

FORT MYERS BEACH COMPREHENSIVE PLAN

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AMENDMENTS TO THIS PLAN – PART 1			
<i>Application Number</i>	<i>Adopting Ordinance</i>	<i>Pages Changed</i>	<i>Effective Date</i>
2000-1-TEXT	00-15	11-22	11/21/2000
2000-2-TEXT	00-15	15-4	11/21/2000
2000-3-MAP	<i>[rejected]</i>	—	—
2001-1-TEXT	01-07	11-22	11/21/2001
2001-2-TEXT	01-07	4-49–50	11/21/2001
2001-3-TEXT	<i>[withdrawn]</i>	—	—
2002-1-TEXT	02-07	11-22	11/15/2002
2002-2-TEXT	<i>[rejected]</i>	—	—
2002-3-TEXT	02-07	10-17, 18, 25–27	11/15/2002
2003-1-TEXT	03-13	11-22	3/8/2004
SSA-04-01	<i>[rejected]</i>	—	—
SSA-04-02	<i>[rejected]</i>	—	—
SSA-04-03	04-10	future land use map	7/22/2004
SSA-04-04	04-10	future land use map	7/22/2004
2004-1-TEXT	04-13	11-22	5/3/2005

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AMENDMENTS TO THIS PLAN – PART 2			
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2008-02-TEXT	09-03	16-1–25 <i>[all pages]</i>	11/25/2009
2008-03-TEXT	09-03	4-12, 4-51, 5-14, 5-28	11/25/2009
2008-04-TEXT	09-03	4-18–18a, 4-52	11/25/2009
2008-05-TEXT	09-03	4-23, 4-49–50	11/25/2009
2008-06-TEXT	09-03	4-23, 4-44	11/25/2009
2008-07-TEXT	09-03	7-27–33	11/25/2009
2008-08-TEXT	09-03	7-23, 7-32	11/25/2009
2008-09-TEXT	09-03	7-15, 7-33	11/25/2009
2008-10-TEXT	09-03	9-13	11/25/2009
2008-11/12-TXT	09-03	6-35, 6-47, 8-1–8, 8-15–18, 11-31, 14-24–26	11/25/2009
2008-13-TEXT	09-03	5-1–2, 5-25	11/25/2009
2008-14-MAP	09-03	1-2, 4-41–42, 4-44	11/25/2009

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INTRODUCTION

WHY A COMPREHENSIVE PLAN?

In 1995, residents of Estero Island launched an era of municipal governance by voting to form the Town of Fort Myers Beach. A flurry of activity began immediately, involving residents, property owners and business people in the enterprise of crafting a small but highly focused town government.

While struggling with the normal day-to-day activities, a two-year effort was begun to bring into focus the long-range goals for the town. That effort has created this Fort Myers Beach Comprehensive Plan. To move toward those long-range goals, this plan establishes formal policies for the town government and lays the foundation for a new Land Development Code to guide further development and redevelopment.

SPECIAL PROBLEMS OF FORT MYERS BEACH

Fort Myers Beach faces a complex set of problems in addition to those usually faced by small towns. The town has already reached 85% of its maximum population. Nearly all of the remaining 15% is beyond the control of the new government, since development rights have previously vested to individual property owners.

Despite this lack of control, the town has responsibility for managing the peak-season congestion that results from overly

generous land-use approvals of the past. This congestion is compounded by extreme tourism impacts from southwest Florida residents and visitors who flock to the welcoming atmosphere at Fort Myers Beach. These visitors feel none of the hostility caused at other beach communities by high bridge tolls, or by “residents-only” beach parking restrictions.

Fort Myers Beach residents suffer from peak-season congestion more than vacationers because the residents need to travel to school and jobs on a daily basis. Yet most residents tolerate this congestion because it is the obvious result of so many people trying to enjoy the same assets that attracted them. Fortunately, the peak period lasts less than three months of each year.

The shortness of this period could change. This plan contains many efforts to improve the beauty, vibrancy, and livability of Fort Myers Beach. These changes might attract so many more visitors that the period of extreme congestion lengthens to an intolerable portion of each year. That result would be the ultimate irony for a community that has welcomed generations of visitors to share its many charms.



HOW THIS DOCUMENT IS ORGANIZED

This document is organized into fifteen chapters. Following this introduction is “Envisioning Tomorrow’s Fort Myers Beach,” an optimistic look at the community that the town hopes will evolve. The next twelve chapters contain the twelve main “elements” of this plan, organized by subject area. The Community Design Element is placed first because its concepts have inspired many other parts of this plan. The final chapter contains procedures for interpreting and monitoring this plan.

Each element contains at least two parts:

- A narrative description of current conditions and possible courses of action for the town; and
- Formal goals, objectives, and policies selected by the town as its legally binding comprehensive plan.

The Town of Fort Myers Beach has decided to publish the full narrative portion of each element in this document. This provides its residents with a wealth of interesting information and an understanding of courses of action that were studied but perhaps not included in the formal plan.

The town legally “adopted” only certain portions of this document as its formal comprehensive plan. Formally adopted by Ordinance 98-14, effective January 1, 1999, are:

- All goals, objectives, and policies for each of the twelve elements;
- A “Future Land Use Map” (Figures 16 and 17 in the Future Land Use Element) and a “Future Transportation Map” (Figure 18 in the Transportation Element);
- A five-year schedule of capital improvements (Table 11-7); and
- All of Chapters 1, 2, and 15.

To help readers identify those portions of each element that are being formally adopted, the goals, objectives, and policies of each element are printed on gray paper. The “adopted” portions of this plan become a law of the Town of Fort Myers Beach. Once comprehensive plans are adopted, “...no public or private development shall be permitted except in conformity with comprehensive plans...” (Section 163.3161(5), *Florida Statutes*).

city officials have been able to reach an agreement with state regulators to substitute their redevelopment plan for the state review process for that specific area. It is possible that a similar approach might be considered for Fort Myers Beach. (Florida's coastal program emphasize beach protection and strength of buildings, however, rather than New Jersey's emphasis on open space and public access to the beach.)

National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a federal program that establishes minimum construction standards to reduce future damage from flooding. It was begun in 1968 as a nationwide system of flood insurance for designated flood-prone areas (where there is a 1% chance of serious flooding each year). Each area is studied to produce a map that indicates how high flood waters might rise, which is known as the “base flood elevation.” Local governments then adopt regulations to reduce the impacts of future flooding. In exchange for these regulations, property owners can obtain flood insurance that is guaranteed by the federal government. The most important regulation is that the lowest floor level of most new and improved buildings must be raised above the base flood elevation. The base flood elevations are shown on a series of official Flood Insurance Rate Maps.

There are basically two types of flood zones at Fort Myers Beach. The first are called “A-zones,” defined as areas subject to rising water from coastal flooding. Base flood elevations in the A-zones vary across the island, ranging from 11 to 14 feet above mean sea level. The finished level of the first floor must be at or above this height (see Figure 3).

For residential structures, fill or exterior walls are allowed below the first floor level, but any walls must be designed to preclude finished living space and to allow floodwaters to flow freely. Parking is permitted; interior partitions are not. (Non-residential structures will be discussed later.)

The second flood zone is a “V-zone” or velocity zone, defined as areas subject to wave action on top of the rising water from coastal flooding. V-zones are found immediately along the Gulf of Mexico and inland as far as Estero Boulevard at some locations. Base flood elevations for new buildings in V-zones range from 15 to 19 feet and are measured to the bottom of the floor structure, causing new buildings to be somewhat taller there (see the lower drawing in Figure 3). Fill or solid construction is not allowed below minimum floor elevations in any buildings except for pilings, stairwells, or “breakaway” walls that will wash away during flooding. About 16% of the land at Fort Myers Beach is in a V-zone (257 acres); all of the remainder is in an A-zone.

Since the 1970s, flood-prone communities have been required to adopt these regulations in order for their residents to qualify for federal flood insurance. Federally insured lenders cannot provide mortgages in these communities on property that does not have flood insurance. As a result, almost no flood-prone community can exist without participating in the NFIP, since few private companies offer comparable flood insurance.

NFIP inspectors visit local governments every year to assess their enforcement of these codes. Any variances to these codes are strictly scrutinized to

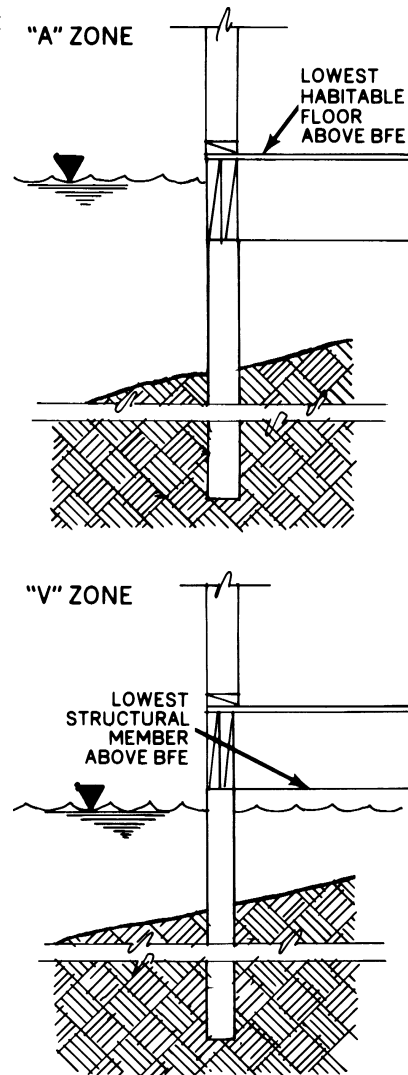


Figure 3, “Base flood elevation” requirements in “A” and “V” zones

determine if they might jeopardize the community's continued participation in the NFIP.

