are open for public use. The Community Park standards are non-regulatory and are not required for concurrency purposes. (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22, 14-09)

POLICY 83.1.1: Typical facilities at a community park may include ball fields, tennis courts, play areas, picnic areas, multipurpose courts, recreation buildings and sports fields. The specific design for community parks will be tailored to meet the needs of the community to be served while recognizing the particular attributes of the park site. A standard community park may or

may not include a community recreation center and/or a community pool. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 83.1.2: Standard community parks should be designed and developed to allow for passive uses as well.

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide four Community Recreation Centers of 25,000 square feet or more to provide for the need of unincorporated Lee County residents. (Amended by Ordinance No. 00-22, 11-22)

POLICY 83.2.1: Community recreation centers should be designed to accommodate active indoor recreation, physical improvement, and meeting places for the community, including social, educational, and cultural activities. (Amended by Ordinance No. 11-22)

OBJECTIVE 83.3: COMMUNITY POOL STANDARD. Lee County will maintain and operate community pools. (Amended by Ordinance No. 00-22)

POLICY 83.3.1: The county will continue to research national or regional standards for pool development and make recommendations, as needed for adoption of a local, non-regulatory standard. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, 07-12)

OBJECTIVE 83.4: SCHOOL PARKS. Lee County will develop active recreational facilities on School Board property in cooperation with the School Board when necessary to meet community needs. (Amended by Ordinance No. 00-22)

POLICY 83.4.1: The county departments/divisions responsible for park development and park maintenance will work with the School Board in an attempt to develop a revised interlocal agreement between the School Board and the Board of County Commissioners. The agreement will clearly set out the existing use of each other's properties and facilities, will establish the pattern for future use of these properties and facilities, and will establish procedures for maintenance of the facilities and properties. (Amended by Ordinance No. 94-30, 00-22)

GOAL 84: REGIONAL PARKS. To preserve a portion of the county's natural environment to augment that which is set aside by the state of Florida and the federal government, in order to preserve natural habitats, protect the water supply, and preserve the natural heritage; and to make these natural resources available to the general public for resource-based recreational activities, enjoyment of nature, and educational enrichment.

OBJECTIVE 84.1: REGIONAL PARK STANDARD. Lee County will provide a minimum of 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). However, the County strives to provide 8 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. The Regional Park standards are non-regulatory and are not required for concurrency purposes. (Amended by Ordinance No. 94-30, 98-09, 00-22, 14-09)

POLICY 84.1.1: Regional parks will be resource-based facilities which preserve natural amenities. Lee County will avoid locating incompatible uses in regional parks. (Amended by Ordinance No. 94-30, 00-22)

POLICY 84.1.2: Lee County will work with the East County Water Control District to establish a regional park at Harns Marsh. (Added by Ordinance No. 10-16)

GOAL 85: PARK PLANNING AND DESIGN. To plan, design, and construct parks, trails and greenways as identified in the Lee County Greenways Master Plan, and recreation sites to comply with the best professional standards of design, landscaping, planning, and environmental concern. (Amended by Ordinance No. 07-09)

OBJECTIVE 85.1: FUTURE PARKS. The planning, design, and construction of all park and recreation facilities including trails and greenways and programs will be supervised and monitored by the appropriate county agencies. (Amended by Ordinance No. 94-30, 00-22, 07-09)

POLICY 85.1.1: Parks will be designed with buffers to minimize conflicts between different recreational uses and between recreational and adjacent uses. (Amended by Ordinance No. 00-22)

POLICY 85.1.2: Parks will be linked to bike paths, trails and greenways, and other parks as identified in the Lee County Greenways Master Plan and the Lee County Bikeways/Walkways Facilities Plan where feasible. (Amended by Ordinance No. 00-22, 07-09)

POLICY 85.1.3: The feasibility of converting canal, railroad, and power line easements and right-of-ways into linear parks, trails and greenways in accordance with the Lee County Greenways Master Plan will be explored by county staff. (Amended by Ordinance No. 00-22, 07-09)

POLICY 85.1.4: The linking of parks, open spaces, linear parks, bike paths, and natural streams and sloughs will be in accordance with the Lee County Greenways Master Plan. (Amended by Ordinance No. 00-22, 07-09)

POLICY 85.1.5: The county will continue to participate in the formation, expansion, and management of those greenways identified in the Lee County Greenways Master Plan and the six regionally significant greenways identified in the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan. The six regionally significant greenways are: the Charlotte Harbor/Pine Island Sound Coastal Greenway, the Corkscrew Regional Ecosystem Watershed Greenway, the Estero Bay/Wiggins Pass Coastal Greenway, the Hickey Creek Greenway, the Sanibel Island Greenway, and the Six Mile Cypress Slough Preserve Greenway. (Added by Ordinance No. 98-09, Amended by Ordinance No. 07-09)

OBJECTIVE 85.2: EXISTING PARKS. Any conversion of public parks, easements, and open spaces will be considered only after due public notice. (Amended by Ordinance No. 00-22)

POLICY 85.2.1: Public parks, easements, and open spaces which have a demonstrated public benefit are to be protected from conversion to incompatible public or private uses.

POLICY 85.2.2: All persons will submit proposed conversions from public parks, easements, and open spaces to other land uses to Lee County for review and approval. Approval will be granted only if the proposed conversion is consistent with the public interest and this plan. (Amended by Ordinance No. 00-22)

OBJECTIVE 85.3: PLANNING AND DESIGN. The county will rely on in-house capabilities in the planning and design of new or re-developed facilities. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 85.3.1: Using in-house resources, county staff will design facilities using best professional practices for the development or re-development of parks. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 85.4: To provide multi-use trails within Lee County and its municipalities for recreation, transportation, and economic development consistent with the Greenways Master Plan. (Added by Ordinance No. 07-09)

POLICY 85.4.1: Implement and update as necessary the Lee County Greenways Master Plan to provide multi-use non-motorized trails throughout Lee County. (Added by Ordinance No. 07-09)

POLICY 85.4.2: Prepare design plans and begin construction of trails consistent with the Lee County Greenways Master Plan Program, identifying available state, national, and local funding sources such as (but not limited to) the State and Local Transportation Enhancement Program, Local Capital Improvement Program, Florida Communities Trust Florida Forever Program, the Florida Department of Environmental Protection Florida Recreation Development Assistance Program (FRDAP), Florida Office of Greenways and Trails Land Acquisition Program, as well as the Land and Water Conservation Fund. (Added by Ordinance No. 07-09)

GOAL 86: ENVIRONMENTAL AND HISTORIC PROGRAMS. To provide programs and information to promote knowledge and understanding of Lee County's unique environmental and cultural heritage.

OBJECTIVE 86.1: The county will provide information and education programs regarding its cultural history and its environment at appropriate facilities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 86.1.1: The county, in cooperation with the School Board's Department of Environmental Education and the Caloosa Nature Center of Lee County, will provide environmental education programs and information at appropriate facilities. These programs will be designed to provide a broad understanding of Southwest Florida's historic and archaeological past and its ecological systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 86.1.2: The county will place informational plaques or markers at its facilities which have significance for cultural history. (Amended by Ordinance No. 94-30, 00-22)

POLICY 86.1.3: The county will work with the Lee County Historic Preservation Board to provide historically significant information at the appropriate facilities. (Amended by Ordinance No. 94-30, 00-22)

GOAL 87: CAPITAL PLANNING. To plan, budget, and fund a comprehensive park system that properly meets the needs for the future of Lee County.

OBJECTIVE 87.1: As part of the annual adoption of the five year Capital Improvements Program, County staff will demonstrate how the standards in this plan relating to parks and recreation facilities are implemented in the five-year plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.1.1: The adopted Capital Improvements Program reflects the distribution of park facilities throughout the unincorporated county. The use of community park impact fee districts provides a mechanism to distribute facilities based on population, travel patterns, and existing facilities. (Amended by Ordinance No. 94-30)

POLICY 87.1.2: The Capital Improvements Program will identify how park impact fees, other earmarked capital funds, and all general funds are to be used for capital projects.

POLICY 87.1.3: Land development will be required to bear a proportionate cost of the provision of new or expanded parks required by such development. Park impact fees are the most equitable means of capturing these costs. Lee County will therefore require impact fees for regional and community parks. (Amended by Ordinance No. 00-22)

POLICY 87.1.4: The county will periodically review the parks impact fee ordinance and park impact fee districts to determine if changes are warranted. Such review will include an analysis of land/development costs, administrative costs/changes, and population/development pattern changes. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 87.2: PUBLIC/PRIVATE COORDINATION. Lee County will coordinate with other public agencies and with private organizations, corporations, and individuals to use all available and potential resources to meet recreation demands. (Amended by Ordinance No. 00-22)

POLICY 87.2.1: Lee County will work with state and federal agencies and other groups to explore the possibility of grants, matching funds, contributions, joint-use agreements, sharing of facilities, leasing of land, and volunteer labor which will further the goal of providing a comprehensive park system that properly meets the needs of the county. These cooperative efforts should also include working with private organizations and corporations to form public/private partnerships to achieve the goal. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.2: Where feasible, Lee County will enter into interlocal agreements or other such cooperative efforts with the School Board, the municipalities, regional agencies, and the state and federal governments to enhance the park and recreational facilities/services of Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.3: Lee County will continue to cooperate with the Florida Department of Environmental Protection (or its successor in title) to develop a land management plan for the Estero Bay Aquatic Preserve and its buffer area. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.4: Lee County will assist the efforts by the School Board and Florida Power and Light to establish a manatee park on the Orange River. (Amended by Ordinance No. 00-22)

POLICY 87.2.5: Lee County will implement the Matanzas Harbor Plan by encouraging private/public coordination. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.2.6: Lee County will adopt an administrative code which sets forth procedures to accept private and corporate donations of items to be placed in Lee County parks. (Amended by Ordinance No. 94-30, 00-22)

GOAL 88: PARKS AND PROGRAM ADMINISTRATION. To protect the county's investments by providing for the continued maintenance of parks infrastructure and the administration of programs utilizing the parks. (Added by Ordinance No. 94-30)

OBJECTIVE 88.1: Lee County will ensure that the costly investment that has been made in parks and recreation is protected through proper maintenance of facilities. (Amended by Ordinance No. 00-22)

POLICY 88.1.1: The county will adopt an administrative code and/or a procedures manual which requires the establishment of maintenance procedures based on facility type/need throughout the county parks system. (Amended by Ordinance No. 00-22)

OBJECTIVE 88.2: Lee County will ensure that a variety of interests are reflected in the programs and events which utilize park facilities. (Amended by Ordinance No. 00-22)

POLICY 88.2.1: The county will adopt an administrative code and/or a procedures manual which regulates the scheduling, programming and organization of events and activities at all county park facilities. (Amended by Ordinance No. 00-22)

GOAL 89 – GOAL 94: [RESERVED]

CAPITAL IMPROVEMENTS



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter VI

VI. Capital Improvements

GOAL 95: To provide public facilities and services in Lee County adequate to serve the needs of both existing and future development.

OBJECTIVE 95.1: CAPITAL IMPROVEMENTS. Ensure the provision of public facilities at the adopted "Minimum Acceptable Levels of Service" by continuing the established capital improvements programming and budgeting system and using those "Minimum Acceptable Levels of Service" as the basic gauge of need and compliance. (Amended by Ordinance No. 94-30)

POLICY 95.1.1: CAPITAL IMPROVEMENTS PROGRAM (CIP). The county will annually evaluate and update this Capital Improvements element to incorporate the schedule of capital improvements adopted as part of the annual operating budget. The schedule must show all public facility projects to be undertaken during the ensuing five-year period. The following policies will govern the development of the CIP:

a. Preparation of the CIP:

1. Each county department having responsibility for public facilities for which levels of service have been set under this plan will annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department will prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.
3. A proposed CIP will be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP will be "balanced" (i.e., proposed expenditures will not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP will be a report of the projects designated as needed, but which cannot be funded.
4. The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget must be consistent with the first year of the adopted CIP. The schedule of capital improvements adopted as part of the annual operating budget will be incorporated into the Lee Plan annually by ordinance.
5. The adopted CIP may be reviewed by the Board of County Commissioners during periodic public meetings. The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general.

6. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program will be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

b. Priorities for the CIP:

Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects that are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the county's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas; and
5. Projects that provide new or additional facility capacity for undeveloped Future Urban areas.

For the purpose of ranking projects in categories 4 - 5 that fall into the same category, the following will be considered:

- (a) Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4, 38.2.6, 40.2.2, 40.2.6, 76.1.2, and 109.1.3; and
- (b) Whether the facility is needed to satisfy a regulatory or a non-regulatory level of service requirement in this element.

Other factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

- (a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;
- (b) The revenue-generating potential of the project;
- (c) Offers of donations of lands and/or services by the private sector and/or other governmental entities; and
- (d) The size and number of similar projects in each of the county's planning and commission districts.

c. Effect of the CIP:

1. After adoption of the CIP, no public facility project will be constructed by the county, nor will land be acquired for such project, except in conformity with the adopted CIP.
 2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the CIP. Any CIP amendment which delays or cancels a project should only be made after consideration of:
 - (a) Changes in facility needs based on more up-to-date population projections;
 - (b) Changes in revenues compared with previous projections; and
 - (c) Changes in adjusted level of service standards.
 3. The county will consider and may accept dedication of facilities contributed to the county. Where contributed facilities are not provided by county funds, they need not be included in the CIP prior to acceptance. The county may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System.
- (Amended by Ordinance No. 94-30, 00-22, 07-16, 16-03)

POLICY 95.1.2: CAPITAL FACILITY FINANCING POLICIES.

- a. The use of ad valorem tax revenues for capital facilities should be limited to the General, MSTU, Library, Transportation Improvement, and Capital Improvement Funds, unless required in other funds by bond indenture agreements or by the terms of municipal service taxing/ benefit units. Where a project may be funded from ad valorem tax revenues and other sources (except impact fees), other sources should be used before ad valorem tax funds are used.
- b. The use of gas tax revenues should be limited to the Transportation Improvement Fund, unless required in other funds by bond indenture agreements.
- c. The use of sales tax revenues for capital facilities should be limited to the General and MSTU Funds, unless required in other funds by bond indenture agreements.
- d. The use of revenues which have been pledged to bondholders must conform in every respect to bond covenants which commit those revenues.
- e. The county should annually prepare revenue estimates to provide information about revenue sources available to support capital facility construction.
- f. Staff will prepare estimates of the operating and maintenance costs of each CIP project along with the capital costs of each facility.
- g. The county should actively seek grant funds from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations (including operating restrictions) involved in such grants.
- h. The county should investigate the feasibility of charging user fees to offset the cost of each new CIP project for which user fees could reasonably and legally be collected.

- i. Capital Improvement Funds will be anticipated at millages which will generate sufficient revenue to make all required payments.
- j. The county should allocate county-wide revenues only to facilities which provide services to the entire county. Where benefits are limited to a specific area or function; revenues derived from that geographical area or function should be used to the maximum extent feasible.
- k. A reserve for contingency of not less than 3% nor more than 10% of the fund total should be budgeted in each capital fund. These funds should be available for reallocation by the Board as needed during the year to fund unexpected increases in capital costs and/or to fund additional projects which could not be anticipated in the annual CIP.
- l. A reserve for cash flow will be budgeted in any fund which requires monies to be carried forward into the following year to support needed expenditures until sufficient current revenues are received, but in no case will exceed the projected cash needs for 90 days or 20% of the fund budget, whichever is greater.
- m. The county should prepare an annual analysis of financial condition. This analysis will include consideration of capital facility financing needs and revenues available to finance such needs.
- n. Capital Project budgets will only be altered in one of two ways:
 - 1. Administrative approval of transfer of funds to reserves for projects funds not required for authorized expenditures; or
 - 2. Board approval of transfer of funds from reserves to increase a project budget and concurrently revise the 5-year Capital Improvements Program.
- o. At the end of each fiscal year, unexpended fund balance at the project level in each fund will be carried over to the subsequent fiscal year budget in an amount equal to the prior year's unexpended project budget. Any unexpended fund balance in excess of project budget will be redistributed to fund other capital obligations, if necessary. The excess fund balance will be treated as capital reserves to be allocated in subsequent fiscal years.
- p. The county will not limit the use of revenue bond funded projects to a specified percentage of total debt. The county will address the use of debt financing in a comprehensive manner which precludes establishing limitations on the use of revenue bonds or other forms of debt financing.
- q. The county will not limit the ratio of total debt service to total revenues to any specified amount.
- r. The county will not limit the ratio of total capital indebtedness to the property tax base. Currently Lee County has no debt financing that relies on property taxes as its source of revenue. (Amended by Ordinance No. 94-30, 00-22)

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.

REGULATORY STANDARDS

1. Potable Water Facilities:

Minimum Acceptable Level of Service:

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

2. Sanitary Sewer Facilities:

Minimum Acceptable Level of Service:

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

3. Facilities for Disposal of Solid Waste:

Minimum Acceptable Level of Service:

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

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service:

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

(b) Six Mile Cypress Watershed - The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all

new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

- (c) Regulation of Private and Public Development - Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.

5. Public School Facilities

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

- (a) Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (b) Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (c) High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
- (d) Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

NON-REGULATORY STANDARDS

6. Parks and Recreation Facilities:

Minimum Level of Service:

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

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). (Amended by Ordinance No. 16-07)

8. Recreation Facilities:

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

9. Libraries:

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

10. Emergency Medical Service:

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

(Amended by Ordinance No. 91-19, 92-35, 94-30, 99-15, 00-08, 00-22, 02-02, 07-09, [Partially] Renumbered by Ordinance No. 08-17, Amended by Ordinance No. 08-27, 10-36, 11-22, 14-09)

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS. For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrency Management System.

1. Stormwater Management Facilities:

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

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

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

2. Parks and Recreation Facilities:

- a. Regional Parks:
Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.
 - b. Community Parks:
Lee County will provide 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.
3. Libraries:
2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.
(Amended by Ordinance No. 91-19, 93-25, 94-30, 98-09, 00-22, 14-10)

POLICY 95.1.5: In accordance with Florida Statute §163.3177(3), Table 3 contains a schedule of capital improvements, extracted from the most recently adopted CIP and incorporated into the Lee Plan by ordinance. This schedule provides, by operating department and type of improvement, a list of projects identified by project number and descriptive name, with the proposed annual budget and five-year total expenditures. Table 3A provides the location of the project by Planning District, the plan criteria by priority numbers established in Policy 95.1.1(b), and specific references to the Lee Plan policies which require or encourage the proposed capital project. (Amended by Ordinance No. 94-30, 16-03)

POLICY 95.1.6: In accordance with Florida Statute §163.3177(3), Table 3 is hereby provided as the required list of projected costs and revenue sources by the type of public facility. Additional information may be obtained by consulting the annual update of the Lee County Capital Improvements Program or the Lee County annual fiscal year budget document. (Amended by Ordinance No. 94-30, 16-03)

OBJECTIVE 95.2: CONCURRENCY MANAGEMENT SYSTEM. Maintain a "Concurrency Management System" (CMS) within the development regulations in accordance with F.S. 163.3202. The CMS will ensure that no development permits will be issued unless the established regulatory level-of-service requirements are met or will be met as needed to serve the development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 95.2.1:

- a. The purpose of the CMS will be to ensure that no development permit is issued unless the facilities necessary to serve the development are in place and have adequate capacity as defined by the adopted level-of-service standard. Only those facilities for which "regulatory standards" are established will be incorporated in the CMS.
- b. The CMS will consider:
 - 1. The service actually provided by the type of facility and the factors which contribute to the adequacy of that service;
 - 2. The proximity and/or accessibility of the service in relation to the site of the individual development permit under consideration; and
 - 3. The type of land use proposed and the density or intensity of use.
- c. The CMS will include a review and appeal process to ensure adequate due process for any situation where operation of the CMS results in the denial of permission to make reasonable beneficial use of the land in question. Under this process variances may be issued, but will be

limited to allow only such development rights as are necessary to avoid the unconstitutional taking of private property without due process of law.

- d. In administering the CMS, the estimated (remaining) capacity of any specified facility will be adjusted to take into account the dormant demand represented by land for which local or DRI Development Orders were issued prior to the effective date of this plan, and by any land the development of which is exempt from the requirements of the Land Development Code. (Amended by Ordinance No. 94-30, 00-08, 00-22)

OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays an appropriate share of the capital costs of the public infrastructure directly attributable to that new development. (Amended by Ordinance No. 94-30, 14-10)

POLICY 95.3.1: Impact fees for and/or fees-in-lieu of private provision of designated public facilities will be set to capture a substantial proportion of the full and real cost of the designated facility, and will be reviewed and updated regularly. (Amended by Ordinance No. 00-22)

POLICY 95.3.2: Lee County will assist any duly constituted public agency within its boundaries, at that agency's request, in developing an impact fee program to offset the impacts of new growth on that agency or jurisdiction's capital or facility requirements. (Amended by Ordinance No. 00-22)

OBJECTIVE 95.4: FLORIDA'S TENTH UNIVERSITY. Recognize the unique advantages and obligations which accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47)

POLICY 95.4.1: Upon completion of the Conceptual Master Plan required by Policy 18.1.9 the Capital Improvements Element and Capital Improvement Program will be amended to reflect the unique obligations which will accompany the development and maturation of Florida's Tenth University. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22)

POLICY 95.4.2: The infrastructure improvements necessitated by Florida's Tenth University which will require the expenditure of public funds will be consolidated, as a package, for public review and comment prior to amending the Capital Improvements Element. (Added by Ordinance No. 92-47, Amended by Ordinance No. 00-22)

OBJECTIVE 95.5: FIVE-YEAR SCHEDULE OF SCHOOL DISTRICT CAPITAL IMPROVEMENTS. The five-year schedule of capital improvements will include those projects necessary to address future needs of existing and anticipated school enrollment. The Capital Improvements Plan will set forth a financially feasible public school facilities program, in coordination with the school board that demonstrates that the adopted level of service standards will be achieved and maintained. (Added by Ordinance No. 08-17)

POLICY 95.5.1: The County will annually incorporate by ordinance into the Capital Improvements element the School District's annually adopted Five-Year Capital Facilities Plan. (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27, 16-03)

POLICY 95.5.2: The County, in conjunction with the School District, will annually review the Community Facilities and Services element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location

of schools and ancillary facilities for the five-year planning period and the long-range planning period. (Added by Ordinance No. 08-17; Amended by Ordinance No. 16-03)

POLICY 95.5.3: The County and the School District will coordinate and share information relating to existing and planned public school facilities. (Added by Ordinance No. 08-17)

POLICY 95.5.4: The County will participate in the preparation of the School District's annual update to the School District's five-year facility work program. The County will coordinate with the School District and municipalities in the preparation of a financially feasible public capital facilities program as defined in section 163.3164, F.S. (Added by Ordinance No. 08-17)

GOAL 96 - GOAL 100: [RESERVED]

CONSERVATION AND COASTAL MANAGEMENT



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter VII

VII. Conservation and Coastal Management

GOAL 101: PLANNING, COORDINATION AND IMPLEMENTATION. To protect the public from the effects of natural and technological hazards through county emergency plans and programs.

OBJECTIVE 101.1: The county will maintain a system that provides a reasonable opportunity for protecting the population at risk to injury or death from the natural and technological hazards defined in the 1984 Lee County Hazard Vulnerability Analysis or subsequent updates. (Amended by Ordinance No. 00-22)

POLICY 101.1.1: The Lee County Comprehensive Emergency Management Plan will be used as the operational guide in preparing for, responding to, and recovering from natural and technological hazards requiring emergency actions by local government officials. (Amended by Ordinance No. 00-22)

POLICY 101.1.2: The county, in cooperation with local news media, educational institutions, public service groups, and other agencies will implement a program of education and information describing the risks of hazards such as hurricanes, tropical storms, severe thunderstorms, tornadoes, lightning, freezes, and attack from hostile governments; and actions necessary to mitigate the dangers which these hazards present. (Amended by Ordinance No. 00-22)

POLICY 101.1.3: The county will establish and maintain a program describing facilities and sites designated to serve as local, state, and federally sponsored emergency assistance locations; examples of such facilities include disaster application centers, citizen assistance centers, disaster field offices, temporary housing sites, and debris disposal locations. (Amended by Ordinance No. 00-22)

POLICY 101.1.4: The county will maintain a mechanism to coordinate the development and maintenance of emergency plans and programs among the relevant local, regional, and state governments, districts, the administration of the Florida Gulf Coast University, or agencies. (Amended by Ordinance No. 94-30, 00-22)

GOAL 102: PEOPLE WITH SPECIAL NEEDS. To assist in the emergency preparedness requirements of the county's elderly, frail, infirmed, or handicapped (people with special needs).

OBJECTIVE 102.1: The county will continue to have mechanisms in place to assist people with special needs during an emergency. (Amended by Ordinance No. 94-30, 00-22)

POLICY 102.1.1: New hospital, nursing home, adult congregate living facility, or developmentally disabled projects must prepare an emergency preparedness plan acceptable to the Lee County Division of Public Safety prior to receiving a final development order. (Amended by Ordinance No. 00-22)

POLICY 102.1.2: The county, in cooperation with other public agencies and service groups, will continue its efforts to assist in the emergency transportation needs of residents having limited mobility who do not reside in licensed institutions serving people with special needs. (Amended by Ordinance No. 94-30, 00-22)

POLICY 102.1.3: The county, in cooperation with other public agencies and service groups, will continue its efforts to provide basic medical services in selected emergency public shelters for people with special needs. (Amended by Ordinance No. 94-30, 00-22)

GOAL 103: HAZARDOUS MATERIALS. To protect the public and the environment from accidental contact with hazardous materials.

OBJECTIVE 103.1: The county will support and assist in the creation, maintenance, and improvement of appropriate responses to hazardous material accidents, spills, or leaks. (Amended by Ordinance No. 00-22)

POLICY 103.1.1: The county will strive to maintain a representative on the Local Emergency Planning Committee (as required by the provisions of Title III: The Federal Emergency Planning and Community Right-To-Know Act of 1986). Through this representative, the county will continue to support and implement to the extent practicable the responsibilities set forth by the Local Emergency Planning Committee until such time as the Committee is terminated. (Amended by Ordinance No. 94-30, 00-22)

POLICY 103.1.2: The county will assist the various fire districts and other interested parties in the development and maintenance of a hazardous material response team; will provide notification, resource, and logistical support to the response team and other primary agencies responding to hazardous material incidents; and will assist in coordinating the various resources to ensure proper containment, cleanup and disposal of hazardous materials involved in an emergency incident. (Amended by Ordinance No. 00-22)

POLICY 103.1.3: The county will develop and maintain a hazardous material emergency response plan that complies with applicable federal and state regulations and guidelines. (Amended by Ordinance No. 00-22)

POLICY 103.1.4: The county will assist the various fire districts and appropriate parties in the development and maintenance of a training program for hazardous material response. (Amended by Ordinance No. 00-22)

POLICY 103.1.5: Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances contained on the list of extremely hazardous substances published in the Federal Register on 11/17/86 (or subsequent updates) must establish an emergency notification system in the event of a release of a listed hazardous substance. Notification information will conform to requirements set forth in Section 304 of Title III: The Federal Emergency Community Right-to-Know Act of 1986. (Amended by Ordinance No. 00-22)

POLICY 103.1.6: Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances listed in Chapter 38F-41, Florida Administrative Code (or subsequent updates), must prepare or have available material safety data sheets (MSDS) under the Occupational Safety and Health Administration regulations

and submit either copies of MSDS or a list of MSDS chemicals to the applicable fire department or district and to the Lee County Division of Public Safety. (Amended by Ordinance No. 94-30, 00-22)

POLICY 103.1.7: The county will review disaster preparedness plans for all petroleum storage facilities including any petroleum port or storage facility. This review will also include an assessment of the engineering specifications of the containment dikes at the site in a 100-year storm surge. (Amended by Ordinance No. 99-15)

GOAL 104: COASTAL RESOURCE PROTECTION. To protect the natural resources of the coastal planning area from damage caused by inappropriate development. (See also Goal 113.) (Amended by Ordinance No. 94-30)

OBJECTIVE 104.1: ENVIRONMENTALLY CRITICAL AREAS. Within the coastal planning area, the county will manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Goal 114) and Rare and Unique upland habitats. Rare and Unique upland habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (FDOT, 1985). (See also Policy 113.1.4.) The digitization of the 1989 baseline coastal vegetation mapping (including wetlands and rare and unique uplands, as defined above) will be completed by 1996. (Amended by Ordinance No. 94-30, 00-22)

POLICY 104.1.1: Development will be limited in Rare and Unique upland habitats and strictly controlled in wetlands in the coastal planning area. (See Policy 107.1.1(2) and Goal 114.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 104.1.2: The county will continue to support the preservation of environmentally sensitive areas in the coastal planning area by land acquisition. (Amended by Ordinance No. 94-30, 00-22)

POLICY 104.1.3: The county will study the costs and benefits of extending the Estero Bay Aquatic Preserve to include major inland tributaries (Hendry, Mullock, and Spring Creeks, and the Estero and Imperial Rivers) by 2005. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

GOAL 105: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. To protect human life and developed property from natural disasters. (See also Goal 110.) (Amended by Ordinance No. 94-30)

OBJECTIVE 105.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)

POLICY 105.1.1: County policy regarding development seaward of the updated 1991 Coastal Construction Control Line will be re-evaluated approximately every five years beginning in 1995 to assess the adequacy of policies and practices developed by the Department of Environmental Protection. (Amended by Ordinance No. 92-35, 94-30, 00-22)

POLICY 105.1.2: Rezoning to allow higher densities will not be permitted on barrier and coastal islands if the capacity of critical evacuation routes would thereby be exceeded (see Objective 109.1). (Amended by Ordinance No. 92-35, 00-22)

POLICY 105.1.3: Shoreline development in V Zones will be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 113.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Amended by Ordinance No. 92-35, 00-22)

POLICY 105.1.4: Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22, 05-19)

POLICY 105.1.5: Zoning requests located in the coastal high hazard area will be considered for reduced or minimum density assignments, in accordance with their future land use category density range. This evaluation should be done in concert with an evaluation of other individual characteristics such as compatibility with existing uses, desired urban form, and availability of urban services. (Added by Ordinance No. 05-19)

GOAL 106: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)

OBJECTIVE 106.1: COASTAL HIGH HAZARD AREA EXPENDITURES. Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)

POLICY 106.1.1: All further public expenditures made for new facilities on undeveloped barrier islands or within V zones will require a finding by the county commission that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation and open space needs. (Amended by Ordinance No. 00-22)

POLICY 106.1.2: No new causeways (public or private) will be constructed to any islands. (Amended by Ordinance No. 00-22)

POLICY 106.1.3: No new bridges will be constructed to undeveloped barrier islands except where needed to achieve evacuation clearance time objectives on adjoining islands connected by existing bridges. In such a case, this plan will be amended to insure that the ultimate development of all areas served by the new bridge is limited to levels which can safely be served by the new and existing bridges. (Amended by Ordinance No. 00-22)

POLICY 106.1.4: When state funding is required for the relocation or replacement of infrastructure currently within the Coastal Building Zone, the capacity of the replacement structure will be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

GOAL 107: RESOURCE PROTECTION. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN. The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.1.1: County agencies implementing the natural resources management program will be responsible for the following:

1. Identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation.
2. Recommending standards to the Board of County Commissioners for Board approval for development and conservation that will protect and integrate wetlands (as defined in Objective 114.1) and significant areas of Rare and Unique upland habitats (as defined in Objective 104.1).
3. Preparing standards for wetland and rare and unique upland mitigation.
4. Conducting a sensitive lands acquisition program, which will consist of the following elements (see also Policy 107.2.8):
 - a. A comprehensive inventory of environmentally sensitive lands will be maintained and expanded as new data becomes available.
 - b. Environmentally sensitive lands will include wetlands (as defined in Objective 114.1); important plant communities (as identified by Objective 107.2); critical habitat for listed wildlife species (see also Objective 107.8 and Policies 107.4.1, 107.4.2, 107.10.4, and 107.11.2); environmentally sensitive coastal planning areas (as defined in Policy 113.1.5); natural waterways; important water resources (as defined in Policy 117.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 104.1).
 - c. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee

(CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.

- d. The county will take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program. Priority should be given to acquiring and otherwise protecting properties which are adjacent to or in close proximity to existing preservation areas, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors. (Amended by Ordinance No. 07-09)
 - e. The county (or other appropriate agency) will prepare a management plan for each acquired site for the long term maintenance and enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.
 - f. The county will encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.
 - g. The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.
5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.
 6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.
 7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.
 8. Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.
 9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.
 10. Providing on an as needed basis a report to the County Commission on the status of wetlands and rare and unique uplands.
(Amended by Ordinance No. 94-30, 98-09, 00-22, 07-12, 07-16)

POLICY 107.1.2: To increase protection of natural resources, the County will promote the formation of a public/private management team to coordinate area wide conservation easements. (Added by Ordinance No. 07-16)

POLICY 107.1.3: Pursue Mutual Aid Agreements to plan and pool resources and equipment. (Added by Ordinance No. 07-16)

OBJECTIVE 107.2: PLANT COMMUNITIES. Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County. (Amended by Ordinance No. 94-30)

POLICY 107.2.1: Coordinate with state and regional agencies to exchange updated natural resources information. (Amended by Ordinance No. 94-30)

POLICY 107.2.2: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands (as defined in Policy 107.1.1.4.b.). (Amended by Ordinance No. 94-30)

POLICY 107.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.

POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

POLICY 107.2.5: Maintain regulations to control the clearing of natural vegetation, including tree removal and clearing of understory, prior to the development of property or its conversion to agricultural uses. (Amended by Ordinance No. 94-30)

POLICY 107.2.6: Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.

