

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

S O U T H W E S T F L O R I D A

to: Local Planning Agency
from: Paul O'Connor, AICP, Director
Subject: CPA 2008-06 – DR/GR Amendments
date: July 17, 2009

As requested at the June 22nd LPA meeting, attached please find a strikethrough/underlined version of the proposed amendment language for the Southeast Lee County DR/GR plan amendment. The document is formatted as follows:

- Where Planning Staff and the consultant Dover, Kohl & Partners agree, the proposed language is shown across the entire page;
- Where there were differences of opinion on the proposed language, the page is split into two columns. The left hand column contains the Dover, Kohl & Partners' proposal. The right hand column contains Staff's proposal; and,
- Under the two columns, and sometimes under the agreed to policies, is a dialog box that contains a Staff discussion, explanation, modified revision, update, or clarification, often followed by the consultant's concurrence.

As you will see in reviewing the document, there are only a few areas where Staff and the consultant differ on their recommendations. The remaining issues are:

- Policy 1.1.7, Mining in the Industrial Development Future Land Use Category;
- Policy 1.2.2, Inclusion of mining in the Tradeport Future Land Use Category (please see the discussion under sections (b) and (m));
- Policy 30.1.3, The elimination of residential density on land zoned for limerock mining pits;
- Policy 114.1.12, Independent wetland review;
- Section (h) map amendment of Public Facilities near the County's water plant;
- Section (m) "Future Limerock Mining Areas;" and,
- Section (n), Easterly Rural Communities locations.

Also attached to this memorandum is a hard copy of a composite map with all of the proposed overlays, the Preferred Mining Areas, Restoration Areas, Rural and Mixed Use Communities, and so on. An electronic Adobe file of this map is posted on the County's web site at:

http://www3.leegov.com/dcd/CommunityPlans/SELC_DRGR/CPA2008-06/CompositeMapsForPresentation.pdf.

The components are contained on layers which can be turned on or off to evaluate "what if" scenarios with the overlays. I believe you will find this to be a useful tool.

A printable version of the map is here:

http://www3.leegov.com/dcd/CommunityPlans/SELC_DRGR/CPA2008-06/CompositeMapsForPrinting.pdf

(a) Amend the Vision Statements for Planning Communities #10 (Gateway/Airport) and #18 (Southeast Lee County) so that these statements accurately reflect all of the following amendments to the Lee Plan

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:

- 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, ~~Density Reduction/ Groundwater Resource (primarily the anticipated airport expansion areas)~~, 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.

- 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 the exception of a few Public Facilities, the entire 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. The one exception is the Citrus Park Community. This community is not expected to change in character through the year 2030: 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 being 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.

(b) Amend the Future Land Use Element, including a new goal with objectives and policies applying to Southeast Lee County

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 1.1.7: The <u>Industrial Development</u> 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 complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural-resource-extraction (mining) activities and fill dirt operations must be approved through the Mine Excavation <u>Industrial Planned Development rezoning process.</u> Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. 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.</p>	<p>POLICY 1.1.7: The <u>Industrial Development</u> 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 complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New <u>limerock mining and natural-resource-extraction (mining) activities and fill dirt operations must be approved through the Mine Excavation</u> Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. 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.</p>
<p>Staff Rational: Mining is already an allowable use in the Industrial Development Future Land Use Category and staff recommends the use remain.</p>	

Original Dover Kohl proposal:	Staff report proposal:
<p>POLICY 1.2.2: The <u>Tradeport</u> areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the 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.</p> <p><u>Limerock mining may be approved through the planned development rezoning process for land designated Tradeport on the Future Limerock Mining map (Map 14).</u> 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.</p>	<p>POLICY 1.2.2: The <u>Tradeport</u> areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the 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.</p> <p><i>[staff recommends against adding this additional sentence]</i></p> <p>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.</p>
<p>Additional Staff Recommendation: If the additional sentence proposed by Dover-Kohl is accepted, the phrase “planned development rezoning process” should be replaced with current terminology, which would read “Mine Excavation Planned Development rezoning process.” Dover-Kohl concurs with this change.</p>	
<p>Staff Update: Under section(m) you will see a discussion about a property owner in the Tradeport category who may be desirous of mining their property. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff sees this proposal as a compromise on this issue and no longer objects to the inclusion of this portion of the Tradeport being included in the Future Limerock Mining overlay on Map 14. If the LPA agrees, the Dover Kohl language should be recommended for transmittal. Dover-Kohl concurs with this modification.</p>	

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).

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 1.4.5: The <u>Density Reduction/Groundwater Resource (DR/GR)</u> 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.</p> <ol style="list-style-type: none"> 1. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels <u>(except as provided in Policies 30.1.3 and 30.3.3). Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes.</u> 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities; and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). <u>See density Table 1(a) regarding potential incentives for off-site transfers of development rights.</u> <ol style="list-style-type: none"> a. <u>For residential development, also see Objective 30.3 and following policies. Commercial and civic uses can be incorporated into Rural and Mixed-Use Communities to the extent specifically provided.</u> 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. <u>Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, are not permitted in conjunction with private recreational uses or mining activities. Residential density associated with land zoned as Private Recreational Facility will be extinguished and cannot be transferred, clustered, or otherwise assigned to any property in accordance with Policy 16.2.3. Residential density of mined land will be extinguished unless it is transferred to an eligible property in accordance with Policy 30.3.3.</u> d. <u>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 of 2030. See Objective 30.1 and following policies.</u> 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. 	<p>POLICY 1.4.5: The <u>Density Reduction/Groundwater Resource (DR/GR)</u> 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.</p> <ol style="list-style-type: none"> 1. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels <u>(except as provided in Policies 30.1.3 and 30.3.3). Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes.</u> 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities; and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). <u>See density Table 1(a) regarding potential incentives for off-site transfers of development rights.</u> <ol style="list-style-type: none"> a. <u>For residential development, also see Objective 30.3 and following policies. Commercial and civic uses can be incorporated into Rural and Mixed-Use Communities to the extent specifically provided.</u> 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. <i>[staff recommends against adding subparagraph 2.c]</i> c. d. <u>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 of 2030. See Objective 30.1 and following policies.</u> 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.
<p>Additional Staff Recommendation: To clarify the meaning of Policy 1.4.5, subparagraph 1 should be revised to begin as follows: "New land uses in these areas that require a local development order must be compatible..." Dover-Kohl concurs with this change.</p>	

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 ~~final~~ development orders or extensions to ~~final~~ development orders will be issued or approved by Lee County which 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 30.1.4 regarding industrial acreages in Table 1(b).
3. ~~No later than the~~ At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, ~~and every five years thereafter,~~ 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.

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 of 2030. See Objective 30.1 and following policies.

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 1.7.13: <u>The Rural Residential overlay (Map 17) is described in Policies 30.3.1 and 30.3.2. This overlay affects only Southeast Lee County and identifies three types of land:</u></p> <ol style="list-style-type: none"> 1. <u>“Existing Acreage Subdivisions”: existing residential subdivisions that are reasonably distant from adverse external impacts such as natural resource extraction.</u> 2. <u>“Rural Communities” and “Mixed-Use Communities”:</u> <u>locations for the concentration of development rights from large contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.</u> 3. <u>“Mixed-Use Communities”:</u> <u>locations where this concentration of development rights may be supplemented by transfer of development rights from non-contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.</u> 	<p>POLICY 1.7.13: <u>The Rural Residential overlay (Map 17) is described in Policies 30.3.1 and 30.3.2. This overlay affects only Southeast Lee County and identifies three types of land:</u></p> <ol style="list-style-type: none"> 1. <u>“Existing Acreage Subdivisions”: existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.</u> 2. <u>“Rural Communities” and “Mixed-Use Communities”:</u> <u>locations for the concentration of development rights from large contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.</u> 3. <u>“Mixed-Use Communities”:</u> <u>locations where this concentration of development rights may be supplemented by transfer of development rights from non-contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.</u>
<p>Update: <u>Dover-Kohl concurs with the revised language for this policy as proposed in the staff report.</u></p>	

POLICY 1.7.14: The Historic Surface and Groundwater Levels overlay (Map 24) depicts historic wet-season water depths and hydroperiods for Southeast Lee County. This depiction is based on detailed 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 levels may be submitted during the rezoning or development review processes.