Lee County began participating in the NFIP in 1984 immediately after all of its coastal areas were mapped. Fort Myers Beach was covered under the county's program until the end of 1996, at which time it began the process of joining the program on its own. The previous Lee County regulations are currently in effect in Section 6-401 through 475 of the Fort Myers Beach Land Development Code; the town now has the responsibility for modifying and updating them.

As to residential buildings, these rules have become a fact of life in all coastal communities. They cause a hardship to many elderly people who have difficulty climbing the required entrance stairs in homes; they often create a strange pattern in neighborhoods with old and new houses; and they reduce the desirable connection between indoor living space and Florida's pleasant outdoors. However, these factors are generally outweighed by the desirability of keeping new homes out of harm's way during recurring floods. There is little prospect or reason for changing this development pattern as it applies to *new homes*.

Properties Repeatedly Damaged By Flooding

A number of structures within the town have experienced damage as a result of past floods. Lee County considered a program to identify individual buildings that have been repeatedly damaged by flooding, as evidenced by claims under the National Flood Insurance Program (NFIP) of \$1,000 or more since 1978. If damaged again by more than 20% of their value, these buildings would have to be brought into compliance with current standards for new construction before other major improvements were made to the building. However, those regulations weren't adopted because the extreme costs to a few homeowners did not justify the potential benefits.

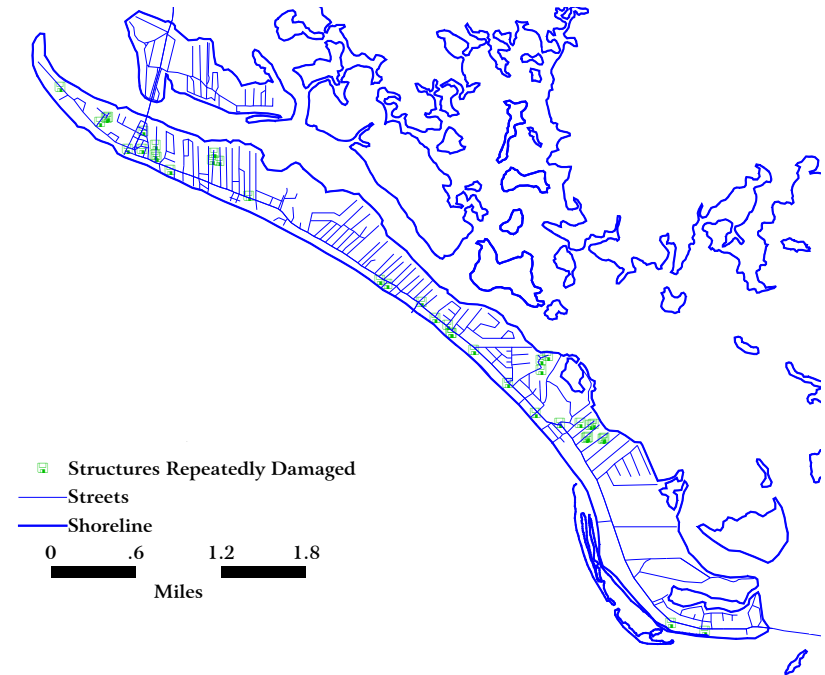


Figure 4, Repeated Flood Damage

That program identified the properties in Figure 4 (as described in more detail in the Coastal Management Element of this plan). No meaningful pattern appears on the map that would suggest neighborhood-wide flooding remedies. Of particular interest, however, is that none of the floods that caused considerable damage at Fort Myers Beach in the past 15 years were even minimal hurricanes; in fact two weren't even strong enough to be considered tropical storms.

Lee County is conducting a detailed assessment of the costs of improving the buildings in the unincorporated area that have been repeatedly damaged by flooding. The county hopes to obtain 75% federal funding for many of the actual improvements. If the county is successful, the town may be able to qualify for a similar grant.

sioned in the CRA master plan, and ultimately could phase out most ground-level activity on the Gulf side of Estero Boulevard.

- If such changes to the CCCL regulations cannot be obtained, Old San Carlos and the Bay side of Estero Boulevard would become the most practical locations for commercial redevelopment.
- Full-height dry floodproofing is the most desirable alternative for providing commercial uses at ground level in pedestrian areas; the only remotely practical alternative is the University of Florida's elevated walkway concept, which is less desirable because it requires an expensive walkway system which detracts from, rather than adds, to the sidewalk environment.

Formal hazard mitigation policies are found in Policies 4-E-2, 4-E-3, 4-E-4, and 4-E-5 of this comprehensive plan.

POST-DISASTER REDEVELOPMENT POLICIES

When a passing hurricane destroys part of a community, difficult rebuilding questions arise immediately. Landowners have spent thousands and sometimes millions of dollars in developing their property. Not allowing landowners to rebuild would place a great economic burden upon them. But allowing redevelopment in the same manner might expose it to destruction in the next big storm.

Current Build-Back Policy

The current comprehensive plan contains a “build-back” provision initiated by Lee County in 1989 that allows post-disaster reconstruction at existing density levels, but requires improved resistance to future storms. This provision has been popular among landowners at Fort Myers Beach because of the greatly reduced density levels that would otherwise apply after a major storm. However, it falls far short of a redevelopment plan that would ensure that the community would be improved in other ways during the inevitable rebuilding process.

If a disaster strikes, structures that comply with all current regulations could of course be rebuilt in exactly the same form. However, many buildings at Fort Myers Beach do not comply with current regulations, particularly the maximum density level of six dwelling units per acre. When one of these structures is damaged greater than 50% of its current value, the build-back policy allows it to be rebuilt, but instead of meeting *all* current regulations, the new building can include the original number of dwellings and square footage. But it must meet all current flood, structural, and coastal setback requirements. The lowest floor level must be elevated; land uses are severely limited on the ground level; and break-away walls may be required. (Height and setback requirements might even be waived if needed for the building to comply with the new flood and structural requirements.)

One problem with the build-back policy is its limitation to post-disaster situations (such as floods, wind damage, or fire). Federal and state policy has been shifting in recent years to pre-storm mitigation of known hazards, instead of waiting for disasters to occur (as discussed in the previous section). The current policy is as inflexible in this regard as the National Flood Insurance Program.

Other possibilities for improving the build-back program in the future include:

- Mandating improved building form during the rebuilding process (some examples might be maintaining view corridors to the Gulf of Mexico, or allowing some mixed uses in residential-only towers, or placing buildings nearer the street).
- Allowing density transfers during the rebuilding process if they meet some stated public purpose.
- Creating a registry of pertinent building details (such as exact heights and exact building footprint on the ground) so that permitting would be eased in a post-disaster situation;

Modified Build-Back Policy

This plan makes one immediate change in the build-back policy. Owners of existing buildings that exceed the current density or height limits would no longer be categorically forbidden from rebuilding; they will be offered an opportunity to replace the building for the same use at up to the existing density and intensity (up to the original square footage, as already provided for post-disaster build-back) without waiting for a natural disaster (see Policy 4-E-1). Owners would request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The Town of Fort Myers Beach would approve, modify, or deny this request based on the conformance of the specific proposal with

this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria.

The town could also provide additional incentives for "pre-disaster" build-back. For instance in areas designated "Pedestrian Commercial" on the future land use map, dry-flood-proofed commercial space below elevated buildings could be considered a bonus that would be permitted in addition to replacing the previous building's interior square footage. Policy 4-E-1 was modified in early 2009 to allow this additional incentive.

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The selected solution for the Town of Fort Myers Beach is to adopt different density multipliers based on land-use categories on the new Future Land Use Map. These multipliers will only apply where guest units (which include motels) are permitted in a specific zoning category. The exact multipliers will be contained in the Land Development Code; an example might be:

- In the “Mixed Residential” category, the multiplier might be 1.5
- In the “Boulevard” category, the multiplier might be 2.0
- In the “Pedestrian Commercial” category, the multiplier might be 2.5, provided that some or all parking is provided in off-site shared lots.

Policy 4-C-6 describes this concept, which will be implemented through forthcoming revisions to the Land Development Code.

Throughout the 1990s, one of the biggest concerns of town residents was the continuing expansion of commercial uses. Only five years after this plan was adopted in late 1998, property values were escalating at previously unforeseen rates, and suddenly the opposite trend was being seen: the frequent conversion of longstanding commercial uses, primarily hotels and motels, into upscale condominiums.

The health of the lodging industry has always been cyclical, but the new wave of escalating property values threatened to change the town's entire economy. These increases were driven by real estate investors and condominium buyers whose optimism for continuing increases in underlying property values drove the real estate market continually upward. In the absence of vacant land to construct new condominiums, the land under viable hotels and motels was suddenly worth far more than the businesses themselves.

While the town has long hesitated to encourage new hotels and motels given the past overbuilding at Fort Myers Beach, the loss

of the town's active and healthy lodging industry would mean a permanent change to the character of Fort Myers Beach. Although tourism is sometimes overwhelming to permanent residents, tourism also provides benefits to residents, including investment and recreational opportunities, employment, and choices for dining and entertainment that are far beyond what would be available if they were serving the resident population alone. Many residents have chosen to make Fort Myers Beach their home for these very reasons.