POLICY 107.2.7: Require inventories and assessments of the impacts of development in environmentally sensitive lands. (Amended by Ordinance No. 94-30)

POLICY 107.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, and public acquisition. (Amended by Ordinance No. 94-30)

POLICY 107.2.9: Maintain regulations, incentives, and programs for preserving and planting native plant species and for controlling invasive exotic plants, particularly within environmentally sensitive areas. (Amended by Ordinance No. 94-30)

POLICY 107.2.10: Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas must protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations. (Amended by Ordinance No. 00-22)

POLICY 107.2.11: Prohibit the planting of invasive exotic plants in landscaping requirements for land development projects. Prohibited invasive exotic plant species will be specified in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.2.12: To ensure that adequate protection of mangroves is maintained, the county will re-evaluate and amend, if necessary, its mangrove protection regulations whenever state mangrove protection regulations are revised. The county will oppose any efforts of other agencies to reduce or eliminate regulations relating to the protection of mangroves and other wetland areas. (Amended by Ordinance No. 93-25, 94-30, 00-22)

POLICY 107.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning. (Added by Ordinance No. 07-16)

POLICY 107.2.14: Coordinate and stay informed on exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal. (Added by Ordinance No. 07-16)

OBJECTIVE 107.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Amended by Ordinance No. 94-30)

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

POLICY 107.3.2: Participate with the Southwest Florida Regional Planning Council and the Florida Game and Fresh Water Fish Commission in the development of a regional plan that identifies and protects areas utilized by wildlife, including panthers and bears so as to promote the continued viability and diversity of regional species. (Amended by Ordinance No. 92-48)

OBJECTIVE 107.4: ENDANGERED AND THREATENED SPECIES IN GENERAL. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

POLICY 107.4.1: Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Game and Freshwater Fish Commission, as periodically updated. Lee County's Protected Species regulations will be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development. There will be a funding commitment of one full-time environmental planner to enforce this ordinance through the zoning and development review process. (Amended by Ordinance No. 92-48, 94-30, 00-22)

POLICY 107.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

POLICY 107.4.3: Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

POLICY 107.4.4: Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special

concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 107.5: LOGGERHEAD SEA TURTLES. Continue the sea turtle protection program to minimize the disorientation of sea turtles along the Gulf beaches. (Amended by Ordinance No. 94-30)

POLICY 107.5.1: The sea turtle protection program includes at least the following activities:

1. Distribute a guide for homeowners and builders which explains the detrimental effects of night-time beachfront lighting on hatchling sea turtles.
2. Continue to examine public light sources (streetlights, security lights, beach access lights, etc.) and prepare a plan to minimize the amount of harmful light from such sources onto the beach during the nesting season.
3. Continue to conduct an educational program to persuade residents to reduce lighting levels on the beach and to publicize other hazards to turtles from activities of people, pets, and vehicles.
4. Continue to provide and enforce sea turtle regulations to prevent inappropriate lighting along beaches during the nesting season. (Amended by Ordinance No. 94-30)

OBJECTIVE 107.6: SOUTHERN BALD EAGLES. The county will continue to monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests. (Amended by Ordinance No. 98-09)

POLICY 107.6.1: Maintain a policy of negotiations with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development.

POLICY 107.6.2: The county Eagle Technical Advisory Committee will continue to conduct nest monitoring through the nesting season for all known eagle nests in Lee County. Information from these assessments will be used to modify, as needed, the adopted nest guidelines and to adopt guidelines for new eagle nests documented in Lee County. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 107.6.3: The Committee will continue to inform land owners and the general public of proper practices to minimize disturbances to eagle nests. (Amended by Ordinance No. 94-30, 98-09)

OBJECTIVE 107.7: WEST INDIAN MANATEES. Implement a broad based approach to manatee protection, including reduced boat related mortality, habitat protection, and increased public awareness, in order to maintain the health and stability of the marine ecosystem including the existing manatee population. (Amended by Ordinance No. 94-30, 98-09, 07-09)

POLICY 107.7.1: Characterize and map important manatee habitats; identify and evaluate potential threats to important habitats; and consider management alternatives to protect such habitats. (Amended by Ordinance No. 07-09)

POLICY 107.7.2: Work with Federal and State agencies and law enforcement officers to evaluate and update as necessary the appropriateness of vessel regulations and ensure adequate sign posting for reducing manatee injuries and mortality. (Amended by Ordinance No. 94-30, 98-09, 07-09)

POLICY 107.7.3: Inform and educate the public through sign posting, lectures, and regulations about manatee protection.

POLICY 107.7.4: Educational materials regarding manatees should be disseminated to boaters and signs placed in areas where both manatees and humans congregate and at public boat access locations. (Amended by Ordinance No. 07-09)

POLICY 107.7.5: Construction and expansion of boat access facilities with a capacity of five vessels or more will be evaluated against the marine facility siting criteria in the Lee County Manatee Protection Plan approved on June 29, 2004. (Amended by Ordinance No. 00-22, 07-09)

POLICY 107.7.6: Federal, State, local, and private interests will work in cooperation to implement and update as necessary the Lee County Manatee Protection Plan approved by Lee County on June 29, 2004. (Amended by Ordinance No. 00-22, 07-09)

POLICY 107.7.7: The county will continue to provide a permanent funding source to assist in the enforcement of vessel regulations for manatee protection. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 107.8: GOPHER TORTOISES. The county will protect gopher tortoises through the enforcement of the protected species regulations and by operating and maintaining, in coordination with the Florida Game and Fresh Water Fish Commission, the Hickey Creek Mitigation Park. (Amended by Ordinance No. 94-30)

POLICY 107.8.1: The county's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements. (Amended by Ordinance No. 94-30)

OBJECTIVE 107.9: RED-COCKADED WOODPECKER. County staff will coordinate with the Florida Game and Fresh Water Fish Commission to determine on a case-by-case basis the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management. (Amended by Ordinance No. 94-30)

POLICY 107.9.1: County staff will note and document other possible red-cockaded woodpecker sites during routine site inspections.

OBJECTIVE 107.10: WOODSTORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.1: County protected species regulations will continue to include wood storks as a Lee County Listed Species, requiring surveys for and protection of wood stork habitat. The county will continue to maintain an inventory of documented feeding, roosting, and rooking areas for the wood stork to ensure that surveys submitted through the Protected Species Ordinance include such areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.2: The county will continue to require management plans for existing wood stork feeding, roosting, and rooking areas to utilize "Habitat Management Guidelines for the Wood Stork in the Southeast Region" (U.S Fish and Wildlife Service, 1990). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.3: The county will encourage the creation of wood stork feeding areas in mandatory littoral shelf design, construction, and planting. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.4: By 1995, the county will identify wood stork flight patterns from roosting and rooking areas to feeding areas within the county. By 2000, evaluate the impact of existing tall structures on wood storks within significant flight areas and consider adoption of regulations if it is deemed appropriate. Include significant wood stork roosting, rooking, and feeding areas in the inventory of environmentally sensitive lands for potential acquisition (see Policy 107.1.1.4). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.10.5: The county will continue to permit communication towers in excess of 100 feet only by special exception. The impacts of such towers on woodstorks must be considered in the review of these applications. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 107.11: FLORIDA PANTHER AND BLACK BEAR. County staff will develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. (Amended by Ordinance No. 92-48, 00-22)

POLICY 107.11.1: Lee County will maintain and update data on sitings and habitat for the black bear and Florida panther. (Amended by Ordinance No. 94-30)

POLICY 107.11.2: Encourage state land acquisition programs to include known panther and black bear corridors. The corridor boundaries will include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks). (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.11.3: Lee County will inform Collier and Charlotte counties as to Lee County corridor acquisition projects to encourage a regional approach to corridor acquisition. (Amended by Ordinance No. 00-22)

POLICY 107.11.4: The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code. (Amended by Ordinance No. 98-09)

POLICY 107.11.5: The county will continue to include the Florida panther and black bear in the protected species management section of Chapter 10 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

POLICY 107.11.6: In any vegetation restoration projects conducted by Lee County for land acquired due to its environmental sensitivity (such as the Six Mile Cypress Strand and the Flint

Pen Strand), plant lists will include species that provide forage for the prey of the Florida panther and forage for the black bear. (Amended by Ordinance No. 00-22)

OBJECTIVE 107.12: MARINE PRODUCTIVITY. Lee County will support maintenance and improvement of marine fisheries productivity, and promote the conservation of fishery resources through the protection and restoration of finfish and shellfish habitat. (Amended by Ordinance No. 00-22)

POLICY 107.12.1: Assist in creating and renourishing artificial reefs in coordination with the Florida Department of Environmental Protection and other appropriate organizations. (Amended by Ordinance No. 94-30)

POLICY 107.12.2: Support state and federal fisheries management programs that protect and enhance the long-term biological and economic productivity of coastal and estuarine waters and their sources for commercial and sport fisheries.

POLICY 107.12.3: Unmarked channels or passages that have been used to traverse shallow in-shore waters may be marked to reduce injury to marine seagrass beds if appropriate (subject to obtaining necessary permit approvals).

GOAL 108: ESTUARINE WATER QUALITY. To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas. (Amended by Ordinance No. 94-30)

OBJECTIVE 108.1: Maintain an ongoing water quality monitoring program. Maintain communication with other local, state, and federal estuarine water quality studies to ensure that the latest data and recommendations are available. (Amended by Ordinance No. 94-30, 07-12)

POLICY 108.1.1: The Lee County Division of Natural Resources Management (or its successor) will monitor estuarine water quality and be responsible for:

1. Setting up and operating a network of water quality sampling sites to fill in gaps in the state sampling program, especially in Estero Bay.
2. Maintaining liaison with other local, state, and federal agencies engaged in water quality monitoring, and reviewing their data, conclusions, and recommendations.
3. Developing a system for reporting on water quality conditions and trends on a regular basis.
4. Recommending actions that are intended to maintain or improve water quality in the estuaries to meet the Department of Environmental Protection's criteria for the appropriate class water body and preserve the "approved for shellfish harvesting" classification where applicable, while attempting to return viable "closed" (due to water quality) shellfishing areas to an "approved" status. (Amended by Ordinance No. 94-30, 00-22)

POLICY 108.1.2: Development affecting coastal and estuarine water resources must maintain or enhance the biological and economic productivity of these resources. (Amended by Ordinance No. 00-22)

POLICY 108.1.3: The county will cooperate with the South Florida Water Management District, 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. (Amended by Ordinance No. 00-22)

POLICY 108.1.4: The county will cooperate with the Florida Marine Patrol, U.S. Coast Guard, U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation in the enforcement of pollution control standards for marinas, marine dumping, and illegal discharges from water craft. (Amended by Ordinance No. 00-22)

POLICY 108.1.5: Installation of shoreside pumpout stations at marinas that serve live-aboards will be required to provide adequate facilities for subsequent transfer and treatment of boat sewage. The county will consider expanding this requirement to all marinas where central sewer service is available. (Amended by Ordinance No. 00-22)

POLICY 108.1.6: Lee County encourages the on-going efforts by the SFWMD in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River that recognizes public, environmental and agricultural uses of the river through participation in the Southwest Florida Feasibility Study, Lower East Coast and Lower West Coast Regional Water Supply Plans, Caloosahatchee Study, Minimum Flows and Levels, and the development of maximum flows and discretionary release protocols for Lake Okeechobee. (Added by Ordinance No. 02-02)

OBJECTIVE 108.2: WATERSHED MANAGEMENT PLANS. Review all new upland development in terms of its impacts on estuarine systems. Lee County will work with the South Florida Water Management District to ensure new development will maximize stormwater retention and treatment. (Amended by Ordinance No. 94-30, 07-12)

POLICY 108.2.1: The county's estuarine watershed management agency will be responsible for:

1. Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.
2. Recommending modifications to the Sanibel causeway in order to improve estuarine water quality.
3. Reviewing the feasibility of changing canal patterns and retrofitting existing stormwater collection systems in order to reduce the impact of freshwater on estuaries.
4. Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities. (Amended by Ordinance No. 94-30, 00-22)

POLICY 108.2.2: The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002 in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring. (Added by Ordinance No. 02-02)

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. (Amended by Ordinance No. 09-17)

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. (Amended by Ordinance No. 00-22, 16-07)

POLICY 109.1.2: 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. (Amended by Ordinance No. 94-30, 00-22, 16-07)

POLICY 109.1.3: Critical roadway links causing congestion on evacuation routes will receive high priority for capital improvement expenditures. (Amended by Ordinance No. 94-30, 00-22, 09-17)

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. (Amended by Ordinance No. 99-15, 00-22, 16-07)

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(8), 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.

(Added by Ordinance No. 09-17, Amended by Ordinance No. 16-07)

OBJECTIVE 109.2: SHELTER. By 2010, adequate shelter space will be available for the population in the Hurricane Vulnerability Zone at risk under a Category 3 storm.

POLICY 109.2.1: The percentage rate of the evacuation population to be used as the basis for in-county and on-site shelter demand will be ten (10) percent of the population at risk in the Hurricane Vulnerability Zone under a Category 5 storm hazard scenario. This rate will also be the target shelter capacity for a program to provide an emergency shelter supply within Lee County by the year 2030. (Amended by Ordinance No. 92-35, 00-22, 09-17)

POLICY 109.2.2: By 1995, the county will implement a program designed to meet the level of service in Policy 109.2.1 by 2010. Components of this program may include:

1. Funding of the All-Hazards MSTU;
2. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;
3. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; and
4. Any available state funds. (Added by Ordinance No. 94-30)

POLICY 109.2.3: On-site shelters will be required to meet standards established by the county, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate windproofing, glass protection, emergency power where needed, water supplies, and other basic needs. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 109.2.4: On-site shelters for the general public must not be built on barrier or coastal islands. (Amended by Ordinance No. 00-22)

POLICY 109.2.5: By 1995, the county will determine the feasibility of evacuating residents from the Category 1 area to vertical shelters within residential, commercial, and industrial sites in the Category 2, 3, 4, and 5 areas of the Hurricane Vulnerability Zone. (Amended by Ordinance No. 94-30, 00-22)

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. All 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, 16-07)

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. (Added by Ordinance No. 16-07)

GOAL 111: POST-DISASTER REDEVELOPMENT. To provide for planning and decision-making to guide redevelopment during the response and recovery period following major emergencies, such as tropical storms and hurricanes.

OBJECTIVE 111.1: POST-DISASTER STRATEGIC PLAN. The county will maintain a post-disaster institutions and procedures to guide county actions following a natural or technological disaster. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 111.1.1: The plan will maintain a Recovery Task Force to work with state and federal emergency officials, assess damage, review emergency actions, prepare a redevelopment plan, and recommend needed changes to the Strategic Plan and to this comprehensive plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.1.2: The plan will maintain guidelines for determining priorities for the acquisition of storm-damaged property in hazard-prone areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.1.3: The plan will establish principles for repairing, replacing, modifying, or relocating public facilities in hazard-prone areas. (Amended by Ordinance No. 00-22)

POLICY 111.1.4: The applicable portions of the Comprehensive Emergency Management Plan will be modified to comply with these policies, and will contain step-by-step details for post-disaster recovery operations. (Amended by Ordinance No. 00-22)

OBJECTIVE 111.2: POST-DISASTER ORDINANCE. Maintain an ordinance that implements (where necessary) the Post-Disaster Strategic Plan, and provides regulations that may be needed following a natural or technological disaster. The Recovery Task Force will recommend amendments as needed to the Post-Disaster Strategic Plan. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 111.2.1: The ordinance will continue to provide for enactment of a temporary moratorium on rebuilding not immediately needed for the public health, safety, and welfare (e.g., to allow repairs to water, power, fire, police, and medical facilities; debris removal; stabilization or removal of structures in danger of collapsing; and minimal repairs to make dwellings habitable). (Amended by Ordinance No. 94-30, 00-22)

POLICY 111.2.2: The ordinance may incorporate a redevelopment plan for hazard-prone areas where such a plan would minimize repeated exposures to life-threatening situations.

POLICY 111.2.3: The ordinance will implement the county buildback policy (see Procedures and Administration Section). (Amended by Ordinance No. 94-30, 00-22)

GOAL 112: INTERGOVERNMENTAL COORDINATION. To protect natural resource systems that cross governmental boundaries through intergovernmental coordination.

OBJECTIVE 112.1: Lee County will participate with adjacent county natural resource protection agencies and state and federal environmental agencies in regularly conducted natural resource protection staff intergovernmental coordination meetings. (Amended by Ordinance No. 94-30)

POLICY 112.1.1: The county will continue to participate in an intergovernmental task force consisting of representatives from Lee County and incorporated municipalities to develop a permanent intergovernmental resource protection organization to deal with stormwater runoff, wastewater discharge, and development management policies aimed at protecting and enhancing estuarine water quality and unusual vegetative communities. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 112.2: The county will continue to participate with other governments to prepare and implement water management plans, including the Estero Bay Agency on Bay Management, Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) plans, DEP aquatic preserve management plans, water supply plans, and other water resource management plans. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 112.2.1: Lee County will re-evaluate county policies for protecting and enhancing natural resources upon a review of natural resource management plans that are newly adopted or revised by other agencies. (Amended by Ordinance No. 94-30, 00-22)

GOAL 113: COASTAL PLANNING AREAS. To conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development. (Amended by Ordinance No. 94-30)

OBJECTIVE 113.1: COASTAL PLANNING AREA IN GENERAL. Lee County will manage the coastal planning area to provide a balance among conservation of resources, public safety capabilities, and development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.1: Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity will be protected through the development permitting process and enforcement of appropriate codes and regulations. (Amended by Ordinance No. 00-22)

POLICY 113.1.2: All development within the coastal planning area must be compatible with protection of natural systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.3: Construction of vehicular access to, and paved roads or commercial marinas on, undeveloped barrier islands is prohibited, as mandated by the Charlotte Harbor Management Plan. (See also Policy 106.1.2.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.4: Undeveloped barrier islands will be maintained predominantly in their natural state. Public expenditures for infrastructure will be limited to public parks in such areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.5: Lee County will protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. (Amended by Ordinance No. 00-22)

POLICY 113.1.6: The county will gather and utilize available technical criteria and supporting information necessary to guide the formulation of plans, ordinances, and regulations to insure that development in the coastal planning area is compatible with the continued or improved functioning of natural coastal systems. (Amended by Ordinance No. 94-30, 00-22)

POLICY 113.1.7: Levels of service for facilities and services within the coastal planning area will be the same as those established for the remainder of the county (see Policy 95.1.3 for service level summaries). The county's Concurrency Management System will apply in full within the coastal planning area. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 113.2: SHORELINE STABILIZING SYSTEMS. Lee County will continue to encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed. (Amended by Ordinance No. 00-22)

POLICY 113.2.1: Construction of environmentally compatible shoreline stabilizing systems will be allowed along the active gulf beach where necessary for the protection of shorelines from erosion. (Amended by Ordinance No. 00-22)

POLICY 113.2.2: Vertical seawalls must not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance), and vertical seawalls along artificial canals will not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt from this requirement. (Amended by Ordinance No. 00-22)

POLICY 113.2.3: The county will encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. (Amended by Ordinance No. 00-22)

POLICY 113.2.4: Build-back of vertical seawalls will not be permitted along natural waterbodies if one or more of the following conditions exist:

- Build-back would cause excessive shoreline erosion or endanger shorelines of surrounding properties.
- Build-back would threaten wetland resources.

- Build-back would be a threat to public safety or block access to state-owned submerged lands.
- Build-back would be waterward of the existing seawall alignment on adjacent shorelines.

OBJECTIVE 113.3: BEACH AND DUNE SYSTEMS. Lee County will continue to implement a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency. (Amended by Ordinance No. 98-09)

POLICY 113.3.1: The Division of Natural Resources Management, or successor agency, will be responsible for the beach and dune management program. This program will include:

1. Preparing beach and dune management plans, with priority to areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled Critically Eroded Beaches in Florida (as updated April, 2006).
2. Coordinating with local municipalities and the Captiva Erosion Prevention District in preparing beach and dune management plans.
3. Coordinate with government and private entities to identify sources of beach-quality sand for renourishment projects, concentrating on areas that will have minimal impacts on the county's aquatic resources.
4. Utilize all possible means to protect beach-quality sand resources from use by public and private out of county users. Lee County will provide comments to the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection (or successor) regarding impacts to off-shore beach-quality sand resources. Protect sand resources from the placement of infrastructure that may impede access to the resource such as, but not limited to, pipelines and transmission cables.
5. Preparing renourishment plans for eroding areas where public facilities and access exist, including areas designated by the Florida Department of Environmental Protection as critically eroded in the report entitled Critically Eroded Beaches in Florida (as updated April, 2006).
6. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
7. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
8. Educating citizens and developers about the costs and benefits of beach and dune conservation approaches.
9. Preparing a sand conservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system.
10. Continuing to participate in the Federal Shore Project as the local sponsor; it will also coordinate beach renourishment activities, as appropriate, for the Estero Island segment with the Town of Fort Myers Beach.
11. Pursuing all available sources of funding, to specifically include state and federal funding, for implementation of beach and dune projects.
12. Requiring the installation of dune vegetation as a component of all County funded renourishment projects.

(Amended by Ordinance No. 94-30, 98-09, 00-22, 07-09, 11-23)

POLICY 113.3.2: The costs of beach renourishment programs will be borne by the beneficiaries of those programs. Funding mechanisms for the renourishment may include but are not limited to the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments, as long as the title to accreted lands remains public. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 113.3.3: The county will support the renourishment of beaches through the use of environmentally responsible methods. (Amended by Ordinance No. 98-09, 00-22)

GOAL 114: 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. (Amended by Ordinance No. 94-30)

OBJECTIVE 114.1: The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

POLICY 114.1.1: 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, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c 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 by Lee County 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, 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. (Amended by Ordinance No. 94-30, 00-22, 10-20)

POLICY 114.1.2: 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.

(Amended by Ordinance No. 94-30, 00-22, 07-12, 10-20, 10-39)

POLICY 114.1.3: The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30, 07-12)

POLICY 114.1.4: By the end of 2006, Lee County will amend the Lee County Land Development Code to establish a sufficient setback requirement for the placement of fill adjacent to existing mangroves or require development designs that address the interface of fill areas with existing mangroves to eliminate impacts from fill sloughing or washing into mangrove areas. Techniques to accomplish this include, but are not limited to: setbacks; stabilized slopes; retaining walls; and, rip rap revetments. (Added by Ordinance No. 05-19)

GOAL 115: WATER QUALITY AND WASTEWATER. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

OBJECTIVE 115.1: Maintain high water quality, meeting or exceeding state and federal water quality standards.

POLICY 115.1.1: Sources of water pollution will be identified, controlled, and eliminated wherever feasible.

POLICY 115.1.2: New development and additions to existing development must not degrade surface and ground water quality. (Amended by Ordinance No. 00-22)

POLICY 115.1.3: 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. (Amended by Ordinance No. 00-22)

POLICY 115.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. (Amended by Ordinance No. 00-22)

POLICY 115.1.5: No garbage or untreated sewage will be discharged into coastal and interior surface waters. (Amended by Ordinance No. 00-22)

POLICY 115.1.6: The county will initiate a wellfield protection program to prevent the contamination of shallow wells by pollutant generating development including surface water runoff (see Goal 63). (Amended by Ordinance No. 00-22)

POLICY 115.1.7: Valid permits and inspection will be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings. (Amended by Ordinance No. 00-22)

POLICY 115.1.8: The county will continue its program of plugging improperly constructed wells which are detrimental to groundwater resources. (Amended by Ordinance No. 94-30, 00-22)

GOAL 116: [RESERVED]

GOAL 117: WATER RESOURCES. To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)

OBJECTIVE 117.1: WATER SUPPLIES. Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.

POLICY 117.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

POLICY 117.1.2: The county will recognize and encourage water and wastewater management, provided that such management does not exceed the natural assimilative capacity of the environment or applicable health standards. Appropriate water and wastewater management includes, but is not limited to, aquifer recharge, aquifer storage and recovery, reclaimed water, reverse osmosis, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques. (Amended by Ordinance No. 94-30, 00-22, 09-13)

POLICY 117.1.3: Freshwater resources will be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water. (Amended by Ordinance No. 00-22)

POLICY 117.1.4: Development designs must provide for maintaining surface water flows, groundwater levels, and lake levels at or above existing conditions. (Amended by Ordinance No. 00-22)

POLICY 117.1.5: The county will cooperate with the United States Geological Survey, South Florida Water Management District, and state agencies to develop an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins; and addressing the needs of the existing and potential built environment, natural hydrologic

system requirements, and freshwater flow impacts on estuarine systems. (Amended by Ordinance No. 00-22)

POLICY 117.1.6: The county will continue to support a monitoring program of existing baseline conditions of water resources. (Amended by Ordinance No. 00-22)

POLICY 117.1.7: The county will cooperate fully with emergency water conservation measures of the South Florida Water Management District. (Amended by Ordinance No. 00-22)

POLICY 117.1.8: The county will support the acquisition and protection of the Flint Pen Strand as a major water retention and aquifer recharge area. (See also Policy 107.11.4.) (Amended by Ordinance No. 94-30, 00-22)

POLICY 117.1.9: The county will utilize the recommendations made in the Water Supply Facilities Work Plan (see Policy 55.1.3) as a guide to potable water facilities planning, potable water resources, and water conservation as well as expanding potable water facilities consistent with Table 6, the 10 Year Water Supply Development Projects Table. (Added by Ordinance No. 09-13)

OBJECTIVE 117.2: FLORIDA FRIENDLY LANDSCAPE. The county will promote Florida friendly landscaping techniques. (Amended by Ordinance No. 94-30, 00-22, 16-01)

POLICY 117.2.1: The county will encourage Florida friendly landscaping techniques for development and redevelopment in the Land Development Code. (Amended by Ordinance No. 94-30, 00-22, 16-01)

POLICY 117.2.2: The county will provide education on water conservation through creative landscaping, and promote the conservation and use of native plant species through xeriscape landscaping techniques. (Amended by Ordinance No. 94-30, 00-22)

POLICY 117.2.3: The county will establish local guidelines that will assist in efforts to reduce landscape irrigation water use to the lowest and most efficient, practical level. (Amended by Ordinance No. 00-22)

GOAL 118: AIR QUALITY. To maintain the best possible air quality, meeting or exceeding state and federal air quality standards.

OBJECTIVE 118.1: The county will prepare a plan to promote measures for preserving and improving current air quality to maintain the present attainment status. (Amended by Ordinance No. 94-30, 00-22)

POLICY 118.1.1: Development must prevent significant emissions of air pollution. (Amended by Ordinance No. 00-22)

POLICY 118.1.2: Identify major sources of air pollution in Lee County and develop a program for reducing these emissions. (Added by Ordinance No. 94-30)

POLICY 118.1.3: The county will encourage alternatives (such as composting or chipping facilities) to open burning of debris from land clearing. (Amended by Ordinance No. 00-22)

POLICY 118.1.4: Research the use of bio diesel and other clean fuels in public vehicles. (Added by Ordinance No. 07-16)

GOAL 119: [RESERVED]

GOAL 120: [RESERVED]

GOAL 121: FISHERIES MANAGEMENT. To preserve the ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County.

OBJECTIVE 121.1: The county will continue monitoring for estuarine water quality to monitor the health and population of recreationally and commercially important fish and shellfish that depend on the estuaries. (Amended by Ordinance No. 00-22)

POLICY 121.1.1: The county will continue to compile and analyze data about the condition of commercial and sport fisheries, coordinated with DEP, USGS, SFWMD, and the Florida Marine Fisheries Commission. (Amended by Ordinance No. 00-22)

POLICY 121.1.2: The county will make recommendations to appropriate agencies (such as state-level environmental and fisheries agencies) regarding the restoration and protection of commercial sport fisheries. (Amended by Ordinance No. 00-22)

POLICY 121.1.3: The county will continue to design and implement protective and incentive mechanisms to prevent adverse impacts to commercial and sport fisheries. (Amended by Ordinance No. 00-22)

POLICY 121.1.4: The county will develop a fisheries management program to protect the long-term biological and economic productivity of commercial and sport fisheries. (Amended by Ordinance No. 00-22)

POLICY 121.1.5: The county will maintain the monitoring system for estuarine water quality and its impacts on the health of recreationally and commercially important fish and shellfish. (Amended by Ordinance No. 00-22, 07-12)

GOAL 122: COMMERCIAL FISHING. To maintain, support and expand commercial fishing in the county.

OBJECTIVE 122.1: The county will conduct or sponsor, alone or in cooperation with private and/or public entities, economic base studies, reports on research, and assistance programs for commercial fishing. (Amended by Ordinance No. 00-22)

POLICY 122.1.1: In order to monitor the economic health of the commercial fishing industry, the county will conduct or sponsor, alone or in cooperation with private and/or public entities, an economic base study of the commercial fishing industry, which will be conducted in five-year intervals. The next such study will be completed before the end of 1994. (Amended by Ordinance No. 00-22)

POLICY 122.1.2: The staff of the Division of Natural Resources Management will deposit pertinent materials about the commercial fishing industry at the Lee County Public Library. (Amended by Ordinance No. 00-22)

POLICY 122.1.3: The county, alone or in cooperation with public or private entities, will continue to assist the commercial fishing industry to obtain information, technical assistance, and funding for projects such as developing fisheries, increasing catches of under-utilized species, developing new markets and marketing techniques, and exploring the feasibility of establishing aquaculture ventures for the commercial fishing industry. (Amended by Ordinance No. 00-22)

GOAL 123: [RESERVED]

GOAL 124: MARINE AND NAVIGATION MANAGEMENT. To develop and implement a comprehensive marine resources management program.

OBJECTIVE 124.1: DREDGE SPOIL DISPOSAL. The county will continue to participate with other responsible agencies in the location and placement of spoil material. (Amended by Ordinance No. 98-09)

POLICY 124.1.1: The county will coordinate with the U.S. Army Corps of Engineers on the location and placement of spoil material that result from maintenance dredging activities with use of this material for beach renourishment where needed and financially feasible. (Amended by Ordinance No. 98-09)

POLICY 124.1.2: The county will participate in and coordinate with the efforts of the West Coast Inland Navigation District to identify existing and future dredge spoil sites in Lee County. (Amended by Ordinance No. 98-09, 00-22)

POLICY 124.1.3: The county will, with recommendations from the Waterways Advisory Committee (or successor agency) and other affected agencies and persons, on an as needed basis, make application to the Army Corps of Engineers, and all other agencies as required, to maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths. The county will support the efforts of private individuals or groups to maintain established depths in private canals and waterways through the establishment of Municipal Service Benefit Units (MSBUs) to fund such private efforts, unless the county has determined such efforts to be detrimental to the environment. (Amended by Ordinance No. 98-09, 00-22)

OBJECTIVE 124.2: NAVIGATIONAL MARKERS. The county will continue its marker designation program and upkeep its computerized marker inventory. (Amended by Ordinance No. 00-22)

POLICY 124.2.1: The county, in coordination with the Florida Department of Environmental Protection and the U.S. Coast Guard, will:

- Assess the conditions of unmarked channels and identify those used to traverse shallow in-shore waters (a practice that damages seagrass beds) and develop a program to mark these channels (if appropriate on the basis of the assessment) so as to reduce injury to seagrass beds (see also Policy 107.12.3).
- Study the feasibility of designating and enforcing a maximum draft for all boats in some waters and developing a rotating system whereby some areas containing valuable marine beds would be off-limits to boat traffic.
- Assess the feasibility of instituting a private channel maintenance assessment on properties benefiting from the channels. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.3: MARINE SANITATION. The county will provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code which complement the Florida Clean Vessel Act and by cooperating with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems. (Amended by Ordinance No. 94-30, 98-09, 07-12)

POLICY 124.3.1: The county will continue to assist federal and state agencies to maintain an inventory and promote the public awareness of existing marine sanitation facilities. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.3.2: The county will continue and expand, as needed, its efforts to coordinate with appropriate law enforcement and environmental agencies in designing enforcement and education measures for current and future marine sanitation laws. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.3.3: The county will provide regulations in the Land Development Code for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures attached to real property. (Amended by Ordinance No. 98-09)

POLICY 124.3.4: The county will coordinate with the Southwest Florida Regional Harbor Board in the development of management standards for marine sanitation in anchorages. (Added by Ordinance No. 98-09)

OBJECTIVE 124.4: LIVE-ABOARD VESSELS. The county will re-evaluate the feasibility of establishing regulations to control vessel mooring upon the completion of the Southwest Florida Regional Harbor Board Management Plan. (Amended by Ordinance No. 94-30, 98-09)

POLICY 124.4.1: The county will coordinate with the Southwest Florida Regional Harbor Board to establish management standards for vessel mooring in anchorages. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.5: OFFSHORE COMMERCIAL ACTIVITIES. The county will monitor, evaluate and update, as needed, the existing programs regulating offshore commercial activities. (Amended by Ordinance No. 00-22)

POLICY 124.5.1: The county staff will develop an ongoing program to monitor, evaluate and update, as needed, existing regulations on offshore commercial activities. (Amended by Ordinance No. 00-22)

OBJECTIVE 124.6: MATANZAS HARBOR MANAGEMENT PLAN. The county will implement a Matanzas Harbor Management Plan. (Amended by Ordinance No. 00-22)

POLICY 124.6.1: The Matanzas Harbor Management Plan will address the county's plans for use of the property the county acquired on San Carlos Island that is commonly known as the Murphy Oil site. (Amended by Ordinance No. 00-22)

POLICY 124.6.2: The county will apply to the state of Florida for a submerged land management agreement or a submerged land lease for the county-acquired property on San Carlos Island that is commonly known as the "Murphy Oil site". (Amended by Ordinance No. 00-22)

POLICY 124.6.3: Lee County will continue to offer support to governmental entities in the effort to manage Matanzas Harbor to protect marine resources and maximize the health, safety, and welfare of the estuarine and intertidal environment of waters unique to Lee County, particularly Estero Bay, Ostego Bay, and Hurricane Bay. (Amended by Ordinance No. 00-22, 07-12)

POLICY 124.6.4: The Matanzas Harbor Management Plan will address public participation issues and must be consistent with the San Carlos Island Redevelopment Plan. (Amended by Ordinance No. 00-22)

POLICY 124.6.5: The county will implement the findings of the study completed concerning the designation of special anchorage areas that would allow the mooring of live-aboard vessels, especially in the Matanzas Harbor area. (Amended by Ordinance No. 00-22)

POLICY 124.6.6: The county will prepare a preliminary study of the designation of special anchorage areas that would allow the mooring of live-aboard vessels. (Amended by Ordinance No. 00-22)

GOAL 125: WATER ACCESS. To develop and implement a public water access program.