~~**POLICY 1.7.15:** The Priority Restoration overlay (Map 25) depicts land in Planning Community #18 (Southeast Lee County) that had not been formally targeted for public acquisition but where acquisition and/or restoration would be highly desirable to restore water levels and/or to connect existing corridors or conservation areas (see Objective 30.2 and following policies).~~

Additional Staff Recommendation: To carry out the staff recommendation in section (q) below, proposed Policy 1.7.15 is no longer needed. Dover-Kohl concurs with the elimination of Policy 1.7.15.

Original Dover-Kohl proposal:	Staff report proposal:
<p>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 <u>beyond the Lee Plan's planning horizon of 2030, over the coming 26 years.</u> During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:</p> <ol style="list-style-type: none"> 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 which 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)). <u>An exception to this policy for mining is provided in Policy 30.1.4.</u> <p>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.</p>	<p>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 <u>beyond the Lee Plan's planning horizon of 2030, over the coming 26 years.</u> During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:</p> <ol style="list-style-type: none"> 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 which 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)). <u>Additional provisions related to mining are provided in Policy 30.1.4.</u> <p>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.</p>

Update: Dover-Kohl concurs with the revised language for this policy as proposed in the staff report.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

1. Minor Commercial *[no changes]*
2. Neighborhood Commercial *[no changes]*
3. Community Commercial *[no changes]*
4. Regional Commercial *[no changes]*
5. Commercial development “at the intersection”... *[no changes]*
6. Any contiguous property... *[no changes]*
7. The location standards specified in... *[no changes]*
8. The standards specified in... *[no changes]*
9. The location standards in this policy are not applicable in the following areas:
 - a. In the Interchange land use category, or in
 - b. In Lehigh Acres where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3, or within
 - c. Within the Captiva community in the areas identified by Policy 13.2.1:
 - d. In the Density Reduction / Groundwater Resource area where some commercial development is permitted by policies under Objective 30.3.
10. The Board of County Commissioners... *[no changes]*
11. Uses that must comply... *[no changes]*
12. Map 19 illustrates... *[no changes]*
13. Freestanding single use... *[no changes]*

POLICY 9.1.2: Encourage the utilization of energy, water, and soil conservation management practices in agricultural activities.

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.

POLICY 9.1.6: Lee County will work with an 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, with the assistance of the committee, will investigate the feasibility of a Transfer Purchase of Development Rights (TDR) bank (PDR) program for agricultural property by 1995 2012 (see Policy 30.3.5).

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.

GOAL 10: NATURAL RESOURCE EXTRACTION. To protect areas containing commercially valuable identified 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.

OBJECTIVE 10.1: Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other commercially valuable natural resources ~~extraction materials~~ to meet the county's needs and to export to other communities, while providing adequate protection for the county's other natural resources.

[Previous Policies 10.1.1 and 10.1.2 have been relocated to 10.2.1 and 10.2.2.]

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 that fill material must be trucked to likely destinations (see also Policy 30.1.5).

POLICY 10.1.2: The future uses of any new or renewed 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.

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 which 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) should 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 should 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 groundwater resource areas must also be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation.

POLICY 10.1.4: Limerock mining may be permitted only in accordance with Objective 30.1 and its policies. Other natural resource extraction activities such as fill dirt operations (and ancillary industrial uses which are ancillary to natural resource extraction) may be permitted as follows:

1. In areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, 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 area, fill dirt operations are further restricted in accordance with Policy 30.1.5.
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.

POLICY 10.1.5: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to seek incentives that will help to facilitate the connection of natural resource extraction borrow lake excavations incorporate reclaimed mining pits into a comprehensive and coordinated effort of county and regional agencies to system of interconnected lakes and flowways that will enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, educational, and other appropriate uses, and/or strengthen community environmental benefits.

OBJECTIVE 10.2: Coordinate mining activities, including evaluation, monitoring, reclamation, and redevelopment, with water supply planning, surface water 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.

POLICY 10.2.1: [previously Policy 10.1.1] Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure surface and groundwater impacts: levels and quality to assess any degradation of 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.

POLICY 10.2.2: [previously Policy 10.1.2] 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 groundwater flow on land uses surrounding the site.
3. Consideration of the primary and secondary impacts at the local and watershed levels.

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.

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.

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 mining rezoning application. Lee County must be named in the easement as a back-up grantee that is empowered, but not obligated, to enforce the terms of the easement. If no entity suitable to Lee County will agree to serve as primary grantee, Lee County will accept the easement.

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.

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 whereby corrective measures can be guaranteed through conditions on the next phase's approval.

OBJECTIVE 10.3: ~~10.2:~~ 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.

GOAL 30: 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. Most agriculture can continue, and environmental restoration can begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 16.

OBJECTIVE 30.1: 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 of 2030.

POLICY 30.1.1: 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.

POLICY 30.1.2: Most land identified on Map 14 is in the Density Reduction / Groundwater Resource area (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 1. 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.

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 30.1.3: Concurrent with the update of Map 14 in 2009, 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 all DR/GR land uses must be compatible 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. <u>The Land Development Code will be amended and maintained to include provisions for assessing and mitigating mining impacts and for transferring or extinguishing residential development rights on land zoned for limerock mining pits.</u></p>	<p>POLICY 30.1.3: Concurrent with the update of Map 14 in 2009, 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 all DR/GR land uses must be compatible 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. <u>The Land Development Code will be amended and maintained to include provisions for assessing and mitigating mining impacts and for transferring residential development rights on land zoned for limerock mining pits.</u></p>
<p>Staff Recommendation: To be consistent with staff’s recommendation for Policy 1.4.5.2.c. staff recommends not extinguishing the residential density.</p>	

POLICY 30.1.4: 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 that is 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. Notwithstanding the limitations in Policy 2.2.2(3), the lack of available industrial acreage as provided in Table 1(b) will not preclude rezoning approvals to support new or expanded mines within the Future Limerock Mining areas (Map 14).
3. 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.

POLICY 30.1.5: 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.

POLICY 30.1.6: 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.

POLICY 30.1.7: 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.

OBJECTIVE 30.2: 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.

POLICY 30.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. **Acquisition Protection** and/or restoration of land can connect 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.

POLICY 30.2.2: The DR/GR Priority Restoration overlay (**Map 25**) depicts land where **public acquisition 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 1.7.6 and Map 1, Page 4). ~~1.7.15; Map 25~~ **This overlay** identifies seven tiers of land potentially eligible for **protection and restoration acquisition**, 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 water resources justify updating this map.

POLICY 30.2.3: It is in southwest Florida's interest for public **and or** nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 **potential acquisition 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 publicly owned** 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 30.2.5 and 30.2.6.

1. The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within **the** Tier 2 through Tier 7 **potential acquisition areas on Map 25**, 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. Permanent protection of land within all **acquisition tiers on Map 25** may also occur through:
 - a. Using resource extraction mitigation fees to acquire land;
 - b. Establishing a Regional Offsite Mitigation Area (ROMA); and
 - c. Concentrating of development as depicted in the Rural Residential overlay (Map 17) as detailed in Policies 30.3.2 and 30.3.3.

POLICY 30.2.4: 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 water-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.

POLICY 30.2.5: 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.

POLICY 30.2.6: On existing farmland, the county should consider incentives to encourage the continuation of agricultural operations that implement and maintain best management practices. Continued agricultural use may be **an acceptable a desirable** long-term use even within land designated on **the priority restoration overlay Map-25** as potentially eligible for **protection acquisition** (see Policy 9.1.7).

POLICY 30.2.7: Impacts of proposed land disturbances on surface and groundwater resources should 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.

Additional Staff Recommendation: In response to public input and to incorporate changes resulting from the staff recommendation in section (q) below, numerous changes to Policies 30.2.1 through 30.2.6 are shown above in red. Dover-Kohl concurs with these changes.

OBJECTIVE 30.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay existing rural residential areas that should be protected from adverse impacts of mining and locations for concentrating existing development rights on large tracts.