The pressure for these hotel/motel conversions had abated somewhat by 2008, but the situation is likely to reoccur whenever the real estate market recovers. The town's options to respond to such situations are fairly limited. The most effective options are simply to ensure that town policies and regulations do not inadvertently contribute to the displacement of existing hotels and motels. To this end, the pre-disaster buildback policy was clarified in early 2009 to ensure that large condominium buildings cannot be substituted for existing hotels and motels in the guise of buildback (see Policy 4-E-1). New condominiums or other residential buildings can still replace older hotels or motels, but the new structures would have to meet the current more restrictive density cap.

The comprehensive plan was also amended in early 2009 to establish as general town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town's economy and walkability (see Policy 4-A-9),

Policy 4-A-10 was also added to specifically allow condominium ownership of lodging establishments (provided they will be operated as hotels or motels). Detailed requirements will be contained in the Land Development Code, for instance requiring licensing by the state as a hotel or motel and regular payment of tourist and sales taxes on all rentals, limiting stays to a fixed period, disallowing all permanent residency, and requiring a staffed front desk to arrange transient rentals.

BUILDING HEIGHTS

One of the legacies of the changing regulatory climate is the wide variety of building heights at Fort Myers Beach. Tall high-density housing became popular in the 1970s after a second bridge was built at the south end of the island. After 1984, high-density buildings were no longer allowable (although several are still being built due to vested development orders, court orders, and Lee County's pre-incorporation approval of a large convention hotel).

Tall buildings never became illegal, but the lower density limits imposed in 1984 made them impractical in most circumstances. In 1997 the Town Council imposed an interim height cap of two stories about the lowest habitable floor:

"No building or structure shall be erected or altered so that the height exceeds two stories above the lowest habitable floor; however, in no case shall a building or structure be erected or altered so that the highest point of an exterior wall, exclusive of the roof system, exceeds 25 feet above the base flood elevation."

This action was taken because the Local Planning Agency was studying several types of height restrictions while preparing this comprehensive plan. The Town Council wanted to ensure that new highrises would not be issued building permits while this plan was being completed.

The LPA inventoried the height of existing buildings along all of Estero Boulevard as part of their research; a sample of this inventory is shown in Figure 8. From that inventory, a 3-D map was created that depicted all buildings along Estero Boulevard that were four stories or more *above ground*, with their actual shapes and relative heights (see a portion of that map in Figure 9). This map allowed an easy visualization of the location and concentration of existing tall buildings.

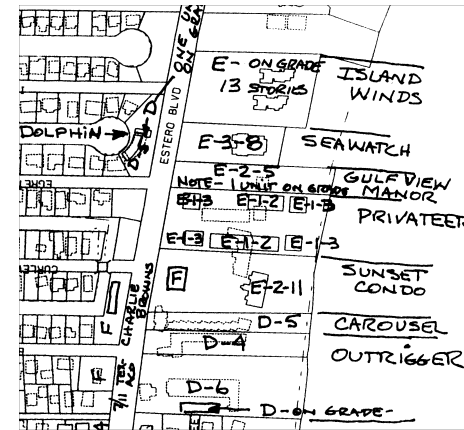


Figure 8, Sample of inventory data



Figure 9, Resulting three-dimensional map

In evaluating the effects of new height regulations, at least five different situations were considered:

1. Totally new development on one of the few vacant sites.
2. Replacement of existing buildings to *increase* intensity on a site.
3. Redevelopment of a deteriorating or obsolete building (often retaining the exact intensity of the existing building).
4. Redevelopment that actually *reduces* intensity in some way.
5. Development approvals that have vested rights and cannot be altered.

Several different concepts were considered for new permanent height restrictions:

- **Height districts:** two or more districts (encompassing all of the island) with different height limits. The purpose would be to ensure that new buildings on most of the island will not be high-rises, but to allow some taller buildings in delineated areas where a high-rise patterns had been firmly established. Two reasons for doing this would be to allow

Table 4-9 — Mixed-Use Percentages, Existing and Proposed

<u>Category</u>	<u>December 1998 Actual Totals</u>				<u>School/Public Use</u>		<u>Proposed Cap</u>	<u>Additional Allowed</u>
	<u>Commercial Uses</u>	<u>Other Non-Residential Uses</u>	<u>Total Non-Residential Uses</u>		<u>Acres</u>	<u>%</u>	<u>%</u>	<u>Acres</u>
	<u>Acres</u>	<u>Acres</u>	<u>Acres</u>	<u>%</u>	<u>Acres</u>	<u>%</u>	<u>%</u>	<u>Acres</u>
Mixed Residential	28.1	18.4	46.5	7.9%			12%	24.2
Boulevard	24.5	5.6	30.1	46.9%			70%	14.8
Pedestrian Commercial	44.3	1.5	45.8	58.9%			90%	24.2
Recreation					7.8	2.7%	6%	9.7

each category. The final column shows the additional acreage of non-residential (or school/public) uses that would be allowed based on the percentage cap.

Policies 4-B-4, 4-B-5, 4-B-6, and 4-B-8 include the existing percentage plus the proposed cap (as shown in Table 4-9) for each of the four mixed-use categories. The cap defines the maximum percentages of non-residential (or school/public) land uses that can be built throughout each category without an amendment to this plan. For the purpose of these computations, non-residential land uses are defined as commercial and marina uses; according to the definitions in Policy 4-B-12, this also includes motels, churches, and civic buildings. Land used for government purposes and for utility installations are also included, but road rights-of-way are not counted.

Allowable uses for all of the eight new categories are described below under Objective 4-B. Upon adoption, these goals, objectives, and policies become law, and will be implemented where necessary through amendments to the Fort Myers Beach Land Development Code.

These categories will immediately replace the categories shown on the current Future Land Use Map. Where the adopted category descriptions contain absolute limits (such as the density or

percentage caps for various land use categories), those limits will have immediate legal effect that will supersede more lenient standards that apply to certain zoning districts. The adoption of these categories does not itself change or eliminate the current zoning district assigned to each parcel of land.

Many parts of this comprehensive plan will be implemented through changes to the Land Development Code, which by state law must conform with this plan within one year (*F.S.* 163.3202). These amendments may include rezoning of many or all properties for various reasons, such as:

- to conform the zoning district of specific properties to the requirements of this plan; or
- to combine several similar zoning districts into a single new district to simplify the Land Development Code.

Landowners whose property is proposed for rezoning will receive notice in accordance with state law.

As described in the Coastal Management Element, the entire town is in the “coastal high-hazard area” as defined in § 163.3178(2)(h), Florida Statutes. Figure 17 on the next page shows the coastal high-hazard area on a map, which is being formally adopted into this plan as part of the Future Land Use Map series.

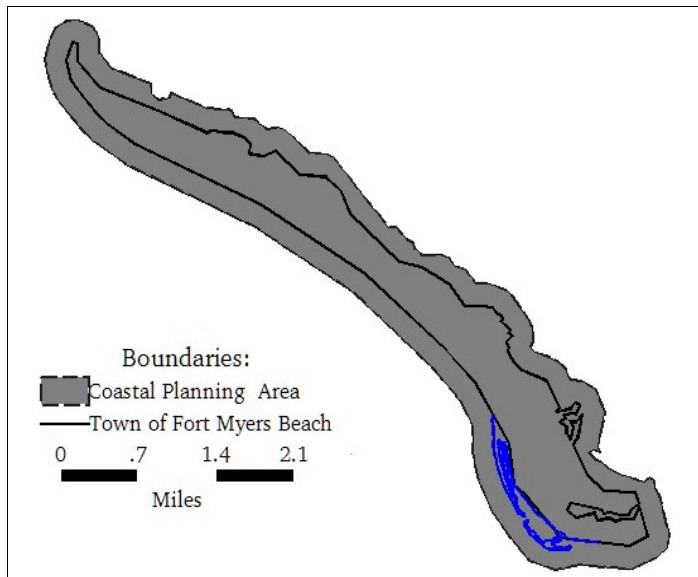


Figure 17, Coastal High-Hazard Area (entire town) as defined in §163.3178(2)(h), Florida Statutes

GOALS - OBJECTIVES - POLICIES

Based on the analysis of land use issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 4: To keep Fort Myers Beach a healthy and vibrant “small town,” while capitalizing on the vitality and amenities available in a beach-resort environment and minimizing the damage that a hurricane could inflict.

OBJECTIVE 4-A SMALL-TOWN CHARACTER — Maintain the small-town character of Fort Myers Beach and the pedestrian-oriented “public realm” that allows people to move around without their cars even in the midst of peak-season congestion..

POLICY 4-A-1 Maintaining the town’s current “human scale” is a fundamental redevelopment principle. Fort Myers Beach is best enjoyed from outside a car; new buildings should be designed to encourage use or admiration by people on foot or bicycle, rather than separating them with gates, walls, deep setbacks, or unnecessary building heights.

POLICY 4-A-2 The Town of Fort Myers Beach values its vibrant economy and walkable commercial areas. Through this plan, the town will ensure that new commercial activities, when allowed, will contribute to the pedestrian-oriented public realm.

POLICY 4-A-3 The town shall protect residential neighborhoods from intrusive commercial activities (see Policies 4-C-2 and 4-C-3 below).

POLICY 4-A-4 Easy walking access to the beach is a key element of the town’s human scale. Development trends that inhibit this access are undesirable (including traffic improvements to Estero Boulevard that would make it a barrier to the beach for pedestrians).

POLICY 4-A-5 The town contains many important natural resources despite its urbanized character. Preservation of those resources is of the highest importance and is a frequent theme throughout this plan.

POLICY 4-A-6 The beaches provide incomparable recreational and environmental benefits to the town; careful management of the beach, including renourishment when necessary, can increase both. Frequent beach accesses are essential to the town’s character and shall be maintained and expanded where possible.