OBJECTIVE 125.1: SCENIC WATERWAYS PROGRAM. The county will develop and implement a county scenic waterways program in order to enhance the opportunities for physical, visual, and interpretive access to the water. (Amended by Ordinance No. 00-22)

POLICY 125.1.1: The establishment of vegetated buffer zones along Lee County waterways to prevent erosion of natural shorelines, establish additional wetlands habitat, and enhance the scenery will be preferred to the indiscriminate clearing of vegetation. These buffer zones will be evaluated in the review of planned developments and developments of regional impact, and also by specific county regulations (see Policy 61.3.9). (Amended by Ordinance No. 00-22)

OBJECTIVE 125.2: WATER ACCESS IN PRIVATE DEVELOPMENTS. The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)

POLICY 125.2.1: The county staff will design a program which would require and/or encourage new water-related developments to provide some form of water access (physical, visual or interpretive) to the public. The program will be submitted to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 00-22)

OBJECTIVE 125.3: Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water-dependent uses. (Added by Ordinance No. 07-09)

POLICY 125.3.1 Identify areas suitable for water-dependent/water-related recreational uses and activities, such as canoe/kayak launch areas, boardwalks, jogging paths, fishing platforms and waterside parks. (Added by Ordinance No. 07-09)

GOAL 126: [RESERVED]

GOAL 127: ARTIFICIAL REEFS. To encourage maintenance and development of artificial reefs in the waters in and near Lee County.

OBJECTIVE 127.1: ARTIFICIAL REEF PROGRAM. The county will continue its artificial reef program for increasing fisheries habitat in coordination with appropriate organizations. (Amended by Ordinance No. 00-22, 07-12)

POLICY 127.1.1: The county will coordinate with the appropriate advisory committee(s) on the location and construction or regulation of artificial reefs. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

POLICY 127.1.2: The County will support appropriate private and public agencies in the study of the feasibility of using artificial reefs for the benefit of the commercial fishing industry. (Amended by Ordinance No. 99-15, Relocated by Ordinance No. 07-12)

GOAL 128: SHORELINE MANAGEMENT. To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

OBJECTIVE 128.1: COMMERCIAL WATER-DEPENDENT USES. The county will continue to monitor and implement its program to enhance and protect commercial water-dependent uses. (Amended by Ordinance No. 00-22)

POLICY 128.1.1: Commercial and government-operated multi-slip docking facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to marina zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Amended by Ordinance No. 00-22)

POLICY 128.1.2: The Future Land Use Map will designate water-dependent overlay zones over existing commercial fishing, port and docking sites and commercial marinas to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Amended by Ordinance No. 00-22)

POLICY 128.1.3: The county will encourage the maximum use of dry storage by multi-slip docking facilities when reviewing rezoning and/or development-of-regional-impact applications. (Amended by Ordinance No. 00-22)

POLICY 128.1.4: The county will maintain an inventory of all multi-slip docking facilities, including the name, location, and STRAP number of the facility, and, as feasible, the number of wet and dry storage spaces, boat ramp lanes, and other services provided. This inventory will be updated as needed. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.2: INDUSTRIAL WATER-DEPENDENT USES. The county will continue to monitor and implement its program to enhance and protect industrial water-dependent uses. (Amended by Ordinance No. 00-22)

POLICY 128.2.1: Industrial water-dependent facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (Amended by Ordinance No. 00-22)

POLICY 128.2.2: The county will maintain an inventory of all industrial water-dependent facilities, including the name, location, and STRAP number of the facility. This inventory will be updated as needed. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.3: SHORELINE MANAGEMENT. By 1990 the county will have developed a shoreline management plan. The program will be submitted to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 00-22)

POLICY 128.3.1: County staff will compile and continuously update inventory of various shoreline uses by distinctive geographic shoreline areas. (Amended by Ordinance No. 00-22)

POLICY 128.3.2: County staff will compile a document analyzing and synthesizing the information in the inventory of shoreline uses by geographic areas. (Amended by Ordinance No. 00-22)

POLICY 128.3.3: The county will consider specific shoreline management programs based on identified needs. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.4: CRITERIA FOR PRIORITIZING SHORELINE USES. Priority will be given to new and substantially expanded shoreline land uses as indicated in the following policies. (Amended by Ordinance No. 00-22)

POLICY 128.4.1: In water-dependent overlay zones, the special provisions contained under Goal 8 of the Future Land Use element will also apply (see also Policies 128.1.1, 128.1.2, and 128.2.1). (Amended by Ordinance No. 00-22)

POLICY 128.4.2: In all other non-wetland shoreline areas, water-dependent land uses will have priority over water-related uses and water-related land uses that provide some form of water access to the public will be encouraged, particularly when the site has previously provided water access to the public. (This policy will not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in Lee County and the desirability of maintaining and increasing such access.)

- Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.
- Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential. (Amended by Ordinance No. 00-22)

POLICY 128.4.3: Lee County will develop, adopt, and implement performance standards for all shoreline developments. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.5: MARINE FACILITIES SITING CRITERIA. The county will consider the following criteria in evaluating requests for new and expanded marinas, other wet slip facilities, dry slip facilities with launches, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.1: Proposed boat access facilities (and expansion of existing facilities) in the following areas face a variety of technical, legal, or environmental obstacles which must be addressed during the review process:

- Aquatic Preserve (DEP)
- Outstanding Florida Waters (DEP)
- Class I Waters (DEP)
- Marine or Estuarine Sanctuaries (NOAA)
- Manatee Sanctuaries or Critical Manatee Habitats (DEP, USFWS, USACE)
- Approved or conditionally approved shellfish harvesting areas (DEP)
- Federal navigation channel setbacks (USCG, USACE)
- Bridge/road right-of-way easement (County DOT, State DOT)
- Other Endangered/Threatened Species Habitat (USFWS, DEP, USACE)

Extra caution and consideration will be given prior to authorizing use of areas with high environmental values. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.2: Cumulative effects of several boat access facilities in a small area will be considered in the review of proposed projects. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.3: Boat access facilities must be consistent with the appropriate aquatic preserve management plan where applicable. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.4: Boat access facilities must be consistent with the following recommendations of the DNR Blue Ribbon Marina Committee (Final Report, January 1983):

- Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- Marinas should be located as close as possible to boating demand.
- Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- Location of marinas in highly productive marine habitats should be discouraged.
- Location of marinas in or near well-flushed, deep-water areas should be encouraged.
- Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in these sanctuaries should be discouraged. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.5: New boat access facilities must be designed to avoid erosion on adjacent shorelines. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in accordance with the Lee County Manatee Protection Plan (MPP), dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public. (Amended by Ordinance No. 07-09)

POLICY 128.5.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged. (Amended by Ordinance No. 07-09)

POLICY 128.5.9: Boat access facility locations should minimize natural shoreline disruption. (Amended by Ordinance No. 07-09)

POLICY 128.5.10: Boat access facility construction in dead-end canals are discouraged due to difficulty in meeting state water quality standards. (Amended by Ordinance No. 07-09)

POLICY 128.5.11: Proposed boat access facilities must demonstrate that the site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems. (Amended by Ordinance No. 00-22, 07-09)

POLICY 128.5.12: Rezoning and DRI applications for boat access facilities will be evaluated in the context of cumulative impacts on manatees and marine resources. (Amended by Ordinance No. 00-22, 07-09)

OBJECTIVE 128.6: MARINA DESIGN CRITERIA. The county will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the county's development regulations. (Amended by Ordinance No. 00-22)

POLICY 128.6.1: Boat maintenance activities in new or expanded marina sites must be located as far as possible from open water bodies in order to reduce contamination of water bodies by toxic substances common to boat maintenance. Runoff from boat maintenance activities must be collected and treated prior to discharge. (Amended by Ordinance No. 00-22)

POLICY 128.6.2: Open wet slips will be preferred to covered wet slips in marina design to reduce shading of water bodies which results in lowered biological productivity. (Amended by Ordinance No. 00-22)

POLICY 128.6.3: Fuel and/or oil containment facilities or contingency plans is required at all new marina sites and in marina expansion proposals. (Amended by Ordinance No. 00-22)

POLICY 128.6.4: All marinas serving the general public or live-aboards must provide pump-out facilities if sanitary sewer service is available.

POLICY 128.6.5: All parking, dry storage, and non-water-dependent facilities must be built on existing uplands.

POLICY 128.6.6: Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)

POLICY 128.6.7: Fueling facilities associated with marinas must be designed to preclude spills and must be prepared to contain any spills which reach the water. (Amended by Ordinance No. 00-22)

POLICY 128.6.8: Marina design must incorporate natural wetland vegetative buffers near the docking area and in ingress/egress areas for erosion and sediment control, runoff purification, and habitat purposes. (Amended by Ordinance No. 00-22)

POLICY 128.6.9: New fuel facilities must be located on the uplands of a marina site. Proper use and maintenance of fuel pump hoses and other fueling equipment is required. (Amended by Ordinance No. 00-22)

POLICY 128.6.10: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

POLICY 128.6.11: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

POLICY 128.6.12: To reduce dredging, docks should extend to naturally deep waters when possible. County regulations will specify the criteria for such extensions. (Amended by Ordinance No. 00-22)

POLICY 128.6.13: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

POLICY 128.6.14: Marina designs must not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself. (Amended by Ordinance No. 00-22)

POLICY 128.6.15: Existing navigational channels will be used to access new marina sites where possible. (Amended by Ordinance No. 00-22)

POLICY 128.6.16: Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)

OBJECTIVE 128.7: The Regional Planning Council will be the lead agency addressing the need for adequate sites for water-dependent uses on a regional basis.

POLICY 128.7.1: The county will cooperate with the Regional Planning Council in addressing the need for water-dependent sites on a regional basis.

GOAL 129 – GOAL 134: [RESERVED]

HOUSING



Chapter VIII

VIII. Housing

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the county. (Amended by Ordinance No. 91-19)

OBJECTIVE 135.1: HOUSING AVAILABILITY. Work with private and public housing providers to ensure that the additional dwellings needed by 2025 are provided in types, costs, and locations to meet the needs of the Lee County population. It is estimated that by 2025, 114,927 additional dwelling units will be needed in all of Lee County and 39,637 will be needed in unincorporated Lee County. (Amended by Ordinance No. 94-30, 98-09, 07-17)

POLICY 135.1.1: Provide information, technical assistance, and incentives to the private sector to maintain a housing production capacity sufficient to meet the required production. This will be accomplished through the programs identified in the Local Housing Assistance Plan and the Lee County Consolidated Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.1.2: The county will continue efforts to form public-private partnerships to produce affordable housing for very-low, low and moderate-income households with local private non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, and the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22, 07-17)

POLICY 135.1.3: In order to eliminate excessive or duplicative regulatory requirements, continue to review, update, and amend (as necessary), the following in accordance with changing household preferences, community needs, and housing industry technology and economics, while continuing to insure the health, safety, and welfare of the residents:

- policies
- ordinances
- codes
- regulations
- permitting process

(Amended by Ordinance No. 94-30)

POLICY 135.1.4: Provide for housing bonus density as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520, to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)

POLICY 135.1.5: Continue to provide financial and technical support, including expedited permit processing; the payment, waiver, or reduction of impact fees; the purchase of tax certificates for building lots; site preparation; and the construction of infrastructure by participating on a partnership basis with providers of housing that is affordable to very low, low and moderate income families or individuals, including those with special needs such as the elderly, handicapped, large families, farm workers, and the homeless. (Amended by Ordinance No. 94-30)

POLICY 135.1.6: Implement ways to achieve ongoing affordability for subsidized homeowner and rental housing by encouraging the establishment of one or more community land trust(s) and/or encouraging housing providers to design mechanisms to assure ongoing affordability of subsidized units and implement mechanisms to monitor and enforce such ongoing affordability mechanisms. (Amended by Ordinance No. 94-30, 07-17)

POLICY 135.1.7: Site selection criteria will be used in the location of housing for special needs populations as defined in Rule 67-37.002(30) which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
2. Located where central water/sewer service is available and within comfortable walking distance of mass transit;
3. Located on land previously converted for urban purposes; and
4. For farm worker housing, a rural site located near active cropland or groves is also acceptable.

(Amended by Ordinance No. 94-30, 00-22, 07-17)

POLICY 135.1.8: The county will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in Rule 67-37.002(30). (Amended by Ordinance No. 00-22, 07-17)

POLICY 135.1.9: The county will ensure a mix of residential types and designs on a county-wide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Amended by Ordinance No. 00-22)

POLICY 135.1.10: Lee County's housing programs will be administered so as to affirmatively further fair housing. (Amended by Ordinance No. 94-30, 00-22)

POLICY 135.1.11: The Lee County Office of Equal Opportunity will be responsible for compliance with the county's Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22, 07-17)

POLICY 135.1.12: The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing, the Affordable Housing Committee, Community Action Agency, and the Neighborhood District Committee(s) to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)

POLICY 135.1.13: Lee County will implement initiatives to assist the homeless. (Amended by Ordinance No. 98-09, 00-22, 07-17)

POLICY 135.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing. (Added by Ordinance No. 07-16)

OBJECTIVE 135.2: RURAL AND FARMWORKER HOUSING. By the year 2025, Lee County will provide affordable housing that is suitable and affordable for rural and farm worker housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09, 07-17)

POLICY 135.2.1: Assist private agricultural businesses to develop and manage housing for rural and farm workers through information, technical assistance, and financial incentives programs. (Amended by Ordinance No. 07-17)

POLICY 135.2.2: Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for rural and farm workers and their families through the Lee County Housing Authority. (Amended by Ordinance No. 07-17)

POLICY 135.2.3: Housing for farm workers, as defined by ss 420.503 Florida Statutes, may be permitted in the Rural, Coastal Rural, Open Lands, and Density Reduction/Groundwater Resource land use categories without respect to the density limitations that apply to conventional residential districts. The density of such housing is limited to 50 occupants per acre of actual housing area and will be reviewed on a case-by-case basis during the planned development or Special Exception zoning process. The applicant must demonstrate that impacts of the farm worker housing will be mitigated. (Amended by Ordinance No. 94-30, 00-22, 03-19, 05-21)

POLICY 135.2.4: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include rural and farm worker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22, 07-17)

POLICY 135.2.5: Lee County will promote the location of rural and farm worker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09, Amended by Ordinance No. 07-17)

OBJECTIVE 135.3: REHABILITATION, CONSERVATION, AND IMPROVEMENT. Continue efforts to reduce substandard housing by five percent annually. (Amended by Ordinance No. 94-30)

POLICY 135.3.1: The county will increase code enforcement activities in neighborhoods where code violations are more prevalent and concentrate code enforcement activities where warranted. (Amended by Ordinance No. 00-22)

POLICY 135.3.2: Lee County will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)

POLICY 135.3.3: The county will conserve existing residential areas by enforcing codes, providing appropriate capital improvements providing funding for the Neighborhood Districts Program and disseminating information on the availability of housing programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.3.4: The county will enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22, 07-17)

POLICY 135.3.5: The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and rural and farm worker housing. (Amended by Ordinance No. 00-22, 07-17)

POLICY 135.3.6: Seek federal and state funding, or otherwise provide local public funds, for the demolition or rehabilitation of substandard housing.

POLICY 135.3.7: Permit, on a demonstration basis, mixed-use and other innovative reuses of the existing housing stock which will result in the removal of substandard housing units.

POLICY 135.3.8: Lee County will coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters such as hurricanes. (Amended by Ordinance No. 07-17)

POLICY 135.3.9: Weatherization programs provided by state and federal agencies will be incorporated into the county's comprehensive housing effort as a means of encouraging housing maintenance and preservation by both the public and private sectors. (Amended by Ordinance No. 00-22)

OBJECTIVE 135.4: AFFORDABLE HOUSING. The County will provide adequate locations for housing for very-low, low- and moderate-income persons to meet their housing needs. Increasing the supply of affordable housing for very-low and low income housing needs will be a priority. In combination with allowing varied types of housing, the County will examine opportunities to expand affordable housing to mitigate the affordable housing needs identified in the Affordable Housing Needs Assessment. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)

POLICY 135.4.1: Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09, 07-17)

POLICY 135.4.2: Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30, 07-17)

POLICY 135.4.3: Pursue federal sources of funding earmarked for housing that will be affordable for very-low- and low- income housing for programs designed to provide sound, safe, and healthful housing and related community services and facilities. (Amended by Ordinance No. 94-30)

POLICY 135.4.4: Support the Lee County Department of Human Services, and the Human Services Information Network in assisting very low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care,

emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09, 07-17)

POLICY 135.4.5: The county will provide counseling services to very-low, low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22, 07-17)

POLICY 135.4.6: The county will continue to assist community based organizations and community housing development organizations with technical support and funding. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.4.7: The county will maintain an ongoing research and information effort on housing and related issues, including state and federal legislation affecting housing, county-wide housing needs, and the provision of advice regarding assistance programs. (Amended by Ordinance No. 00-22)

POLICY 135.4.8: The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22, 07-17)

POLICY 135.4.9: Give priority to special needs populations as defined in Rule 67-37.002(30) with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09, 07-17)

POLICY 135.4.10: Seek to stimulate the production of housing affordable for very-low, low- and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. (Amended by Ordinance No. 07-17)

POLICY 135.4.11: In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22, 07-17)

POLICY 135.4.12: The county will encourage proposals for affordable housing that are consistent with the use and density provisions of this Plan and associated land development regulations that encourage affordable housing proposals provided such locations:

- Avoid concentrations of very-low and low-income households;
- Are provided full urban services and facilities;
- Are environmentally sensitive; and,
- Would create a livable and supportive environment.

(Added by Ordinance No. 07-17)

POLICY 135.4.13: Lee County will set aside 30% of its SHIP housing subsidy for funding the development of affordable housing for very-low income households. (Added by Ordinance No. 07-17)

POLICY 135.4.14: Lee County will set aside 30% of its SHIP housing subsidy for funding the development of affordable housing for low income households. (Added by Ordinance No. 07-17)

POLICY 135.4.15: Lee County will examine opportunities to increase the availability of affordable housing and provide adequate sites for affordable housing through options such as:

- a) Alternative Use, Density, and Dimensional Standards;
- b) Expedited Permit Processing;
- c) Dedicated funding source;
- d) Inclusionary Housing Mitigation programs;
- e) Linkage Fee programs;
- f) Community Land Trusts; and,
- g) Resale Controls and Equity Sharing

(Added by Ordinance No. 07-17)

POLICY 135.4.16: Lee County will maintain the Affordable Housing Bonus Density program which provides bonus density for the provision of on site affordable dwelling units and provides bonus density for fee in lieu payments into the Lee County Affordable Housing Trust Fund. (See also Policy 135.1.4). (Added by Ordinance No. 07-17)

POLICY 135.4.17: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing. (Added by Ordinance No. 07-16)

POLICY 135.4.18: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones. (Added by Ordinance No. 07-16)

OBJECTIVE 135.5: MOBILE HOMES. The county will provide adequate locations and standards for mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22, 07-17)

POLICY 135.5.1: Mobile Homes are permitted in all land use categories that permit residential development: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, Outer Islands, Rural Community Preserve, Coastal Rural, Open Lands, Density Reduction/Groundwater Recharge, Wetlands, New Community, and University Community. (Added by Ordinance No. 07-17)

POLICY 135.5.2: The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 07-17)

OBJECTIVE 135.6: SPECIAL NEEDS. Locations for housing for special needs populations as defined in Rule 67-37.002(30) will be available at suitable sites to ensure that the needs of persons requiring such housing are met. (Amended by Ordinance No. 07-17)

POLICY 135.6.1: Housing for special needs is permitted in all land use categories that permit residential development: Intensive Development, Central Urban, Urban Community, Suburban,

Outlying Suburban, Sub-Outlying Suburban, Rural, Outer Islands, Rural Community Preserve, Coastal Rural, Open Lands, Density Reduction/Groundwater Recharge, Wetlands, New Community, and University Community. (Added by Ordinance No. 07-17)

POLICY 135.6.2: The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.3: In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities). (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.4: Other community-based residential care service providers needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) and the clients of other programs will be encouraged to locate at convenient, adequate, and non-isolated sites throughout the county. (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.5: Supporting infrastructure and public facilities necessary for the support and encouragement of independent living for the clients of relevant programs will be provided. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-17)

POLICY 135.6.6: The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be deemed a single-family unit and a noncommercial, residential use. Homes of six or fewer residents which otherwise meet the definition of a community residential home will be allowed in single-family or multifamily zoning, provided that such homes must not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Lee County will only deny the siting of a community residential home if the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area;
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home;
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered;
4. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone will be an over-concentration of such homes that substantially alters the nature and character of the area;
5. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area; or,
6. All distance requirements in this section must be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.7: Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.8: The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in Rule 67-37.002(30). (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-17)

POLICY 135.6.9: Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing. (Added by Ordinance No. 07-17)

OBJECTIVE 135.7: DISPLACEMENT. Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity. (Amended by Ordinance No. 98-09, 07-17)

POLICY 135.7.1: Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or county policy, including those relating to equal provision of services. (Amended by Ordinance No. 07-17)

OBJECTIVE 135.8: HISTORIC HOUSING. Historically significant housing will be preserved and protected for residential uses, consistent with the Historic Preservation element.

POLICY 135.8.1: Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. (Amended by Ordinance No. 94-30, 98-09, 07-17)

OBJECTIVE 135.9: NEIGHBORHOOD AND HOUSING CONSERVATION. Lee County will continue to conserve existing housing and improve the quality of neighborhoods through the Neighborhood District Program, affordable housing programs, public/private partnerships, community redevelopment programs, and appropriate development regulations. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 135.9.1: Review and amend where necessary the county's housing and health codes and standards relating to the care and maintenance of residential and neighborhood environments and facilities.

POLICY 135.9.2: Designate appropriate areas of the county as Neighborhood Districts and carry out the Department of Human Services Neighborhood District program activities in a timely and efficient manner. (Amended by Ordinance No. 07-17)

POLICY 135.9.3: Plan and implement safe neighborhood programs in designated Neighborhood Districts. (Added by Ordinance No. 94-30, 98-09, Amended by Ordinance No. 07-17)

POLICY 135.9.4: Schedule and concentrate public infrastructure and supporting facilities and services to upgrade the quality of existing neighborhoods.

POLICY 135.9.5: New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22)

POLICY 135.9.6: Lee County will administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county development regulations, upon adjacent residential properties, while maximizing aesthetic qualities. (Amended by Ordinance No. 00-22)

POLICY 135.9.7: The county will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas. (Amended by Ordinance No. 00-22)

POLICY 135.9.8: County land development regulations will implement standards to protect aesthetic qualities and the physical natural environment, while providing incentives for residential development designs which emphasize energy-efficient construction, appropriate solar exposure, air circulation, and the use of natural shading. (Amended by Ordinance No. 00-22)

GOAL 136 – GOAL 140: [RESERVED]

HISTORIC PRESERVATION



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter IX

IX. Historic Preservation

GOAL 141: IDENTIFICATION AND EVALUATION. To provide for the identification and evaluation of the historic resources of Lee County.

OBJECTIVE 141.1: IDENTIFICATION. Maintain existing programs to identify the historic and archaeological resources of Lee County, develop new identification programs (such as, but not limited to, a program to identify Lee County resources listed on the National Register of Historic Places), and make information available to the public and other public agencies. (Amended by Ordinance No. 94-30)

POLICY 141.1.1: Lee County will systematically maintain the Florida Site File by annual updates, corrections, and monitoring of status of listed properties. New information will be transmitted to the Florida Department of State. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.2: Require all applications for development review to identify the location and status of historic resources (including archaeological sites). The *Lee County Historic and Architectural Survey* and the *Lee County Archaeological Management Plan* will serve as data bases. The Historic Preservation Board will advise the Board of County Commissioners as to any action it deems appropriate or perform other duties as specified in the Historic Preservation Ordinance. (Amended by Ordinance No. 00-22)

POLICY 141.1.3: Maintain an automated system merging data regarding properties designated under Lee County Historic Preservation Ordinance into the county's parcel information system and study the feasibility of developing an automated system merging Florida Site File data into the county's parcel information system. (Amended by Ordinance No. 94-30)

POLICY 141.1.4: Lee County will continue to maintain a streamlined storage and retrieval system of the Florida Site File to allow for fast and easy access and distribution. (Amended by Ordinance No. 94-30, 00-22)

POLICY 141.1.5: Lee County will establish a scenic resource identification and evaluation program. (Amended by Ordinance No. 00-22)

OBJECTIVE 141.2: EVALUATION. Continue to evaluate the historic and archaeological resources of Lee County according to adopted criteria for significance. (Amended by Ordinance No. 94-30)

POLICY 141.2.1: Maintain adopted criteria in the Historic Preservation Ordinance for the evaluation of historic and archaeological resources that are consistent with the requirements of the Certified Local Government Program created pursuant to the National Historic Preservation Act of 1966.

POLICY 141.2.2: Evaluate the historic resources of Lee County for eligibility for nomination to the National Register of Historic Places and a local register of historic places.

GOAL 142: RECOGNITION AND REGISTRATION. To formally recognize significant historic resources and provide for their appropriate registration or local, state, or national listings.

OBJECTIVE 142.1: RECOGNITION. Lee County will continue to implement a program to formally recognize those historic and archaeological resources that are considered historically and archaeologically significant according to the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.1: Lee County will maintain a local register of historic and archaeological places designated under the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.1.2: Lee County will provide plaques and certificates for display on buildings or archaeological sites certifying their historic significance. (Amended by Ordinance No. 00-22)

POLICY 142.1.3: Lee County will establish a historic marker program with the goal of marking the locations of significant historic resources, the boundaries of historic districts, or archaeological sites. (Amended by Ordinance No. 00-22)

POLICY 142.1.4: Lee County will establish an awards program to officially recognize excellence in historic preservation activities. (Amended by Ordinance No. 00-22)

POLICY 142.1.5: Lee County will distribute certificates of historical and/or archaeological significance to owners of properties designated under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 142.2: REGISTRATION. The county will continue its program to nominate eligible structures, sites, or districts to the National Register of Historic Places. (Amended by Ordinance No. 94-30, 00-22)

POLICY 142.2.1: Lee County will initiate the nomination of eligible historic resources to the National Register of Historic Places through the Lee County Historic Preservation Board according to the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 142.2.2: Lee County will encourage historic property owners to nominate eligible structures, sites, or districts to the National Register of Historic Places through the provision of information and technical assistance. (Amended by Ordinance No. 00-22)

GOAL 143: LOCAL PRESERVATION TECHNIQUES. To provide for the protection, preservation, reconstruction, restoration, rehabilitation, and use of the historic resources of Lee County.

OBJECTIVE 143.1: DEVELOPMENT REGULATIONS. Lee County will continue to enact, amend, or revise, as appropriate, regulatory measures that will further historic preservation goals and policies as stated in this element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.1: Lee County will maintain in effect a Historic Preservation Ordinance in conformance with the requirements of the Certified Local Government program. (Amended by Ordinance No. 00-22)

POLICY 143.1.2: Lee County will amend the Zoning Regulations and the Development Standards Regulations, as necessary, to incorporate the findings contained within this Historic Preservation element and any subsequent revisions thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.3: The Lee County Building Code will be amended so as to depart from the provisions of the Southern Standard Building Code and applicable fire codes, to the extent permitted by state law and proper safety practices, so as to be consistent with the Historic Preservation Ordinance and any amendment thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.4: County development regulations will be amended in response to the recommendations contained in the *Archaeological Zone Management Plan* for Lee County (Piper Archaeological Research, Inc., 1987) and in any future update or revision thereof. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.1.5: Lee County will continue to study the feasibility of various incentives (such as transfer of development rights and property tax relief) as a means of accomplishing the goals and recommendations of the Historic Preservation element. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 143.2: INNOVATIVE TECHNIQUES. Lee County will continue to make available information, as appropriate, on a variety of legal techniques that will further historic preservation goals and aid in the implementation of the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.2.1: Lee County will make information available generally to the public on easements, covenants, options to purchase, right of first refusal, and eminent domain, for historic preservation purposes. (Amended by Ordinance No. 00-22)

POLICY 143.2.2: The County will encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas. (Added by Ordinance No. 07-16)

OBJECTIVE 143.3: INCENTIVES. Lee County will continue to maintain a program for the provision of financial incentives for historic preservation purposes. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.1: Lee County will investigate the establishment of a Historic Preservation Trust Fund to be administered by the Board of County Commissioners or a non-profit organization after recommendations by the Historic Preservation Board. The Trust Fund will consist of all monies received from federal and state sources and all monies, if any, appropriated by Lee County, and monies contributed to the fund from any other source. A framework for the administration of the fund will be established. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.2: Lee County will continue to seek and make applications for historic and archaeological preservation grants from private, state, and federal sources. Funds will be administered by the Historic Preservation Trust Fund, once established. (Amended by Ordinance No. 00-22)

POLICY 143.3.3: Lee County will consider implementation of the historic preservation property tax exemption program to put into effect Sections 196.1997 and 196.1998, Florida Statutes. (Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 143.3.4: Lee County will make available Community Development Block Grant funds, when available, for historic preservation purposes. (Amended by Ordinance No. 00-22)

POLICY 143.3.5: Lee County will explore the issuance of low- interest loans for the rehabilitation of historic resources with funds from the Historic Preservation Trust Fund. (Amended by Ordinance No. 00-22)

POLICY 143.3.6: Lee County will explore ways in which the historic preservation program and the Community Redevelopment Agency can work together using tax increment financing to restore historic districts in slum or blighted areas. (Amended by Ordinance No. 94-30, 00-22)

POLICY 143.3.7: Lee County will provide information and technical support in the use of community reinvestment or rehabilitation investment tax credits. (Amended by Ordinance No. 00-22)

OBJECTIVE 143.4: PUBLICLY OWNED SITES. Lee County will continue to preserve and protect the historic and archaeological resources owned, acquired, or disposed of by Lee County by designating them under the Lee County Historic Preservation Ordinance if feasible. Lee County will continue the program to preserve and protect those historic and archaeological resources owned, acquired or disposed of by Lee County which do not qualify for designation under the Lee County Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22, 07-12)

POLICY 143.4.1: Lee County will inventory and prepare a preservation plan for all county-owned historic resources. (Amended by Ordinance No. 00-22)

POLICY 143.4.2: Lee County will consider the acquisition of historic and archaeological resources, where necessary, and in so doing will follow the Standards for Acquisition established by the U.S. Department of the Interior. (Amended by Ordinance No. 00-22)

POLICY 143.4.3: In disposing of county-owned historic and archaeological resources, Lee County will attach a preservation easement or protective covenants to said property. (Amended by Ordinance No. 94-30, 00-22)

GOAL 144: EDUCATION AND PUBLIC PARTICIPATION. To provide for the public awareness and involvement in all aspects of historic preservation in Lee County.

OBJECTIVE 144.1: EDUCATION. Lee County will maintain a public information program with the purpose of educating the public about local history, the Lee County historic preservation program, and the historic preservation incentives. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.1: Lee County will maintain and make available to the public an historic preservation manual to help property owners preserve and maintain their properties consistent with historic preservation standards. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.2: Lee County will continue to develop, in cooperation with local historical groups, programs and displays, maps, tours, and brochures that illustrate Lee County's history and its historic preservation programs. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.3: Lee County will continue to compile, store, and make available to the public published manuals relating to historic preservation. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.4: Lee County will continue to support local historical museums through information and technical assistance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.5: Lee County, in cooperation with the Lee County School Board, will continue to study the development of historic preservation programs for school-aged children as well as to maintain, as necessary, those programs previously developed. (Amended by Ordinance No. 94-30, 00-22)

POLICY 144.1.6: Lee County, in cooperation with local historic or archaeological groups and the public library, will study the feasibility of establishing a depository for the archival of materials pertaining to the history of Lee County. (Amended by Ordinance No. 00-22)

OBJECTIVE 144.2: PUBLIC PARTICIPATION. Lee County will continue to implement mechanisms for the notification and involvement of historic property owners and the interested public in county historic preservation activities. (Amended by Ordinance No. 94-30, 00-22)

GOAL 145: COORDINATION. To cooperate and coordinate with various private preservation groups and governments to achieve an efficient and responsible system for the exchange of information relating to historic preservation.

OBJECTIVE 145.1: IMPACT REVIEW. Lee County will continue its integration of the review of impacts to historic and archaeological resources into the existing regulatory framework of local and state government agencies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 145.1.1: Provide survey and inventory information to all local and state agencies.

POLICY 145.1.2: All county departments must notify the Lee County Historic Preservation Board of any proposals that would affect a historic resource. The Historic Preservation Board will advise the Board of County Commissioners as to any action they deem appropriate or perform other duties as specified in a historic preservation ordinance. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.2: RECOGNITION AND REGISTRATION. Assist local and state government agencies in the recognition and registration of the historic resources in Lee County.

POLICY 145.2.1: Participate in the Certified Local Government Program (36 CFR 61.5).

POLICY 145.2.2: Lee County will exert every effort to enter into an interlocal agreement with the municipalities within Lee County to perform shared functions with the Historic Preservation Board. (Amended by Ordinance No. 00-22)

POLICY 145.2.3: Lee County will assist the Lee County School Board in the nomination of eligible school board properties to the National Register of Historic Places. (Amended by Ordinance No. 00-22)

POLICY 145.2.4: The county will consider establishing or supporting a staff position for a county or regional archaeologist to undertake the educational and cultural research requirements of the Lee County archaeological resource base. (Amended by Ordinance No. 00-22)

OBJECTIVE 145.3: EDUCATION. To improve coordination with other governmental agencies in promoting and increasing public awareness of historic resources.

POLICY 145.3.1: Maintain a liaison with the School Board in the establishment of a historic preservation education program.

POLICY 145.3.2: Provide information to those private and public agencies that function to promote the general interest of Lee County for tourism, industry, and commerce.