Original Dover-Kohl proposal:	Staff report proposal:
<u>POLICY 30.3.1: Existing acreage subdivisions that are not in or near Future Limerock Mining areas are shown on Map 17. These subdivisions are reasonably distant from adverse external impacts such as natural resource extraction.</u>	<u>POLICY 30.3.1: Existing acreage subdivisions are shown on Map 17. These subdivisions should be protected from adverse external impacts.</u>
<u>Update: Dover-Kohl concurs with the revised language for this policy as proposed in the staff report.</u>	

POLICY 30.3.2: 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 Rural and Mixed-Use Communities along existing roads away from Future Limerock Mining areas. Map 17 identifies future locations for Rural and Mixed-Use Communities where development rights can be concentrated from major DR/GR tracts. Rural Communities will be predominately residential but are encouraged to incorporate minimal commercial and civic uses that would serve rural residents.

POLICY 30.3.3: Owners of major DR/GR tracts without the ability to provide direct access to SR 82 are encouraged to transfer their residential development rights to future Mixed-Use Communities along SR 82 (see designated areas 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 lands, and allow the conservation of larger contiguous tracts of land.

1. To this end Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) from one landowner to another who wishes to develop a Mixed-Use Community or wishes to exercise these development rights outside the DR/GR area. 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. In 2009 an exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, Mixed-Use Communities may be constructed along SR 82 on land so designated on Map 17 provided the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.
3. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are encouraged. Specific requirements for incorporating these uses into Mixed-Use Communities will be found in the Land Development Code.

Additional Staff Recommendation: If an additional Mixed Use Community is added to Map 17 as proposed by Dover-Kohl in section (n) below, two changes would be needed to Policy 30.3.3:

- The opening sentence would be reworded to read: “Owners of major DR/GR tracts without the ability to provide direct access to SR-82 construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to future Mixed-Use Communities along SR82 (see on land so designated areas on Map 17).”
- The second sentence of subparagraph 2 would be reworded to read: “Under this exception, Mixed-Use Communities may be constructed along SR-82 on land so designated on Map 17 provided the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.”

Dover-Kohl concurs with these changes.

POLICY 30.3.4: 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 Rural and Mixed-Use Communities as designated on Map 17.

POLICY 30.3.5: By 2012 Lee County intends to establish and fund a DR/GR TDR bank which 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.

(c) Amend the Groundwater Recharge sub-element of the Community Facilities and Services Element to modify Policy 63.1.2 on development applications near wellfields

POLICY 63.1.3: The staff hydrogeologist will review and comment on all development applications proposed in the DR/GR area.

(d) Amend the Conservation and Coastal Management Element to modify policies under Objective 114.1 on protection of wetlands

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 within Southeast Lee County (see also Policy 30.1.3).

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 114.1.2: The county's wetlands protection regulations will be consistent with the following:</p> <p>1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review 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.</p> <p><u>1.</u> 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.</p> <p><u>2.</u> 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.</p> <p><u>3.</u> 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.</p> <p><u>4.</u> 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.</p>	<p>POLICY 114.1.2: The county's wetlands protection regulations will be consistent with the following:</p> <p>1. In accordance with F.S. 163.3184(6)(c); The county will not undertake an independent review 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.</p>
<p>Staff Rational: Staff concurs with the removal of the citation, but recommends leaving the rest of the paragraph in the policy and leaving the existing numbering alone.</p>	

(e) Amend the Glossary to add definitions of aggregate, limerock, and public recreation facilities

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.

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.

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.

(f) Add a footnote to Table 1(a) of the Future Land Use Map Series (summary of residential densities) to authorize potential density bonuses for transferring development rights from Southeast Lee County to “Mixed-Use Communities” or to land designated on the “Mixed Use” overlay

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES ¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/ Groundwater Resource ¹¹	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹ See the glossary in Chapter XII for the full definition of “density.”
- ² Adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).
- ⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.
- ⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶ Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸ Higher densities may be allowed under the following circumstances:
- (a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or
 - (c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre.
- ⁹ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing. In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres. (Added by Ordinance No. 02-02)
- ¹¹ The maximum gross residential density can be increased only if the dwelling units are relocated off-site to one of the Mixed-Use Communities designated on Map 17 through the provisions of the DR/GR Transfer of Development Rights program described in Policy 30.3.3.

Additional Staff Recommendation: An additional sentence should be added to the end of Footnote 11: Any increases in allowable dwelling units resulting from this TDR program may not exceed a cumulative total of 6,000 dwelling units.” Dover-Kohl concurs with this change.

(g) Amend Table 1(b) of the Future Land Use Map Series (the acreage allocation table) in Planning Community #18 only so that industrial acreages reflect the acreage of limerock mining pits needed to meet local and regional demand

Original Dover-Kohl proposal:

Staff report proposal:

Table 1(b) — Year 2030 Allocations

Future Land Use Classification	Lee County Totals	18 - Southeast Lee County
Intensive Development	1,325	0
Central Urban	14,787	0
Urban Community	18,622	0
Suburban	16,635	0
Outlying Suburban	4,105	0
Sub-Outlying Suburban	1,531	0
Industrial Development	79	0
Public Facilities	1	0
University Community	850	0
Industrial Interchange	0	0
General Interchange	42	15
General/Commercial Interchange	0	0
Industrial/Commercial Interchange	0	0
University Village Interchange	0	0
New Community	900	0
Airport	0	0
Tradeport	9	0
Rural	8,384	0
Rural Community Preserve	3,046	0
Coastal Rural	1,300	0
Outer Island	202	0
Open Lands	2,805	0
Density Reduction/ Groundwater Resource	6,905	4,000
Conservation Lands Uplands	0	0
Wetlands	0	0
Conservation Lands Wetlands	0	0
Total Residential	81,528	4,015
Commercial	12,763	38
Industrial	6,620	7,246 65
Non Regulatory Allocations		
Public	82,192	12,000
Active Agriculture	24,957	7,920 45,194
Passive Agriculture	45,859	18,000
Conservation (wetlands)	81,948	31,530
Vacant	21,308	500
Total	357,175	81,249
Population Distribution *	495,000	1,270

* Population for unincorporated Area of Lee County

Table 1(b) - Year 2030 Allocations

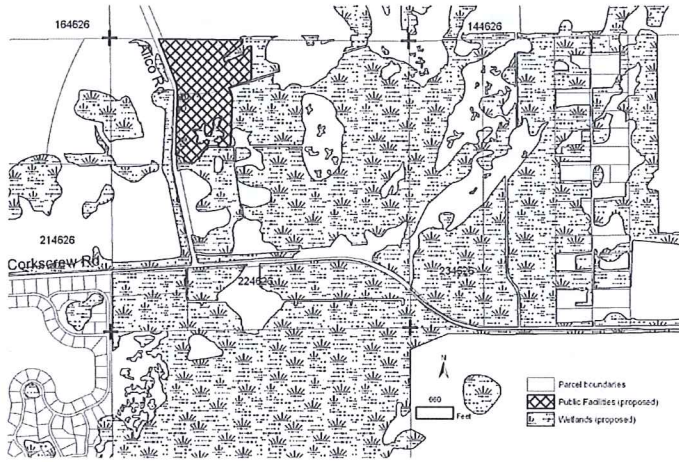
Future Land Use Classification	Lee County Totals		Southeast Lee County	
	Adopted	Proposed	Adopted	Proposed
Intensive Development	1,325	1,325	0	0
Central Urban	14,787	14,787	0	0
Urban Community	18,622	18,622	0	0
Suburban	16,635	16,635	0	0
Outlying Suburban	4,105	4,105	0	0
Sub-Outlying Suburban	1,531	1,531	0	0
Industrial Development	79	79	0	0
Public Facilities	1	1	0	0
University Community	850	850	0	0
Burnt Store Marina Village	4	4	0	0
Destination Resort Mixed Use Water Dependent	8	8	0	0
Industrial Interchange	0	0	0	0
General Interchange	42	42	15	15
General/Commercial Interchange	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0
University Village Interchange	0	0	0	0
New Community	900	900	0	0
Airport	0	0	0	0
Tradeport	9	9	0	0
Rural	8,320	8,320	0	0
Rural Community Preserve	3,046	3,046	0	0
Coastal Rural	1,300	1,300	0	0
Outer Islands	202	202	0	0
Open Lands	2,805	2,805	0	0
Density Reduction/Groundwater Resource	6,905	6,905	4,000	4,000
Conservation Lands Uplands	0	0	0	0
Wetlands	0	0	0	0
Conservation Lands Wetlands	0	0	0	0
Total Residential	81,476	81,476	4,015	4,015
Commercial	12,763	12,763	38	38
Industrial	6,620	13,801	65	7,246
Non Regulatory Allocations				
Public	82,192	82,192	12,000	12,000
Active Agriculture	24,957	17,776	15,101	7,920
Passive Agriculture	45,859	45,859	18,000	18,000
Conservation (wetlands)	81,948	81,948	31,530	31,530
Vacant	21,360	21,360	500	500
Total	357,175	357,175	81,249	81,249
Population Distribution*	495,000	495,000	1,270	1,270