POLICY 4-A-7 Estero Bay also provides great benefits to the town and can be enhanced by improving public access and reversing the decline in water quality. The Conservation and Coastal Management Elements of this plan outline the town’s efforts on these matters.

POLICY 4-A-8 The town shall establish clear and consistent rules and processes that govern private and public development. They shall be incorporated into an illustrated Land Development Code that:

- i. defines the permitted uses and illustrates the dimensions needed to implement this comprehensive plan;
- ii. illustrates the types and dimensions of allowable signs that will identify businesses and other destinations with-

out damaging the aesthetic qualities of the town;

- iii. resolves inconsistencies between current zoning and land development regulations and this comprehensive plan using the guidelines found in Chapter 15;
- iv. encourages the conservation and re-use of historic buildings as described in the Historic Preservation Element;
- v. in existing subdivisions, controls the scale of new homes to avoid the replacement of existing homes with excessively large structures; and
- vi. ensures the availability of public facilities at the levels of service specified in this plan concurrently with the impacts of development (see Capital Improvements Element for a summary of these levels of service plus guidelines for the town's Concurrency Management System).

POLICY 4-A-9 Many amenities available to local residents are the result of the local tourist economy and would diminish if hotels and motels were displaced. Landowners may redevelop hotels and motels for other uses, but special incentives of this plan such as post-disaster and pre-disaster buildback (Objectives 4-D and 4-E) only apply if the current use is maintained.

POLICY 4-A-10 Hotels and motels may be constructed or converted to condominium ownership provided they are operated as hotels or motels. The Land Development Code provides detailed regulations that distinguish hotels and motels from residential uses and other types of lodging.

OBJECTIVE 4-B FUTURE LAND USE MAP CATEGORIES
— Reduce the potential for further overbuilding through a new Future Land Use Map that protects remaining natural and historic resources, preserves the small-town character of Fort Myers Beach, and protects residential neighborhoods against commercial intrusions.

POLICY 4-B-1 **OVERBUILDING:** Judicious planning could have avoided the kind of overbuilding found at Fort Myers Beach by limiting construction to match road capacity and the physical environment. Since such planning came too late, the town must deal with today's congestion plus the impacts of future development that has vested rights to proceed. These conditions have shaped the vision of this plan, as development rights once granted are not easily or lightly reversed; great care has been taken in this plan to balance important public and private rights.

POLICY 4-B-2 **MAP ADOPTION:** The Town of Fort Myers Beach hereby adopts a Future Land Use Map (Figure 16) to govern further subdivision and development within its municipal boundary. The entire town is located within the coastal high-hazard area, as shown on Figure 17 which is part of the adopted Future Land Use Map series. This map advances the principles of this comprehensive plan by assigning one of eight categories to all land and water, based on its location, condition, and existing uses.

POLICY 4-B-3 **“LOW DENSITY”**: designed for existing subdivisions with an established low-density character (primarily single-family homes). For new development, the maximum density is 4 dwelling units per acre, and commercial activities are limited to home occupations as described in the Land Development Code (limited to incidental uses by the dwelling unit’s occupant that do not attract customers or generate additional traffic).

POLICY 4-B-4 **“MIXED RESIDENTIAL”**: designed for older subdivisions with mixed housing types on smaller lots, newer high-rise buildings, and mobile home and RV parks. This category will ensure that Fort Myers Beach retains a variety of neighborhoods and housing types. For new development, the maximum density is 6 dwelling units per acre (except where the Future Land Use Map’s “platted overlay” indicates a maximum density of 10 units per acre for legally existing dwelling units). Commercial activi-

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- a. the type of commercial activities (such as traffic to be generated, hours of operation, and noise);
 - b. its physical scale (such as the height, and bulk of proposed buildings); and
 - c. the orientation of buildings and parking).
- Commercial activities that will intrude into residential neighborhoods because of their type, scale, or orientation shall not be approved.

POLICY 4-C-4 BUILDING HEIGHTS: The Land Development Code shall limit the height of new buildings under most conditions to two stories above flood elevation (exceptions may include the buildback situations (see Policies 4-D-1 and 4-E-1), and different heights may be applied to officially designated redevelopment areas such as Times Square, Red Coconut/Gulf View Colony, and Villa Santini Plaza). In those few cases where individual parcels of land are so surrounded by tall buildings on lots that are contiguous (or directly across a street) that this two-story height limit would be unreasonable, landowners may seek relief through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such requests after evaluating the level of unfairness that would result from the specific circumstances and the degree the specific proposal conforms with all aspects of this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. Particular attention would be paid to any permanent view corridors to Gulf or Bay waters that could be provided in exchange for allowing a building to be taller than two stories. In each case, the town shall balance the public benefits

POLICY 4-C-5

of the height limit against other public benefits that would result from the specific proposal.

DENSITY: This plan establishes density levels as the maximum number of residential dwelling units allowed per acre of land (DU/acre). This acreage includes all residential land plus land within the development to be used for street and utility rights-of-way, recreation and open space, water management, and existing lakes that are entirely contained within the residential development. Commercial and other non-residential land shall not be included in this acreage; however, where mixed uses are permitted in a single building, residential densities will be computed without regard for commercial uses located on lower floors. When computing densities on existing subdivisions where lots are smaller than 15,000 square feet, one-half the width of adjoining streets and canals may be included in the acreage, and computed densities greater than 1.50 DU/acre may be rounded up to two dwelling units where multiple dwelling are permitted.

POLICY 4-C-6

MOTEL DENSITIES: The Land Development Code shall specify equivalency factors between guest units (which include motel rooms) and full dwelling units. These factors may vary based on size of guest unit and on land-use categories on the Future Land Use Map. They may vary between a low of one guest unit and a high of three guest units for each dwelling unit. (These factors would apply only where guest units are already permitted.) In order to implement the 1999 Old San Carlos Boulevard / Crescent Street Master Plan that encourages mixed-use buildings with second and third floors over shops on Old San Carlos, hotel rooms may be substituted for otherwise allowable office space in that situation and location

only without using the equivalency factors that apply everywhere else in the town. This alternate method for capping the number of hotel rooms applies only to properties between Fifth and First Streets that lie within 200 feet east and west of the centerline of Old San Carlos Boulevard. Hotel rooms built under this alternate method must have at least 250 square feet per rentable unit, and under no circumstances shall buildings they are located in exceed four stories (with the ground level counted as the first story).

- POLICY 4-C-7 **ACCESSORY APARTMENTS:** Accessory apartments are common at Fort Myers Beach and may be legal under several circumstances:
- i. If the apartment is in a building that meets all requirements (including density limits in this plan); or
 - ii. If the apartment was built prior to zoning in 1962 and has been in continuous use, it may qualify as a “legally non-conforming use” and can continue in use until taken out of service; or
 - iii. If the apartment was built between 1962 and 1984 and complies with all requirements except the density cap of 6 dwelling units per acre and the floodplain elevation requirements (both of which took effect in 1984); or
 - iv. If a single existing apartment is in an owner-occupied home, it is not considered an independent dwelling unit and may be allowed under certain conditions as specified in the Land Development Code.

POLICY 4-C-8 **DENSITY TRANSFERS:** The Town Council may, at its discretion, permit the transfer of residential and hotel/motel development rights from one parcel to another if the following conditions are met:

- i. the transfer is clearly in the public interest, as determined by the Town Council;
- ii. the parcels affected by the transfer are in close proximity to each other;
- iii. the density of residential or hotel/motel units being transferred is based upon allowable density levels in the category from which the density is being transferred;
- iv. the transfer is approved through the planned development rezoning process; and
- v. binding permanent restrictions are placed on the property from which development rights have been transferred to guarantee the permanence of the transfer.

POLICY 4-C-9 **UTILITY SERVICES:** Utility services may be constructed in any category on the Future Land Use Map provided all development regulations are met including proper zoning.

POLICY 4-C-10 **MAP AMENDMENTS:** The intensity and density levels allowed by the Future Land Use Map may be increased through formal amendments to this plan if such increases are clearly in the public interest, not just in the private interest of a petitioning landowner. Petitions from landowners will be accepted annually. The Town Council may accept applications more frequently at its sole discretion.

POLICY 4-C-11 **SANTOS ROAD:** The town is interested in considering land-use alternatives for parcels bordering Palermo Circle, Santos Road, and Estero Boulevard. Alternatives may include: Santos Road being added into the pedestrian zone; limited retail on the ground floor along Santos, with shared off-site parking; better buffering of existing parking and refuse areas; and a clear separation between all commercial uses and the residential areas on Palermo

Circle. These options would be explored by a privately-funded but town-initiated planning process, with full involvement of affected and nearby landowners.

POLICY 4-C-12

WETLAND BUFFERS: Upland development shall maintain a 75-foot separation between wetlands and buildings or other impervious surfaces. This requirement shall not apply to platted lots, or to a previously approved development order to the extent it cannot reasonably be modified to comply with this requirement (see Chapter 15 of this plan for details).

OBJECTIVE 4-D POST-DISASTER REDEVELOPMENT — Provide for the organized and healthy reconstruction of Fort Myers Beach after a major storm by showcasing successful local examples of flood-proofing, by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance, and by improving the current post-disaster buildback policy.

POLICY 4-D-1

POST-DISASTER BUILDBACK POLICY:

Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "buildback policy" begun by Lee County in 1989. This policy applies only where development is damaged by fire, hurricane or other natural disaster, and allows the following options:

- i. Buildings/development damaged *less than 50%* of their replacement cost (measured at the time of damage) can be re-

built to their original condition, subject only to current building and life safety codes.