GOAL 146 – GOAL 150: [RESERVED]

INTERGOVERNMENTAL COORDINATION



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter X

X. Intergovernmental Coordination

GOAL 151: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 151.1: SPECIAL DISTRICTS. Lee County will utilize the Department of Community Affairs' special district information program so as to provide for the regular exchange of information, proposals, and plans between the county and its special districts, bodies, boards, and other entities; and Lee County will monitor the effectiveness of this program as it pertains to intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.1.1: The office of the County Administrator will be responsible for monitoring and utilizing the special district information program for the purpose of coordinating the programs, activities and procedures for the provision of services and information. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 151.2: LEVEL-OF-SERVICE STANDARDS. Lee County will continue to monitor for conflicts or potential conflicts in level-of-service standards for public facilities in other affected jurisdictions and will pursue resolution of those conflicts. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.1: Lee County will maintain and annually update an inventory and analysis of the various level-of-service standards for public facilities and will recommend means of coordinating those standards which are not in agreement. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.2: Where conflicts with other entities regarding service standards cannot be resolved through discussion among those concerned, Lee County will pursue resolution through interlocal agreements and/or the informal mediation process of the Southwest Florida Regional Planning Council. (Amended by Ordinance No. 94-30, 00-22)

POLICY 151.2.3: Development proposals within Lee County will be reviewed for their impacts on levels of service for public facilities as stated in the comprehensive plans of adjacent governments. (Amended by Ordinance No. 00-22)

OBJECTIVE 151.3: COORDINATION OF ROADWAY AND UTILITY IMPROVEMENTS. Coordinate, where possible, between the Lee County Department of Transportation (DOT) and utility companies, including Lee County Utilities and the various privately operated water and wastewater companies, to insure that capital and maintenance projects are not adversely affected by subsequent utility construction. (Added by Ordinance No. 94-30)

POLICY 151.3.1: Lee County DOT will continue open communications with the various water and wastewater utility companies to coordinate expected utility construction projects with programmed roadway maintenance and capital projects. (Added by Ordinance No. 94-30, Amended by Ordinance No. 07-12)

OBJECTIVE 151.4: COORDINATION OF AIRPORT DEVELOPMENT AND IMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT WITH ALL PERMITTING AGENCIES. The Port Authority will coordinate with Lee County, the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, Federal Aviation Administration, and the Florida Department of Transportation to ensure that the development of the Southwest Florida International Airport and the Page Field General Aviation Airport is consistent with the Lee Plan. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

POLICY 151.4.1: Port Authority staff will ensure that Lee County staff is directly involved in the review and approval process related to the ongoing update of the Airport Master Plan for Southwest Florida International Airport and Page Field General Aviation Airport. This mandatory inter-agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

POLICY 151.4.2: The Port Authority will submit and County staff will review and provide comments regarding the following:

1. Scope and content of ongoing updates to the Airport Master Plan for Southwest Florida International Airport and Page Field General Aviation Airport pursued in accordance with Federal Aviation Administration Advisory Circular 150/5070-6 and the Florida Department of Transportation Guidebook for Airport Master Planning.
2. Consistency of proposed amendments to the Airport Master Plan and resulting Airport Layout Plan for Southwest Florida International Airport (Map 3F) and Page Field General Aviation Airport (Map 3G) with the Lee Plan, Land Development Code (LDC) and local zoning approvals.
3. Compatibility and compliance of individual CIP projects with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
4. Proposed Lee Plan Amendments necessary to support revisions to the Airport Layout Plan for Southwest Florida International Airport (Map 3F) and Page Field General Aviation Airport (Map 3G), the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)), the Page Field General Aviation Airport Proposed Development Schedule (Table 5(b)), the Airport Master Plans for Southwest Florida International Airport and Page Field General Aviation Airport, or CIP project list.

(Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

POLICY 151.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary. (Added by Ordinance No. 04-16)

POLICY 151.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and input regarding consistency with the Lee Plan and County regulations. (Added by Ordinance No. 04-16)

POLICY 151.4.5: The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization. This includes the incorporation of improvements into the Financially Feasible Transportation Plan (Map 3A) and the Lee County Metropolitan Planning Organization Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, state, and federal transportation agencies to identify and obtain funding for access improvements to the airport. (Added by Ordinance No. 04-16)

OBJECTIVE 151.5: COORDINATION OF WATER SUPPLY PLANS AND THE LEE PLAN. Coordinate between Lee County and the South Florida Water Management District to ensure that the Lee Plan remains consistent with the District's regional water supply plans. (Added by Ordinance No. 09-13)

POLICY 151.5.1: The county will continue to evaluate the latest water supply plans issued by the South Florida Water Management District to ensure consistency in the Lee Plan and the County's Water Supply Facilities Work Plan. The county will update the Water Supply Facilities Work Plan within 18 months after the South Florida Water Management District approves an update to the regional water supply plan. (Added by Ordinance No. 09-13)

POLICY 151.5.2: The county will coordinate with other government agencies and private suppliers of potable water during the water supply planning process to include the review of land use changes, addressing population projections, and acceptable level of service standards. (Added by Ordinance No. 09-13)

OBJECTIVE 151.6: To ensure collaborative planning and decision-making between Lee County and the School District on population projections and public school siting and location. (Added by Ordinance No. 08-17)

POLICY 151.6.1: The County will collaborate with the District Board of Education on school siting and location when planning and making decisions regarding population projections. For additional policies on collaborative planning please see Objective 66.2 and its subsequent policies. (Added by Ordinance No. 08-17)

GOAL 152: GROWTH MANAGEMENT. To coordinate the plans and policies of Lee County, its municipalities, and adjacent local governments so as to guide, manage, and regulate urban growth in a compatible fashion.

OBJECTIVE 152.1: EFFECTS OF NEW DEVELOPMENT. Lee County will continue to review impacts of planned developments on the municipalities within Lee County and on adjacent counties, regional agencies, and other governmental units in a coordinated and efficient manner. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.1.1: Lee County will adopt formal coordination procedures for mandated planning activities with other local governments, regional agencies, the state, and other governmental units. (Amended by Ordinance No. 00-22)

POLICY 152.1.2: Where conflicts regarding growth management and development issues cannot be resolved through discussion among those concerned, the informal mediation process of the Southwest Florida Regional Planning Council will be used where judicial action can be avoided. (Amended by Ordinance No. 00-22)

POLICY 152.1.3: Lee County will enter into interlocal agreements with appropriate entities for the notification and exchange of information regarding changes in land use or zoning of areas within one mile of its boundaries. (Amended by Ordinance No. 00-22)

POLICY 152.1.4: The county will strive to negotiate interlocal agreements with all incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. "Urban Reserve" boundaries adopted in such agreements will be designated on the future land use map (see Policy 1.7.3). (Amended by Ordinance No. 00-22)

POLICY 152.1.5: The county will protect natural resource systems that cross governmental boundaries through the means described under Goal 112 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.6: The county will coordinate transportation planning and road improvements with other jurisdictions through the means described under Goal 42 of this plan. (Amended by Ordinance No. 00-22)

POLICY 152.1.7: The county will continue to pursue efforts to implement a plan for surface water management with the surrounding affected counties and affected municipalities within Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.1.8: The principles and guidelines to be used in the planning, siting and location of new schools have been established under Goal 66: Education. (Added by Ordinance No. 03-04)

POLICY 152.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program. (Added by Ordinance No. 07-16)

POLICY 152.1.10: The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River. (Added by Ordinance No. 07-16)

POLICY 152.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River. (Added by Ordinance No. 07-16)

OBJECTIVE 152.2: POLITICAL INTERVENTION. In 1995, and on a continuing basis thereafter, Lee County will initiate vehicles for dialogue and communication with other local governments to address issues, which have an effect beyond the boundaries of unincorporated Lee County. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.2.1: In order to address issues which cross-jurisdictional boundaries, such as the re-establishment of the Urban Reserve Area with the City of Fort Myers, the chairman of the Board of County Commissioners will initiate and coordinate interactions with political counterparts in municipalities and counties in the region. (Amended by Ordinance No. 94-30, 00-22)

POLICY 152.2.2: Lee County will continue to:

- utilize the Metropolitan Planning Organization (MPO) for matters of coordination in transportation planning and implementation; and
- utilize the Technical Advisory Committee to the MPO in matters requiring communication, cooperation, and coordination between Lee County and other jurisdictions. (Amended by Ordinance No. 00-22)

GOAL 153 - GOAL 157: [RESERVED]

ECONOMIC ELEMENT



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter XI

XI. Economic Element

GOAL 158: Lee County will achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employment opportunities while maintaining a high quality of life. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.1: Lee County will encourage the conservation and enhancement of those natural and cultural resources that represent the foundation of the county's existing retirement, recreation, and tourist oriented economy in order to place Lee County in a competitive position to enable the retention and expansion of these and other business opportunities. (Amended by Ordinance No. 00-22)

POLICY 158.1.1: Lee County will encourage the development of diverse cultural facilities, through public, private, or public/private partnerships, that meet the needs of the residents and visitors of Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.1.2: Lee County will promote the opportunity for development and support of hospitals, nursing homes, and additional medical related facilities in order to promote a continuum of care to enhance the quality of life throughout the county. (Amended by Ordinance No. 00-22)

POLICY 158.1.3: Lee County will cooperate with state entities and other social service providers to encourage the establishment of programs and facilities that assist the elderly population of Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.1.4: Lee County will work with the sheriff, fire districts, municipalities, and other appropriate entities to provide a strong public safety program capable of protecting the citizens of Lee County and their property. (Amended by Ordinance No. 00-22)

POLICY 158.1.5: Lee County will maintain a publicly sponsored recycling program as well as "Keep Lee County Clean," "Adopt a Road," and "Adopt a Beach" programs to maintain a positive public image. (Amended by Ordinance No. 00-22)

POLICY 158.1.6: Lee County will protect the environment that sustains the commercial fishing and tourist industries by opposing the leasing of off-shore tracts for the purpose of oil exploration and drilling. The county will oppose off-shore oil drilling in the region south of latitude 27 degrees north to the state waters north of the Florida Keys and west to longitude 86 degrees west. (Amended by Ordinance No. 00-22)

POLICY 158.1.7: Lee County will encourage the preservation of sensitive natural resources, including beaches, wetlands, estuaries, clean air and water, historic resources, scenic vistas and other unique natural resources through public acquisition and/or regulatory protection. (Amended by Ordinance No. 00-22)

POLICY 158.1.8: Lee County will ensure a continued commitment of a portion of the Tourist Development Tax to be used for beach and shore-related improvements such as restoration and

erosion control, renourishment, future beach acquisition, fishing piers, and beach access points, beach parking facilities, and maintenance. (Amended by Ordinance No. 00-22)

POLICY 158.1.9: Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element. (Amended by Ordinance No. 00-22)

POLICY 158.1.10: Evaluate the current land development regulatory and fiscal structure to identify and remove where appropriate the unwanted impediments to ensuring development is fiscally beneficial. (Added by Ordinance No. 07-16)

OBJECTIVE 158.2: Lee County will maintain and develop programs which are designed to expand and enhance the tourism industry. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.2.1: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to support the area's domestic and international tourism development program to ensure continuation and expansion of the tourism industry. (Amended by Ordinance No. 00-22)

POLICY 158.2.2: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will continue to lead the local tourism industry and work with the community to position Lee County as a friendly and hospitable visitor destination. (Amended by Ordinance No. 00-22)

POLICY 158.2.3: Lee County, in coordination with the Tourist Development Council and other appropriate entities, and in conjunction with the Port Authority, will work toward positioning Lee County as a major aviation international port of entry. (Amended by Ordinance No. 00-22)

POLICY 158.2.4: Lee County, in coordination with the Tourist Development Council and other appropriate entities, should continue the strong research efforts that accurately measure the economic impact of tourism and provide information for planning, marketing and management of tourism for both the private and public sectors.

POLICY 158.2.5: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of ecotourism in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.2.6: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of the sports market and sports facilities for future economic development. (Added by Ordinance No. 07-09)

OBJECTIVE 158.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will establish, continue and maintain programs which are designed to promote and encourage the recruitment of new industries that will facilitate and diversify Lee County's economic base. (Amended by Ordinance No. 00-22)

POLICY 158.3.1: Lee County will, in coordination with the Horizon Council and other appropriate entities, formulate an economic development plan to assist local organizations in fostering the expansion and diversification of Lee County's economic base, and will set forth the intent, funding, and the means available for its implementation. (Amended by Ordinance No. 00-22)

POLICY 158.3.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will sustain a coordinated local, regional, national, and international marketing program that will identify and attract industrial, commercial, and office space users. (Amended by Ordinance No. 00-22)

POLICY 158.3.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of new company locations. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.3.4: Lee County will, in coordination with the Horizon Council and other appropriate entities, develop a presentation packet to actively pursue and encourage businesses to relocate to Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.5: Lee County will ensure that adequate land is allocated in the comprehensive plan to meet future commercial, industrial, agricultural, residential, and recreational needs. (Amended by Ordinance No. 00-22)

POLICY 158.3.6: Lee County will study economic incentives utilized by various Florida cities and counties that may also be utilized by Lee County to place the county in a competitive position to attract new businesses. (Amended by Ordinance No. 00-22)

POLICY 158.3.7: Lee County will promote and coordinate the Lee County/Fort Myers Enterprise Zones. (Amended by Ordinance No. 00-22, Relocated and Amended by Ordinance No. 07-09)

POLICY 158.3.8: Lee County, in coordination with the Horizon Council and other appropriate entities, will encourage the expansion of international banking and finance to better accommodate the needs of international visitors to the area and that of local firms engaged in global markets. (Amended by Ordinance No. 00-22, Relocated by Ordinance No.07-09)

POLICY 158.3.9: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote the Foreign Trade Zones in Lee County. (Amended by Ordinance No. 00-22, Relocated and Amended by Ordinance No. 07-09)

POLICY 158.3.10: Lee County will, in coordination with local, state, and federal representatives, develop a strategy to increase foreign investment in Lee County. (Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-09)

POLICY 158.3.11: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which encourage and assist in the location of new companies that diversify the economy and create higher wage jobs. (Amended by Ordinance No. 00-22, Amended and Relocated by Ordinance No. 07-09)

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the county's existing economic base. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which assist existing companies in expansion efforts and new companies that desire to relocate to the County. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.4.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of existing industry expansions. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.4.3: Lee County will protect and promote its existing water port developments. (Amended by Ordinance No. 00-22)

POLICY 158.4.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote economic opportunity through the utilization of the Southwest Florida International Airport and strengthen the role of the airport in Lee County's economic development. (Amended by Ordinance No. 00-22, 07-09)

POLICY 158.4.5: Lee County will actively pursue state and federal funding for transportation improvements to the local, region, state, and national highway system in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.6: All Lee County Departments and Divisions will communicate and coordinate with the Division of Economic Development (or its successor) to assure interdepartmental coordination of industry and business attraction, expansion and retention in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.7: Lee County will encourage the retention of the agricultural and commercial fishing industries as described in Goals 8, 9, 121, 122, 128, and their associated objectives and policies of the Lee Plan. (Amended by Ordinance No. 00-22)

POLICY 158.4.8: Lee County, in coordination with the Horizon Council and other appropriate entities, may establish an "Ambassador Team", consisting of volunteer representatives from such sources as government, banking/finance, utilities, marketing, chambers of commerce, education, and labor market sectors, in order to assist in the retention of targeted industries and businesses. The function of the team will be to increase communication between county and municipal governments, the Horizon Council, and the business community in Lee County.

POLICY 158.4.9: Lee County, in coordination with other appropriate entities, will work to establish and retain small businesses throughout Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.4.10: Lee County will encourage agriculture industry programs to maintain or improve its economic viability, provide necessary support and promote Lee County produce. (Amended by Ordinance No. 00-22; Relocated by Ordinance No. 10-14)

OBJECTIVE 158.5: Lee County will encourage the expansion and development of educational facilities that complement economic development and diversification. (Amended by Ordinance No. 00-22)

POLICY 158.5.1: Lee County will continue to coordinate with and assist the Lee County School Board in the orderly and rational expansion of educational facilities that enhance economic growth and a desired quality of life. (Amended by Ordinance No. 00-22)

POLICY 158.5.2: Lee County will promote the development of programs and facilities thru the Lee County School District, Edison State College, Florida Gulf Coast University, and any existing and/or future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22, 07-09, 10-14)

POLICY 158.5.3: Lee County will encourage the Lee County School District, Edison State College, Florida Gulf Coast University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22, 07-09, 10-14)

OBJECTIVE 158.6: Lee County will maintain a system of development regulations that will promote the accomplishment of the goals, objectives, and policies of this element and will expedite the development review process for projects identified by the Economic Development Office as “economic projects.” (Amended by Ordinance No. 00-22, 10-14)

POLICY 158.6.1: Before adopting any new regulation which potentially imposes new costs to taxpayers and private business, Lee County first will generally assess the impact of that regulation upon the local economy and will adopt such regulations only in cases of compelling public need. (Amended by Ordinance No. 00-22)

POLICY 158.6.2: Lee County will continue to utilize Lee County staff and private citizen committees to recommend revisions that will streamline development regulations. (Amended by Ordinance No. 00-22)

POLICY 158.6.3: Lee County will expedite the processing of rezoning and development permitting for projects identified by the Economic Development Office as “economic projects.” (Added by Ordinance No. 10-14)

POLICY 158.6.4: Lee County will appoint a zoning and development permitting ombudsman within the Economic Development Office, who will have the authority to coordinate and facilitate the rezoning and development permitting processes for “economic projects” pursuant to Policy 158.6.3, so as to reduce requests for additional information, identify issue resolutions, and reduce the amount of time spent in rezoning and permitting for such projects. (Added by Ordinance No. 10-14)

GOAL 159 - GOAL 163: [RESERVED]

GLOSSARY



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter XII

XII. Glossary

ACCESSORY APARTMENT - In general terms, a living unit constructed subordinate to a single family residence, or in a separate structure and rules governing such to be further defined in the Lee County Zoning Ordinance. (Added by Ordinance No. 93-25)

ACTIVE RECREATION - Active recreation requires a certain degree of physical exertion. Recreational activities that are of this orientation are generally of an organized or team nature and usually require an established playfield or type of court to accommodate them (e.g. baseball, football, tennis, basketball).

ACTIVITY CENTER - Those areas of such economic, recreational, cultural, or unique locational significance that the community has unusual difficulty in providing transportation facilities consistent with adopted service levels (see Objective 37.3).

AGGREGATE - Aggregate is an industry term for rock particles that vary in size from sand to several inches in diameter. The term "crushed stone" is often used interchangeably. In construction applications, aggregates are mixed with Portland cement or asphalt materials to form Portland cement concrete or hot mix asphalt. (Added by Ordinance No. 10-20)

AIRPORT (PUBLIC USE) - Is defined as any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose. Airport Facilities (Commercial or General Aviation) typically include areas for shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and areas used for access to airport facilities or buildings. (Added by Ordinance No. 04-16)

AIRPORT LAYOUT PLAN - A map of existing and proposed airport property, facilities and development that is created as a result of the Airport Master Planning process. The Airport Layout Plan for Southwest Florida International Airport is adopted as Map 3F, and the Airport Layout Plan for Page Field General Aviation Airport is adopted as Map 3G. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

AIRPORT MASTER PLAN - A plan of development applicable to an airport that is prepared and approved in accordance with FAA Advisory Circular 150/5070-6A and FDOT Guidebook for Airport Master Planning. By design, the Airport Master Plan process is ongoing and allows an airport to address operational and development needs as they arise. The overall development scheme or concept is depicted in the Airport Layout Plan. (Added by Ordinance No. 04-16)

AIRPORT SUPPORT LAND USES - Airport Support land uses include land uses that provide support facilities to other airport operations, including the air traffic control tower, aircraft rescue and firefighting, airport maintenance, airport utilities, rental car service and storage, fuel farms, aircraft maintenance areas, airline in-flight catering kitchens, airport police department gun range, airport auto repair facility, and Port Authority training facility. (Added by Ordinance No. 04-16)

ASSOCIATED SUPPORT DEVELOPMENT - Within the University Community land use category is that development which is related to and justified by the University, including but not limited to support facilities, university housing, and development, such as research and development parks, which would not have come to the University Community except for the synergy created by the University. (Added by Ordinance No. 92-47)

AVIATION-RELATED INDUSTRY - Aviation-Related Industry land uses include manufacturing, fabrication, or assembly activities relating to aviation. Examples of Aviation-Related Industry uses include fuel storage and transfer facilities, aircraft parts/instrument manufacture, facilities for processing large air cargo shipments, and warehousing. (Added by Ordinance No. 04-16)

AVIATION RELATED LAND USES - Aviation related land uses are necessary for the safe operation of the airport. These uses include: all uses necessary to support airfield operations such as runway and taxiway safety areas, runway approaches, taxiways and taxiway exits, areas where NAVAIDS will be located, and areas within the building restriction lines and the runway protection zones; all facilities associated with Airline Passenger Terminal areas and Air Cargo areas, including the Federal Inspection Station/customs, aircraft aprons, and terminal auto parking areas, cargo buildings and truck ramps for transshipping cargo between air and ground transportation; all uses associated with General Aviation operations, including aircraft aprons, fixed base operator offices and hangars, and auto parking areas. This term also includes all Airport Support and Aviation-Related Industry. (Added by Ordinance No. 04-16)

A-ZONE - Those areas subject to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

BARRIER ISLAND - The term "barrier island" is intended to refer to the following islands: Gasparilla, LaCosta (Cayo Costa), North Captiva, Captiva, Sanibel, Estero, Black, Lovers Key, Big Hickory, and Little Hickory (often referred to as Bonita Beach) Islands.

BASE FLOOD - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASIC FACILITY - As used in the Potable Water and Sanitary Sewer sub-elements of the Community Facilities and Services element, this term is intended to identify the principal productive capital of a water or sewer system, i.e., a wellfield and water treatment plant, as distinguished from the distribution system (see also "infrastructure").

"BEST MANAGEMENT PRACTICE" - That practice which provides reasonable assurance that a given standard of performance can be achieved (South Florida Water Management District).

BIOLOGICAL OXYGEN DEMAND (BOD) - The oxygen used in meeting the metabolic needs of aerobic microorganisms in water rich in organic matter.

BUILD-BACK - Replacing an existing structure or developed site with structures and/or development of substantially similar use, density and/or intensity. (Added by Ordinance No. 10-08)

CAPACITY, ROAD - The maximum number of vehicles having a reasonable expectation of passing over a given section of roadway during a given time period under prevailing roadway and traffic conditions.

CAPITAL IMPROVEMENTS - The acquisition of land, real property, a physical facility, or the construction of a physical facility.

CHEMICAL OXYGEN DEMAND (COD) - The amount of matter available in water with the potential to take up dissolved oxygen from the water by various chemical processes.

CIVIC SPACE - Spaces, public or private, that, when located at street level are accessible to the general public including: plazas, sidewalk gathering spaces with seating, pocket parks and playgrounds that are scaled to the surrounding urban environment, and other functional public areas. (Added by Ordinance No. 07-14)

CLUSTERING - A development design technique that concentrates a group of buildings or uses in specific areas to allow the remaining area to be used for open space, buffering, joint-parking, recreation, water management, or protection of environmentally sensitive areas.

COASTAL BUILDING ZONE - The barrier islands, except Sanibel; Buck Key; Long Key; the unnamed mangrove island between Broadway and Hogue Channels, in their entirety; and the land area 3,000 feet landward of mean high water from the western tip of Punta Rassa to the peninsula north of Pelican Bay, with the eastern boundary being the eastern shoreline at mean high water of the presently undeveloped peninsula in Siesta Isles as delineated in the aerial map filed with Clerk of the Court as Exhibit A. The bay islands in Gasparilla Sound, Pine Island Sound (including Cabbage Key and Useppa Island), Matlacha Pass and Estero Bay and Pine Island, San Carlos Island and the mainland area not expressly referred to in this definition are not included. (Added by Ordinance No. 94-30)

COASTAL CONSTRUCTION CONTROL LINE - The Department of Natural Resources' Coastal Construction Control Line is the line established pursuant to the provisions of Sections 161.052 - 161.053, Florida Statutes.

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 required by Chapter 163.3177(6)(a)10.c.(VI), F.S. (Added by Ordinance No. 94-30, Amended by Ordinance No. 99-17, 09-17, 16-07)

COASTAL PLANNING AREA - The coastal study area of the 1988 Lee County Coastal Study which is defined as all sections of unincorporated Lee County containing any portion of the 1988 A Zone (the 100-year floodplain as mapped in 1988 by FEMA), lying westward of the municipal boundaries of Fort Myers and Cape Coral. (Added by Ordinance No. 94-30)

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.

(Added by Ordinance No. 16-07)

COMMUNITY PARK - A tract of land designated and used by the public primarily for active recreation but also for educational and social purposes and passive recreation. A community park generally serves a specific community comprised of at least several neighborhoods. The Lee Plan's community park standards are based upon several sub-classifications of community parks: standard community parks; community recreation centers; community pools; and school parks.

CONSERVATION EASEMENT - A right or interest in real property that is appropriate to retaining the land or water areas predominately in the natural scenic, open, agricultural, or wooded condition. See F.S. 704.06. (Added by Ordinance No. 10-21)

CORNER-STORE COMMERCIAL - A small store servicing a range of daily needs within a neighborhood and accessible by pedestrian friendly streets and/or plazas, having a building footprint of less than 5,000 square feet. (Added by Ordinance No. 07-14)

COST-EFFECTIVE - An action or technique is "cost-effective" when it offers more benefit per unit cost or lower cost per unit benefit than an alternative.

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. 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 March 16, 2016 in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel. 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. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-06, 10-43, 16-07)

DEVELOPMENT - Has the meaning given in Chapter 380, Florida Statutes.

DEVELOPMENT OF COUNTY IMPACT (DCI) - A development which, because of its character, magnitude, location, size, timing, density, or intensity would have a substantial effect upon the health, safety, and welfare of the citizens of the county. Thresholds for Developments of County Impact will be specifically defined in zoning or development regulations and ordinances. (Amended by Ordinance No. 00-22)

DEVELOPMENT ORDER - An order granting, denying, or granting with conditions an application for a development permit. Whenever this plan refers to a “preliminary” or “final” development order, the term will have the same meaning given those terms in the Lee County Development Standards Ordinance as it existed in October of 1989. (Amended by Ordinance No. 94-30, 00-22)

DEVELOPMENT PERMIT - Includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of Lee County having the effect of permitting the development of land.

EDGE EFFECT - The influence of adjacent plant communities on the number of animal species present in the immediate vicinity.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) - The total number of meter equivalents using the methodology of the Florida Public Service Commission. This term is synonymous with “Equivalent Residential Units” as used by the Florida Public Service Commission. It is used to convert commercial and industrial water or sanitary sewer use into standard units, based on typical use in dwelling units.

EXTENDED PEDESTRIAN SHED - The estimated distance that a person is willing to walk under special circumstances in order to reach a destination. The extended pedestrian shed is ½ mile, or an 8 to 10 minute walk from the common destination. (See also: Pedestrian Shed). (Added by Ordinance No. 07-14)

FAÇADE – The elevations of a building usually set parallel to the frontage line. Facades define the public space and are subject to requirements additional to those of elevations such as architectural standards, assigned frontage types and height restrictions. (Added by Ordinance No. 07-14)

FLOODING - A general or temporary condition of partial or complete inundation of normally dry land areas from: (1) overflow of inland or tidal water; or (2) unusual and rapid accumulation or runoff of surface water from any source.

FLOOD PRONE AREA OR FLOODPLAIN - Any land area susceptible to being inundated by water from any source.

FLOOR AREA RATIO (FAR) - A measure of intensity expressing the maximum allowable floor area permitted on a lot. The FAR is equivalent to the total floor area of all commercial buildings divided by the total area of the lot, expressed in square feet. The FAR represents the relationship of the developed square footage of the lot to the square footage of the site. (Added by Ordinance No. 07-09, Amended by Ordinance No. 10-34)

FLORIDA FRIENDLY LANDSCAPING – Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape

planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance. (Added by Ordinance No. 16-01)

FLOW-WAY - A defined area that conveys surface water during typical seasonal weather patterns. The flow-way may contain uplands, wetlands, defined natural or artificial channels, or a combination thereof. A flow-way may be natural or man-made.

A natural flow-way is an area of lower topographic relief where surface water moves within variable dimensions or a well defined channel. The area of flow in this case has enough general confinement to exhibit surface water flow characteristics and is determined through reasonable scientific judgment utilizing all available information including without limitation a review of all the following: vegetation, hydrology, soils maps, aerial photography, topographic maps, USGS maps, drift lines, rack lines, sediment deposits, soils and root scour, absence of litter or groundcover, and field verifications. A natural flow-way can be a series of lower elevation upland areas that allow otherwise isolated wetlands to interconnect when surface water levels rise high enough during typical high water seasonal level to form a continuous flow path. Natural flow-ways typically include but are not limited to rivers, creeks, streams, sloughs, interconnected wetlands, and associated flood plain.

A man-made naturalized flow-way is a constructed surface water management system consisting of soft features used for nutrient uptake, surface water treatment, and/or surface water conveyance. Man-made naturalized flow-ways typically include but are not limited to filter marshes, created wetlands, swales planted with native vegetation, created streams/creeks, created pond or lake systems interconnected through native vegetation areas, or combinations thereof.

A man-made structural flow-way is a physical connection between surface water management basins. Man-made structural flow-ways typically include but are not limited to culverts, ditches, canals, pipelines, mowed grass swales, rip-rap swales, or combinations thereof. This will not include roadways, fire breaks, or similar man-made structures. (Added by Ordinance No. 03-06)

FORM-BASED CODE - A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through city or county regulations. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. (Added by Ordinance No. 07-14)

FRANCHISE - An exclusive right to sell a good or produce a service within a limited geographic area.

FREEWAY - The term freeway as used herein and as defined by the 1985 Highway Capacity Manual, Special Report 209, is a divided highway facility having two or more lanes for the exclusive use of traffic in each direction and full control of access and egress. Access to and egress from the facility occur only at ramps, which are generally designed to permit high-speed merging and diverging maneuvers to take place, thus minimizing disruptions to mainline traffic. (Added by Ordinance No. 98-09)

FUNCTIONAL STREET CLASSIFICATION - Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

FUTURE URBAN AREAS - Those categories on the Future Land Use Map which are designated for urban activities: Intensive Development, Central Urban, Urban Community, Suburban, Outlying Suburban, Industrial Development, Public Facilities, Airport, Tradeport, Industrial Interchange, General Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village

Interchange, Mixed Use Interchange, University Community, and New Community. (Amended by Ordinance No. 94-30, 99-18, 04-16)

GREEN INFRASTRUCTURE - Surface water management systems that are "soft" features such as preserved/restored flow-ways, created flow-ways, lakes with littoral plantings, swales planted with native grasses, filtration marshes, preserved/restored wetlands, created wetlands, or other similar design features. (Added by Ordinance No. 03-06)

GREYFIELD DEVELOPMENT - Redevelopment of antiquated or underutilized commercial or industrial properties such as strip shopping centers, malls and office parks, not qualifying as brownfields. (Added by Ordinance No. 07-14)

HISTORIC DISTRICT - A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

HISTORIC RESOURCE - Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state (s.267.021 (3), F.S. 1986).

HUMAN-SCALE DEVELOPMENT - The use of buildings with details, elements and materials that are inviting to pedestrians and site design elements clearly oriented to human activity, such as limited block length, limited distance between entrances and reduced blank or dead façade space. (Added by Ordinance No. 07-14)

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. (Amended by Ordinance No. 99-15, 16-07)

HYDROPERIOD - The cyclic variation in the volume of water flowing in a system through time.

INFILL - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards. (Added by Ordinance No. 07-14)

INFILTRATION - The flow of a liquid through a porous material (see also "percolation").

INFRASTRUCTURE - As used in the Potable Water and Sanitary Sewer sub-elements of the Community Facilities and Services element, this term is intended to identify the capital facilities that distribute a service, i.e., the sewer mains, manholes, lift and pump stations, and trunk and interceptor sewers, as distinguished from the wastewater treatment plant and effluent disposal system (see also "basic facility").

INTENSITY - A measurement of the degree of non-residential uses of land based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation, or floor area ratios.

LAND USE - The development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under the adopted Comprehensive Plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

LEACHATE - The solution/suspension of material in water which has percolated through a landfill.

LEVEL OF SERVICE - An indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of a facility. Levels of service are generally expressed as the capacity per unit of demand for each public facility. (See Policy 95.1.3 for a description of the various levels of service contained in this plan.)

LIMEROCK - Limerock is a common name for construction products made from naturally occurring limestone. In Lee County, most of the commercially valuable limestone comes from the Ochopee geological unit. Limerock mines typically produce rip-rap and the base rock that is used for road beds, as well as selling overburden as fill dirt. Larger limerock mines also produce aggregate (crushed stone) of various sizes. (Added by Ordinance No. 10-20)

LINER BUILDING - Type of building constructed in front of a parking lot, cinema, supermarket etc., to conceal large expanses of blank space or wall and to face the street space with a façade that has doors and windows opening onto the sidewalk. (Added by Ordinance No. 07-14)

LIVE-WORK UNIT - A dwelling unit, part of which is used as a business establishment and the dwelling unit is the principal residence of the business operator. Live-Work units typically include a ground floor dedicated to office or retail space, and upper or rear floors for living quarters.

(a) Live-Work Unit means rooms used by a single household both as a dwelling unit and as a "Work Space," as defined herein. The living space of a Live-Work unit must contain a kitchen area and sanitary facilities.

(b) "Work Space" means an area within a Live-Work Unit that is designed or equipped exclusively or principally for the conduct of work activities and is to be regularly used for such work activities by one or more occupants of the unit.

(Added by Ordinance No. 09-08)

LOW INCOME - A person or household whose annual (gross) income does not exceed the 80% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

MARINA - A commercial or industrial Water-Dependent Use located on property adjacent to water with direct access to a navigable channel. The primary function must be to provide commercial dockage, mooring, storage and service facilities for watercraft and land-based facilities and activities necessary to support the water dependent use. The term "marina" does not apply to docks, davits, boathouses and similar docking facilities that are accessory or ancillary and subordinate to: 1) residential buildings that are located on the same premises and under the same ownership or control as the docks, davits, boathouses, boat ramps, and similar docking facilities; and 2) commercial or industrial establishments that are not Water-Dependent uses.

For purposes of this definition only, "residential building" means a mobile home, single-family, two-family, duplex, townhouse or multiple-family dwelling.

Sub-classifications of Marinas will be further defined in the Land Development Code for the purpose of establishing permissible ancillary or accessory water and land-based activities and property development regulations. (Amended by Ordinance No. 00-22)

MARINE INDUSTRIAL USES - Uses which generally relate to port activities and commercial fishing. These uses include, but are not limited to, ports, oil and gas transportation facilities, boat manufacturing plants, commercial fishing operations, marine supply stores, boat repairs, and the icing, preparation, shipping, and sale of seafood.