* Population for Unincorporated Area of Lee County

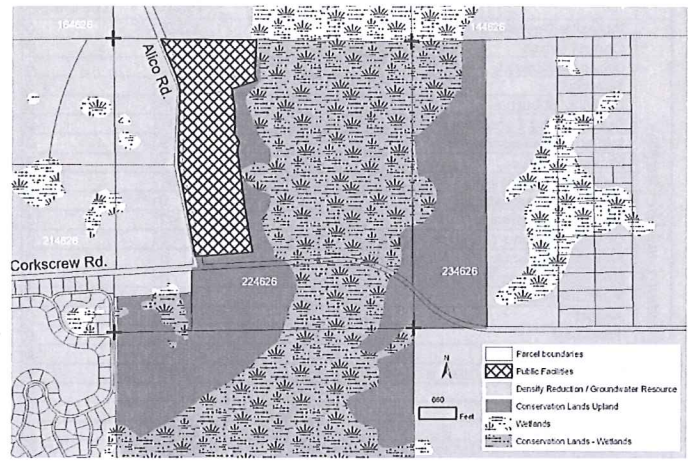
Update: Dover-Kohl concurs with the revisions to Table 1(b) as proposed in the staff report.

(h) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Public Facilities” designation for the Corkscrew water treatment plant

Original Dover-Kohl proposal:

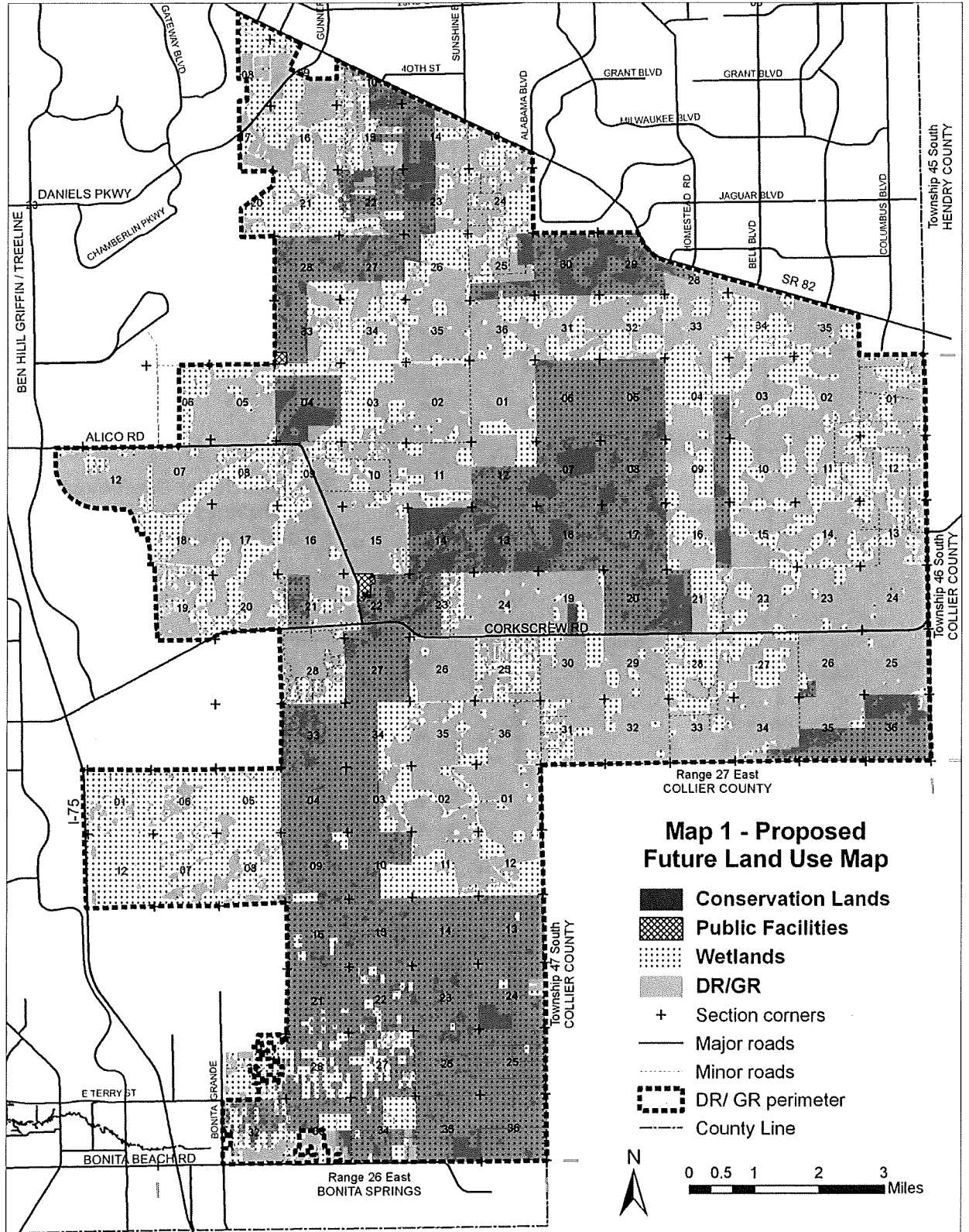


Staff report proposal (which is retain the full size of existing “Public Facilities” designation, as depicted below:

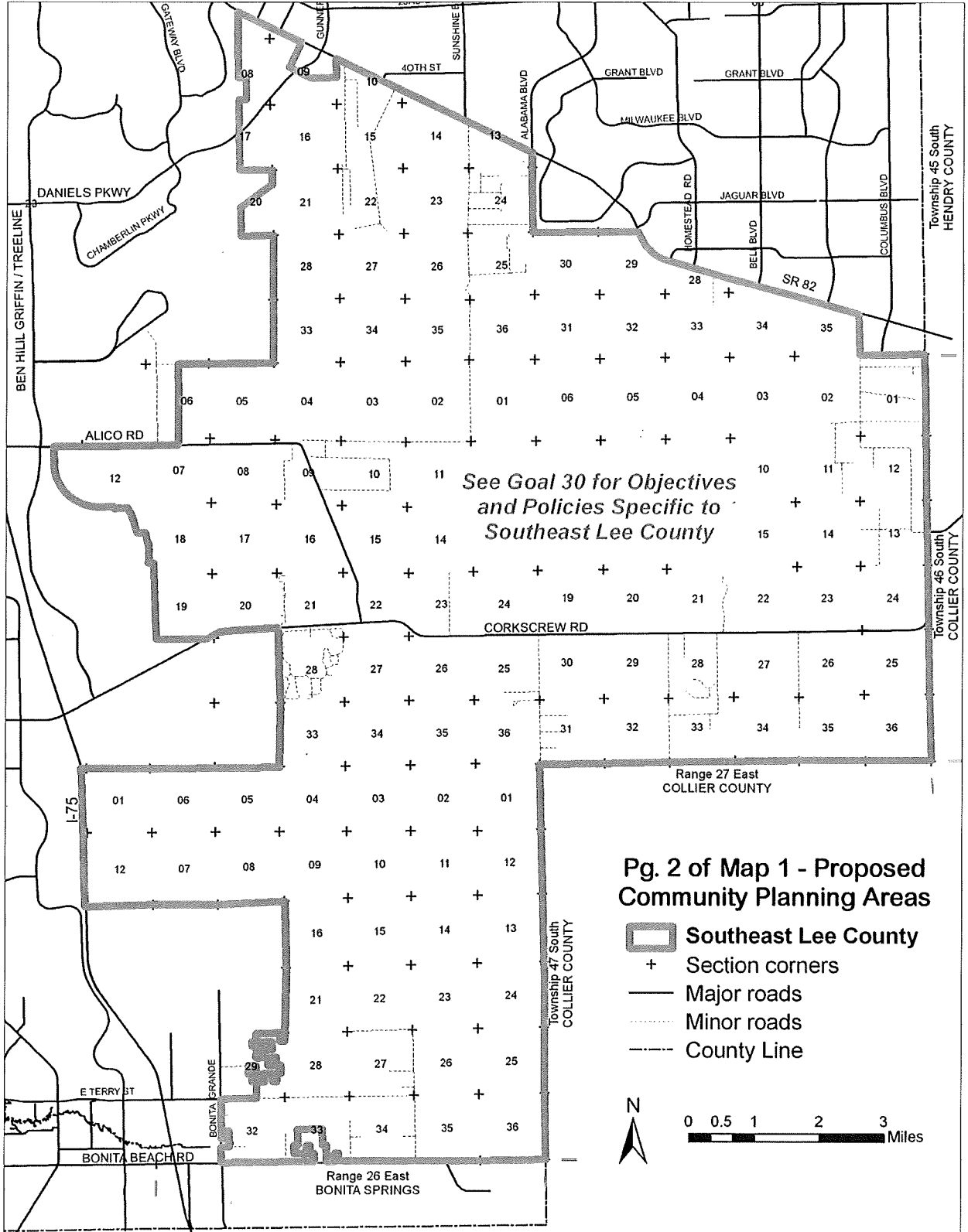


Staff Rational: Lee County Utility’s staff have reviewed the proposed change and are recommending that it not be transmitted.