- ii. Buildings/development damaged *more than 50%* of their replacement cost can be rebuilt to their legally documented actual use, density, intensity, size, and style provided the new construction complies with:
 - a. federal requirements for elevation above the 100-year flood level;
 - b. any building code requirements for floodproofing;
 - c. current building and life safety codes;
 - d. Coastal Construction Control Line requirements; and
 - e. any required zoning or other development regulations (other than density or intensity), except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.
- iii. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the town's land development regulations. To further implement this policy, the town 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. The Land Development Code may also 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.

OBJECTIVE 4-E HAZARD MITIGATION — Mitigate the potential effects of hurricanes by easing regulations that impede the strengthening of existing buildings, by encouraging the relocation of vulnerable structures and facilities, and by allowing the upgrading or replacement of grandfathered structures without first awaiting their destruction in a storm.

POLICY 4-E-1 PRE-DISASTER BUILDBACK POLICY:

Owners of existing developments that exceed the current density or height limits may also be permitted to replace for the same use it at up to the existing lawful density and intensity (up to the original square footage) *prior to* a natural disaster. Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The town will approve, modify, or deny such a request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria. The Town Council may approve additional enclosed square-footage only if an existing building is being elevated on property that allows commercial uses; dry-flood-

proofed commercial space at ground level could be permitted in addition to the replacement of the pre-existing enclosed square footage.

POLICY 4-E-2

COASTAL SETBACKS: To protect against future storm damage and to maintain healthy beaches, the Town of Fort Myers Beach wishes to see all buildings relocated landward of the 1978 Coastal Construction Control Line. This line has been used on the Future Land Use Map to delineate the edge of land-use categories allowing urban development. Some existing buildings lie partially seaward of this line; when these buildings are reconstructed (either before or after a natural disaster), they shall be rebuilt landward of this line. Exceptions to this rule may be permitted by the town only where it can be scientifically demonstrated that the 1978 line is irrelevant because of more recent changes to the natural shoreline. The town shall seek the opinion of the Florida Department of Environmental Protection in evaluating any requests for exceptions. (Exceptions must also comply with all state laws and regulations regarding coastal construction.)

POLICY 4-E-3

NATIONAL FLOOD INSURANCE

PROGRAM: The town will continually maintain a floodplain ordinance that reduces future damage from flooding and qualifies landowners for the National Flood Insurance Program. The town shall modify its current floodplain ordinance in accordance with this comprehensive plan through measures such as:

- i. not counting costs of strengthening buildings as “improvements” that are limited to 50% of a building’s value; and

COASTAL MANAGEMENT ELEMENT

The state of Florida requires all counties and cities along the coast to address special coastal management concerns that do not apply to non-coastal communities. An important reason is the need to protect these resources and human life and property in locations that are subject to large-scale destruction by tropical storms and hurricanes. This element begins with brief inventories of coastal resources in and around the Town of Fort Myers Beach, followed by in-depth treatment of critical coastal planning issues.

COASTAL PLANNING

Coastal Boundaries

The state provides guidelines for local governments in establishing their “coastal planning area,” specifying: (1) water and submerged lands oceanic water bodies or estuarine water bodies, (2) shorelines adjacent to oceanic waters or estuaries, (3) coastal barriers, (4) living marine resources, (5) marine wetlands, (6) water-dependent facilities or water-related facilities on oceanic or estuarine waters, (7) public access facilities to oceanic beaches or estuarine shorelines, (8) and all lands adjacent to such occurrences where development activities would impact the integrity or quality of the above resources.

Another important coastal boundary is the coastal high hazard area which is defined by state law as the area below the elevation of the category I storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Based on many of these guidelines, the entire municipal boundary of the town is within the coastal planning area. Figure 1 is an aerial view of the southerly end of Estero Island, taken from the south. Figure 2 illustrates the precise boundary of the town’s coastal planning area and coastal high-hazard area (the entire land area of the town plus its 1,000-foot jurisdiction over the waters). Figure 3 depicts the various hurricane vulnerability zones as determined by the Hurricane Evacuation Study, Southwest Florida (SWFRPC, 1995).



Figure 1, Aerial view of Estero Island from the south

Existing Land Use Conditions

The proximity of the Gulf of Mexico and Estero Bay make Fort Myers Beach one of the most desirable places to live and work in southwest Florida. Located within a highly populated county and being located on a bridged barrier island, it is not surprising that the Town of Fort Myers Beach is nearing full build-out of its developable land.

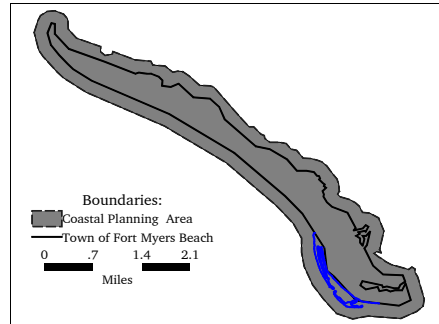


Figure 2, Coastal Planning Area, Coastal Floodplain, and Coastal High-Hazard Area (entire town)

The entire coastal planning area, as shown in Figure 2, is in the floodplain for coastal flooding, and also is in the coastal high-hazard area as defined by the state of Florida (see Figure 17 of the Future Land Use Map series and Policy 5-A-6).

The Town of Fort Myers Beach is approximately 1466 acres in size. The town stretches about 7 miles in length and averages ½ mile wide. The town is surrounded by water: to the southwest is the Gulf of Mexico; to the north is San Carlos Bay; to the east is Matanzas Pass and Estero Bay; and to the south is Big Carlos Pass. The town has approximately 41 miles of streets with Estero Boulevard running the length of the island serving as the main thoroughfare.

Because of its proximity to coastal waters, the town’s land uses are intimately tied to tourism and resort living. Although the existing uses are linked primarily to tourism, there are distinct areas within the town’s municipal limits.

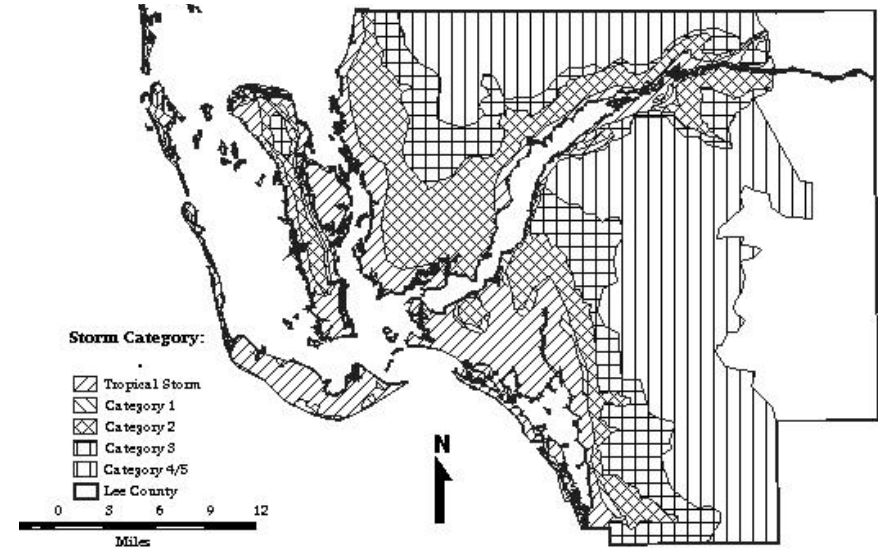


Figure 3, Lee County Hurricane Vulnerability Zones

The North End maintains a residential and resort identity. At the northern tip of the island lies Bowditch Point, a regional park. Close to Bowditch Point are several highrise hotels, resorts, and multi-family developments. Single-family dwellings are interspersed among these uses, especially on the bay side.

The Times Square area is filled with restaurants and stores that cater to tourists and residents alike. The centerpiece is Lynn Hall Memorial Park, a popular destination for beachgoers where they can sunbathe and enjoy the Gulf waters within easy reach of parking, shopping, and food.

Many of Estero Island’s original settlers located in what is now referred to as the Near Town district. This district, located on the bay side of Estero Boulevard, has primarily single-family homes with a few multi-family units mixed in. The homes are among the oldest on the island. Many of the homesites have direct water access, with canals having been dredged at the time of original development.

building (*not including* the land's value) over any five-year period. This is one example of the infamous "50% rule" that causes so much difficulty for owners of older buildings when they are trying to maintain and upgrade their property.

Instead, the town should encourage property owners to strengthen buildings before a hurricane hits rather than wait to provide disaster aid or expedited permitting to repair damage that could have been avoided. Such policy would allow property owners to strengthen their buildings by installing storm shutters or shatter-proof glass; strengthening roof attachments, floors, and walls; and minor floodproofing. One way the town can encourage strengthening by excluding these costs from the 50% rule, as proposed in the Future Land Use Element. The entire floodplain management program of the town is discussed in more detail there.

Building Back

When a passing hurricane destroys part of a community, difficult rebuilding questions arise immediately. Landowners have spent thousands and sometimes millions of dollars in developing their property. Not allowing landowners to rebuild places a great economic burden upon them. But allowing redevelopment in the same manner exposes it to destruction in the next big storm.

If a disaster occurs within the Town of Fort Myers Beach, structures could of course be rebuilt in accordance with the adopted Future Land Use Map. (In most cases, the permitted use will be the same as before the storm.) Structures that are damaged greater than 50% of their current value are allowed by Lee County to be rebuilt, however they must be rebuilt in accordance with the regulations that apply to new development. This means that the lowest floor level is elevated; land uses are severely limited on the ground level; and break-away walls may be required.