MEDIAN INCOME - A determination made by HUD (the U.S. Department of Housing and Urban Development) through statistical methods establishing a middle point for determining income limits for households within the metropolitan statistical area, the county or the non metropolitan median for the state, whichever is greatest. Median is the amount that divides the distribution into two equal groups: one group having income above the median and the other group having income below the median. (Added by Ordinance No. 99-15)

MIXED USE - The development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation. These uses may be combined within the same building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. True mixed use developments primarily consist of mixed use buildings as defined by this Glossary. (Amended by Ordinance No. 05-21, 07-14)

MIXED USE BUILDING - Mixed Use Building means a building that contains at least two different land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Added by Ordinance No. 05-21)

MODERATE INCOME - A person or household whose annual (gross) income does not exceed the 120% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

NATURAL RESOURCE EXTRACTION - The act of removing, through various techniques, renewable and non-renewable resources, excluding water, in their natural state on or below the surface of the earth. Such resources include but are not limited to sand, gravel, limestone, fill dirt, oil, and natural gas. (Added by Ordinance No. 02-02)

NAVAID - AIR NAVIGATION FACILITY - A facility designed for use as an aid to air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication, and any other structure or mechanism having a similar purpose for guiding and controlling flight in the air or the landing or takeoff of aircraft. (Added by Ordinance No. 04-16)

NON-AVIATION RELATED USES - This phrase refers to the commercial and industrial land uses identified on the Southwest Florida International Airport Layout Plan (Map 3F), the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)), the Page Field General Aviation Airport Layout Plan (Map 3G), and the Page Field General Aviation Airport Proposed Development Schedule (Table 5(b)). Non-aviation related uses are typically developed in non-aviation settings. Non-aviation uses may be enhanced by proximity to an airport, but these uses are not dependent on access to an airport. These uses could be developed in other locations within the County. Non-aviation related uses will be established on Airport lands through lease agreements with the Port Authority. The areas identified to accommodate these non-aviation uses are not necessary to support the primary aviation

facilities comprising the Southwest Florida International Airport or the Page Field General Aviation Airport. Use of Airport lands for non-aviation use is intended to provide a revenue stream that may be used to enhance airport operations. Though located on airport property, the establishment of non-aviation uses is not necessary for the continued function of the primary aviation facilities associated with the airport. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

OPEN SPACE - Land, public or private, which may be either unoccupied or predominately unoccupied by buildings or structures, having use for parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

PAGE FIELD GENERAL AVIATION AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5(b)) - This Table depicts the proposed development schedule for the Page Field General Aviation Airport through the year 2025. The Table will be updated by Lee Plan amendment based on future Airport Master Plan and Airport Layout Plan updates. (Added by Ordinance No. 09-14)

PARK-ONCE ENVIRONMENT - An urban design strategy that creates an area where it is possible, after arrival, to engage in a variety of activities by walking. (Added by Ordinance No. 07-14)

PASSIVE RECREATION - Passive recreation activities are ones which require a minimal amount of physical effort but help in promoting physical and psychological refreshment. Such activities include: picnicking, camping, strolling in the park, and water-oriented recreation in the forms of fishing and boating.

PEDESTRIAN SHED - The estimated distance that a person is willing to walk in order to reach a destination. The standard pedestrian shed is ¼ mile, or a five to eight minute walk from the common destination. (Added by Ordinance No. 07-14)

PERCOLATION - The flow of a liquid through a porous material under the influence of gravity or pressure (see also "infiltration").

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. (Added by Ordinance No. 16-07)

PLANNED DEVELOPMENT - A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities, and utilities, and protection or enhancement of environmental and natural resources. A "planned development" may be for residential, commercial, industrial, or other specific purposes, or a combination thereof. The Lee County zoning regulations define the various types of "planned developments." (Amended by Ordinance No. 94-30)

POPULATION AT RISK - All people located within an area defined by the vulnerability zone of a Category 3 storm hazard in the month of November. The latest Southwest Florida Region Hurricane Evacuation Study will be used to designate the vulnerability zone of a Category 3 storm hazard. (Amended by Ordinance No. 92-35, 00-22)

PRIVATE RECREATION FACILITIES - Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service

areas, administrative areas, ancillary uses, and golf courses (private or public use). The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities. (Added by Ordinance No. 99-16, Amended by Ordinance No. 10-21)

PUBLIC RECREATION FACILITIES - Land and appurtenant facilities that are provided by a governmental agency or charitable conservation organization for recreational use by the general public. (Added by Ordinance No. 10-21)

RARE AND UNIQUE UPLAND HABITATS (RU) - High-quality native upland habitats as identified by the Lee County Coastal Study (Godschalk and Associates, 1988). These habitat types include those classified as sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

RECREATIONAL USE - The occupation, utilization, consumption, or enjoyment of a recreation resource, or of a particular part of a recreation resource.

REDEVELOPMENT - Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. (Added by Ordinance No. 07-14)

REGIONAL PARK - A tract of land designated and used by the public for active and passive recreation. A regional park draws users from a larger area than a community park, frequently from the entire county and beyond, by providing access to especially attractive natural resources, amenities, and specialized activities. The Lee Plan's regional park standards are based upon several sub-classifications of regional parks: district parks; nature preserves; and special area regional parks.

REHABILITATION - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

RESEARCH AND DEVELOPMENT - Establishments primarily engaged in commercial physical and biological research and development, and noncommercial research establishments; performing commercial business, marketing, opinion, and other economic, sociological, and educational research; performing noncommercial research into and dissemination of, information for public health, education, or general welfare; and establishments primarily engaged in providing testing services. (Added by Ordinance No. 09-06)

RESOURCE-BASED RECREATION AREAS - These are areas that possess a high degree of natural beauty through the land, air, and water resources that compose them. These areas generally have a higher level of intrinsic value, i.e., visual and other aesthetic qualities of their natural environment. Examples of resource-based recreation areas are beaches, wetland preserves, and riverfront parks.

RESOURCE RECOVERY - Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

RESTORATION - The act of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

RETAINING WALL - A generally vertical wall built of concrete, steel, wood, fiberglass, or other materials. It is similar to a seawall but is located well landward of mean high water and of any existing wetland vegetation and/or littoral zone characterized by the presence of intertidal fauna.

REUSE WATER - Treated wastewater which, as a commodity, is sold to various users for agricultural irrigation, grounds management (institutional lawns, golf courses), or industrial use.

SANITARY SEWER SYSTEM - The infrastructure required to collect, transport, treat, and dispose of water-borne wastes, and the contaminated water that carries such wastes, from many individual and varied land uses. This definition of "sanitary sewer system" includes those systems operated by developers and homeowner or condominium associations, as well as by county or municipal governments or other public agencies, and by franchised or certificated utility companies.

SEAWALL - A generally vertical wall built of concrete, steel, wood, fiberglass, or other material which holds the material behind it in place and is designed to resist waves and erosion.

SITE-RELATED IMPROVEMENTS - Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following:

1. site driveways and roads;
2. median cuts made necessary by those driveways or roads;
3. right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
4. traffic control measures for those driveways or roads; and
5. roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

(Amended by Ordinance No. 94-30)

SLUDGE - The solids remaining after settling and treating wastewater (also septage).

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE [TABLE 5(a)] - This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020. (Added by Ordinance No. 04-16, Amended by Ordinance No. 07-12, 09-14)

STREETSCAPE - The layer between the lot line or building facade and the edge of the vehicular lanes. Principal variables are type and dimension of curbs, walks, planters, street trees, and streetlights. (Added by Ordinance No. 07-14)

SUBSTANTIVE CHANGE - As used in Policies 47.2.5 and 47.3.4, the term "substantive change" means development not specifically stated or identified in Table 5(a) or Table 5(b), or depicted on Map 3F or Map 3G. (Added by Ordinance No.04-16, Amended by Ordinance No. 09-14)

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Added by Ordinance No. 07-14)

TRANSIT ORIENTED DEVELOPMENT (TOD) - Development located within walking distance of a transit stop that is mixed use and developed using Traditional Neighborhood Development standards. (Added by Ordinance No. 07-14)

UNDEVELOPED BARRIER ISLAND - Undeveloped barrier islands are: 1) areas designated by the United States Congress as undeveloped in the Coastal Barrier Resource Act (PL 97-348) as amended; and 2) other barrier islands (see definitions), spits, peninsulas, or portions thereof that have sparse settlement, no infrastructure for support services, and access by watercraft or aircraft only.

URBAN RESERVE - Those specific geographic areas which, by formal interlocal agreement between Lee County and a municipality, have been determined to be suitable for annexation into that municipality (see also Policies 1.7.3 and 152.1.4).

URBAN SERVICES - The requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity. Urban services as used in this plan include, but are not limited to:

- public sewer and water
- paved streets and roads
- public transit
- parks and recreation facilities
- urban levels of police, fire, and emergency services
- urban surface water management
- schools
- employment, industrial, and commercial centers
- institutional, public, or administrative facilities
- community facilities such as senior citizens' centers, libraries, and community centers.

URBAN SPRAWL - The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.

USER-ORIENTED RECREATION AREAS - These are areas where numerous recreational activities can take place which are more or less independent of special natural features. Areas such as these commonly contain ballfields, tennis courts, playgrounds, swimming pools, and the like that are planned and located to help satisfy specific user demands. User-oriented recreation areas generally have a greater amount of extrinsic value where recreational values are created through man-made adaptation, alteration, or addition to the natural landscape.

VERY LOW INCOME - A person or household whose annual (gross) income does not exceed the 50% percent of the area median income, as determined by HUD. (Added by Ordinance No. 99-15)

VILLAGE COMMERCIAL - The cluster of mixed-use commercial and service establishments, serving short and long term needs of a limited service area in attractive, compact locations; oriented toward window shopping. (Added by Ordinance No. 07-14)

V-ZONE - Those areas subject to wave action in addition to a 100-year flood, as indicated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

WATER-BASED RECREATION AREA - An area that has within its boundaries a body of salt or freshwater, shoreline frontage, or access to a shoreline where water-related facilities such as boat ramps, docks, fishing piers, and beach areas for swimming can be located.

WATER-DEPENDENT USES - Land uses for which water access is essential and which could not exist without water access.

WATER-RELATED USES - Land uses that might be enhanced by proximity to the water but for which water access is not essential.

WETLANDS - Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries will be determined by using the methodology in FAC Chapter 17-340 as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

PROCEDURES AND ADMINISTRATION



LEE COUNTY
S O U T H W E S T F L O R I D A

Chapter XIII

XIII. Procedures and Administration

a. Effect and Legal Status of the Plan

Upon adoption of this amended plan, all development and all actions taken in regard to development orders must be consistent with the plan as adopted. All land development regulations enacted or amended after the effective date of the Lee Plan must be consistent with the Lee Plan. Land development regulations in existence as of the effective date of the Lee Plan which are inconsistent with the Lee Plan will be amended to conform to the goals, objectives, and policies of the Lee Plan, as provided for in the implementation section of the plan.

The terms "consistent with" and "in conformity with" will mean that all development actions or orders will tend to further the goals, objectives, and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies. Where goals, objectives, or policies of particular elements appear to be in conflict, such conflicts will be resolved upon an analysis of the entire Lee Plan as it may apply to the particular area at issue.

The impact of the Lee Plan upon ongoing development may involve a balancing of public needs reflected in the Lee Plan and the expectations of those persons in the process of developing property in a manner inconsistent with the goals, objectives, and policies of the Lee Plan. Moreover, Section 163.3202(2)(g), Florida Statutes, imposes restrictions on the ability of Lee County to grant development permits notwithstanding an otherwise satisfactory balancing of such needs and expectations. Therefore, there will necessarily be a transition period in which such development rights will have to be balanced with the public needs and purposes expressed in the Lee Plan and this transition may be further complicated by the impact of Section 163.3202(2)(g). During this transition period, in instances where development has been reviewed and determined to be consistent with the 1979 Comprehensive Plan, as amended, and/or the 1984 Lee Plan, as amended, and/or the 1989 Lee Plan, as amended, and a development order or final development order has been issued, such development, to the extent it cannot reasonably comply with the standards established in the Lee Plan, will be deemed consistent with the Lee Plan as outlined below. (Amended by Ordinance No. 94-30, 00-22)

- A. A preliminary development order, not otherwise vested, issued prior to the effective date of this plan, and subsequently issued, will be deemed consistent with this plan for a period of three years, only as to:
1. terms specifically approved in writing; or
 2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the preliminary development order process.

To be deemed consistent, such preliminary development orders must also meet all applicable public health, safety, and welfare standards.
(Amended by Ordinance No. 00-22)

- B. A final development order, not otherwise vested, will be deemed consistent with the amended plan for a period of five years from the date of issuance of the development order, only as to:

1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such final development orders must also meet all applicable public health, safety, and welfare standards.

(Amended by Ordinance No. 00-22)

- C. A development order, not otherwise vested, will be deemed consistent with the amended plan for a period of three years (six years for development orders approved after October 16, 1994) from the date of issuance of the development order, only as to:

1. terms specifically approved in writing; or
2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

To be deemed consistent, such development orders must also meet all applicable public health, safety, and welfare standards.

(Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

- D. In addition to above-mentioned development orders, preliminary and final development orders, the following categories of approvals, projects, and developments will be deemed to be consistent with the Lee Plan, subject to the applicable conditions as set forth below:

1. a development or project that has a building permit issued by Lee County, valid on the effective date of the 1993/94 amendments to the Lee Plan;
2. a development or project that has been granted an approval under the site plan approval process of the Lee County Administrative Code F-0015, or its predecessors, and the approval was obtained prior to the effective date of the Lee Plan (December 21, 1984), PROVIDED THAT construction of the development or project was begun within two (2) years of the approval date and construction has been diligently pursued;
3. a site plan approved by court order or stipulated settlement which is the result of litigation in which Lee County was a party;
4. an approved, platted subdivision pursuant to Part I of Chapter 177, Florida Statutes;
5. final P.U.D. approvals, PROVIDED THAT construction began (or begins) within two (2) years of the final P.U.D. approval and construction has been (is) diligently pursued;
6. all developments approved under a site-specific P.U.D. ordinance;
7. "planned development" zoning approvals which have not been vacated due to inactivity by the developer;
8. for ongoing commercial operations, an addition or interior remodeling, limited to 25% of the existing floor area or 1,500 square feet, whichever is less (this is a one-time addition); no addition or remodeling will be permitted within wetlands (as defined in Goal 114);

9. development that has been granted an exemption from the requirements of Ordinance No. 82-42, as amended, or Ordinance 92-44, as amended, prior to the effective date of the 1988/89 or the 1993/94 plan, whichever is applicable; and
10. a project which received a final favorable vested rights determination pursuant to Chapter XIV of the 1984 Lee Plan before its amendment in 1986, if the construction of the project has been or is actually commenced within five years of the date of such determination and construction continues at a reasonable rate under the circumstances to completion of the project; provided, however, that any substantial deviation from a prior approval which has received vested rights or partial vested rights status will cause the development involved to be subjected to the policies and implementing decisions and regulations set forth in the 1988/89 and subsequent amendments to the Lee Plan. These vested rights, as conditioned herein, run with the land and therefore may be transferred from owner to owner. However, even subsequent owners are subject to the possibility that any vested rights determination may be revoked upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County unknown at the time of approval.

The following general conditions will apply to the above ten categories:

1. the activity must comply with all applicable public health, safety, and welfare standards and regulations;
2. these categories will be deemed consistent only insofar as those items specifically approved; and
3. the activity will not be deemed consistent if there has been a substantial deviation from the approval granted.

Notwithstanding anything in this section to the contrary, an approval, project, development order, preliminary development order, or a final development order, which would otherwise be deemed consistent, will not be deemed consistent upon a showing by the county of a peril to the public health, safety, or general welfare of the residents of Lee County, which peril was unknown at the time of approval. Moreover, notwithstanding the fact that an approval, project, development order, preliminary development order, or a final development order is deemed consistent, no development order or permit, as defined in Section 163.3164, Florida Statutes, will be issued which results in a reduction in the levels of service below the minimum acceptable levels established in this plan, as required by Section 163.3202(2)(g), Florida Statutes.

Nothing in the Lee Plan will limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes.

(Amended by Ordinance No. 94-30, 00-22)

- E. In other circumstances where development expectations may conflict with the Lee Plan but judicially defined principles of equitable estoppel may override the otherwise valid limitations imposed by the Lee Plan, such expectations may be recognized by Lee County, acting by resolution of its Board of County Commissioners, on a case-by-case basis. (Amended by Ordinance No. 94-30, Amended and Relocated by Ordinance No. 00-22)

F. Build-back Policy

Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50% of the replacement value of the structure may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style, and type of their original construction, including their original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, local building and life safety regulations, and other local regulations which do not preclude reconstruction otherwise intended by this policy.

In order to reconstruct at the legally documented previous use, density, and intensity, a building permit must be applied for within five years after the date of destruction. The date of destruction must be legally documented. Such documentation may include a local, state, or federal declaration of disaster; a fire or police department report on the event; or any insurance claims filed as a result of the destruction. If a building permit is not applied for within five years of the destruction, the property will then become subject to current regulations on use, density, and intensity.

In accordance with this policy, the post-disaster ordinance (Objective 111.2) will provide that:

1. Structures damaged less than 50% of their replacement value at the time of damage can be rebuilt to their original condition, subject only to current building and life safety codes.
2. Structures damaged more than 50% of their replacement value at the time of damage can be rebuilt to their original square footage and density, provided that they comply with:
 - a. federal requirements for elevation above the 100-year flood level;
 - b. building code requirements for floodproofing;
 - c. current building and life safety codes;
 - d. state Coastal Construction Control Lines; and
 - e. any required zoning or other development regulations (other than density or intensity), unless compliance with such regulations would preclude reconstruction otherwise intended by the buildback policy.
3. The ordinance may establish blanket reductions in non-vital development regulations (e.g. buffering, open space, side setbacks, etc.) to minimize the need for individual variances or compliance determinations prior to reconstruction.
4. The ordinance may establish procedures to document actual uses, densities, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.
5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under current regulations.

(Added by Ordinance No. 94-30, Relocated and Amended by Ordinance No. 00-22, Amended by Ordinance No. 03-04)

b. Administrative Interpretations of the Plan

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combing lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria.

Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes.

Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below.
(Amended by Ordinance No. 00-22)

A. Subject Matter of Administrative Interpretations

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be determined by the County Manager or his designee and are limited to:

1. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or in conjunction with a concurrent building permit application. If said single-family residence provision application is not approved, an application for appeal of the single-family residence denial may be submitted to the County Attorney's Office for final review.
2. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.
3. Clarification of land use map boundaries as to a specific parcel of property.

(Amended by Ordinance No. 94-30, 00-22, 07-09)

B. Standards for Administrative Interpretations

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:
 - a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the standard density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:
(Amended by Ordinance No. 07-09)

(1) Date Created:

- (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
- (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
- (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.

(2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:

- (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
- (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
- (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR
- (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR

- (e) have been approved as part of a Planned Unit Development or Planned Development.
- (3) Access and Drainage: In addition to meeting the requirements set forth above:
- (a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR
 - (b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

- (4) Interchange, Tradeport, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

b. Construction Regulations

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

- (1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.
- (2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.
- (3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reapportion properties if the result of the reappointment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its non-conformity as a result of the reappointment and as long as the density will not increase.
- (4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.
- (5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which

permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

- (6) For mixed use developments in the Captiva community in the areas identified by Policy 13.2.1, such developments may be allowed one residential unit in addition to commercial uses. A Minimum Use Determination will not be required to construct a residential unit for mixed use developments as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure on those parcels identified by Policy 13.2.1. (Added by Ordinance No. 07-09)

c. Transferability

This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety. (Amended by Ordinance No. 00-22)

C. Procedure for Administrative Interpretations

The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.
5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.

6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)

c. Legislative Interpretations of the Plan

In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan. When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency. Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

1. Organization

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible for delivering the recommendations to the Local Planning Agency on a timely basis as part of the published agenda of the Local Planning Agency.

2. Requests for Interpretations

Requests for interpretations will be placed before the Comprehensive Plan Annotations Committee by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the county

administration who is responsible for administering the plan, by the Local Planning Agency, by the Lee County Hearing Examiner, or by any applicant for a type of development regulated by the plan. In each case, the Planning Director will be responsible for reducing the questions to writing and, to the extent possible, linking them to specific plan provisions which might affect the answer.

(Amended by Ordinance No. 00-22)

B. Local Planning Agency

Upon receiving the recommendations from the Comprehensive Plan Annotations Committee, the Local Planning Agency will review the same and forward them to the Board of County Commissioners with such comments and recommendations of its own that the Local Planning Agency believes to be appropriate. (Amended by Ordinance No. 00-22)

C. Board of County Commissioners

Upon receiving the recommendations of the Comprehensive Plan Annotations Committee, with such other comments and recommendations as the Local Planning Agency submits with the committee's recommendations, the Board of County Commissioners will render a final decision as to the correct interpretation to be applied. This interpretation will be that which is adopted by absolute majority of the Board of County Commissioners and, upon being reduced to a board resolution drafted by the County Attorney in response to the board majority, it will be signed by the Chairman and recorded in the county's Official Records. The Planning Director will be responsible for maintaining copies of all such resolutions in a single document which will be appropriately indexed and provided to all persons upon request. The document will be updated regularly and the latest version thereof furnished to all persons requesting copies of the plan itself. (Amended by Ordinance No. 00-22)

D. Legal Effect of Annotations

Any provision of the plan specifically construed in accordance with the foregoing procedures may not be re-interpreted or modified except by a formal amendment of the plan itself. Once formally adopted in accordance with these procedures, the annotation will have the force of local law and all persons will be placed on constructive notice of it. Any development orders issued in reliance on legislative interpretations of this plan are subject to challenge under the provisions of Section 163.3215, Florida Statutes. (Amended by Ordinance No. 00-22)

d. Plan Amendment Procedures

This plan, including the Future Land Use Map, may be amended with such frequency as may be permitted by applicable state statutes and in accordance with such administrative procedures as the Board of County Commissioners may adopt.

Sections of this plan may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the County Administrator, or his designee, without need of Public Hearing, by filing a corrected copy of same with the Clerk of the Circuit Court.

(Amended by Ordinance No. 94-30)

e. Monitoring and Evaluation

Lee County approved the Evaluation and Appraisal Report (EAR) in accordance with F.S. 163.3191 on July 7, 1994. The 1994 Lee Plan is designed to implement the recommendations in the EAR. An addendum addressing statutory and rule changes that were not discussed in the 1994 EAR will be transmitted to DCA on or before the date prescribed by rule. The Capital Improvements element will be evaluated and amended annually in accordance with FAC Rule 9J-5.016. EAR's meeting the requirements in F.S. 163.3191 and DCA's rules will be adopted and transmitted after 1996 consistent with the timeframe provided by law.

A. Annual Review: Capital Improvements Element

One procedure for evaluating and monitoring the plan will involve an annual review and update of the Capital Improvements Program and the Capital Improvements element coinciding with the county's budget adoption process. This annual review will meet the evaluation and monitoring requirement for the Capital Improvements element as provided by Rule 9J-5.016(5) FAC. Those policies in other elements of the comprehensive plan affecting capital improvements will also be reviewed. Other more recent events which may have affected the outcome of those policies will be taken into consideration. An annual report will be prepared based upon this examination. This report will address any plan amendments to date, as well as amendments to any local ordinances affecting the implementation of the plan. This annual report will be prepared by the Department of Community Development and will be submitted to the Local Planning Agency and the Board of County Commissioners for review. This report will also identify which agencies within the county government organization have been assigned specific tasks or studies mentioned in the plan. (Amended by Ordinance No. 94-30, 00-22)

B. Five-Year Evaluation and Appraisal

The next EAR required by law will address the following in addition to any other requirements set out in F.S. 163.3191 and FAC Rule 9J-5.0053:

1. Citizen participation in the planning process. The county will update procedures to provide for and encourage public participation in the planning process, including amendments to the comprehensive plan and preparation of evaluation and appraisal reports. The procedures which are mandated by the Southwest Florida Regional Comprehensive Policy Plan (25-C) will involve a series of advertised public workshops and hearings, the opportunity to provide written comments, and the publication of an executive summary. Specifically, the public participation procedures must include the following:
 - a. Procedures to assure that real property owners are put on notice, through advertisement in a newspaper of general circulation in the area or other method adopted by the county to notify the public of official actions that will affect the use of their property.
 - b. Provisions for notice to keep the general public informed.
 - c. Provisions to assure that there are opportunities for the public to provide written comments.
 - d. Provisions to assure that the required public hearings are held.
 - e. Provisions to assure the consideration of and response to public comments.

2. Updating appropriate baseline data and measurable objectives to be accomplished in the first five-year period of the plan and for the long-term period. This will be accomplished through the ongoing collection of pertinent data and the systematic recording of progress on the accomplishment of measurable objectives.
3. Accomplishments in the first five-year period, describing the degree to which the goals, objectives, and policies have been successfully reached. This process will involve summarizing the annual reports which coincide with the county's budget adoption process. Progress on non-capital projects will be summarized as well.
4. Obstacles or problems which resulted in underachievement of goals, objectives, or policies. In the analysis of the annual reports on the comprehensive plan, the underachievement of goals, objectives, or policies will be assessed and evaluated. Proposals for modifying or eventually achieving the goals, objectives, and policies will be made.
5. New or modified goals, objectives, or policies needed to correct discovered problems. Along with failure to meet stated objectives, the evaluation will recommend new goals, objectives, or policies that will either correct past problems in achievement. or modify the general direction or aim.
6. A means of ensuring continuous monitoring and evaluation of the plan during the five-year period. The annual report process will accomplish a timely and consistent review of the county's progress in implementing the comprehensive plan. This will summarize plan amendments, budget allocation, deferrals or deletions, and the initiation or completion of programs and projects. (Amended by Ordinance No. 94-30, 00-22)

DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS

Sec. 34-931. - Purpose and intent.

- (a) The general purpose and intent of the various planned development districts is set forth in section 34-612(2). The purpose and intent of specific planned development districts is set forth in subsections (b) through (k) of this section.
- (b) *RPD residential planned development and MHPD mobile home planned development districts.*
- (1) The intent of the RPD and MHPD districts is to further the general purpose of planned developments set forth in section 34-612(2) as it relates to residential areas.
 - (2) It is also the intent of these districts to provide a property owner or land developer with a development technique that can increase residential density and its ancillary development in areas designated by the Lee Plan as being in the rural or outer island categories, provided that the proposed development shall be completely independent of County-subsidized facilities and services, and that the project will not have an adverse economic, environmental, fiscal or social impact to its surrounding environs or to the County.
 - (3) The principal use of any residential or mobile home planned development is human habitation in permanent yearround dwelling units. However, the RPD and MHPD districts permit some limited nonresidential uses for the convenience of the residents and the welfare of the public.
- (c) *RVPD recreational vehicle planned development district.*
- (1) The purpose and intent of the RVPD district is to further the general purpose of planned developments set forth in section 34-612(2) as it relates to recreational vehicle developments.
 - (2) It is the intent of this chapter that all new recreational vehicle developments and any expansion to an existing recreational vehicle development shall only be permitted if first rezoned into the RVPD district.
 - (3) The principal use of a recreational vehicle planned development is recreational vehicle emplacement, although some ancillary commercial uses for the convenience of the development guests may also be permitted.
- (d) *CFPD community facilities planned development district.* The purpose of the CFPD district is to accommodate those governmental, religious and community service activities which frequently complement and are necessary to the types of activities permitted in other zoning districts, but which, due to the size, intensity or nature of the use and the potential impact on adjacent land uses, roads or infrastructure, should not be permitted as a use by right in those districts.
- (e) *CPD commercial planned development district.*
- (1) The intent of the CPD district is to further the general purpose of planned developments set forth in section 34-612(2), as it relates to commercial development.
 - (2) The principal uses of any commercial planned development are generally the retail sale and distribution of consumer goods and services, or the provision of standard office space for various purposes, including the delivery of professional services (including health care, short of inpatient facilities), or financial services, or for the administration of business and general business purposes.
 - (3)

Ancillary uses which may be permitted in the commercial planned development district include permanent human habitation in multiple-family buildings and townhouses, transient housing in hotel or motel rooms, health care facilities, and other limited institutional uses and selected light industrial uses.

(f) *IPD industrial planned development district.*

- (1) The intent of the IPD district is to further the general purpose of planned developments set forth in section 34-612(2) as it relates to industrial development.
- (2) The principal use of any industrial planned development is the manufacture of goods and materials, and the storage and wholesale distribution of such goods and materials. However, for the welfare of the public and for the efficiency of the local economic structure, the IPD district permits many services and activities not allowed elsewhere and a limited number of commercial uses intended to serve principally the employees or patrons of businesses within the IPD.
- (3) In the industrial development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.

(g) *AOPD airport operations planned development district.* The purpose and intent of the AOPD district is to accommodate and regulate those lands where public airports and ancillary facilities are conducted.

(h) *MPD mixed use planned development district.* To permit planned developments with a mixture of uses in accordance with subsection 34-612(2) as set forth in this chapter and Objective 4.1 of the Lee Plan in order to reduce the number of vehicular trips on the County's arterial and collector road network.

(i) *Private recreational facilities planned development (PRFPD) district.* The PRFPD district provides specific land development regulations that allow private recreational facilities in suitable areas within DR/GR areas. The PRFPD district can not be requested or approved in any other land use category.

The density reduction/groundwater resource (DR/GR) areas include 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 in these areas. Land uses in these areas must be compatible with maintaining historic surface and groundwater levels. Permitted land uses within the DR/GR areas include private recreational facilities when approved as part of a PRFPD district.

(j) *Mine excavation planned development (MEPD) district.* The MEPD district is intended to accommodate and regulate mining activities and to provide specific land development regulations that allow resource extraction activity consistent with the provisions set forth in chapter 12.

(k) *Compact planned development (Compact PD) district.* The Compact PD district is intended for compact neighborhoods with shopping and workplaces nearby. Specific land development regulations are provided in chapter 32.

(Ord. No. 93-24, § 7(480.01), 9-15-93; Ord. No. 94-24, § 25, 8-31-94; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 10-25, § 4, 6-8-10)

Sec. 34-932. - Regulation of land use in planned developments.

- (a) All uses of land, water and structures permitted in a planned development are subject to the general requirements for planned developments, an adopted master concept plan and various special conditions, as required. Mine excavation planned developments are subject to chapter 12, the adopted MEPD resolution, special conditions and the approved engineered mine site plan set. Compact planned developments are subject to chapter 32, the adopted Compact PD resolution, special conditions, and the approved regulating plan.
- (b) Special conditions may be formulated and applied to address unique aspects of the parcel in the protection of a bona fide public interest. The source of such restrictions may include good planning practice as well as those specifications set forth in the application documents, policy and standards set forth in the Lee Plan.
- (c) All special conditions must be reasonably related to the proposed development and to any reasonably expected impacts on public services and facilities and the public safety, health and general welfare. Such special conditions should be pertinent to the mitigation of these impacts. All conditions must be adopted as part of the zoning resolution and as an appendix to the approved master concept plan, engineered mine site plan set, or regulating plan that governs the planned development.
- (d) The standards for use and development of a planned development will be set forth in the zoning or MEPD resolution and its attachments, and, unless modified through the schedule of deviations, where applicable (see section 34-412) or as provided in chapter 32, such standards may not be less restrictive than the minimum standards set forth elsewhere in this chapter, chapter 12, or other applicable development regulations.
- (e) Areas devoted to various uses must be designated on the concept plan or mine site plan set. The application for a planned development must include a schedule detailing the uses desired, identifying such uses by citing the enumerated uses of one or more conventional zoning districts, use activity groups (section 34-622), and defined uses (section 34-2).

(Ord. No. 93-24, § 7(480.02), 9-15-93; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 10-25, § 4, 6-8-10)

Sec. 34-933. - Permitted uses.

Except in the MEPD PRFPD, and Compact PD districts, or where otherwise specifically indicated to the contrary, the uses listed in section 34-934, pertaining to use regulations for planned development districts, may be permitted in the indicated districts when consistent with the goals, objectives and policies of the Lee Plan for the land use category in which the property is located, and when approved on the enumerated documentation of the master concept plan. Uses that are not specifically listed in section 34-934 may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use.

In the MEPD and PRFPD districts, only those uses specifically listed in section 34-941 may be approved on the master concept plan. In the Compact PD district, allowable uses of individual lots are set forth in chapter 32, article II.

(Ord. No. 93-24, § 7(480.03), 9-15-93; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 08-21, § 3, 9-9-08; Ord. No.