(i) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Wetlands” and “Conservation Lands” (both uplands and wetlands) designations

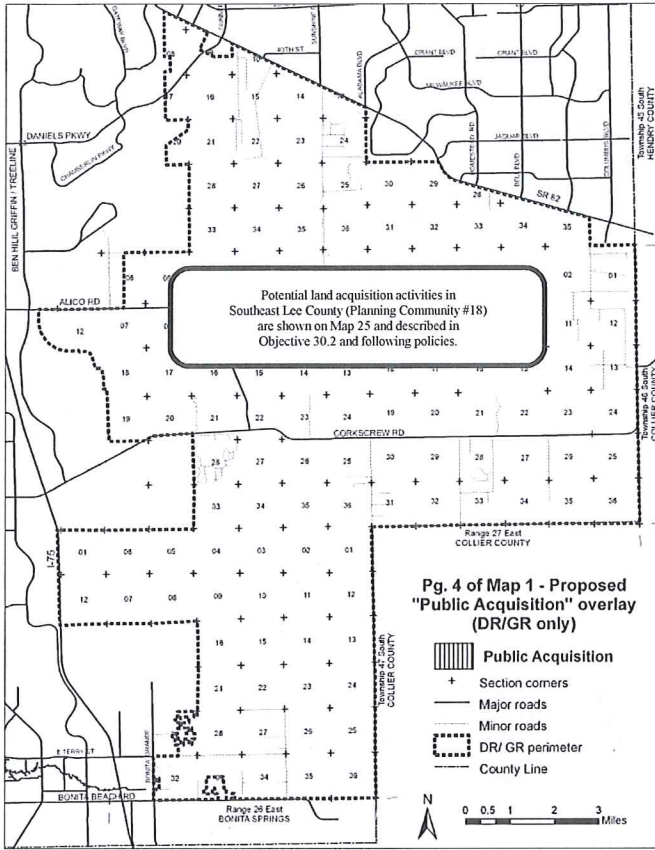


(j) Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County

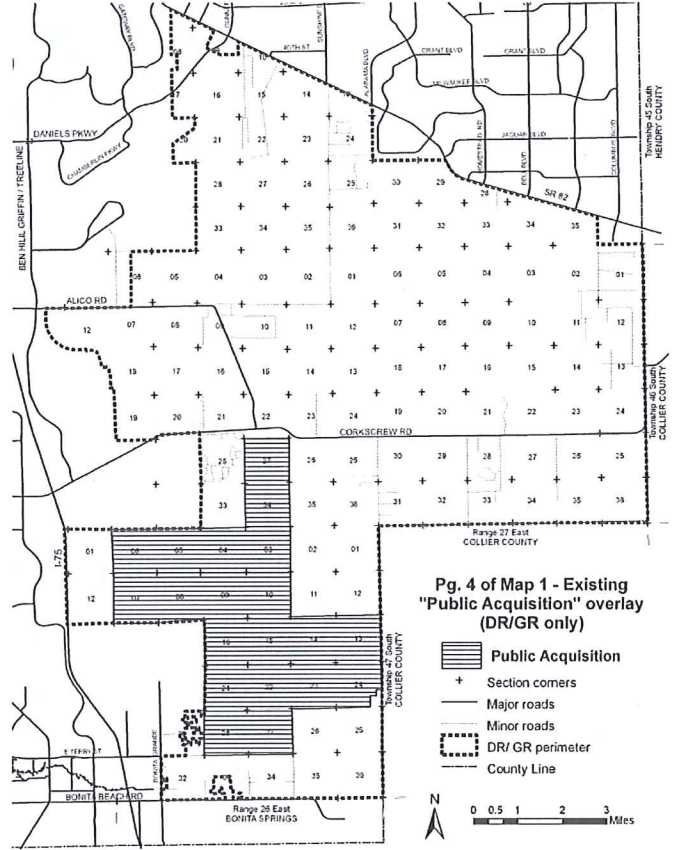


(k) Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only

Original Dover-Kohl proposal:

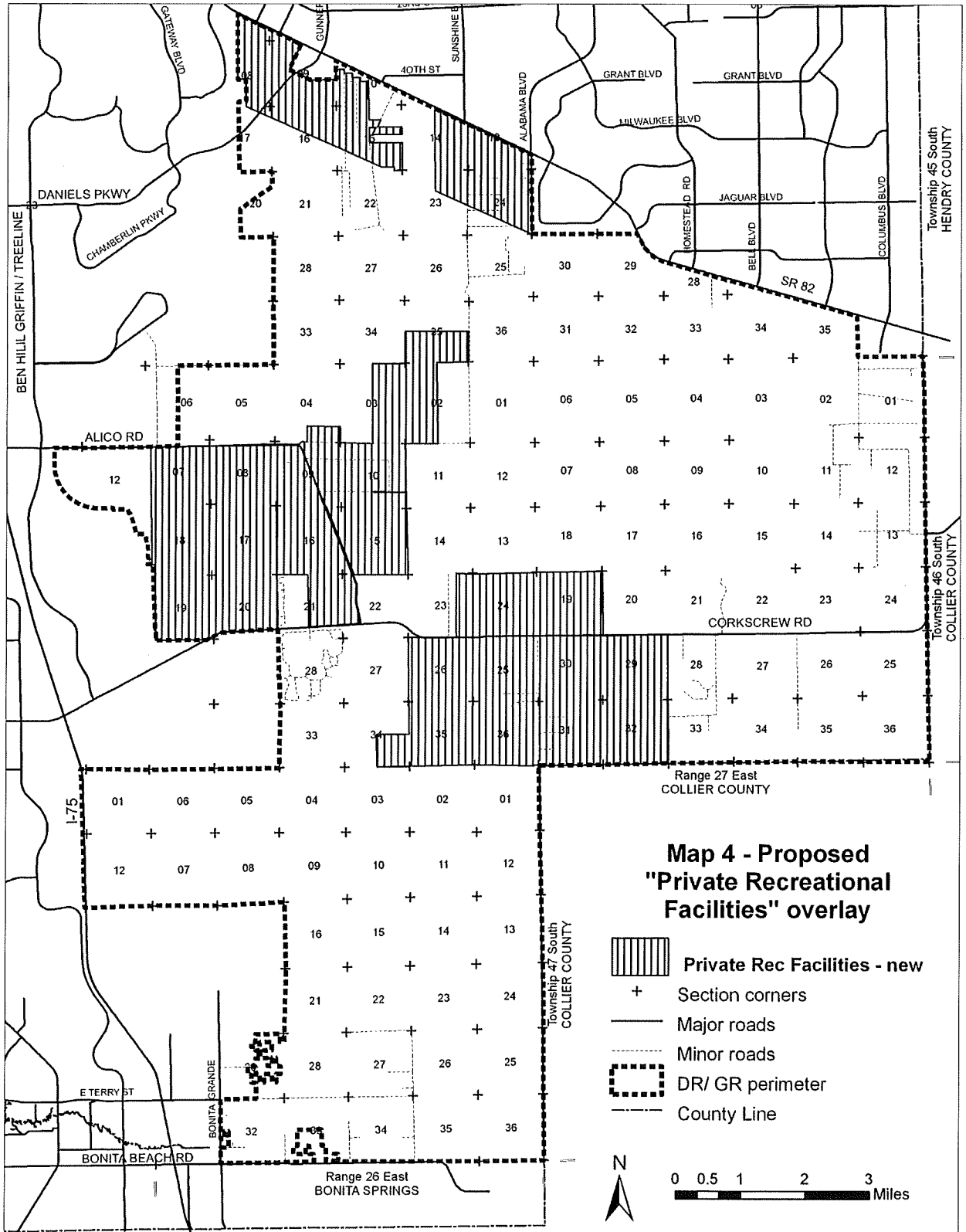


Staff report proposal:



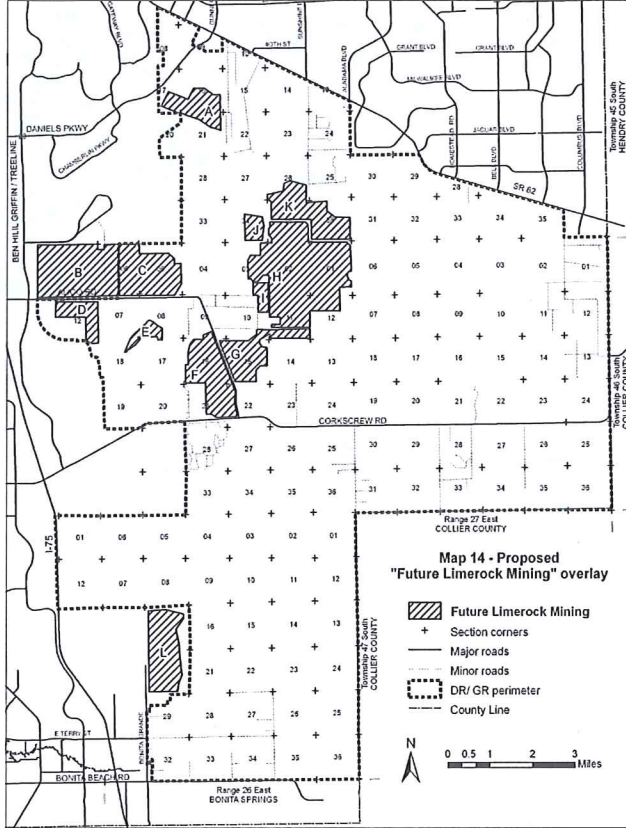
Update: As described in section (q) below, Dover-Kohl concurs with the relocation of the priority restoration areas to this map, instead of creating a separate Map 25. Section (q) describes several related changes that will be required; in addition to those changes, the proposed note on the Dover-Kohl map shown above would not be needed, nor would the prior hatching as shown in the map on the right above. In their place, this map would show the DR/GR priority restoration areas as previously proposed for Map 25.

(I) Amend Map 4 of the Future Land Use Map Series to eliminate public lands and completed mining pits from the "Private Recreational Facilities" overlay

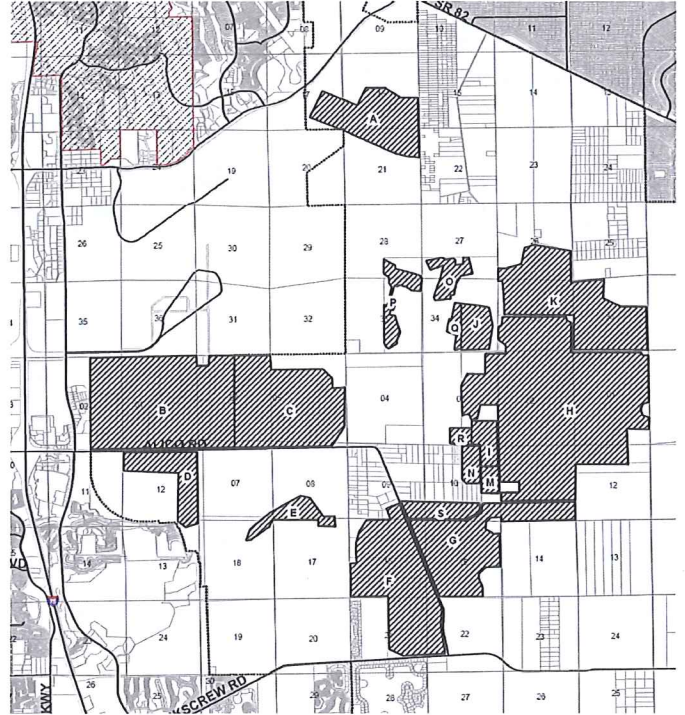


(m) Amend Map 14 of the Future Land Use Map Series to designate a “Future Limerock Mining” overlay

Original Dover-Kohl proposal:



Staff report proposal:

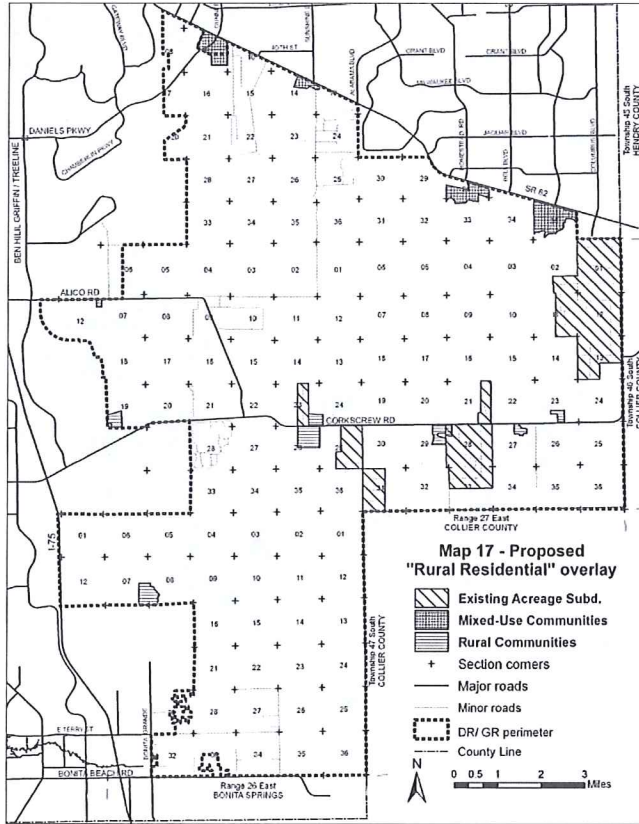


DELETE: Areas A, B, D, and E
 ADD: Areas M, N, O, P, Q, R, and S

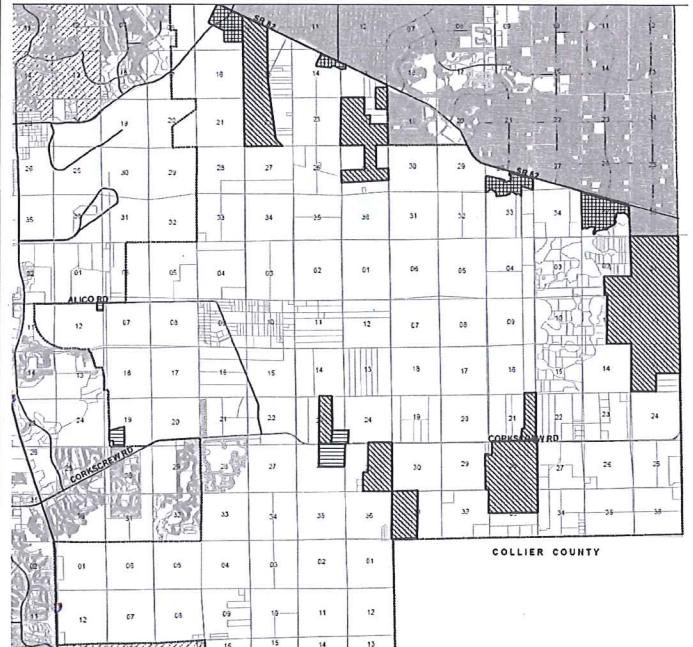
Update: Staff has reviewed evidence submitted by Galvano Development that indicates minable limerock under the easterly 240 acres of Area B. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff no longer objects to the inclusion of the Galvano/Backe tract in the Future Limerock Mining overlay on Map 14.