This "build-back" policy was initiated by Lee County in 1989 to allow post-disaster reconstruction at existing density levels but with improved resistance to future storms. This provision has been popular among landowners at Fort Myers Beach because of the greatly reduced density levels that would otherwise apply after a major storm.

This Future Land Use Element of this plan makes one immediate change in the build-back policy. Owners of existing buildings that exceed the current density or height limits will be offered an opportunity to replace the building at up to the existing density and intensity without waiting for a natural disaster (see Policy 4-E-1). Owners would request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The Town of Fort Myers Beach would approve, modify, or deny this request based on the conformance of the specific proposal with this comprehensive plan, including its land-use and design policies, pedestrian orientation, and natural resource criteria.

Major investments by government and private industry are made for public infrastructure. In order to rebuild, damaged infrastructure must be repaired or replaced. In a flood-prone area such as Fort Myers Beach, new or replacement infrastructure should be designed and constructed to minimize damage caused by hurricanes and tropical storms. Power lines can be placed underground. Potable water and sanitary sewer systems should eliminate infiltration of flood waters into utility systems, and they should be capable of running on auxiliary power during post-storm periods. Roads should be designed and constructed to manage minimum levels of storm events and be located in areas least susceptible to storm damage.

Structures with Repeated Damage Due to Storms

A number of structures within the town have experienced damage as a result of past floods. Lee County began a program in 1995 to identify individual buildings that have been repeatedly damaged by flooding, as evidenced by claims under the National Flood Insurance Program (NFIP) of \$1,000 or more since 1978.

That program identified the properties in Table 5-6, which are mapped in Figure 6. No meaningful pattern appears on the map that would suggest neighborhood-wide flooding remedies. Of particular interest on Table 5-6, however, is that *none* of the floods that caused considerable damage at Fort Myers Beach in the past 15 years were even minimal hurricanes; in fact two weren't even strong enough to be considered tropical storms.

Lee County is conducting a detailed assessment of the costs of improving the buildings in the unincorporated area that have been repeatedly damaged by flooding. The county hopes to obtain 75% federal funding for many of the actual improvements. If the county is successful, the town may be able to qualify for a similar grant.

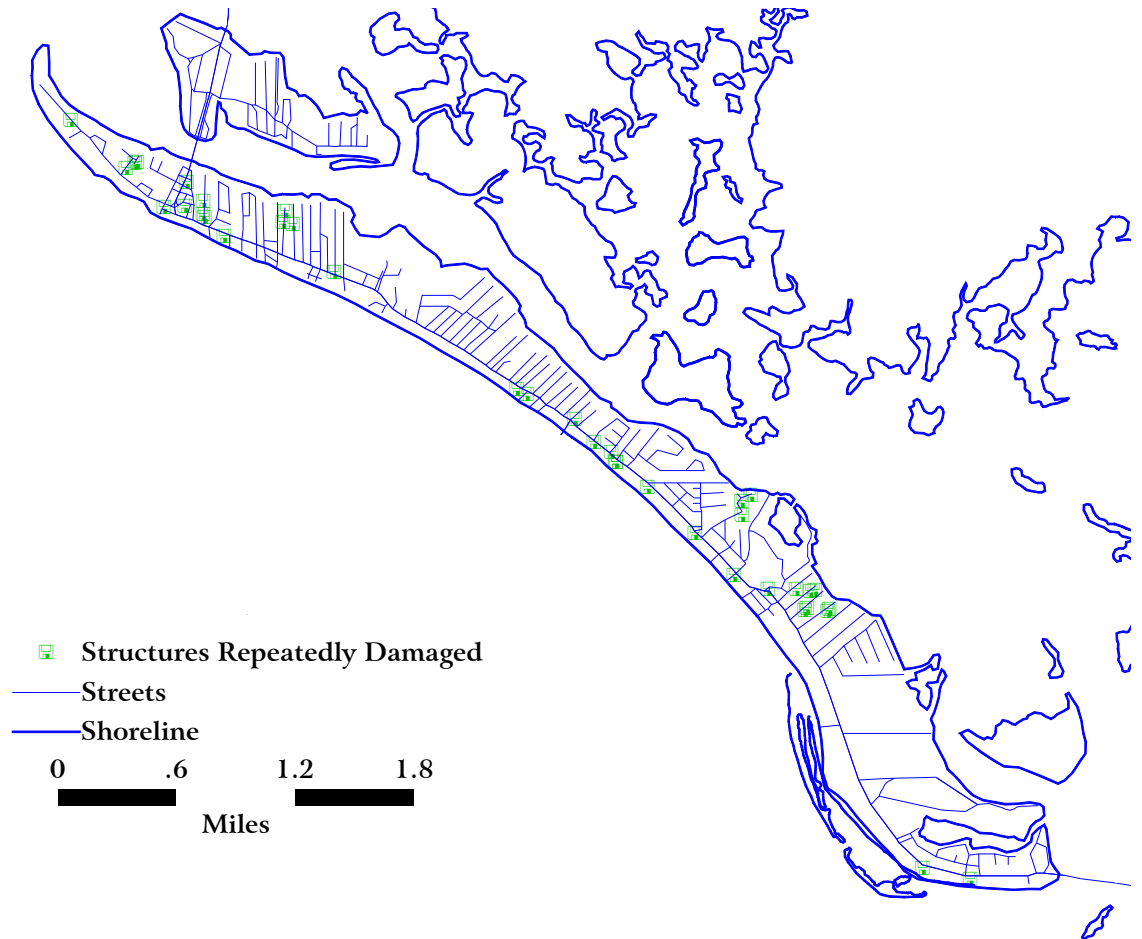


Figure 6, Repeated Flood Damage

GOALS - OBJECTIVES - POLICIES

Based on the analysis of coastal issues in this element, the following goals, objectives, and policies have been drafted for inclusion in the Fort Myers Beach comprehensive plan.

GOAL 5: To keep the public aware of the potential effects of hurricanes and tropical storms and to plan a more sustainable redevelopment pattern that protects coastal resources, minimizes threats to life and property, and limits public expenditures in areas subject to destruction by storms.

OBJECTIVE 5-A COASTAL PLANNING GENERALLY — Protect and enhance coastal resources through an on-going planning process that recognizes the advantages and limitations of living within a sensitive coastal environment. Enhancement of coastal resources can be measured by increased sea turtle nesting, improvements in estuarine water quality, and restoration of sand dunes. Important limitations on development in this coastal high hazard area include the existing over-concentration of people plus town, state, and federal policies against public expenditures that subsidize further private development.

POLICY 5-A-1 The town shall maintain and enforce building codes at least as stringent as required by Florida law to limit the potential damage of structures from hurricanes and tropical storms. These codes shall include wind-resistance commensurate with the risk of a coastal

environment and building elevation requirements that conform with federal laws and Flood Insurance Rate Maps.

POLICY 5-A-2 The maximum density of future residential development is limited to the densities described in the Future Land Use Element in recognition of natural hazards and existing population concentrations. For rebuilding of existing development, refer to the buildback policies under Objective 4-D and 4-E of the Future Land Use Element.

POLICY 5-A-3 When state funding is required for the relocation or replacement of infrastructure currently within the Coastal Building Zone, the capacity of the replacement structure shall be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs.

POLICY 5-A-4 Since the entire Town of Fort Myers Beach is within the coastal planning area and is designated as a coastal high hazard area, specific policies addressing historic buildings, phasing of infrastructure, limitations on development, and environmental resources are contained in other elements of this plan and are not repeated here.

POLICY 5-A-5 Due to the physical constraints of its coastal location, the Town of Fort Myers Beach commits to a future policy of no increase in the net development capacity (island-wide) that would be allowed by the Fort Myers Beach comprehensive plan.

POLICY 5-A-6 The entire town is located within the coastal high-hazard area, as shown on Figure 17 which is part of the adopted Future Land Use Map series (see Policy 4-B-2).

OBJECTIVE 5-B NATURAL DISASTER PLANNING — Reduce the threat of loss of life and property resulting from catastrophic storms by reducing evacuation times and improving shelter capabilities from their current levels.

- POLICY 5-B-1 The town shall work to improve the capability of evacuating Fort Myers Beach when a tropical storm or hurricane threatens to strike. Specific problem areas include:
- i. County officials may be reluctant to order a county-wide evacuation even though an evacuation may be warranted for low-lying coastal areas such as Fort Myers Beach. town officials should be prepared to order a local evacuation if one is warranted.
 - ii. Australian pines and other trees along evacuation routes can pose a threat to evacuation routes due to decay or shallow root systems; such trees need to be identified and pruned or removed.
 - iii. In a cooperative process with Lee County, Sanibel, and the Southwest Florida Regional Planning Council, the town shall seek to improve mainland shelter capacities including private sheltering options.
 - iv. The town shall work closely with Lee County and Florida DOT to maintain or improve hurricane evacuation times and procedures, including off-island traffic bottlenecks.
- POLICY 5-B-2 The town shall participate fully in the federal government's National Flood Insurance Program and seek constant improvements under the Community Rating System.

- POLICY 5-B-3 The town shall encourage owners of private buildings to strengthen or otherwise protect them before severe storms strike to reduce avoidable damage to life and property. Town regulations that unnecessarily interfere with this important form of hazard mitigation shall be modified as described in Policy 4-E-3 of the Future Land Use Element.
- POLICY 5-B-4 The town shall develop and adopt a storm emergency plan for preparing for, responding to, and recovering from a hurricane or tropical storm. Hazard mitigation recommendations of local peacetime emergency plan or interagency hazard mitigation reports shall be evaluated for inclusion in the town's plans.
- POLICY 5-B-5 Capital improvements to infrastructure and facilities under the town's jurisdiction that can maintain or improve evacuation times will be identified and included in the Capital Improvements Element.
- POLICY 5-B-6 The town shall maintain substantial reserve funds for emergency work that will be needed immediately following a major storm.