10-25, § 4, 6-8-10)

Sec. 34-934. - Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes or Regulations	RPD	MHPD	RVPD	Compact PD	CFPD	CPD	IPD Note (37)
Accessory uses and structures	Note (1), <u>34-1171</u> et seq., <u>34-2441</u> et seq., <u>34-1863</u> , <u>34-2141</u> et seq., <u>34-3106</u>	P	P	P	—	P	P	P
Accessory apartment	Note (2), (21), & (28), <u>34-1177</u>	P	—	—	—	—	—	—
Administrative offices	Note (1)	P	P	P	—	P	P	P
Agricultural services: office/base operations		—	—	—	—	—	—	P
Agricultural uses and agricultural accessory uses		—	—	—	—	—	—	P
Aircraft food services and catering		—	—	—	—	—	—	—

Aircraft landing facilities, private	<u>34-1231 et seq.</u>	P	P	P	—	P	P	P
Airport operations facilities		—	—	—	—	—	—	—
Amateur radio antennas and satellite earth stations	<u>34-1175</u>	Refer to <u>34-1175</u> for regulations.						
Amusement park		—	—	—	—	—	P	—
Animals:								
Clinic or kennel	<u>34-1321 et seq.</u>	—	—	—	—	—	P	P
Control center (including Humane Society)		—	—	—	—	P	P	—
Keeping and breeding of Class I or Class II animals (df)	<u>34-1291 et seq.</u>	—	—	—	—	SE	SE	—
Assisted living facility	Note (35) & (47) <u>34-1491 et seq., 34-1411</u>	P(3)	—	—	—	P	P	—
ATM (automatic teller machine)					—		P	P
Auto parts store	<u>34-1353</u>	P(4)	P(4)	—	—	—	P	—

Automobile repair and service (34-622(c)(2)), all groups	<u>34-1351</u> , <u>34-1353</u> Note (41)	—	—	—	—	—	P	P
Automobile service station	Note (41), <u>34-1351</u> , <u>34-1353</u>	P(4)	P(4)	—	—	—	P	P
Bait and tackle shop	Note (49)	P(4)	P(4)	—	—	—	P	P
Banks and financial establishments (34-622(c)(3)):								
Group I		P(4)	P(4)	—	—	—	P	—
Group II		—	—	—	—	—	P	—
Bar or cocktail lounge	<u>34-1261</u> et seq.	—	—	—	—	—	P	P
Bed and Breakfast (df)	Note (28), <u>34-1494</u>	P	—	—	—	—	P	—
Boarding house	Note (28)	P	—	—	—	—	P	—
Boats:								
Boat parts store		P(4)	P(4)	—	—	—	P	P
Boat ramps and dockage (not marinas)		P	P	P	—	P	P	P
Boat rental		P(4)	P(4)	—	—	—	P	P

Boat repair and service	<u>34-1352, 34-3001 et seq.</u>	—	—	—	—	—	P	P
Boat sales		—	—	—	—	—	P	—
Boat storage, dry		—	—	—	—	—	P	—
Boatyard	Note (5)	—	—	—	—	—	—	P
Broadcast studio, commercial radio and television	<u>34-1441 et seq.</u>	—	—	—	—	—	P	P
Building material sales (34-622(c)(4))	<u>34-3001 et seq.</u>	—	—	—	—	—	P	P
Business services (34-622(c)(5)):								
Group I		P(4)	P(4)	—	—	—	P	P
Group II	Note (12), <u>34-1352</u>	—	—	—	—	—	P	P
Bus station/depot	<u>34-1381 et seq.</u>	—	—	—	—	P	P	P
Camping cabins	Note (28)	—	—	P(6)	—	—	—	—
Caretaker's residence	Note (34)	—	P	P	—	P	P	P
Car wash	<u>34-1353</u>	—	—	—	—	—	P	—
Cemetery, columbarium, mausoleum		—	—	—	—	P	—	—

Cleaning and maintenance services (34-622 (c)(7))		—	—	—	—	—	P	P
Clothing stores, general (34-622(c) (8))		—	—	—	—	—	P	—
Clubs:								
Country		P	P	P	—	—	P	—
Commercial		—	—	—	—	—	P	—
Fraternal, membership organization	<u>34-2111</u>	—	—	—	—	—	P	—
Private	<u>34-2111</u>	P	P	P	—	—	P	—
Cold storage, pre-cooling, warehouse and processing plant		—	—	—	—	—	—	P
Commercial fishery		—	—	—	—	—	P	P
Commercial use of beachfront seaward of the coastal construction control line	Note (7), <u>34-3151</u>	P	P	—	—	—	P	—
Communication facility, wireless	<u>34-1441</u> et seq. Note (22)	Refer to <u>34-1441</u> et seq. for regulatio						

Community gardens	<u>34-1716</u>	AA	AA	AA	—	AA	AA	—
Community residential home	Note (35)	P	P	—	—	—	P	—
Compact community	Note (48)				P			
Computer and data processing services		—	—	—	—	—	—	P
Consumption on premises	<u>34-1261</u> et seq., Note (49)	P(4)	P(4)	P(8)	—	—	P	P(9)
Continuing care facilities	Note (28), <u>34-1414</u>	P	—	—	—	P	—	—
Contractors and builders (34-622 (c)(9)), all groups	<u>34-1352</u> , <u>34-3001</u> et seq.	—	—	—	—	—	P	P
Convenience food and beverage store	<u>34-1353</u>	P (4), (27)	P(4), (27)	—	—	—	P	P
Correctional facility	Note (28)	—	—	—	—	P	—	—
Cultural facilities (34-622(c)(10))		—	—	—	—	P	P	—
Day care center, child, adult	Note (28)	P(4)	P(4)	P(8)	—	P	P	P
Department store		—	—	—	—	—	P	—
Dormitory	Note (28)	P	—	—	—	—	P	—

Drive-through facility for any permitted use		P(4)	P(4)	—	—	—	P	P
Drugstore, pharmacy		P(4)	P(4)	—	—	—	P	—
Dwelling unit:								
Live-work	<u>34-1773</u>	—	—	—	—	—	P	—
Single-family	Note (29)	P	P	—	—	—	EO	—
Duplex	Note (29) & (43)	P	—	—	—	—	EO	—
Two-family attached	Note (28) & (43)	P	—	—	—	—	—	—
Townhouse, multiple-family building	Note (28)	P	—	—	—	—	P (10)	—
Mobile home	Note (29)	—	P	—	—	—	—	—
Zero lot line	Note (28)	P	—	—	—	—	—	—
Entrance gates and gatehouse	<u>34-1741</u> et seq.	P(3)	P(3)	P	—	P	P	P
Emergency operations center		—	—	—	—	P	P	P
EMS, fire or sheriff's station		P (3), (4)	P(3), (4)	—	—	P	P	P
Essential services	Note (1), <u>34-1611</u> et seq., <u>34-1741</u> et seq.	P	P	P	—	P	P	P

Essential service facilities (34-622 (c)(13)):									
Group I	Note (1), <u>34-1611 et seq.</u> , <u>34-1741 et seq.</u> , <u>34-2141 et seq.</u>	P	P	P	—	P	P	P	
Group II	Note (1) & (45), <u>34-1611 et seq.</u> , <u>34-1741 et seq.</u> , <u>34-2141 et seq.</u>	P	P	P	—	P	P	P	
Group III	Note (1), <u>34-1611 et seq.</u> , <u>34-1741 et seq.</u> , <u>34-2141 et seq.</u>	—	—	—	—	P	—	P	
Excavation:									
Mining	Note (44); <u>12-101 et seq.</u>	—	—	—	—	—	—	—	
Water retention	<u>34-1651</u>	P	P	P	—	P	P	P	
Oil or gas	<u>34-1651</u>	P(4)	P(4)	P	—	P	P	P	
Excess spoil removal	Note (42), <u>10-329</u>	P	P	P	—	—	P	P	

Factory outlets (point of manufacture only)		—	—	—	—	—	P	P
Farm equipment, sales, storage, rental or service		—	—	—	—	—	P	P
Farm labor housing	Note (33), <u>34-1891</u> et seq.	P	P	—	—	—	—	—
Feed or fertilizer, mixing and sales		—	—	—	—	—	P	—
Fences, walls	Note (1), <u>34-1741</u> et seq.	P	P	P	—	P	P	P
Fish house, wholesale		—	—	—	—	—	P (11)	—
Fishing piers		P(3)	P(3)	—	—	—	—	—
Flea market:								
Open		—	—	—	—	—	P	P
Indoor		—	—	—	—	—	P	—
Food and beverage service, limited	Note (1)	P(4)	P(4)	—	—	—	P	—
Food stores (34- 622(c)(16)):								
Group I	Note (49)	P(4)	P(4)	P	—	—	P	P(9)
Group II	Note (49)	P(4)	P(4)	—	—	—	P	P(9)

Forestry tower		—	—	—	—	P	P	—
Fraternity house	Note (28)	P	—	—	—	—	P	—
Freight and cargo handling establishments (34-622(c)(17))		—	—	—	—	—	P	P
Funeral home and mortuary (with or without a crematory)		—	—	—	—	P(19)	P	—
Gasoline dispensing system, special		—	—	—	—	—	P	P
Gift and souvenir shop	Note (49)	—	—	—	—	—	P	—
Golf course		P	P	P	—	—	P	—
Golf driving range		P	P	—	—	P	P	P
Hardware store		P(4)	P(4)	—	—	—	P	—
Hatcheries, poultry		—	—	—	—	—	—	P
Health care facilities (34-622 (c)(20)):								
Group I	Note (28) & (47)	P	—	—	—	P	P	—
Group II	Note (28) & (47)	P	—	—	—	P	P	—
Group III		P(4)	P(4)	—	—	P	P	P

Group IV	Note (28) & (47)	—	—	—	—	P	P	—
Heliport or helistop		P	P	—	—	P	P	P
Hobby, toy and game shops (34-622(c)(21))		P(4)	P(4)	—	—	—	P	—
Home care facility	Note (1) & (28)	P	P	—	—	—	P	—
Home occupation	Note (1) & (31), <u>34-1771 et seq.</u>	P	P	—	—	—	P	—
Hospice	Note (28)	—	—	—	—	P	P	—
Hotel/motel	<u>34-1801 et seq.</u> , Note (36)	—	—	—	—	—	P	P (13)
Household and office furnishings (34-622(c)(22)), all groups		—	—	—	—	—	P	—
Housing units for employees only	Note (33)	—	—	—	—	P	—	—
Impound yard	<u>34-1831 et seq.</u> , <u>34-2443</u>	—	—	—	—	—	—	P
Insurance companies (34-622(c)(23))		—	—	—	—	—	P	—

Laundry or dry cleaning (34-622(c)(24)):									
Group I		P(4)	P(4)	P	—	—	P	—	
Group II		—	—	—	—	—	—	P	
Lawn and garden supply stores	<u>34-2081</u>	—	—	—	—	—	P	—	
Library	Note (28)	—	—	—	—	P	P	—	
Maintenance facility (Government)		—	—	—	—	P	P	P	
Manufacturing of:									
Apparel products (34-622(c)(1))	Note (5)	—	—	—	—	—	P	P	
Boats	Note (5)	—	—	—	—	—	—	P	
Chemical and allied products (34-622(c)(6))									
Group I	Note (5)	—	—	—	—	—	—	P	
Group II	Note (5)	—	—	—	—	—	—	P	
Electrical machinery and equipment (34-622(c)(11))	Note (5)	—	—	—	—	—	P	P	
Fabricated metal products (34-622(c)(14)):									

	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	—	P
	Group III	Note (5)	—	—	—	—	—	P	P
	Food and kindred products (34-622(c)(15)):								
	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	—	P
	Group III	Note (5)	—	—	—	—	—	P	P
	Furniture and fixtures (34-622(c)(18))		Note (5)	—	—	—	—	—	P
	Leather products (34-622(c)(25)):								
	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	P	P
	Lumber and wood products (34-622(c)(26)):								
	Groups I, III, IV, V and VI		Note (5)	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	P	P
	Machinery (34-622(c)(27)), all groups		Note (5)	—	—	—	—	—	P

	Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	—	—	—	—	—	P	P
	Novelties, jewelry, toys and signs (34-622(c)(29)), all groups	Note (5)	—	—	—	—	—	P	P
	Paper and allied products (34-622(c)(31))								
	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	—	P
	Group III	Note (5)	—	—	—	—	—	—	P
	Petroleum (34-622(c)(34))	Note (5)	—	—	—	—	—	—	P
	Primary metal industries (34-622(c)(35))	Note (5)	—	—	—	—	—	—	P
	Rubber and plastic products (34-622(c)(44)):								
	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	P	P

	Stone, clay, glass and concrete products (34-622(c)(48)):		—	—	—	—	—	—	—
	Group I	Note (5)	—	—	—	—	—	—	P
	Group II	Note (5)	—	—	—	—	—	—	P
	Group III	Note (5)	—	—	—	—	—	—	P
	Group IV	Note (5)	—	—	—	—	—	—	P
	Textile mill products (34-622(c)(50)), all groups	Note (5)	—	—	—	—	—	—	P
	Tobacco products (34-622(c)(51))	Note (5)	—	—	—	—	—	—	P
	Transportation equipment (34-622(c)(52)):								
	Group I	Note (5)	—	—	—	—	—	—	P
	Groups II, III and IV	Note (5)	—	—	—	—	—	—	P
	Marina	<u>34-1862</u>	P	P	—	—	—	P	P
	Medical office		P(4)	P(4)	—	—	—	P	P
	Mobile home dealers	<u>34-1352</u>	—	—	—	—	—	P	P
	Models:								

Display center	<u>34-1951 et seq.</u>	P	P	P	—	—	P	—
Model home	<u>34-1951 et seq.</u>	AA	AA	AA	—	—	AA	—
Model unit	<u>34-1951 et seq.</u>	AA	AA	AA	—	—	AA	—
Motion picture production studio		—	—	—	—	—	P	P
Multislip docking facility		—	—	—	—	—	P	—
Nightclubs	<u>34-1261 et seq.</u>	—	—	—	—	—	P	P
Nonstore retailers (34-622(c)(30)), all groups		—	—	—	—	—	P	P
Parcel and express services		—	—	—	—	—	—	P
Package store	<u>34-1261 et seq.</u>	P(4)	P(4)	—	—	—	P	—
Paint, glass and wallpaper		—	—	—	—	—	P	—
Parks (34-622(c)(32)):								
Group I		P	P	P	—	P	P	P
Group II		—	—	—	—	P	—	—
Park trailers	Note (28)	—	—	P(6)	—	—	—	—
Parking lot:								
Accessory		P	P	P	—	P	P	P

Commercial		—	—	—	—	—	P	—
Garage, public		—	—	—	—	P	P	P
Park-and-ride	<u>34-1388</u>	P	—	—	—	P	P	P
Temporary	<u>34-2022</u>	—	—	—	—	P	P	P
Personal services (34-622(c)(33)):								
Group I	<u>34-3021</u>	P(4)	P(4)	P(8)	—	—	P	P
Group II		—	—	—	—	—	P	—
Group III		—	—	—	—	—	P	P
Group IV		P(4)	P(4)	—	—	—	P	—
Pet services		—	—	—	—	—	P	—
Pet shop		P(4)	P(4)	—	—	—	P	—
Pharmacy		P(4)	P(4)	—	—	—	P	—
Photofinishing laboratory	Note (5)	—	—	—	—	—	—	P
Place of worship	Note (28), <u>34-2051</u> et seq.	P	P	P	—	P	P	P
Plant nursery	<u>34-2081</u>	—	—	—	—	—	P	—
Post office		—	—	—	—	P	P	P
Printing and publishing (34-622(c)(36))	Note (5)	—	—	—	—	—	P	P
Prison	Note (28)	—	—	—	—	P	—	—

Processing or packaging of agricultural or fish products	Note (5)	—	—	—	—	—	—	P
Processing and warehousing		—	—	—	—	—	P	P
Racetracks (34-622(c)(37)):								
Group I		—	—	—	—	—	P	—
Group II		—	—	—	—	—	P	—
Real estate sales office	Note (23), <u>34-1951 et seq., 34-3021</u>	P	P	P	—	—	P	—
Recreation facilities:								
Commercial (34-622(c)(38)) Groups I, III		—	—	—	—	—	P	—
Commercial (34-622(c)(38)) Group IV		—	—	—	—	—	P	—
Group V		—	—	—	—	P	P	—
Personal	Note (1)	P	P	P	—	P	P	P
Private—On-site	Note (1)	P	P	P	—	P	P	P
Private—Off-site	Note (3)	P	P	P	—	P	P	P

Recreational vehicles	Note (28)	—	P(20)	P(14)	—	—	—	—
Recycling facility		—	—	—	—	P	P	P
Religious facilities	Note (28), <u>34-2051</u> et seq.	P(3)	P(3)	—	—	P	P	P
Rental or leasing establishment (34-622(c)(39)):								
Group I	<u>34-1352</u> , <u>34-3001</u> et seq., Note (49)	P(4)	P(4)	P(8)	—	—	P	—
Group II	<u>34-1201</u> et seq., <u>34-1352</u> , <u>34-3001</u> et seq.	P(4)	P(4)	—	—	—	P	P
Group III	<u>34-1352</u> , <u>34-3001</u> et seq.	—	—	—	—	—	P	P
Group IV	<u>34-1201</u> et seq., <u>34-1352</u> , <u>34-3001</u> et seq.	—	—	—	—	—	P	P
Repair shops (34-622(c)(40)):								
Group I		P(4)	P(4)	—	—	—	P	P
Groups II, III, IV		—	—	—	—	—	P	P

Group V		—	—	—	—	—	P	P
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Research and development laboratories (34-622(c)(41)):

Group I		—	—	—	—	—	—	—
Group II		—	—	—	—	—	P	P
Group III		—	—	—	—	—	—	P
Group IV		—	—	—	—	—	P	P

Residential accessory uses (34-622(c)(42))	Note (1) & (31), <u>34-1171</u> et seq.	P	P	—	—	—	P	—
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Resource recovery facilities:

Recovery facilities to produce energy	<u>34-3001</u> et seq.	—	—	—	—	—	—	P
Recovery facilities, other	<u>34-1353</u>	—	—	—	—	—	P	—
Restaurant, fast food	Note (49)							
Restaurants (34-622(c)(43)):								
Groups I and III		P(4)	P(4)	—	—	—	P	P
Group II		P(4)	P(4)	—	—	P(1)	P	P
Group IV		—	—	—	—	—	P	P

Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises		—	—	—	—	—	P	P
Rooming house	Note (28)	P	—	—	—	—	P	—
Salvage and disposal of materials, including auto junkyards, refuse disposal and processing plants, incinerators, landfills and similar uses		—	—	—	—	—	—	P(5)
Sanitary landfill	Note (5)	—	—	—	—	P	—	P
Schools:								
Commercial (34-622(c)(45))	<u>34-2381</u>	—	—	—	—	—	P	P
Noncommercial	Note (28), <u>34-2381</u>	P	P	P	—	P	P	—
Self-service fuel pumps	Note (24)	P(4)	P(4)	—	—	—	P	P
Shredding and composting of vegetative matter	<u>34-1831</u> et seq.	—	—	—	—	—	—	P

Signs in accordance with <u>chapter 30</u>	Note (1)	P	P	P	—	P	P	P
Social services (34-622(c)(46)):								
Group I		—	—	—	—	—	P	—
Group II		—	—	—	—	P	P	P
Group III	Note (28) & (47)	—	—	—	—	P	P	—
Group IV	Note (28) & (47)	—	—	—	—	P	—	—
Specialty retail shops (34-622(c)(47)):								
Group I		P(4)	P(4)	—	—	P(1)	P	—
Group II		P(4)	P(4)	—	—	—	P	—
Group III		—	—	—	—	—	P	—
Group IV		P(4)	P(4)	—	—	—	P	—
Stable:								
Boarding	<u>34-1291 et seq.</u>	P	P	P	—	—	—	—
Commercial	<u>34-1291 et seq.</u>	—	—	—	—	—	P	—
Private	<u>34-1291 et seq.</u>	P	P	P	—	—	—	—
Storage:								

Indoor only	Note (1), <u>34-3001</u> et seq.	P(4)	P(4)	P	—	P	P	P
Storage, open	Note (5), <u>34-3001</u> et seq. <u>34- 1352</u>	—	—	P(15)	—	—	P	P
Large-scale storage of noxious or hazardous materials (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (5), <u>34-3001</u> et seq.	—	—	—	—	—	—	P
Studios (34-622(c) (49))		—	—	—	—	—	P	—
Tactical training (df)	<u>34-2471</u>	—	—	—	—	P	—	—
Temporary uses	Note (1), <u>34-3041</u> et seq.	P	P	—	—	P	P	—
Tents, transient parks only	Note (28)	—	—	P	—	—	—	—
Theater, indoor or outdoor (drive- in)	Note (32), <u>34-2471</u> et seq.	—	—	—	—	—	P	—

Timeshare units	Note (28), <u>34-1494</u> , <u>34-2020(a)</u>	P	—	—	—	—	P	—
Transportation services (34-622 (c)(53)):								
Group I		—	—	—	—	—	P	P
Group II		—	—	—	—	—	P	P
Group III		—	—	—	—	P	P	P
Group IV		—	—	—	—	—	P	P
Truck stop, trucking terminal		—	—	—	—	—	P	P
Used merchandise stores (34-622(c) (54)):								
Group I		P(4)	P(4)	—	—	P(46)	P	—
Groups II, III and IV		—	—	—	—	—	P	—
Variety store		P(4)	P(4)	—	—	—	P	—
Vehicle and equipment dealers (34-622(c)(55)):								
Groups I, II, and III	<u>34-1352</u>	—	—	—	—	—	P	P
Group IV	<u>34-1352</u>	—	—	P(17)	—	—	P	P
Group V	<u>34-1352</u>	—	—	—	—	—	P	P

Warehouse:									
	High cube		—	—	—	—	—	—	P
	Mini-warehouse		—	—	—	—	—	P	P
	Private		—	—	—	—	—	P	P
	Public		—	—	—	—	—	P	P
	Cold storage only		—	—	—	—	—	—	—
Wholesale establishments (34-622(c)(56)):									
	Groups I, III and IV		—	—	—	—	—	P	P
	Group II		—	—	—	—	—	P	P
Wrecking yard:									
	Auto		—	—	—	—	—	—	P
	Other		—	—	—	—	—	—	P

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (2) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (3) If not shown on the master concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the Director's discretion, or as a planned development amendment after approval of the master concept plan.
- (4) Subject to limitations for commercial uses set forth in section 34-937 .
- (5) If the use or activity does not conform to the criteria set-forth in section 34-938 , then it is subject to the setback requirements set forth in sections 34-935 (b)(4) and 34-2441 et seq.

- (6) Limited to nontransient parks only.
- (7) Uses anticipated include boat rentals (inflatables, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
- (8) Permitted as an accessory use when designed and intended primarily for use by people staying at the recreational vehicle development.
- (9) Permitted only when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet.
- (10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.
- (11) Not permitted within 500 feet of nearest residence.
- (12) Automobile auctions, on-site or internet, are permitted only when all vehicles are stored inside. Projects with outdoor storage will be considered vehicle and equipment dealers, group I, and must comply with section 34-1352 .
- (13) Reserved.
- (14) Park-trailers permitted in nontransient parks only.
- (15) Limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (17) Limited to recreational vehicles only.
- (18) Reserved.
- (19) Only when clearly subordinate to a cemetery located on the same premises.
- (20) Recreational vehicle sites in mobile home planned developments (MHPD) must be designated on the approved master concept plan. All recreational vehicles approved as part of a MHPD are subject to the regulations in sections 34-762 through 34-766 and 34-1179 .
- (21) In RPDs, MHPDs, and residential areas of MPDs, a special exception is required.
- (22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441 , et seq.
- (23) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The Director may grant one two-year extension at the same location.
- (24) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.

- (25) Reserved.
- (26) In the MPD district, use is limited to industrial areas only.
- (27) Limited to eight self service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998 will not be considered non-conforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (28) Not permitted in Airport Noise Zone B.
- (29) Not permitted in Airport Noise Zone B. See section 34-1004 for exceptions.
- (30) Reserved.
- (31) Not permitted in Airport Noise Zone B unless accessory to a lawful mobile home or single-family residence. See section 34-1004 .
- (32) Indoor theater only in Airport Noise Zone B.
- (33) Not permitted in Airport Noise Zone B.
- (34) Not permitted in Airport Noise Zones unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1006 (b)(2) as applicable.
- (35) Not permitted in Airport Noise Zone B unless pre-empted by state law.
- (36) Sound attenuating insulation should be considered for hotels and motels in Airport Noise Zone B.
- (37) In the Industrial Development land use category, offices and office complexes are only permitted when specifically related to adjoining industrial use(s). Prior to issuance of any local development order, the developer must record covenants and restrictions for the property that limit any office uses to those that are specifically related to adjoining industrial uses consistent with Policy 1.1.7 of the Lee County Comprehensive Plan.
- (38) Reserved.
- (39) Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.
- (40) Reserved.
- (41) Limited to four pumps, unless a greater number is approved as part of a planned development.
- (42) In an existing planned development, the Director has the discretion to require removal of excess spoil to be reviewed through the public hearing process.
- (43) See sections 34-3107 and 34-3108 .
- (44) The rights applicable to mining excavations approved prior to September 1, 2008, are set forth in section 12-121 .

- (45) All new or expanded essential services group II uses must be approved as a planned development.
- (46) Permitted only as part of an AOPD approval for Page Field General Aviation Airport. Use must be included in Lee Plan Table 5(b) and be located within the non-aviation development area as depicted on Lee Plan Map 3G.
- (47) Not permitted in Coastal High Hazard areas unless in compliance with section 2-485 (b)(5)a.
- (48) Land uses in the Compact PD district are governed by chapter 32 .
- (49) See section 34-3152.
- (Ord. No. 93-24, § 7(table 480.A), 9-15-93; Ord. No. 94-02, § 7, 1-19-94; Ord. No. 94-24, § 49, 8-31-94; Ord. No. 95-07, § 35, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-18, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 04-05, § 1, 4-27-04; Ord. No. 05-08, § 1, 5-24-05; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 06-06, § 1, 4-11-06; Ord. No. 06-10, § 1, 6-12-06; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 09-23, § 10, 6-23-09; Ord. No. 10-24, § 1, 6-8-10; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 12-20, § 4, 9-11-12; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 14-13, § 7, 6-17-14)

Sec. 34-935. - Property development regulations.

The provisions of this section do not apply to PRFPDs; property development regulations for PRFPDs are set forth in section 34-941. The provisions of this section do not apply to Compact PDs; property development regulations for Compact PDs are set forth in chapter 32.

(a) *Minimum area for planned developments.*

- (1) *Recreational vehicle planned developments.* The minimum area required for a new recreational vehicle planned development is 20 acres. A minimum of five acres is required to expand an existing recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development in order to provide additional recreation vehicle units to the park. However, a recreational vehicle park, a phased recreational vehicle park or an approved recreational vehicle planned development can be expanded by less than five acres, if the expansion is solely for the purpose of providing amenities to the park and will not result in creating additional recreational vehicle units.
- (2) *Other planned developments.* Minimum area and dimensions are not specified for other planned developments. However, the net developable land remaining, after deleting any environmentally sensitive lands and waters, must be of such size, configuration and dimension as to adequately accommodate the proposed structures, parking, access, on-site utilities, including wet or dry runoff retention, all required open space, including buffers, and similar spatial requirements.

(b) *Minimum setbacks of structures and buildings from development perimeter boundaries.*

- (1) All buildings and structures must be set back from the development perimeter a distance equal to the greater of:
 - a. The width of any buffer area or landscape strip, required by chapter 10 or chapter 33; or
 - b. Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD; or

- c. Fifteen feet for residential and commercial portions of the development, if the subject property is, or will be zoned MPD; or twenty-five feet for industrial portions of the development, if the subject property is, or will be MPD; or
 - d. Twenty-five (25) feet, if the subject property is, or will be zoned AOPD or IPD; or
 - e. One-half the height of the building or structure; or
 - f. The setback from road, street or drive as appropriate (see section 34-2192), if the development perimeter abuts a street right-of-way or easement;
 - g. Forty feet, if the subject property is, or will be zoned RVPD unless abutting land zoned RV or RVPD; or
 - h. Setbacks applicable in MEPD districts are as provided in chapter 12.
- (2) Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip, required by chapter 10, chapter 33, or five feet, whichever is greater.
 - (3) Notwithstanding the provisions of subsections (b)(1) and (2) of this section all buildings, parking areas, and shipping and receiving areas and open storage areas of industrial land uses within a CPD, IPD, MPD, or AOPD must be set back in accordance with section 34-2441 et seq. or 100 feet, whichever is greater, from the development perimeter where the planned development abuts a residential land use or land zoned exclusively for residential uses.
 - (4) Notwithstanding the provisions of subsections (b)(1) and (2) of this section, when a proposed development will abut an existing residential subdivision or residential lots, the requirements set forth in section 10-416(d)(6) must be satisfied.
 - (5) The provisions of this subsection notwithstanding, the Board of County Commissioners may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, welfare or safety.
- (c) *Uses permitted within required perimeter setback.* Street stubs required by chapter 10, bikeways and pedestrian walks, sidewalks, jogging and equestrian paths, and park furniture, including gazebos and picnic shelters, are permitted within required perimeter setbacks.
 - (d) *[Reserved.]*
 - (e) *Minimum lot size, dimensions and setbacks.*
 - (1) *Lot size and dimensions.*
 - a. In the RPD and MHPD districts, if the development contains or consists of a conventional subdivision for single-family residences, two-family or duplex structures or mobile homes, the lot dimensions and areas specified in section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-1 single-family and two-family districts or in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.
 - b. Where the master concept plan calls for dwelling units on individual lots in clusters or townhouse configurations, the specific lot areas and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space and the voluntary reservation of additional common open space, if any.
 - (2) *Setbacks for residential buildings and mobile homes.* Setbacks from lot lines and separation of buildings for residential buildings and mobile homes in residential planned developments and mobile home planned developments shall be determined as follows:

- a. If the development contains or consists of a subdivision for single-family detached or duplex structures or mobile homes, the front, side and rear setbacks specified in section 34-695 for the RSA, RS-1, RS-2, RS-3, RS-4, RS-5 and TF-1 single-family and two-family districts or in section 34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home district shall apply as appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners.
 - b. Where the master concept plan calls for single-family detached or attached zero lot line housing, each dwelling unit structure may have one wall without windows or doors on a side lot line, may encroach with eaves or cornice no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building or mobile home on the side opposite the zero setback line consistent with the standard set forth in subsection (e)(2)c of this section.
 - c. Where the master concept plan calls for clustering of single-family detached structures or mobile homes, and so long as sufficient separation is maintained to prevent the spread of fire, and so long as adequate access is provided for emergency services as certified by the County Fire Official, the separation of buildings may be reduced to no less than ten feet.
- (3) *Setbacks for buildings in commercial planned developments, industrial planned developments and mixed use planned development.*
- a. If the development contains or consists of a subdivision for development parcels to be sold or leased as improved land for further development for commercial, industrial or multifamily residential purposes, where permitted, side and rear setbacks for all lots shall be scheduled on the master concept plan, except that, where a lot line is congruent with the development perimeter, the setback defined in subsection (b) of this section shall have priority.
 - b. The setbacks from internal streets shall be determined by the functional classification of the streets as set forth in section 34-2192.
- (4) *Minimum separation of buildings.* Unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings shall be one-half of the sum of their heights, or 20 feet, whichever is greater.
- (f) *Height of buildings.*
- (1) Except as restricted by section 34-2175, height of buildings in all other planned developments will vary in accordance with the land use classification of the subject property according to the Lee Plan land use plan map as follows:
 - a. In the intensive development and central urban land use categories, buildings may be as tall as 135 feet above minimum flood elevation with no more than 12 habitable stories.
 - b. In the urban community land use category, buildings may be as tall as 95 feet above minimum flood elevation with no more than eight habitable stories.
 - c. In the airport and tradeport commerce land use categories, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories. With the consent of the port authority, the Board of County Commissioners may approve building heights up to 95 feet above minimum flood elevation with no more than eight habitable stories.
 - d.

In the industrial interchange, industrial commercial interchange, general interchange and general commercial interchange land use categories, buildings may be as tall as 75 feet above minimum flood elevation with not more than six habitable stories.

- e. In the suburban, outlying suburban and rural land use categories and in any other land use category in which a planned development is appropriate, buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories, except that such buildings may be as tall as 75 feet above minimum flood elevation with no more than six habitable stories when the applicant demonstrates that the additional height is required to increase common open space for the purposes of preserving environmentally sensitive land, securing areas of native vegetation and wildlife habitat, or preserving historical, archaeological or scenic resources.

(g) *Open space.* See section 34-414(a) for definitions pertaining to open space.

(1) *Residential and mobile home planned developments.*

- a. In the residential or mobile home planned development districts, 40 percent of the total area of the project shall be common open space, except that this may be reduced to 30 percent when the remaining ten percent is distributed as private open space to individual dwelling units having immediate private ground floor access. Additional land or water may be reserved as open space at the developer's discretion.
- b. No additional open space is required in the accessory commercial area beyond landscaped buffering, as required elsewhere in this chapter.
- c. The common open space requirements set forth in subsection (g)(1)a of this section do not apply to developments consisting of a conventional subdivision for single-family detached or two-family (duplex) dwelling units or mobile homes on lots of standard dimensions.

(2) *Community facilities planned developments.* In the community facilities planned development district, not less than 30 percent of the total area of the project shall be common open space.

(3) *Commercial planned developments.* Open space shall be required in accordance with chapter 10.

(4) *Industrial planned developments.*

- a. In the industrial planned development district, open space shall be provided in accordance with chapter 10. Additional land or water may be reserved as open space at the developer's discretion.
- b. In IPD districts, where the principal uses are open, area extensive, or productive of various noxious spillovers such as dust, odors, glare, noise and vibration and visual blight, the open space requirement shall be concentrated at the perimeter and used mainly for buffering, screening and landscaping.

(5) *Mixed use planned developments.* All applications for development orders for parcels within mixed use planned developments must contain the amount of applicable open space set forth in sections 34-935(g)(1), (2), (3) and (4).

(6) In the MEPD district open space must be provided in accord with chapter 12.

(Ord. No. 93-24, § 7(480.04), 9-15-93; Ord. No. 94-24, § 26, 8-31-94; Ord. No. 95-07, § 22, 5-17-95; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 07-19, § 6, 5-29-07; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 16-10, § 3, 4-5-16)

Sec. 34-936. - General conditions for all land uses.

- (a) *Compliance with use restrictions.* Only those land uses enumerated in the documentation to the master concept plan are permitted in a planned development. The conditions of approval in the applicable zoning resolution shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.
- (b) *Parking.* Unless governed by alternative standards established by special conditions or by chapter 32, parking for any use in this planned development will be governed by article VII, division 26, of this chapter in accordance with the actual use.
- (c) *Signs.* Signage for any use in a planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.
- (d) *Sale of alcoholic beverages.* Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of article VII, division 5, of this chapter and other special conditions set forth at the time of planned development approval.
- (e) *Outdoor display of goods.* Except in RPD and MHPD developments, all open display of goods for sale shall be set back from public rights-of-way no less than 25 feet. In the RPD and MHPD districts, the outdoor display or storage of goods for retail sale is prohibited.
- (f) *Outdoor storage of goods.* Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely visually buffered.
- (g) *Lighting.* Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose, and shall not create conditions of glare outside the area designated for commercial uses.
- (h) *Bikeways and pedestrian ways.* Unless governed by alternative standards established by special conditions, bicycle paths and pedestrian ways must be located and constructed in accordance with the requirements set forth in chapter 10.