(n) Add a new Map 17 to the Future Land Use Map Series to designate new "Rural Residential" overlays in Planning Community #18 only

Original Dover-Kohl proposal:



Staff report proposal:

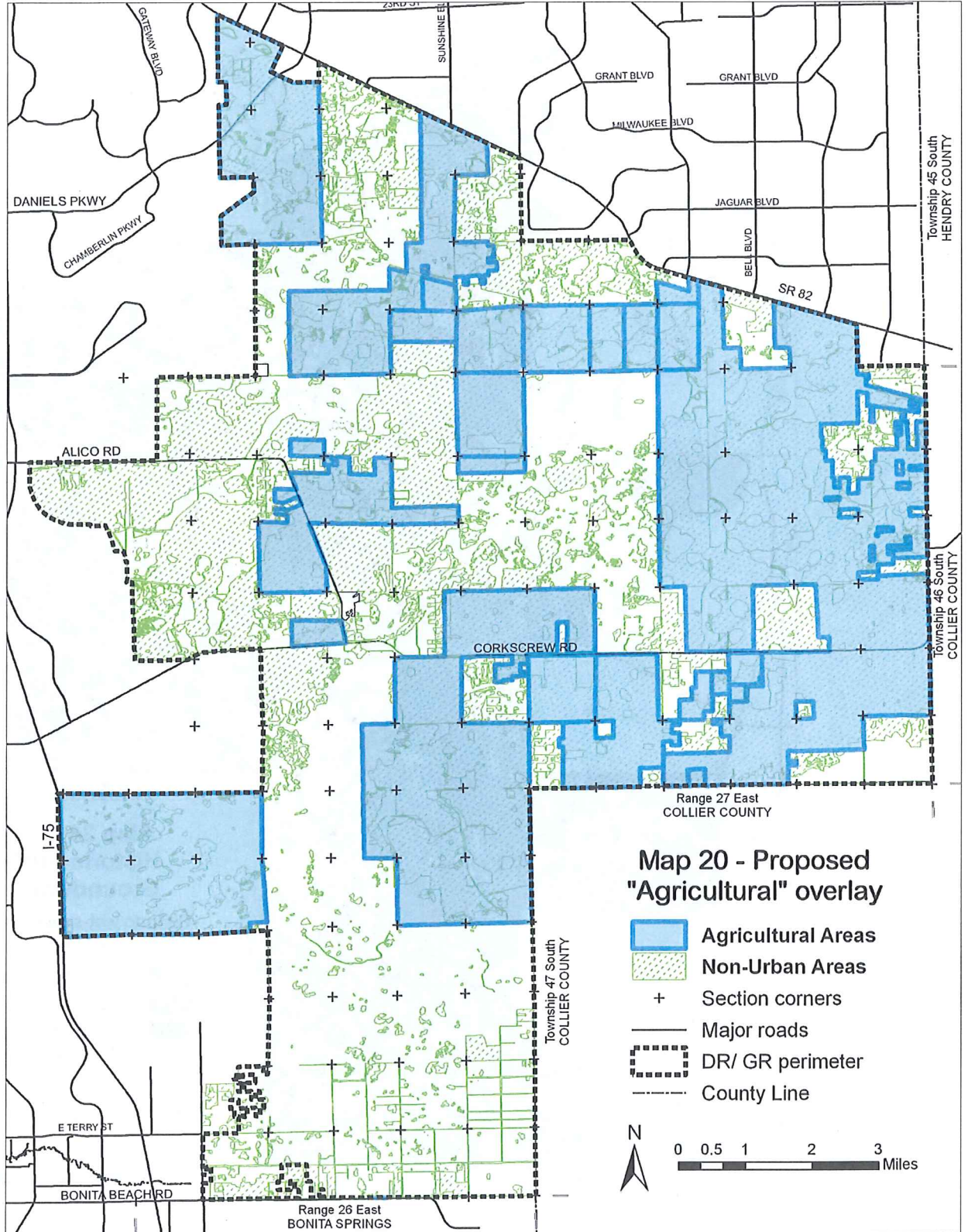


Modified Dover-Kohl proposal: The recently released report, *Transferable Development Rights in Southeast Lee County*, recommends expanding the westernmost "Rural Community" along Corkscrew Road into a "Mixed-Use Community," based on a suggestion from planning staff. The expanded boundary proposed by Dover-Kohl should replace the original boundary which was shown on the map on the left above.

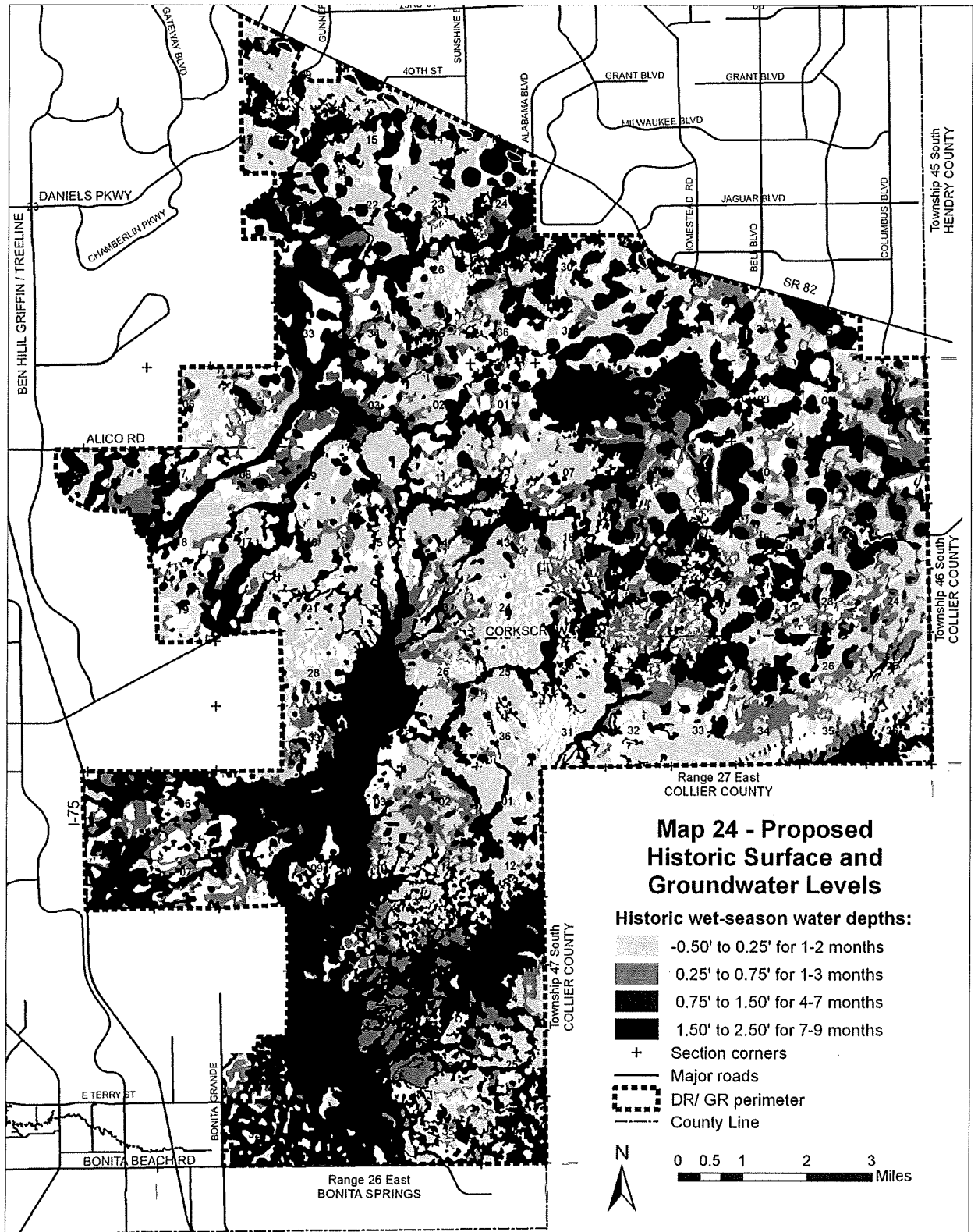
Other updates: Dover-Kohl concurs with the additional tracts to be added to the Wildcat Farms "Existing Acreage Subdivision," and doesn't object to the addition of the Timber Trails subdivision if Lee County decides to eliminate the adjoining Area A on the Future Limerock Mining overlay.