OBJECTIVE 5-C POST-DISASTER REDEVELOPMENT — Plan for post-disaster rebuilding that will reduce the exposure of human life and property to future disasters and improve the community in other ways during the rebuilding process.

- POLICY 5-C-1 By 1999, the town in cooperation with Lee County officials shall prepare a post-disaster redevelopment plan. Such plan shall be consistent with this comprehensive plan and use the following priorities:

- i. Activities which prevent further loss of life or that minimize public health risks;
- ii. Activities which restore the basic public infrastructure and services to support the population;
- iii. Activities which prevent further damage to public or private property;
- iv. Activities which begin the rebuilding process as promptly as possible.

POLICY 5-C-2 By 1998, the town shall evaluate the elevation and drainage characteristics of evacuation routes to the mainland to identify problem areas that may prematurely block evacuation. Solutions shall be sought in cooperation with agencies having jurisdiction over such facilities.

POLICY 5-C-3 Rebuilding after a natural disaster is allowed in accordance with the “buildback policy” found in Policy 4-C-7 of the Future Land Use Element.

POLICY 5-C-4 To further coordinate the redevelopment activities proposed under this plan with state and federal floodplain management programs, the town shall pursue the following activities:

- i. Pursue all potential measures to encourage corrective and preventative measures to existing houses and businesses to increase their resistance to flooding and high winds before a disaster occurs. Examples include storm shutters; shatterproof glass; strengthening roof attachments, floors, and walls; and minor floodproofing.
- ii. Allow non-conforming buildings to be modified provided the modifications do not increase the non-conformity.

- iii. Investigate the feasibility promoting pedestrian activity in some redeveloping commercial zones by raising the existing grade of roads and sidewalks one to three feet, thus allowing adjoining commercial space to remain at ground level while reducing the required height of dry floodproofing.
- iv. Explore with the Department of Environmental Protection an alternative method of controlling building intensity seaward of the Coastal Construction Control Line. The current rule allows 20% of any single building’s frontage to be enclosed at ground level. This percentage may be too high for most parts of the town, but is too low where pedestrian zones exist or are being created. An alternative means of computing the 20% rule could better meet the state’s coastal management goals and the town’s revitalization program.

POLICY 5-C-5 New publicly funded buildings within the town shall be designed to withstand major storms and be able to serve as shelters/operation centers for emergency personnel.

POLICY 5-C-6 Design new and replacement infrastructure to minimize damage caused by flooding and high winds:

- i. Power lines shall be relocated underground whenever possible.
- ii. Water and sewer systems should eliminate infiltration of flood waters and be designed to function with auxiliary power when needed.

- iii. Roads should be designed to manage minimum levels of flooding and be located where least susceptible to storm damage.

POLICY 5-C-7 Continue to inventory buildings that are repeatedly damaged by flood waters to identify those that have recorded one or more National Flood Insurance Program (NFIP) flood losses of \$1,000 or more since 1978.

OBJECTIVE 5-D BEACHES AND DUNES — Conserve and enhance the shoreline of Estero Island by increasing the amount of dunes, renourishing beaches to counter natural erosion, and reducing negative man-made impacts on beaches and dunes.

POLICY 5-D-1 The town's policies on shoreline protection measures shall be as follows (see also Objective 5 and related policies in the Conservation Element of this plan):

- i. Beach renourishment will be necessary along much of the Gulf beach. The long-term recreational and economic benefits will offset the cost. The town shall work closely with Lee County, which has agreed to take the lead role in carrying out this important activity. All practical measures shall be taken to ensure that beach renourishment improves sea turtle nesting habitat rather than interfering with it. Public access to existing and renourished beaches is an important priority of the town of Fort Myers Beach.
- ii. Sand dunes should be protected and recreated wherever they have been removed. Native dune plants should be

protected and non-native exotics removed. Dune walkovers should be constructed where they do not exist and existing structures should be maintained.

- iii. The use of vehicles on any part of the beach should be severely limited in accordance with Conservation Policy 6-E-4(iv).
- iv. Buildings and other structures should be located as far away from the shoreline and dune system as possible since the beach is a constantly changing environment. Beachfront development shall 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, interfere with public access, and block sea turtle nesting.
- v. Development (other than minor structures) shall not be allowed seaward of the 1978 Coastal Construction Control Line. Development seaward of the 1991 Coastal Construction Control Line may be permitted provided it complies with this comprehensive plan and all state and local permitting requirements.
- vi. Where buildings are threatened by erosion that cannot be reversed by major beach renourishment, the town's priorities are (1) to allow the structure to be

artesian pressure from deeper aquifers can mix with the generally better quality water of the shallower systems. The use of fertilizers and pesticides, and saltwater intrusion along the coastal shoreline, are both considered potential “nonpoint” or indirect sources of contamination.

Point source dischargers to groundwater are required to perform water quality testing on samples collected from monitoring wells and to submit groundwater quality data to DEP. There are no permitted point source discharges in the Town of Fort Myers Beach at the time this plan was prepared.

Current and Projected Water Needs and Sources

In 1996 there were 7,710 dwelling units within the town. The Future Land Use Element forecasts total housing units to increase to 8,738 at build-out at some time before the year 2020. From 2008 through build-out, an additional 175 dwelling units will require an additional 45,500 gallons per day of potable water. These additional demands are a minute portion (0.1%) of the supply increases being planned by Lee County Utilities by 2030 (source: Lee County’s Water Supply Facilities Work Plan, as updated in July 2008). For full details, see the Utilities Element.

POLICY 6-H-5 The town will implement the measures adopted in the Stormwater Management Element to reduce the polluting impacts of stormwater runoff.

POLICY 6-H-6 The town shall comply the requirements of the National Pollutant Discharge Elimination System by prohibiting the discharge of runoff, wastewater, or other potential sources of contamination into surface waters which results in the degradation of the quality of the receiving water body below the applicable standards.

OBJECTIVE 6-I WATER SUPPLY – Insure continued supplies of drinking water of sufficient quantity and quality to meet the projected demands of all consumers and the environment.

POLICY 6-I-1 Incorporate into the land development code measures applicable to new development and redevelopment to encourage water and wastewater management such as low-volume irrigation systems, xeriscape landscaping techniques, potential hook-ups to re-use water systems, and use of other conservation and recycling techniques.

POLICY 6-I-2 The town will cooperate with emergency water conservation measures of the South Florida Water Management District.

POLICY 6-I-3 The town will continue to purchase bulk water from Lee County Utilities in lieu of providing an independent supply of potable water. Lee County Utilities considers the Town of Fort Myers Beach to be part of its potable water service area and has demonstrated its ability to expand raw water supply and treatment facilities to meet anticipated growth consistent with the

2005–2006 Lower West Coast Water Supply Plan Update (prepared by the South Florida Water Management District).

OBJECTIVE 6-J GROUNDWATER – Maintain the quality of groundwater resources and improve as necessary to meet state or federal standards.

POLICY 6-J-1 Commercial excavation and mining activities are prohibited in the Town of Fort Myers Beach due to potentially detrimental effects to groundwater, surface water, wildlife habitats, and surrounding land uses and values.

POLICY 6-J-2 The Town of Fort Myers Beach opposes offshore gas and oil exploration and excavation activities which may be reasonably expected to threaten the quality of coastal beaches and estuarine ecosystems; or would place oil- or gas-related facilities on coastal beaches, islands, or wetlands; or would require the placement of oil or gas storage facilities on the island.

POLICY 6-J-3 The dredging of additional tidal canals is prohibited.

POLICY 6-J-4 The town shall support Lee County’s programs to property dispose of hazardous wastes.

POLICY 6-J-5 The town shall require connection to central water and sewer systems to eliminate demands on groundwater and reduce the potential for contamination from septic tanks.

POLICY 6-J-6 Identify any remaining septic tanks and require their use be discontinued.

Improve sidewalks and bikeways

Fort Myers Beach has outstanding opportunities to increase pedestrian and bicycle activity. The physical layout of the community encourages walking and biking, with all homes within just a short distance from the beach and active commercial areas. Currently there are sidewalks on one side of most of Estero Boulevard, and Lee County has imminent plans to fill one gap from Buccaneer to Estrellita Drive using federal funds. The town should make every effort to have this project expanded to fill the other gap from the Villa Santini Plaza to Bay Beach Lane. Future sidewalk projects would include sidewalks on the opposite side of Estero Boulevard, which would also improve safety and congestion by reducing the number of pedestrian crossings. In some areas, wide rights-of-way allow many design choices; in others, deep drainage ditches could be put underground and covered with new sidewalks.

Bicycles and pedestrians often share sidewalks, but that situation is not ideal, especially where the number of pedestrians is high and the sidewalks are narrow. Where the right-of-way is wide, separate bike paths and sidewalks can be built. In areas with limited right-of-way, bicyclists could be provided with extra-wide travel lanes (14 feet wide); bicyclists would then be able to ride with the flow of traffic, leaving the sidewalk to pedestrians. The ultimate result would be a resort environment that truly supports walking, bicycling, and public transportation.

There are several funding sources for sidewalks and bikeways, including federal “transportation enhancement” funds, gasoline tax proceeds, and (potentially) road impact fees. Another option would be the establishment of a special taxing or assessment districts (MST/BU), which could be used in conjunction with lighting or other special districts.