(Ord. No. 93-24, § 7(480.05(A)), 9-15-93; Ord. No. 95-12, § 10, 7-12-95; Ord. No. 10-25, § 4, 6-8-10)

Sec. 34-937. - Commercial uses in RPD and MHPD districts.

Commercial uses permitted in a residential or mobile home planned development district are limited to the convenience and utility of the residents. These commercial uses must meet the following conditions:

- (1) Unless constrained by physical factors or a policy of higher priority, e.g., wetlands preservation, commercial uses must be oriented to the interior of the project, located centrally within the development, and not quickly or easily accessible from the outside perimeter.
- (2) No more than a specified maximum amount of floor area, relative to the number of dwelling units or size of an RPD or MHPD district, may be used for commercial purposes. This relationship is specified as follows:

Total Approved Dwelling Units	Gross Commercial Floor Area
Less than 150	None
151 to 300	2,500 square feet
301 to 600	7,500 square feet
601 to 1,200	17,500 square feet
More than 1,200	Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project.

- (3) The following commercial uses shall not be counted against the limitation set forth in subsection (a)(2) of this section:
 - a. Day care center.
 - b. Food and beverage service, limited.
 - c. Home occupation (article VII, division 18, of this chapter).
 - d. Self-service fuel pumps, exterior area only.
 - e. Boarding stables.
- (4) Signs for commercial uses other than project sales shall not be visible from the perimeter of the project and shall comply with chapter 30.
- (5) Parking for commercial uses is governed by article VII, division 26, of this chapter, except that up to, but not more than, one-half of the required number of parking spaces may be reduced in direct proportion (one space deleted per unit) to the number of dwelling units located within one-quarter mile of the commercial area, as measured to the geometric center of the commercial area, and served by continuous and technically adequate systems of pedestrian and bicycle paths or ways.
- (6) Outside display or storage of goods for retail sale is prohibited.
- (7) Real estate sales activity and model homes shall be limited to that project only. Such uses shall be terminated upon the sale of the last unit in the project or phase or 12 months after the issuance of the last certificate of occupancy for the project or phase, whichever occurs first.
- (8) In the RPD or MHPD district, no commercial land use or commercial occupancy of a structure may commence until a substantial proportion of the residential uses or occupancies have begun. The following table indicates the maximum proportion of the total permitted commercial floorspace that may be occupied for a minimum proportion of residential land uses commenced. This limit shall not apply to health care facilities.

PHASING LIMITS

Proportions are cumulative from left to right.

Residential use (minimum)	25%	50%	75%	100%
Commercial use (maximum)	25%	50%	100%	

These conditions are in addition to and not in lieu of any other general condition or regulation applicable to a residential or mobile home planned development.

(Ord. No. 93-24, § 7(480.05(B)), 9-15-93; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 12-20, § 4, 9-11-12; Ord. No. 13-10, § 10, 5-28-13)

Sec. 34-938. - Industrial uses in CPD district.

- (a) In the commercial planned development district, industrial uses may only be permitted in accordance with the following standards:
 - (1) If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
 - (2) All operations must be conducted within a fully enclosed building.
 - (3) The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.
 - (4) The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the development parcel or industrial use area.
 - (5) Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.
- (b) Industrial uses not listed in section 34-934 as permitted uses in the commercial planned development (CPD) zoning district may be permitted by the Board of County Commissioners as part of an approved CPD provided the floor area of the unlisted uses does not exceed 50,000 square feet of floor area or the aggregate floor area of the other uses on the approved schedule of uses, whichever is less.

(Ord. No. 93-24, § 7(480.05(C)), 9-15-93; Ord. No. 95-07, § 23, 5-17-95)

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

- (a) *Location.* No new recreational vehicle park shall be developed and no existing recreational vehicle park shall be expanded if on barrier islands or in coastal high-hazard areas (V zones) as designated on the adopted flood insurance rate maps (FIRM) for the County.
- (b) *Design criteria.*
 - (1) *Compatibility.* A recreational vehicle park shall be designed and developed in a manner compatible with and complimentary to existing and potential development in the immediate vicinity of the project site. Site planning shall give consideration to protection of the property

from adverse environmental influences within the development, such as drainage problems or potential insect breeding sites. Further consideration shall be given to ensuring that the development will not adversely affect surrounding areas.

- (2) *Utilities.* Each recreational vehicle park shall be connected to a public or private central water system and a public or private central sewage disposal system. Peak loadings determined in the Development of County Impact or development of regional impact review shall be the minimum capacity required.
- (3) *Buffers.* All recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along that portion of a boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide a 40-foot wide perimeter buffer area with a vegetative visual screen. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. Existing native vegetation in the buffer area must be retained to meet the visual screen requirement and may not be removed except as follows:
 - a. Exotic species as defined in section 10-420(h) must be removed.
 - b. Existing native vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
 - c. Existing native vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
 - d. A minimum of 75 percent of all trees and shrubs used in buffers and landscaping must be native varieties.

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

- (4) *Streets.* Except as may be specifically approved to the contrary as part of the recreational vehicle planned development approval, all streets and access drives within a recreational vehicle planned development shall meet the following minimum criteria:
 - a. *Transient parks.*
 1. The minimum street right-of-way or easement is 50 feet.
 2. The minimum pavement width is 20 feet.Parking on streets shall be prohibited unless pavement width is increased eight feet on each side of the street where parking will be permitted.
 - b. *Nontransient parks.* Streets shall be in compliance with the requirements for streets as set forth in chapter 10.
- (5) *Recreational facilities.* Every recreational vehicle park shall have at least one outdoor recreation area, which shall be easily accessible from all sites. Such recreation area shall contain at least 250 square feet for each acre contained within the park, and no single recreation area within the park shall be less than 3,000 square feet in size.

(6) *Maximum number of living units.*

- a. *Transient parks.* Transient parks may not exceed a maximum of 8 living units per non-wetland acre.
- b. *Non-transient parks.* Non-transient parks may not exceed the standard residential density as permitted in the Lee County Comprehensive Plan.

(7) *Separation of structures.*

- a. *All parks.* Unless otherwise provided in this section, no common-use permanent buildings may be placed within:
 1. The required 40 foot perimeter buffer;
 2. 25 feet of any park boundary not required to have a 40-foot buffer; or
 3. 25 feet of any recreational vehicle site.
- b. *Transient parks.* There shall be a minimum separation of ten feet between the closest walls of any recreational vehicles or appurtenances thereto, and any other recreational vehicle or appurtenance thereto.
- c. *Nontransient parks.* There shall be a minimum setback of ten feet from each side and rear recreational vehicle site (lot) line, and 25 feet from any interior street right-of-way or easement.

(8) Completion of lots prior to occupancy; minimum occupancy prior to initiation of commercial use. A minimum of 30 lots must be completed and ready for occupancy before the first occupancy is permitted in a recreational vehicle park. No accessory commercial use will be issued an occupancy permit prior to a minimum of 30 lots being completed and ready for occupancy.

(c) *Accessory structures and additions.* Individual accessory structures, additions or freestanding storage sheds may be permitted only in non-transient parks, and only when in compliance with the regulations set forth in sections 34-764 through 34-766 and 34-1179.

(d) *Recreational vehicles as permanent residences.* The use of a recreational vehicle type unit by a permanent resident as a permanent residence, as the terms are defined in F.S. ch. 196, is expressly prohibited as of September 16, 1985.

(Ord. No. 93-24, § 7(480.05(D)), 9-15-93; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 99-05, § 9, 6-29-99; Ord. No. 14-13, § 7, 6-17-14)

Sec. 34-940. - Mixed use planned developments.

(a) All mixed use planned developments must meet or exceed at least two of the following thresholds:

- (1) A residential or mobile home development of 50 or more dwelling units.
- (2) A commercial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.
- (3) An industrial development or activity that is located on a parcel of two or more acres and includes 30,000 square feet or more of floor area.
- (4) A community facility development of two or more acres.

(b) Mixed use developments containing residential uses should be designed to capture within the development a substantial percentage of the vehicular trips that are projected to be generated by those uses at the project's buildout.

- (c) The master concept plan for a mixed use development must clearly indicate the land area to be used for each of the qualifying thresholds, as well as the uses proposed within each of the designated areas.

(Ord. No. 94-24, §, 8-31-94; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 05-14, § 6, 8-23-05)

Sec. 34-941. - Private recreational facilities planned developments.

- (a) *Applicability:* The private recreational facilities planned development (PRFPD) district option may only be requested and approved in those areas depicted on the Lee Plan Private Recreation Facilities Overlay Map (Map 4).

(b) *General limitations:*

- (1) Except for a caretaker's residence, development rights to residential density (i.e. dwelling units) associated with land zoned to the PRFPD district are extinguished, and therefore, cannot be transferred, clustered or otherwise assigned to any property as long as the private recreational facilities continue to exist. Development rights to residential density can be re-established only by removing the private recreational facilities in their entirety and eliminating all private recreational facility uses from the zoning district in effect.
- (2) Approval of a PRFPD district may not be used as justification for requesting or approving an amendment to the future land use map series which will increase residential density in DR/GR areas.

(c) *Uses.*

- (1) *Prohibited uses:* No residential uses are permitted within the PRFPD district, except as delineated in section 34-941(c)(3).

- (2) *Permissible uses:*

- a. The following uses are permitted and may be approved administratively within a PRFPD district without their location being designated on the approved master concept plan, provided the use is approved as part of the adopted zoning resolution:
 - Essential services.
 - Public wellheads.
- b. The following uses are permitted only if approved in the adopted zoning resolutions and their general location is shown on an adopted master concept plan.
 - Aquifer storage and recovery facilities.
 - Boarding horse stables and riding areas (see note 1).
 - Camp grounds—Tent camping only, including:
 - Camping area office (see note 1).
 - Camping restrooms (see note 1).
 - Excavations for water retention (section 34-1651).
 - Forestry tower.
 - Golf course, including:
 - Country club (see note 1).

Golf course restrooms (see note 1).

Golf course maintenance areas (see note 1).

Helistop—If required by emergency services.

Recreational and educational facilities (see note 4).

Wireless communication facility (see note 1).

- (3) *Accessory uses and structures.* The following uses and structures may be permitted as accessory uses and structures when specifically included in the adopted zoning resolution.

Administrative offices (see note 1).

Bait and tackle shops.

Bed and breakfast establishment.

Boat ramps and docks.

Boat rental—Motorized boats limited to a trolling motors.

Consumption on premises (see note 2).

Dwelling unit: One caretakers residence OR resident manager's unit

Entrance gates and gatehouse.

Fishing piers.

Fences, walls (see note 5).

Food and beverage service, limited (see Note 2).

Fractional ownership, dwelling unit.

Golf course driving range and practice area.

Parking lots—Accessory to a permitted use.

Personal services—Group II (see note 2).

Play areas—"Elementary school age" and "teenage and young adults" as discussed in "Park Planning Guidelines, 3rd Ed."

Service/maintenance areas ancillary to approved permissible uses (see note 1).

Restaurants—Only if located within the clubhouse.

Sewage package plant.

Signs in accordance with Chapter 30.

Specialty retail—Groups I, II and III (see note 3).

Timeshare, dwelling unit

NOTES:

(1) The following uses are subject to the stated limitation(s):

Clubhouse/administrative area:	Maximum: 20,000 SF/18-hole golf course.
Golf course restrooms:	Not to exceed two structures per 18-hole golf course, limited to a maximum of 150 square feet per structure. One additional structure, limited to a maximum of 150 square feet per structure, may be added for each additional nine holes.
Wireless communication facilities:	Maximum height: 35 feet. Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with <u>section 34-1441</u> , et seq.
Maintenance area:	Maximum: 25,000 SF/18-hole golf course. An additional 12,500 square feet of maintenance area may be added for each additional nine holes.
Horse stable:	Maximum: 40,000 SF of stable building/ten acres.
Camping restrooms:	Maximum: One toilet per four camp units, clustered in structures not to exceed 500 square feet per structure.
	Maximum: One shower per four toilets.
Camping area office:	Maximum: 1,000 SF per campground.

(2) Proposed uses may be approved administratively when they are located wholly interior to a permitted clubhouse and are for use of club members only. Outdoor seating and outdoor golf course service in conjunction with a COP must be specifically requested and approved as part of the adopted zoning resolution.

(3)

Specialty retail sales are limited to items clearly associated with the principal use; i.e, golfing equipment and clothes in conjunction with a golf course or country club; camping equipment (not vehicles or trailers) and supplies in conjunction with a camp ground. Specialty retail sales must be located within the country club or main administration building and may not be located in free-standing buildings.

- (4) Such as, but not limited to: hiking and nature trails including boardwalks, where the activities require little or no on-site facilities or capital investment, and utilize the natural environment with little or no alteration of the natural landscape.
- (5) Fences and walls: must comply with section (d), subsection 4.a. iii.

(d) *Design standards.*

(1) *General:* Private recreational facilities planned development districts:

- a. Except for developments proposing to include golf courses, the minimum area is ten acres (see subsection (e) for golf course requirements).
- b. The district must be designed to provide adequate fire protection, transportation facilities, wastewater treatment and water supply, The developer, at his sole cost, will be responsible for providing these services and facilities in the event of a deficiency.
- c. Private recreational facilities must be located, designed and operated to:
 - i. Be compatible with any adjacent publicly owned lands; and
 - ii. Not adversely affect any existing agricultural, mining or conservation activities; and
 - iii. Incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights; and
 - iv. Not have adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources; and
 - v. Not create glare on adjacent properties; as such, all exterior lighting must be designed with downward deflectors to eliminate skyward glare (parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed 12 feet in height); and
 - vi. Prohibit public access during non-use hours.

(2) *Property development regulations.*

- a. *Buffers and setbacks:* Where a building or other impervious development is located on an adjacent property within 25 feet of a property boundary zoned PRFPD, a minimum 15-foot wide buffer, with five trees per 100 linear feet, and a solid double row hedge must be provided, unless a greater buffer is required or deemed necessary during the rezoning approval.
- b. *Building setbacks.*
 - i. Minimum of 50 feet from an existing road right-of-way line or roadway access easement;
 - ii. Minimum of 50 feet from any adjacent agricultural or mining operation.
 - iii. Minimum of 75 feet from any private property line under separate ownership used or zoned for residential dwellings.
 - iv. Except that greater setbacks may be required where reasonably necessary to address unique site conditions or development impacts.

- c. *Setbacks for accessory buildings or structures.*
 - i. All setbacks for accessory buildings or structures must be shown on the master concept plan. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan. Appropriate setbacks applicable to the final placement of these buildings, structures or facilities must also be shown on the master concept plan.
 - ii. No maintenance, delivery, irrigation pump, or outdoor storage or delivery area may be located closer than 500 feet from any residential use under separate ownership, as measured from the edge of the above-listed area to the property line of the residential use.
 - d. *Open space.* A minimum of 85 percent open space must be provided, subject to the following:
 - i. Up to 100 percent of the area of natural and manmade bodies of water may contribute to achieving the minimum open space requirement; and
 - ii. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will be located and constructed so as to exceed the minimum 85 percent open space requirement.
- (3) *Water quality, quantity and surface water resources.*
- a. Prior to development order approval, all private recreational facility developments must design and obtain County approval of an overall surface water management plan as outlined in Lee Plan Objectives 60.2, 61.3 and 115.1, in cooperation with Lee County and the SFWMD.
 - b. Private recreational facility developments must be located, designed, and operated to:
 - i. Maintain or improve the storage and distribution of surface water resources, and to not degrade the ambient surface or groundwater quality or adversely impact the County's existing and future water supply, as such:
 - 1) As part of the rezoning application conceptual surface water management plans must be submitted. This plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors.
 - 2) Prior to the issuance of a development order, if the subject property is crossed by a flowway, the applicant must:
 - a) Provide detailed hydrological and hydraulic analyses demonstrating the limits of flow for three-day, ten-year, 25-year, and 100-year storm events and the developed site's ability to convey these flows, taking into consideration the general flowway paths that exist in the DR/GR areas. Some, but not all, flowways are depicted on the historic flowway aerial map and show the general boundaries of the main conveyances. Where an existing flowway is not well defined or is discontinuous, flexibility will be given to allow different alignments within a site to best achieve this design standard so long as:
 - i) The function and integrity of local and regional flowways is maintained; and
 - ii) Flowways are not utilized for primary surfacewater treatment areas; and

- iii) Adequate hydraulic capacity will exist in the flowway without increasing flood levels.
 - b) Ensure stormwater run-off is pre-treated through an acceptable recreated natural system, dry retention or water treatment system, prior to discharging the run-off into existing lakes, wetlands, or any other aquatic systems; and
 - c) Ensure the development's surface water management system includes an average 50-foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional line or top of bank of natural water bodies.
 - ii. Minimize adverse environmental impacts on wetlands and riparian areas and where appropriate, protect, enhance and manage natural resources such as flowways, waterways, wetlands, natural water bodies, and indigenous uplands; and
 - iii. Not result in a net reduction in functional wetland acreage as identified by the South Florida Water Management District Wetland Rapid Assessment Procedure (WRAP).
 - c. If a private recreational facility is proposed or requested in any wellfield protection zone, the portion of the development which is located in the proposed or requested area must be located, designed, and operated to:
 - i. Meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Division of Natural Resources and the Lee County Regional Water Supply Authority; and
 - ii. Minimize the possibility of contamination of groundwater during construction and operation (if in or near existing and proposed wellfields).
 - d. If the private recreational facility is proposed or requested within an area identified as an anticipated drawdown zone for existing or future public well development, the applicant must demonstrate as part of the rezoning application that development will:
 - i. Utilize an alternative water supply source such as reuse or withdrawal from a different non-competing aquifer; or
 - ii. Show, to the satisfaction of the Department of Natural Resources, that adequate supply is available in excess of that being used for planned public water supply development.
- (4) *Natural resources and wildlife:*
- a. Private recreational facility developments must be located, designed, and operated so that:
 - i. Critical habitat is conserved and the development does not adversely impact any existing, viable on-site occupied wildlife habitat for federal, state, or County protected species, species of special concern, threatened, or endangered species; and
 - ii. Preservation and/or management activities are incorporated as a condition of any approving zoning resolution to restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species; and
 - iii. Perimeter fences or walls are not required or encouraged. If perimeter fences or walls are proposed, they must be designed to:
 - a) Permit wide-ranging small and large animals to traverse the site; and

- b) Provide a minimum of one foot clearance between the ground and the lowest portion of a fence or wall.

Alternatives to b) that meet the intent of providing wildlife the ability to traverse the site will be considered, but any alternative fence or wall is subject to the approval of the Director.

- b. Except for golf courses, private recreational facility developments must be designed to preserve a minimum of 50 percent of on-site, indigenous native uplands habitat; [see subsection (e) Additional design and performance standards for golf course use, for golf course requirements].
 - c. Except for building sites and proposed turf areas, every reasonable effort must be made to preserve existing native vegetation and to use xeriscape vegetation and to meet the following minimum requirements for on-site vegetation:
 - i. 100 percent of all required trees and 75 percent of all additional trees will be native; and
 - ii. 80 percent of all required shrubs and 50 percent of all additional shrubs will be native; and
 - iii. A minimum of 70 percent of all trees and shrubs are xeriscape varieties.
 - d. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted as part of a private recreational facility development.
 - e. A statement must be included on the development order that the development area will be maintained free of any invasive exotic plants included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species.
- (e) *Additional design and performance standards for golf course use:* The following standards for golf courses are in addition to design standards set forth above:
- (1) Golf courses must be designed, constructed, certified, and then managed in accordance with the Audubon International Signature Program.
 - (2) The boundaries of a golf course must be designed to exclude residential out-parcels or enclaves, and prevent them from being integrated into the golf course design.
 - (3) Golf courses must be located, designed, and operated to minimize their impacts on natural resources, and to comply with the Best Management Practices for Golf Course Maintenance Departments (Best Management Practices), prepared by the Florida Department of Environmental Protection, May 1995, as well as ensuring:
 - a. Natural waterways are left in a natural, unaltered condition and are not channelized, provided:
 - i. If a crossing for a natural waterway is necessary, it must be designed to minimize the removal of trees and other shading vegetation;
 - ii. Any crossings of existing natural flowways and water bodies must be bridged, and golf cart crossings must be constructed of permeable material, be no wider than eight feet, and placed on pilings from edge of floodplain to edge of floodplain;
 - iii. Created or restored flowways and water bodies may be crossed by bridges or culverts, or a combination thereof, if approved by Lee County and the South Florida Water Management District;

- iv. An existing natural waterway may not be excavated for new lakes or ponds;
 - v. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless otherwise required by the South Florida Water Management District in order to further regional water management objectives.
 - b. All fairways, greens, and tees are elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the development's water management system.
- (4) To ensure water conservation, golf course irrigation systems must utilize computerized irrigation programs based on weather station information and moisture sensing systems to determine existing soil moisture and evapotranspiration rates so as to provide water efficient zone control, as well as:
- a. If located outside of an identified wellfield protection zone, re-use water, will be utilized for irrigation if available; and
 - b. If located within an identified wellfield protection zone, then any re-use water used for golf course irrigation must be in compliance with the wellfield protection ordinance.
- (5) *Golf course site requirements.*
- a. Minimum number of holes: 18 holes.
 - b. Minimum additional increments: Nine holes
 - c. Minimum site area: 150 acres per 18 holes, plus sufficient land to comply with the indigenous preserve requirements set forth below; and for every additional increment of nine golf holes, the site area must be increased by 75 acres, of which up to a maximum of 75 acres may be golf course "impact area."*
 - d. Maximum site "impact area": 150 acres per 18 holes plus a maximum of 75 acres for each additional nine holes.
*"impact area" includes all areas used for greens, tees, fairways, roughs, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e., all areas used for golf courses and their associated support uses.
 - e. *Minimum indigenous preserve area:* 200 acres per 18 holes plus 100 acres for each additional nine holes. The indigenous preserve area may be provided either on-site or off-site (or a combination of both), calculated as follows:
 - i. A credit of 2:1 will be given for every acre of indigenous preserve provided on the same site as the golf course, but outside of the golf course impact area; and
 - ii. All off-site indigenous preserve areas must be located within the DR/GR areas and unless located within or adjacent to an existing or designated public acquisition area the minimum indigenous preservation parcel size must be fifty acres.
 - f. *On-site indigenous restoration:*
 - i. *Definition: Indigenous restoration* - The enhancement or creation of a native plant community through the installation of appropriate native vegetation in such a manner as to establish an indigenous ecosystem capable of supporting wildlife and a sustainable native plant community. Integral to restoration is the evaluation and incorporation of ecological processes and structures, as well as, variability in biodiversity of regional and historic native plant communities.

- ii. *On-site indigenous restoration credits:*
 - (a) To meet the 200 acre minimum indigenous preservation requirement, indigenous restoration credits (1:1) may be granted, so long as the restored area is:
 - i) No less than three acres; and
 - ii) An average width of no less than 100 feet; and a minimum of 75 feet wide.
 - (b) An additional 25 percent credit for each enhancement listed below, up to a maximum credit of (2:1), may be granted toward the development's indigenous preservation requirements, if, in addition to meeting the requirements immediately above, the restored area also:
 - i) Abuts an existing indigenous preserve, regardless of whether the preserves are on-site, off-site, public or private,
 - ii) Is designed to provide a link between existing indigenous preserves, regardless of whether the preserves are on-site or off-site from the development,
 - iii) Abuts a natural waterway or flow-way, or
 - iv) Is restored as a rare and unique upland habitat, as that term is defined by the Lee Plan.
 - v) Alternatives to the above-stated design criteria that demonstrate unique environmental restoration will be considered and credited appropriately with a maximum 2:1 credit. Any alternative design and credit is subject to approval by the Director.
- iii. *On-site indigenous restoration plan requirements:*
 - (a) When on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement for a PRFPD, a preliminary indigenous restoration plan must be submitted at time of zoning review. The plan must also provide for and include, but is not limited to, the following information:
 - i) Restored preserve locations must be delineated on the master concept plan. The area of each restored preserve must be listed.
 - ii) By Florida Land Use Cover and Classification System (FLUCCS) code, a narrative description of each native plant community to be restored must be provided. A list of native plants found in the canopy, midstory and groundcover must be provided. Any existing native plants within the restoration area must be incorporated to the maximum extent possible (e.g., live oaks in a farm field, saw palmettos in a pine plantation).
 - iii) By FLUCCS code, a list of commercially available plants to be installed in the restoration area must be provided. This list, by species, must include the number of plants, size of plants to be installed, and spacing at installation. The general design strategy must be provided that illustrates the effort needed to recreate the intended native plant community. The planting density must be consistent with the plant community to be restored or created. Any hydrological alterations or improvements must be detailed.
 - iv)

- A temporary irrigation plan to insure the establishment of the plants. Such an irrigation plan must be designed to conserve water. An automated system with a rain sensor must be used. The temporary irrigation must be removed upon successful plant establishment. Where it can be demonstrated at the point in time a final indigenous preservation plan is submitted that wetland restoration areas have an adequate surface and groundwater levels for plant establishment, no irrigation will be required. Plants must meet the success criteria provided in section vii).
- v) Plants must be mulched with an organic mulch at installation. The use of cypress mulch is prohibited.
 - vi) All management techniques and a general schedule to ensure the establishment of a native plant community (i.e. controlled burns; etc.).
 - vii) 80 percent survivability of installed plants must be maintained in perpetuity.
- (b) A final indigenous restoration plan must be submitted at time of local development order. The restoration plan, including narrative details, graphic details, and detailed irrigation plan, must be incorporated into the local development order plans as part of the initial phase of development. The number, species, and sizes of plants must be separately delineated for each restoration area. The plan may be compiled by an environmental consultant or a landscape architect.
 - (c) To insure successful installation and establishment of the restoration effort, the developer must provide financial assurance through a bond, letter of credit, escrow agreement or other method acceptable to the Department of Community Development and the County Attorney's Office. The financial assurance will be calculated at the estimated cost of purchasing an equivalent acreage of CREW lands to be maintained in perpetuity, and must be approved prior to local development order approval.
 - (d) A monitoring report must be submitted to the administrator on an annual basis for five years from date of certificate of compliance. The monitoring report must include mortality estimates per species planted, estimated causes for mortality, growth of the vegetation, documentation of any native plants that have colonized the area, any animals observed using the site, and other factors which would indicate the functional health of the restored system. If the restoration area is not successful within the initial five-year monitoring period, replanting is allowed with a five-year monitoring required from the date of any replanting. If after replanting the restoration area is not successful, the applicant must purchase CREW lands of equivalent size to be maintained perpetually. If the applicant is unwilling to purchase CREW lands in a reasonable length of time, the County will purchase CREW lands with the financial assurance provided.
- g. *Management and maintenance of natural areas.* The owner(s), or their assignees, must use accepted Best Management Practices to perpetually maintain all golf course areas as well as any on-site natural vegetation areas associated with other private recreational facilities.
 - i.

Appropriate management techniques will be determined based upon the existing plant community. A land management plan for natural vegetation areas must be submitted to, and approved by, the Lee County Division of Planning prior to issuance of a local development order.

Management techniques addressed in the plan must include, but are not limited to, the following:

- 1) Exotic pest plant control;
 - 2) Removal of any trash and debris;
 - 3) Restoration of appropriate hydrology;
 - 4) Prescribed fire;
 - 5) Native plant restoration;
 - 6) Discussion of flora and fauna;
 - 7) Enhancement of wildlife habitat;
 - 8) Retention of dead trees and snags.
 - 9) Integrated pest management program for any managed recreational areas.
 - 10) A management plan for the off-site indigenous vegetation preserves including invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.
- ii. *Management/maintenance of golf courses.* Prior to the issuance of a local development order, the golf course developer/property owner must demonstrate that the golf course is designed to minimize adverse effects to surface and ground waters, including riparian areas, through the use of practices such as integrated pest management and reduced fertilizer use, adequate stormwater management facilities, vegetated buffers, etc., and at a minimum:
- 1) The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the private recreational facility results in no substantial adverse effect to water quality; and
 - 2) The owners must employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas; and
 - 3) Demonstrate the ability of the proposed golf course site, facilities, and management practices to comply with the goals of the Audubon International Signature Program for Golf Courses, where:
 - 4) Proposed and approved management practices must include, but are not limited to:
 - a) The use of slow release fertilizers and/or carefully managed fertilizer applications.
 - b) The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes; and
 - c)

The application of pesticides must involve only the purposeful and minimal application of pesticides, aimed only at identified, targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions.

- 5) The application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited; and
 - 6) The application of pesticides is coordinated with irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients; and
 - 7) Retain a golf course manager, licensed by the state with respect to use of restricted pesticides, to perform, or be responsible for, the required management practice functions.
- (f) *Environmental monitoring.* In order to ensure that the development will not degrade the ambient condition of surface and groundwater quality and quantity, vegetation and wildlife, the developer must establish and maintain an ongoing monitoring program evaluated and approved by Lee County Division of Natural Resources and the Lee County Regional Water Supply Authority, consistent with the following:
- (1) *Pre-development groundwater and surface water analysis.* A study to establish baseline data for groundwater and surface water monitoring for the project area must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. The applicant/developer is responsible for conducting the study and monitoring.
 - a. Prior to commencing this baseline study, the study methodology and modeling components must be approved by the Lee County Division of Natural Resources and the Lee County Regional Water Supply Authority.
 - b. Issues of well locations, easements and wastewater re-use must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County Regional Water Supply Authority during the planned development review process. Formal agreements, acceptable to the County Attorney's Office, addressing these issues must be executed prior to development order issuance.

The Division of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity.
 - (2) *Surface water and groundwater.* Annual surface water and groundwater monitoring must continue in perpetuity; as follows:
 - a. Surface and groundwater monitoring requirements pertaining to the nutrients and chemicals identified by the pre-development analysis (required by section (f)(1)a) and those anticipated for use in conjunction with the proposed project, must be established and approved by the Division of Natural Resources; and
 - b.

At a minimum, the monitoring must be conducted on a quarterly basis by a qualified third party; the data must be submitted to the Division of Natural Resources as soon as it is available; and

- c. An annual summary report of the monitoring effort must be submitted to the Division of Natural Resources for their review and evaluation.
- (3) *Other impacts.* The approved development must submit annual monitoring reports addressing the interaction between the use and environment. The reports must begin during the initial project construction phase and continue until 5 years after the issuance of a certificate of compliance for the entire project. The report must provide discussion and documentation on the following activities:
- a. *Construction monitoring:* Annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent of project completed.
 - b. *Land management activities:* Including those used on the golf course, as well as natural and preserve areas.
 - c. *Wildlife monitoring:* A discussion of wildlife, wildlife activity, and wildlife management activities.
 - d. *Irrigation monitoring:* A summary of the monthly irrigation withdrawal and irrigation sources.
 - e. *Mitigation/vegetation monitoring:* Status reports on the viability of any mitigation or landscaping conducted on-site.
 - f. *Integrated pest management monitoring:* Provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.
 - g. Monitoring requirements for on-site indigenous restoration per section 34-491(d)(4)(f)iii (d).

If adverse impacts in any of the above areas are identified, enforcement and mitigation will be provided through the appropriate regulatory agency and enforcement procedures. If, after five years, no significant adverse impacts are determined, reporting on these subjects may be terminated.

(4) *Monitoring enforcement.*

- a. If surface or groundwater monitoring shows degradation of water quality that is caused by the construction, operation, or maintenance of the facility, the County will provide written notice delivered by hand or return receipt requested mail to the property owner's last known address that a plan to correct the identified problem(s) must be submitted, as follows:
 - i. The property owner must submit a plan of action within 30 days after receipt of written notice from the County.
 - ii. The plan must identify actions that will correct the problem(s) within the shortest possible time frame.
 - iii. The plan will be reviewed by the County. If the plan is not submitted as required, or is found unacceptable by the County, the County will require all activities on the property to cease until a plan is submitted and approved; and
 - iv.

The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require all activities on the property to cease until the property owner comes back into compliance.

- b. *Golf courses.* If a golf course loses its certification from Audubon, or if the status of certification from Audubon changes from being in full compliance:
 - i. Then the property owner must provide written notice to the County within ten working days of the loss or change in status of the certification;
 - ii. Within 30 days after providing notice to the County of the loss of certification status the property owner must also submit a written plan of action acceptable to the County to achieve re-certification in the shortest possible time. If a plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved.
 - iii. Thereafter, the approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance with the plan and all permits issued.
 - iv. Failure to notify the County or to submit a plan of action may result in penalties up to and including revocation of the golf course use if it is deemed by the Director of Natural Resources that the violation(s) is (are) a possible threat to the environment.
- (g) *Submittal requirements.* In addition to the submittal requirements for planned developments set forth elsewhere in this Code, PRFPD applications must include:
 - (1) *Master Concept Plan:* A clearly legible and properly scaled drawing must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 in size. Both sizes of the master concept plan must be clearly legible, depict the correct scale for the size drawing and be drawn at a scale sufficient to adequately show and identify the following information (notes and legends may be used to provide the required information):
 - a. The general size, configuration and general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this master concept plan may be made administratively at the discretion of the Director.
 - b. The general area of any accessory buildings, structures and maintenance areas must be shown on the site plan. Minimum setbacks for accessory buildings and structures, as noted in subsection (d)(4), must be shown and used for the final placement of these buildings, structures or facilities.
 - c. The maximum height, in feet and number of stories, of any proposed buildings or structures;
 - d. The uses requested, and:
 - i. If a campground: the number of camping units; the number and size of the camping restrooms including the number of toilets and showers proposed; and the location and size of the camping area office.
 - ii. If a horse stable: the size of the stable building.
 - iii.

If a golf course: the location and size of the clubhouse, administrative, and maintenance areas, the number of golf course holes, the approximate location of tees, fairways, and golf course greens, and the number and size of golf course restrooms.