Staff Notation: The newly released *Transferable Development Rights in Southeast Lee County* contains specific development plans for all of the Rural Communities that were not available at the time staff completed its original analysis. Staff is still debating whether the extreme easterly Rural Communities should be included or if these properties should only utilize the TDR procedures..

(o) Amend Map 20 of the Future Land Use Map Series, the "Agricultural" overlay, to correctly reflect the current extent of contiguous agricultural parcels in Planning Community #18 only

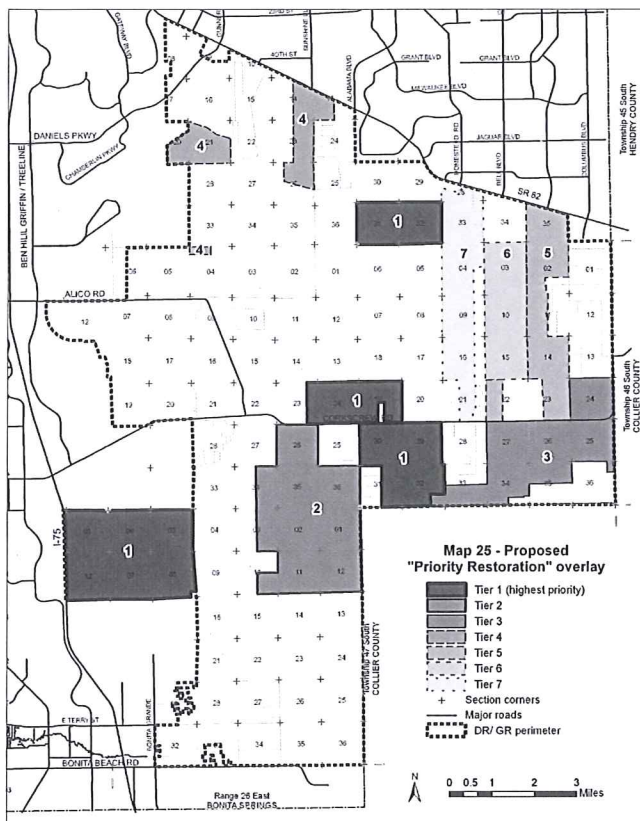


(p) Add a new Map 24 to the Future Land Use Map Series, the “Historic Surface and Groundwater Levels” overlay (Planning Community #18 only)



(q) Add a new Map 25 to the Future Land Use Map Series, the “Priority Restoration” overlay, to suggest potential acquisition patterns in Planning Community #18 only

Original Dover-Kohl proposal:



Staff report proposal:

Accept the Dover-Kohl proposal, but instead of creating a new Map 25, add this overlay to Page 4 of Map 1.

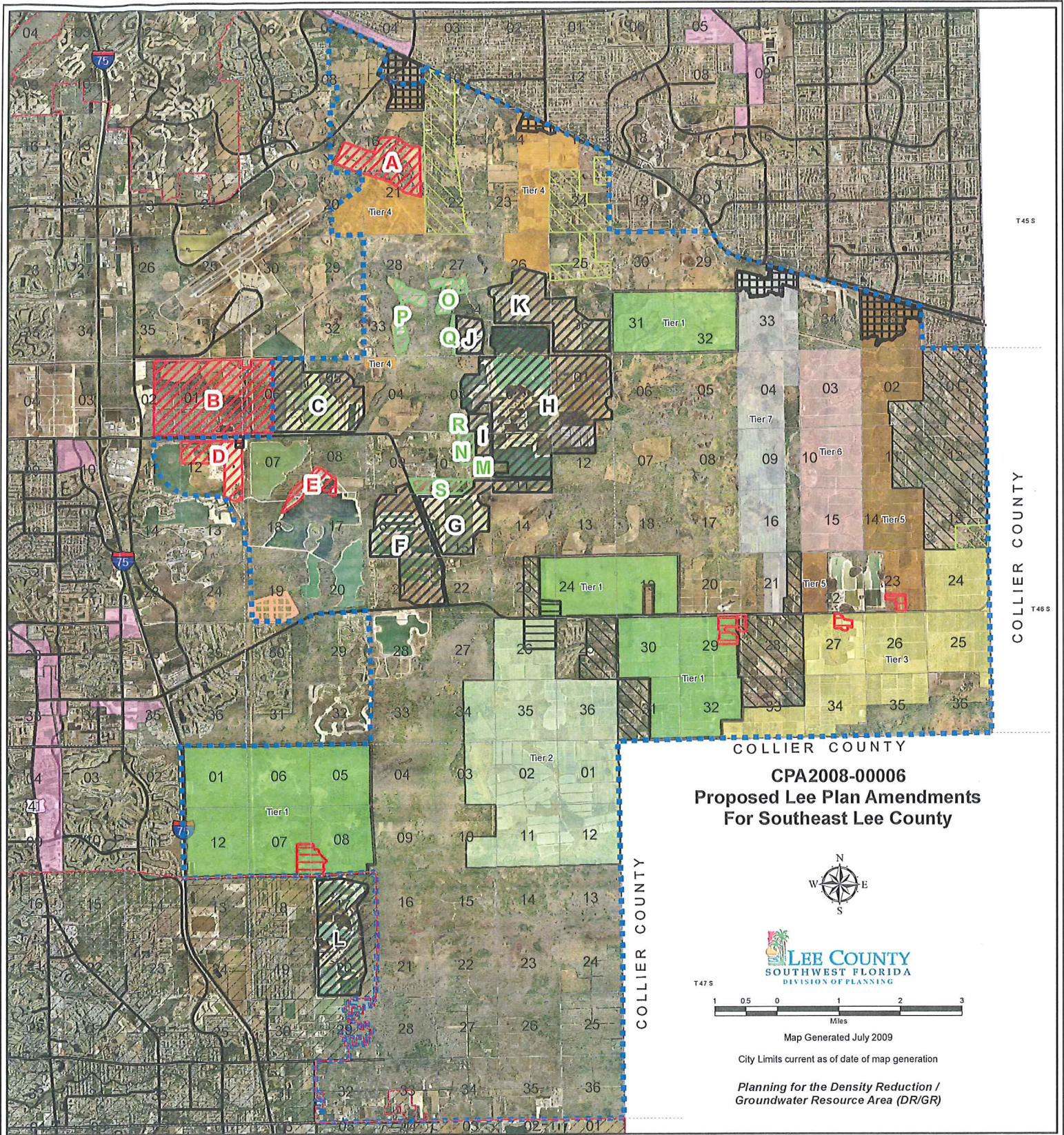
Additional Staff Recommendation: Dover-Kohl concurs with the suggestion to relocate the priority restoration mapping to Page 4 of Map 1 rather than creating a separate Map 25. To carry this out without confusing the priority restoration overlays with the other (non-DR/GR) designations on Page 4 of Map 1, the following changes to Policy 1.7.7 are needed:

POLICY 1.7.7: The Public Acquisition overlay zone designates two types of critical natural resource lands:

- 1. Except in Southeast Lee County: Areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies.*
- 2. In Southeast Lee County only: Tracts not formally targeted for public acquisition but where restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policies 30.2.2 and 30.2.4).*

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 potential public acquisition activities in the county.

In addition, Policies 30.2.2, 30.2.3, and 30.2.6 would need minor rewording to adjust all prior references to Map 25, and proposed Policy 1.7.15 would no longer be needed. These changes have already been incorporated in this document. Dover-Kohl concurs with all of these changes.



CPA2008-00006
Proposed Lee Plan Amendments
For Southeast Lee County



Map Generated July 2009

City Limits current as of date of map generation

Planning for the Density Reduction / Groundwater Resource Area (DR/GR)

Mixed-Use Communities

- staff concurs with Dover Kohl recommendation
- Dover Kohl recommends changing to Mixed-Use Community

Rural Communities

- staff concurs with Dover Kohl recommendation
- staff recommends eliminating this area

Existing Acreage Subdivisions

- staff concurs with Dover Kohl recommendation
- staff recommends adding this area

Future Limerock Mining Areas

- staff concurs with Dover Kohl recommendation
- staff recommends eliminating this area
- staff recommends adding this area

Priority Restoration

- Tier 1 (highest priority)
- Tier 2
- Tier 3
- Tier 4
- Tier 5
- Tier 6
- Tier 7
- DR/GR perimeter
- City Limits
- Mixed Use Overlay