- e. The minimum width and composition of all proposed buffers along the perimeter of the subject property. Minimum building setbacks for buildings and structures, as noted in subsection (d)(4) must be shown and used for the final placement of buildings, structures or facilities, unless a greater setback is deemed necessary by the Board of County Commissioners.
 - f. The general location of all points of pedestrian and vehicular ingress and egress from existing easements or rights-of-way into the development.
 - g. Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442, if the development is located on a public transit route.
 - h. The general location of open space including the location of natural and manmade bodies of water, and areas of native vegetation to be retained or created.
 - i. The general location of excavations for on-site fill and wet retention;
 - j. The location of any requested deviations, keyed to the schedule of deviations, including sample detail drawings of the effect on the site plan of the requested deviation;
 - k. A traffic impact statement in a format and to the degree of detail required by a form furnished by the County and in conformance with the adopted County Administrative Code. Upon written request, the Director may waive this requirement.
- (2) *Environmental assessment*: An environmental assessment including, at a minimum, an analysis of the environment, historical and natural resources.
- (3) A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(3)a. and b. and 34-145(d)(4).
- (4) *Demonstration of compatibility*. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal.

(Ord. No. 00-14, § 5, 6-27-00; Ord. No. 03-11, § 1, 4-8-03; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 11-01, § 5, 3-8-11; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 15-15, § 1, 11-17-15)

Secs. 34-942—34-960. - Reserved.

ARTICLE IV. - PLANNED DEVELOPMENTS

DIVISION 1. - GENERALLY

Sec. 34-341. - Employment of planned development designation.⁽⁵⁾

(a) The Lee Plan requires Developments of County Impact to be developed as planned developments. These Developments of County Impact, defined in subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the Division Director determines that it is in the public interest to do so.

Development of private recreational facilities in Southeast Lee County requires private recreational facility planned development (PRFPD) district zoning, which must comply with the special regulations set forth in section 34-941 as well as the other requirements set forth in this article.

Development of Mixed-Use Communities in Southeast Lee County that do not qualify for administrative approval in accordance with chapter 32, article IV, may request compact planned development (Compact PD) district zoning as set forth in chapter 32.*

Development of a mining excavation requires mining excavation planned development (MEPD) district zoning, which must comply with the process and regulations set forth in chapter 12.

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

(1) *Major planned developments.*

- a. A PRFPD or Compact PD in Southeast Lee County;
- b. A residential development of 500 or more dwelling units;
- c. A commercial development or activity on 15 or more acres or that includes 150,000 square feet or more of floor area;
- d. An industrial development or activity on 20 or more acres or that includes 200,000 square feet or more of floor area;
- e. Any mining excavation;
- f. Non-commercial schools (except Lee County School District and religious facility schools) proposed to have over 100 students;
- g. Any cultural facility (section 34-622(c)(10)), recreational facility, commercial (section 34-622(c)(38)), or park, group II (34-622(c)(32)) on ten or more acres of land;
- h. A health care facility, Group IV (hospital) that is not a part of a commercial or community facility planned development;
- i. Residential uses within the Mixed Use interchange area as specified by Lee Plan Policy 1.3.6;
- j. Any combination (mixed use) of the above-listed land uses where the sum of the percentages of each applicable individual threshold is equal to or greater than:

1. 100 percent for two land uses; or
 2. 125 percent for three or more land uses;
 - k. Any development of regional impact not included in subsections (b)(1)(b) through (j) of this section;
 - l. Any development which includes the above ground storage of more than 40,000 gallons of petroleum;
 - m. Any development proposed under the New Community land use element of the Lee Plan;
 - n. Any proposed hotel/motel that will contain more than 200 rental units.
- (2) *Minor planned developments.*
- a. Any proposed planned development that does not meet or exceed the thresholds in section 34-341(b)(1) for a major planned development.
 - b. Any proposed industrial development on less than 20 acres or with less than 200,000 square feet of floor area, which requires a rezoning, and which meets or exceeds one or more of the following criteria, must be rezoned only to an industrial planned development:
 1. Any development involving the manufacturing of the following products, regardless of the land area involved:
 - (a) Chemicals and allied products groups I and II (excluding cosmetics, perfumes, etc.) (section 34-622(c)(6)).
 - (b) Fabricated metal products group I (section 34-622(c)(14)).
 - (c) Lumber and wood products groups V and VI (section 34-622(c)(26)).
 - (d) Paper and allied products group I (section 34-622(c)(31)).
 - (e) Petroleum manufacturing (section 34-622(c)(34)).
 - (f) Primary metal industries (section 34-622(c)(35)).
 - (g) Research and development laboratories group III (section 34-622(c)(41)).
 - (h) Rubber and plastic products group I (section 34-622(c)(44)).
 - (i) Stone, clay, glass and concrete products group IV (section 34-622(c)(48)).
 - (j) Textile mill products group III (section 34-622(c)(50)).
 2. Refuse and trash dumps.
 3. Sanitary landfills.
 4. Salvage yards or junkyards.
 5. Auto wrecking yards.
 6. Resource recovery facilities to produce energy.
 7. Impound yards.
 - c. An existing development, such as a mobile home development, that has already been developed but does not conform to the regulations for a conventional district, that requests a rezoning to a planned development classification, will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required.
 - d.

Amendments to an approved major or minor master concept plan or its attendant documentation will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.

(c) *Determination of Development of County Impact status.*

- (1) Any owner wishing a determination of the Development of County Impact status of his property may apply to the Director and pay a fee to cover administrative costs.
- (2) Any development which is less than 80 percent of the thresholds listed in section 34-341(b)(1) is conclusively presumed not to be a Development of County Impact. Any development which is more than 80 percent but less than 100 percent of the appropriate threshold is rebuttably presumed not to be a Development of County Impact. Any development which is more than 100 percent but less than 120 percent of any threshold is rebuttably presumed to be a Development of County Impact. Any development which exceeds 120 percent of any threshold is conclusively presumed to be a Development of County Impact.
- (3) The Director will consider the following items in determining the Development of County Impact status of a proposed rezoning or special exception:
 - a. The compatibility of the proposed zoning district with neighboring zoning districts and uses;
 - b. The impact of the proposed zoning change on existing and proposed transportation facilities;
 - c. The impact of the proposed zoning change on other urban services, as defined in the Lee Plan; and
 - d. The impact of the proposed zoning change on environmentally critical areas.
- (4) For the purpose of determining whether a parcel is a Development of County Impact, all abutting parcels which are in common ownership or control may be identified and taken into account in both determining Development of County Impact status and estimating the impacts of any proposed development.
- (5) The Director's decision is an administrative decision which may be appealed in accordance with the procedure in this article.

(Zoning Ord. 1993, §§ 800.02(B)1, 804.01; Ord. No. 94-24, § 17, 8-31-94; Ord. No. 95-07, § 18, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 98-03, § 5, 1-13-98; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 14-13, § 7, 6-17-14)

Footnotes:

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Note: [The third paragraph in § 34-341(a), as adopted in LCO 10-25, will have no force or effect until the date the Lee Plan amendments adopted by ordinances 10-19 and 10-21 become effective in accordance with F.S. ch. 163.]

Secs. 34-342—34-370. - Reserved.

DIVISION 2. - APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 34-371. - Generally.

All applications for planned development zoning or master concept plan approval must follow the requirements detailed in sections 34-201, 34-202 and 34-203 and the requirements set out in this division.

(Zoning Ord. 1993, § 804.03; Ord. No. 94-24, § 17, 8-31-94; Ord. No. 98-11, § 5, 6-23-98)

Sec. 34-372. - Preapplication conference.

The applicant may initiate the planned development process by requesting an optional preapplication conference with the Department staff. In this request, the applicant shall provide a description of the property in question, the location of the property, the existing use, special features and the use proposed. Through this meeting, the applicant may avail himself of staff in order to be oriented to the planned development process, to determine what application materials are required (if a minor planned development), and to be advised of the impacts of the Lee Plan, surrounding development and zoning, and other public policy on the development proposal.

A mandatory preapplication conference is required in accord with 12-108 for mine excavation planned development applications.

(Zoning Ord. 1993, § 804.03(B); Ord. No. 08-21, § 3, 9-9-08)

Sec. 34-373. - Application.

(a) *Minimum required information for planned development zoning applications.* Rezoning applications for all planned developments, with the sole exception of mine excavation planned developments (MEPD) under chapter 12, must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. A MEPD application must be submitted in accord with section 12-110 and is subject to the sufficiency timing provisions outlined in section 34-372(d).

Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

- (1) *General application.* A general application for public hearing in accordance with the requirements set forth in sections 34-201, 34-202 and 34-203. Two or more planned development categories may be combined in one application under the following circumstances:
 - a. The subject property is divided into development areas, each of which corresponds to a different planned development category; and
 - b. Each development area is identified by a separate sealed legal description and sketch of description.
- (2) *Filing fee.* The filing fee in accordance with the duly adopted fee schedule. (See section 34-53.)
- (3) *Legal description and accompanying sketch.* A legal description and sketch meeting the requirements of section 34-202(a) is required. If the proposed planned development will encompass more than one zoning district (i.e. RPD/CPD), then a legal description and sketch for each separate zoning district will be required in addition to the legal description and accompanying sketch of the overall planned development boundary. The boundary survey may not be used to satisfy this requirement.

- (4) *Description of existing conditions.* The application for a planned development must be accompanied by:
- a. A boundary survey, prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 5J-17, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. On applications seeking to amend an approved planned development, the Director may waive certain requirements for the survey on a case by case basis through the formal request process set forth in section 34-202(a).
 - b. Maps drawn at the same scale as the master concept plan marked or overprinted to show:
 - i. Soils, classified in accordance with the USDA/SCS System;
 - ii. Vegetation and ground cover, classified in accordance with the Florida Land Use and Cover Classification system;
 - iii. Significant areas of rare and unique upland habitats as defined in the Lee Plan; and
 - iv. A County topographic map (required if available) or a USGS quadrangle map showing the subject property; and
 - v. Existing and historic flow-ways.
 - c. A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands.
 - d. The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided.
 - e. Additional submittal requirements for PRFPD district applications are set forth in section 34-941.
 - f. Additional submittal requirements for Compact PD district applications are set forth in section 34-931 et seq. and chapter 32.
- (5) A single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan and the Land Development Code. This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning.
- (6) *Master concept plan.* All applications must be accompanied by a graphic illustration (master concept plan) of the proposed development. PRFPDs must comply with section 34-941. Compact PDs must comply with chapter 32.

If blasting is proposed to be conducted on the property in order to excavate lakes or other site elements, the location of all proposed blasting must be shown. See section 34-202(b)(6) for other required information.

Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size. Both sizes of the master concept plan must be clearly legible, depict the correct scale for the size drawing and be drawn at a scale sufficient to adequately show and identify the following information:

- a. The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated.
- b. The location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.
- c. Where the subject property will be divided into lots or parcels, the plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures. The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, then reference to the specific district will be sufficient.
- d. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) with detail showing the boundary of each development area within which buildings, parking or other uses will be located.
- e. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.
- f. The general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored or created.
- g. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC section 10-415(b). Adjustments and field corrections to the plan can be done administratively at the time of development order review provided the minimum commitments made as part of zoning approval are maintained. No changes to a indigenous or native tree preserve area can be made administratively that would negatively effect screening or buffering to an adjacent property.
- h. The percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in section 34-414(c);
- i.

The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. References to types of buffers as described in chapter 32 are acceptable;

- j. Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442.
- k. The general location of excavations for on-site fill and wet retention. If the applicant proposes to remove excavated material from the property a planned development for mining and a general mining permit may be required.

If the development is located within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or district permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site.

- l. The location of any requested deviations, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan.

(7) *Traffic impact statement.* A traffic impact statement in a format and to the degree of detail required by a form furnished by the County and in conformance with the adopted County Administrative Code. Upon written request, the Director may waive this requirement for minor planned developments.

(8) A schedule of uses keyed to the master concept plan as well as a summary for the entire property including the following information:

- a. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units;
- b. The number of units for each proposed use:
 - i. For residential uses provide the maximum number of dwelling units by type.
 - ii. For a hotel or motel provide the number of rooms.
 - iii. For the following facilities provide the number of beds and unit types: health care, social service, assisted living, continuing care, and other "group quarters".
 - iv. For commercial, office, retail, and industrial uses provide the type(s) and the total floor area of each type.
- c. The proposed percentage of open space for the entire site.
- d. The maximum height, in feet, in each individual development area. If parking under buildings is proposed, it must be indicated and included in the total maximum height of the building.

(9) *Deviations.* A schedule of deviations and a written justification for each deviation requested as part of the master concept plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be indicated on the master concept plan, or, for Compact PDs, on the regulating plan.

(b) *Additional required information for all major planned development zoning.* PRFPDs must also comply with the additional requirements contained in section 34-941. Compact PDs must also comply with the additional requirements contained in chapter 32.

- (1) A written description of the surface water management plan that includes:
 - a. The runoff characteristics of the property in its existing state;
 - b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;
 - c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;
 - d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;
 - e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.
- (2) For large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473.
- (3) If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted.
- (4) *Developments of regional impact*. The contents of a complete and sufficient application for development approval (ADA) per F.S. ch. 380 may substitute for required submittals to the extent they duplicate or exceed the submittal requirements of this chapter.
- (c) *Amendments to built planned developments (PD)*. Any part or all of a planned development that is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development that will be affected by the requested approval. The application may include a legal description and sketch of the portion of the overall planned development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire planned development boundary.

If the subject property meets the threshold for a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in this chapter that apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the County as complete. In the case of residential planned developments or mixed developments that include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

- (d) *Sufficiency*.
 - (1)

Upon initial submission of application information for applications for planned developments, the County will have up to 20 business days to review the application to determine if the required materials, in the required form, have been included in the application or resubmission.

- (2) If the required materials have been properly submitted, the application will be found sufficient for review.
- (3) If the required materials have not been properly submitted or resubmitted, the County must provide the applicant a letter with a brief explanation as to why the application is not complete for review and request the necessary additional information within 20 business days of the date the application is initially submitted or additional information is resubmitted.
- (4) After notice of insufficiency, the applicant has 60 days to submit supplemental or corrected documents, unless a longer time is agreed to in writing by the Director and the applicant prior to the expiration of the 60 days. If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.
- (5) If the County does not provide the applicant written notice of the insufficiencies within 20 business days of the date the application is initially submitted or additional information resubmitted, the application will be deemed sufficient and ready for substantive review.
- (6) Insufficiency issues not raised during the initial sufficiency review may not serve as the basis for a finding of insufficiency during subsequent rounds of sufficiency review. Notwithstanding, this provision is not intended to restrict new insufficiency comments generated from documents or information submitted by the applicant in response to a prior insufficiency comment.
- (7) A waiver of the time frames may be voluntarily agreed to by the applicant and the County. The County may request, but not require, a waiver of the time frames by an applicant, except that, with respect to a specific application, a waiver may be required in the case of a declared local, state or federal emergency that directly affects the administration of all permitting activities of the County.
- (8) If the applicant has made no less than two bona fide attempts to submit supplemental or corrected documents in response to the County's insufficiency notices and the applicant disputes that additional supplemental documents or information is required, the applicant may submit a written notice seeking to terminate the sufficiency review process. At that time, the County must proceed with its substantive review of the application as it exists on that date. However, if the additional information requested by County Staff is needed to find the application consistent with the Code or Lee Plan, the failure to provide the additional information requested may affect the County's ability to find the application consistent with County regulations. Termination of the sufficiency review process will not terminate the need for the applicant to meet its burden to prove that the application is consistent with County regulations.
- (9) Where a proposed planned development is identified by staff as a possible development of regional impact, the applicant will be notified that the application will be deemed sufficient only when accompanied by either a binding letter of interpretation from DCA or a complete and sufficient ADA. Failure by the County to notify the applicant in a timely manner (within 30 days of the application) will nullify any finding of insufficiency based on this requirement. Assuming the application is sufficient in all other respects, staff will commence its review of

the planned development. However, there will be no hearing held before the Hearing Examiner until the applicant submits a binding letter of interpretation from DCA or a complete and sufficient ADA.

(Zoning Ord. 1993, § 804.03(C); Ord. No. 93-14, § 5, 4-21-93; Ord. No. 93-24, § 19, 9-15-93; Ord. No. 94-24, § 18, 8-31-94; Ord. No. 95-07, § 19, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 96-17, § 5, 9-18-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-11, § 5, 6-23-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 02-20, § 5, 6-25-02; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 05-29, § 3, 12-13-05; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 09-23, § 10, 6-23-09; Ord. No. 10-25, § 4, 6-8-10; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 13-01, § 6, 2-12-13; Ord. No. 13-10, § 10, 5-28-13)

Sec. 34-374. - Reserved.

Editor's note— Ord. No. 03-16, § 6, adopted June 24, 2003, repealed § 34-374, which pertained to covenant of unified control. See the Land Development Code Comparative Table.

Sec. 34-375. - Prehearing conference.

Prior to the public hearing by the Hearing Examiner on an application under this division, the Department may schedule and conduct a conference to facilitate a meeting of the applicant and staff persons from all relevant County, state, sub-state regional and federal agencies and special use districts. The purpose of this meeting is to identify, discuss and resolve various issues and to advise the applicant of staff concerns and potential recommendations. The product of this conference will include the staff's recommendations based upon the original or an amended application, and the applicant's written objections, if any.

(Zoning Ord. 1993, § 804.03(D); Ord. No. 96-06, § 5, 3-20-96)

Sec. 34-376. - Prehearing materials.

(a) *Summary report.*

- (1) After an application is found sufficient and before transmittal of the Staff Report to the Hearing Examiner, the Applicant may provide a report that includes a substantive analysis of the request with copies of documents, studies, plans, or other materials (hereinafter "materials") for the Hearing Examiner to consider.
- (2) The Applicant's report will be transmitted to the Hearing Examiner with the Staff Report.
- (3) The Applicant must submit three complete copies of the report to the Staff at least 25 calendar days prior to the scheduled hearing. Staff will include one copy of the report to the Hearing Examiner and one copy to the County Attorney's office with the Staff Report. The third copy will be retained in the official zoning file. If the materials are not submitted a minimum of 25 calendar days prior to the scheduled hearing, the Applicant waives the right to have the materials transmitted to the Hearing Examiner prior to the hearing.
- (4) If the materials include substantive changes to the information submitted with the original Application or in response to sufficiency questions asked by Staff, Staff may withdraw the sufficiency determination and seek a continuance to review the materials.

(b) *Expert testimony information.*

- (1) The Director may require an Applicant to provide the following information at least 48 hours before the date an expert is expected to testify:
 - a. Expert's name, business address and current resume;

- b. A detailed description of the expert's qualifications (or copy of current resume) and the area of expertise;
- c. A copy of the report that serves as the basis of the expert's opinion (if not already submitted with the application or included in the Staff Report). The report must include:
 - 1. A brief description of research conducted by the expert to reach the opinion;
 - 2. A description of the facts, assumptions, and data forming the basis of the opinion; and
 - 3. The opinion;
- d. Copies of materials relied on in formulating the expert's opinion;
 - 1. Summary or demonstrative materials do not need to be provided in advance, provided the underlying data or facts are provided.
 - 2. Citations to the Land Development Code, Lee County Administrative Codes, Florida Statutes, U.S. Code, Florida Administrative Code, or Lee Plan are sufficient to meet this requirement.

- (2) The Director's written request for information must be issued a minimum of 30 days prior to the hearing.
- (3) The expert testimony information may not be submitted to the Hearing Examiner prior to the hearing unless included in the Applicant's summary report referenced in subsection (a).

(Zoning Ord. 1993, § 804.03(E); Ord. No. 96-06, § 5, 3-20-96; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 15-15, § 1, 11-17-15)

Sec. 34-377. - Public hearing.

(a) *Hearing before Board of County Commissioners.*

- (1) After the Hearing Examiner's hearing, an application for a planned development, together with all attendant information, staff reports and the Hearing Examiner minutes and resolution of recommendation, will be forwarded to the Board of County Commissioners. The Board will consider the application in public hearing in accordance with article II of this chapter. After reviewing all the identified information, the Board of County Commissioners may either:
 - a. Continue further consideration until additional information is provided by applicant or staff or until the applicant makes changes in the application, subject to re-review by staff and the Hearing Examiner as required; or
 - b. Formally approve, approve with modification, or deny the application.

If the Board of County Commissioners denies the application without prejudice, it may remand the proposal to staff with directions to bring the application back to the Hearing Examiner once the application is amended. If new or additional information, not previously provided to staff or the Hearing Examiner is supplied by the applicant subsequent to the Hearing Examiner hearing the Board of County Commissioners may remand the application to the Hearing Examiner for rehearing.

- (2) The decision of the Board of County Commissioners must be supported by a formal finding, that, in addition to the guidelines set forth in article II of this chapter, the criteria set forth in subsection (a)(2) of this section have or have not been satisfied.
- (3)

In addition to adopting a master concept plan for the planned development, the Board of County Commissioners may adopt any special conditions necessary to address unique aspects of the subject property in the interest of protecting the public health, safety and welfare. If any recommended special condition is found to be insufficient, the Board of County Commissioners may substitute its own language for such special condition in the final resolution.

- (4) If a schedule of deviations is a part of the planned development application, the Board of County Commissioners may approve, approve with modification, or reject the entire schedule or specific items based upon their finding that each item:
 - a. Enhances the achievement of the objectives of the planned development; and
 - b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.
- (5) The Board of County Commissioners may require, as a condition of approval of the deviation, that the applicant receive administrative approval of a more specific development plan for each affected development area or parcel. Applications for administrative approval will be processed as administrative amendments in accordance with section 34-380 of this chapter and may be granted by the Director only upon a finding that public health, safety, and welfare will not be adversely affected by the request.
- (6) If the Board of County Commissioners denies or modifies the requested use(s), deviation(s), or other information shown on the master concept plan, a revised master concept plan must be submitted to the Director reflecting the substance of the approved resolution prior to execution of the resolution. Legible copies of the revised master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size.
- (7) No development order(s) may be issued until the approved resolution has been signed by the chairman.
- (8) An application remanded for further consideration must be brought to hearing before the Hearing Examiner within six months of the date the remand order is rendered. If the application is not brought forward as ordered within six months, it will be deemed withdrawn. Thereafter, the applicant will be required to file a new application for consideration by the Hearing Examiner and the Board.

(Zoning Ord. 1993, § 804.03(F); Ord. No. 94-24, § 19, 8-31-94; Ord. No. 95-07, § 20, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 05-14, § 6, 8-23-05; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 15-15, § 1, 11-17-15)

Sec. 34-378. - Effect of planned development zoning.

- (a) *Compliance with applicable regulations.* After the adoption of the master concept plan and the conditions and auxiliary documentation that govern it, any and all development and subsequent use of land, water and structures within the planned development must be in compliance with the following, in order of precedence:
 - (1) The Lee Plan.
 - (2) Divisions 1, 2 and 3 of this article.
 - (3) The master concept plan and attendant conditions and auxiliary documentation.
 - (4) Applicable County development regulations in force at the time of submission of the application for a development order.

- (5) The general provisions of this chapter, unless otherwise excepted by an approved schedule of deviations.
- (b) *Applicability of development regulations.* The master concept plan (see section 34-373(a)(6)) is conceptual only, and development pursuant to the master concept plan is subject to all development regulations established to protect health, safety and welfare that are in force at the time of submission of the application for a development order. This section (section 34-378) must be interpreted and applied such that **no approved use will be vested as to density or intensity unless the proposed density or intensity is specifically reviewed and approved during the planned development process.**
- (c) *Recording of notice.* The Department must record a notice of master concept plan approval in the official records of the County. The notice should include a statement which explains that the master concept plan approval is an encumbrance on the real estate described in the plan.
- (d) *Prohibitions.*
- (1) The introduction of a use of land or water not provided for on the master concept plan or attendant documentation thereto.
 - (2) Creation of a development parcel or outparcel not specified on the master concept plan.
 - (3) No development parcel or outparcel may be created that is not of sufficient size and configuration to support the principal use proposed together with all accessory land and water uses, such as open space, parking, surface water management and the like, or that does not have permanent and irrevocable rights to such space or use on adjacent and abutting property.
- (e) The terms and conditions of the zoning approval (other than the master concept plan as set forth in section 34-381) run with the land and remain effective in perpetuity or until a new zoning action is approved by the Board of County Commissioners. All developments must remain in compliance with the terms and conditions of the zoning approval.
- (f) If the County discovers noncompliance with the regulations or the master concept plan and its attachments, the County may withhold any permit, certificate or license to construct, occupy or use any part of the planned development. This will not be construed to injure the rights of tenants of previously completed and properly occupied phases
- (g) Access points (e.g. driveway) directly onto the County street system must be in substantial compliance with the approved MCP. Turning movements other than right-in right-out at approved locations shown on the MCP, median openings and traffic control devices depicted on a MCP are not guaranteed or vested.

Approval for construction of access points, median openings, turning movements and traffic control devices (e.g. traffic lights) is reserved to the County. County approval will be based upon facts and circumstances applicable to the request at the time the application for development or permit approval is submitted.

(Zoning Ord. 1993, § 804.03(G); Ord. No. 96-06, § 5, 3-20-96; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 03-16, § 6, 6-24-03)

Sec. 34-379. - Binding nature of approval of master concept plan.

All terms, conditions, safeguards and stipulations made at the time of the approval of a master concept plan are binding upon the applicant or any successor in title or interest to all or part of the planned development. Departure from the approved plans or failure to comply with any requirement, condition or safeguard constitutes a violation of this chapter.

(Zoning Ord. 1993, § 804.03(H); Ord. No. 96-06, § 5, 3-20-96)

Sec. 34-380. - Amendments to approved master concept plan.

- (a) Amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development.
- (b) The Director may approve any change to the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area) except as permitted in chapter 2. The Director may not approve a change that will:
 - (1) Result in the substantial underutilization of public resources and public infrastructure committed to the support of the development;
 - (2) Result in a reduction of total open space provided on the master concept plan by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code;
 - (3) Decrease preservation areas. Changes to buffer or landscaping areas are permitted but must provide equivalent or better (by comparison with the approved Master concept plan) landscaping or buffering; or
 - (4) Adversely impact surrounding land uses.

If the County determines that an approved administrative amendment was based on inaccurate or misleading information or if the approval did not comply with this Code when the decision was rendered, then, at any time, the Director may issue a modified approval that complies with the Code or revoke the approved administrative amendment.

If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with section 34-373 of this chapter. Decisions by the Director pursuant to this section are discretionary and may not be appealed in accordance with section 34-145(a) of this chapter.

- (c) Proposed amendments to an approved planned development for the use of Greater Pine Island TDUs are subject to sections 2-147 and 2-152.
- (d) If a proposed amendment to an approved planned development would, if taken by itself, constitute a major planned development (Development of County Impact - see section 34-341(b) (1)) then the application to amend must proceed as a new and separate major planned development.
- (e) All other requests for amendments to a master concept plan or its auxiliary documentation will be treated procedurally as minor planned developments, but with application information and materials specified by section 34-373(a).
- (f) Notice of an amendment to a master concept plan must be recorded in the same manner as the approved master concept plan itself.
- (g)

An updated master concept plan of the entire planned development boundary must be submitted for attachment to the resolution adopting the amendment. This is required whether or not the amendment will affect the entire planned development project or just one parcel.

(Zoning Ord. 1993, § 804.03(I); Ord. No. 96-06, § 5, 3-20-96; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 07-24, § 7, 8-14-07; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 13-01, § 6, 2-12-13; Ord. No. 13-10, § 10, 5-28-13; Ord. No. 16-09, § 4, 4-5-16)

Sec. 34-381. - Duration of rights conferred by an approved planned development.

Development rights conferred by an approved planned development, including Zoning Resolution and Master Concept Plan, will remain valid until vacated by operation of Florida law or in accordance with Chapter XIII, (Procedures and Administration), of the Lee Plan, as amended. The duration of approved planned developments issued for mining excavation are subject to Chapter 12. Planned development approvals issued for mining excavation before September 1, 2008, are subject to sections 12-109 and 12-121.

(Zoning Ord. 1993, § 804.03(J); Ord. No. 94-24, § 23, 8-31-94; Ord. No. 95-07, § 21, 5-17-95; Ord. No. 96-06, § 5, 3-20-96; Ord. No. 97-10, § 6, 6-10-97; Ord. No. 98-28, § 5, 12-8-98; Ord. No. 00-14, § 5, 6-27-00; Ord. No. 01-03, § 5, 2-27-01; Ord. No. 03-16, § 6, 6-24-03; Ord. No. 08-21, § 3, 9-9-08; Ord. No. 11-08, § 10, 8-9-11; Ord. No. 13-01, § 6, 2-12-13)

Editor's note— The amendment to the duration of approved planned developments applies retroactively to all master concept plans. See Ord. No. 13-01, § 10, adopted Feb. 12, 2013.

Secs. 34-382—34-410. - Reserved.

DIVISION 3. - DESIGN STANDARDS

Sec. 34-411. - General standards.

- (a) All planned developments must be consistent with the provisions of the Lee Plan.
- (b) Except where specifically suspended or preempted by alternative regulations in this article, or by special conditions adopted to the master concept plan, all general provisions of this chapter apply to all planned developments. All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter, as well as from any separate land development regulation or code, may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Amendments to approved master concept plans may be reviewed pursuant to section 34-380.
- (c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.
- (d) The tract or parcel shall have access to existing or proposed roads:
 - (1) In accordance with chapter 10 and as specified in the Lee Plan transportation element;
 - (2)

That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and

- (3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.
- (e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.
- (f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.
- (g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.
- (h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.
- (i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.
- (j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.
- (k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.
- (l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.
- (m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.
- (n)

Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

- (o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.
- (p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

(Zoning Ord. 1993, § 804.02(A); Ord. No. 95-12, § 8, 7-12-95; Ord. No. 12-20, § 4, 9-11-12; Ord. No. 13-10, § 10, 5-28-13)

Sec. 34-412. - Reserved.

Editor's note— Ord. No. 13-10, § 10, adopted May 28, 2013, repealed § 34-412 which pertained to deviations from general zoning regulations and derived from § 804.02(E) of the 1993 Zoning Ordinance, and Ord. No. 94-24, § 20, adopted Aug. 31, 1994.

Sec. 34-413. - Density or intensity of use.

Density or intensity of use permitted in any planned development shall be determined on a case-by-case basis in accordance with the following:

- (1) The range of density or the uses permitted or encouraged under the Lee Plan at that location;
- (2) The availability of adequate capacity of all public facilities and services (in order of precedence, roads, water, sewer, surface water management, public safety, schools and other public services);
- (3) The level of public services to be provided by the development; and
- (4) The nature of and the density and intensity of existing development surrounding the project.

In no case, however, shall the density of a planned development be permitted to exceed six units per acre in areas designated as rural or open lands by the Lee Plan.

(Zoning Ord. 1993, § 804.02(B))

Sec. 34-414. - Open space.

- (a) For the purpose of calculating requirements for planned developments, the term "open space" is defined as follows:
 - (1) Open space has the meaning given such term in chapter 10.
 - (2) Common open space means open space that is physically accessible to all residents of the development.
 - (3) Private open space means open space that is physically separated from the common open space and is accessible primarily from a building or unit to which it is appurtenant.
- (b) Open space should be reasonably accessible to all dwelling units.

- (c) Each lot, tract or outparcel must meet or exceed the minimum open space percentage and size requirements of chapter 10. The minimum amount of open space for the total development area may be no less than the minimum percentage required in chapter 10 for large projects, including indigenous vegetation preservation. A request may be made to assign minimum open space percentages to individual lots, tracts or outparcels that are different than those required by the chapter 10, provided that:
- (1) The sum of open space allocated to the individual lots, tracts, or outparcels may be no less than the minimum percentage required in chapter 10 for the entire development area, including indigenous vegetation preservation.
 - (2) An open space table must be inserted as part of the master concept plan or mine site plan set that indicates the minimum amount of open space which each lot, tract or outparcel will provide.
 - (3) Open space areas must meet at a minimum the dimensional size requirements for open space as set forth for small or large projects, as applicable, in chapter 10.
 - (4) No lot, tract or outparcel may provide less than ten percent open space.

All such requests must be approved by the Board of County Commissioners as part of the planned development rezoning.

- (d) Unimproved open space, e.g., reserved conservation or preservation areas such as wetlands (see the County comprehensive plan adopted by Ordinance No. 89-02, as amended, or as further amended, renumbered or replaced), must be committed at the completion of the first phase.
- (e) With respect to design standards applicable to mine excavation planned developments, the standards set forth in chapter 12 control.

(Zoning Ord. 1993, § 804.02(C); Ord. No. 96-17, § 5, 9-18-96; Ord. No. 08-21, § 3, 9-9-08)

Sec. 34-415. - Provision of public facilities and services.

- (a) If, at the time of rezoning or final plan review, a proposed planned development is found to require the creation, enlargement or extension of any road or street, any public utility system or other public service provision:
- (1) Notwithstanding concept plan approval, no permits for occupancy or use of the development, or phase thereof, shall be issued until such additional infrastructure is in place, or the service is available;
 - (2) The developer shall make provisions acceptable to the appropriate agency, utility or other service provider for offsetting any incremental increase in net cost of or premature and unprogrammed commitment of capital necessitated by the act or timing of the development; or
 - (3) The developer shall provide the necessary capital facilities and services in such a manner as to ensure their continuous operation and maintenance for the near and long term, in accordance with the standards set by the appropriate local, regional, state and federal agencies.
- (b) The requirements set forth in subsection (a) of this section shall be subject to credits or additional conditions as specified in other County ordinances.
- (c)

Each and every planned development approved after, December 3, 1990 and all previous planned developments with resolutions containing a condition requiring payment of road impact fees, are subject to the following standard: If chapter 2, article VI, division 2, pertaining to road impact fees, is ever repealed or rescinded or otherwise becomes of no force and effect, the developer or property owner or successor of the developer or property owner must pay an amount of road impact fees equivalent to that required by chapter 2, article VI, division 2, or the specific amount of mitigation required by the resolution, or provide alternative mitigation acceptable to the Director. The amount of the fee will be determined as of the date chapter 2, article VI, division 2, is repealed or rescinded or otherwise becomes of no force and effect.

(Zoning Ord. 1993, § 804.02(D); Ord. No. 00-14, § 5, 6-27-00)

Secs. 34-416—34-440. - Reserved.

DIVISION 4. - RESERVED^[6]

Footnotes:

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Editor's note—Ord. No. 02-20, § 5, adopted June 25, 2002, repealed Div. 4, §§ 34-441, 34-442, which pertained to residential planned developments in rural or outer islands. See the Land Development Code Comparative Table.

Secs. 34-441—34-490. - Reserved.