Require traffic impact analyses for new development

Under current regulations, the traffic impacts of new development play almost no role in the approval or denial of development orders. The Diamondhead convention center, for instance, is being built between two of the most important nodes of activity on Fort Myers Beach, and will have great impacts on both. Under current rules, however, no traffic circulation analysis was required except for a determination of whether to build a single turn lane. (Further analysis wasn’t required because no rezoning was needed and the number of trips generated in the peak hour fell below a fixed county-wide threshold.)

The town needs to ensure that its development regulations do not allow this situation to continue, and which consider the cumulative impacts of existing and potential development. The Land Development Code needs to be amended to lower the thresholds for requiring traffic impact analyses and to establish the type of analysis that will aid the town’s decision-making process. Proper technical analyses must be required, with the results used to determine whether impacts are acceptable and whether an improved design could offset some of the impacts (as in the previous example in Figure 13 where stores separated from the sidewalk will reduce usage by pedestrians and increase traffic impacts). Another example might be parking limitation criteria whereby new trips generated as a result of new or expanded land uses could not trigger a demand for additional parking. The town will need to hire a specialized transportation consultant to create the specifications that developers would be required to follow in preparing traffic impact analyses for their proposed developments.

3. Optimize the Parking Supply

Fort Myers Beach needs a comprehensive approach to its parking problems. Although this is widely understood, most responses to the “parking problem” are still short-sighted. The two most recent examples are Lee County’s current plan to go from no parking whatever at Bowditch Point to a very large lot there, and local merchants’ towing of illegally parked vehicles (rather than charging a fee for using surplus parking spaces).

The demand for parking varies greatly depending on the season. In all likelihood, any additional parking spaces that can be provided will be consumed during the peak season if they are close enough to popular beaches. But each extra vehicle that is driven to Fort Myers Beach during the peak season adds to the existing congestion. Parking spaces quite a distance from the beaches, especially if on the mainland and served by trolleys, are less likely to be used, but are far better from the standpoint of congestion and improving the pedestrian environment; the difficulty is in making them convenient or appealing enough to attract more than occasional users.

The *location* of public parking must be balanced with actual demand and connected to popular destinations with comfortable sidewalks or public transportation. Likewise, the total *supply* of parking spaces must be balanced with overall road capacity. It does visitors little good to have enough parking spaces if they cannot be reached without an interminable wait in traffic. A surplus of on-island beach parking can work directly against the success of off-island parking and public transportation. In fact, many communities find that a moderate parking shortage reduces unnecessary car trips and encourages walking and the use of public transportation.

A net increase in public parking is needed, but some existing lots are not being used to capacity. Public or private efforts to meet the full theoretical “peak season demand” for parking would be

as counter-productive as widening Estero Boulevard as much as needed to eliminate traffic congestion.

As with road improvements, parking improvements must serve the community without overwhelming it. The most important components of the town’s parking strategy will be described briefly in this section:

- **Encourage shared parking lots**
- **Big may not be better when sizing parking lots**
- **Visitors need to be directed to available parking**
- **Planning for parking**

(A more thorough discussion of parking problems and various solutions can be found on pages 7-A-19 to 7-A-30 of Appendix A.)

5. Experiment Widely

Although many resort communities have severe traffic problems, the exact nature of the problems can differ greatly. Although Lee County and Florida DOT have tried to address traffic problems at Fort Myers Beach, their attention is inevitably divided across their entire jurisdiction. The Town of Fort Myers Beach needs to constantly search for innovative solutions to long-standing problems and to new problems as they develop.

Many traffic engineering solutions can be tried as closely monitored experiments. The town can be a catalyst for those experiments, and may wish to retain a creative traffic engineer to provide advice on a continuing basis. This would be especially helpful if the town experiments with complex changes such as reversible lanes (see pages 7-A-35 to 7-A-39 of Appendix A).

An official spirit of experimentation will allow creative ideas to be tested without any stigma of failure if they prove unpopular or unproductive. The following list of experiments and data needs has been compiled from citizen comments during the preparation of this plan:

- Signalized pedestrian crossing at Times Square: This important pedestrian crossing was recently provided with a full traffic signal, actuated by pedestrian push-buttons. Since Estero Boulevard has only two lanes here, and traffic often moves slowly around the bend, pedestrians often tire of waiting for the light to change and cross when they see a gap in traffic. Motorists are then forced to stop for no apparent purpose. This signal might operate better as a continuously flashing yellow, especially if pedestrians had a more protected refuge between the lanes. If such an experiment failed to allow pedestrian crossings at an acceptable level of safety, a pedestrian overpass may be able to reduce the number of pedestrians in the crosswalk without discouraging foot traffic in this

highly congested area.

- San Carlos Boulevard approach to the Matanzas Pass Sky Bridge: The widening of San Carlos Boulevard from the mainland has created severe problems on the approach to the sky bridge where its five lanes are reduced to two lanes. Initial experiments have already been tried to discourage drivers from using side streets on San Carlos Island to get ahead of the line of cars waiting to enter the bridge. Another problem is cars that pass the waiting line and then take advantage of polite tourists by slipping in at the front of the line, greatly lengthening the wait for all other drivers. Creative experimentation is certainly called for here.
- Variable message signs: These signs were discussed earlier as an ideal way to advise motorists of congestion delays and available parking. The signs themselves and their data-collection devices will require creative planning and engineering to fulfill their promise.
- Origin/destination data: The December 1993 origin/destination survey was a good source of data but needs to be repeated at different times of the year to provide truly meaningful information for transportation and tourism planning. This may be accomplished through the Metropolitan Planning Organization's proposed "Barrier Island Travel Survey." This 1999 survey will include roadside origin/destination and on-board transit surveys on Estero Boulevard and may be co-sponsored by the Sanibel and Fort Myers Beach councils.

- Transportation demand management (TDM): This concept attempts to reduce the number of single-occupant vehicles during peak traffic periods, either by eliminating some trips completely, or by accommodating existing trips in fewer vehicles, or by moving some trips before or after the most congested periods. TDM techniques are often implemented by employers; at Fort Myers Beach, tourist-related employers have many low-paid employees who could benefit from employer-sponsored transportation between the workplace and off-island locations (such as interceptor parking lots, or major bus transfer points). Ideally such transportation would be combined with shift changes that avoid peak periods on the roads.

The Lee County MPO has adopted its own TDM plan with similar goals. As a result, Lee Tran has begun a commuter assistance program who works with employers to establish carpool and vanpool program and to market other Lee Tran services.

The development of effective TDM programs at Fort Myers Beach could be approached as a public/private partnership, with pilot programs to test potential TDM strategies. Fort Myers Beach has the dubious advantage of so much peak season congestion that TDM strategies wouldn't seem unrealistic or more of a constraint on freedom than sitting in traffic.

- Delivery vehicles: Large delivery vehicles often block roads and sidewalks while unloading goods for area stores and restaurants. This situation has reached intolerable levels, especially near Times Square and the Villa Santini Plaza. Sometimes emergency vehicles are blocked by these trucks. Other older communities have been forced to limit the hours of these deliveries, since it is difficult to retrofit older build-

ings with off-street loading areas. To avoid interference with traffic and pedestrian flow, the town needs to work with local businesses to develop a strategy to limit commercial deliveries during peak traffic periods.

- Flooding of roadways: During periods of minor flooding, the town has a unique opportunity to monitor the performance of roadside drainage systems to detect problems that could prematurely halt evacuations. These problems could be inadequate drainage for rainfall, or low-lying areas subject to tidal flooding. This monitoring should extend beyond Estero Island, since there are low points off the island both directions that could block an evacuation prematurely.

LEVEL-OF-SERVICE STANDARD

This comprehensive plan must establish a minimum “level of service” standard for roads. This standard is required by the concurrency provisions of Florida law; no development or building permits can be issued if it will be exceeded.

Fort Myers Beach faces an unusual problem in establishing such a standard. Its major road, Estero Boulevard, already operates at what is considered an unacceptable level of service in the winter. This congestion is caused by a combination of high tourism demand for its beaches and past over-building relative

GOALS - OBJECTIVES - POLICIES

Based on the analysis of transportation issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 7: To improve peak-season mobility without reducing the permeability of Estero Boulevard to foot traffic or damaging the small-town character of Fort Myers Beach. The town seeks to reduce speeding, improve evacuation capabilities, and improve mobility through balanced transportation improvements such as a continuous system of sidewalks and bikeways, a network of trolleys and water taxis linked to off-island systems, and parking options matched to road capacity.

OBJECTIVE 7-A DEFINING THE PROBLEMS — Through this plan, the Town of Fort Myers Beach will address its three major transportation problems: congestion (by supporting public transit and pedestrian improvements), parking (by improving public parking near Times Square), and speeding (through passive traffic calming on Estero Boulevard).

POLICY 7-A-1 CONGESTION: Every winter, Estero Boulevard becomes so crowded that traffic backs up, sometimes for miles in both directions. Much of this congestion is caused by visitors, who will continue to frequent the beaches regardless of development levels on Estero Island. Despite the road congestion, the

town welcomes visitors and intends to provide mobility alternatives as described in this plan.

POLICY 7-A-2 PARKING: Even though existing parking lots are not used to capacity, parking is not abundant at Fort Myers Beach. The welcome rebirth of commercial activity near Times Square will increase the demand for parking. The Town of Fort Myers Beach will address parking shortages through the methods outlined in this plan.

POLICY 7-A-3 SPEEDING: Despite the virtual crawl of traffic on parts of Estero Boulevard, speeding is also a problem. If motorists didn't speed on Estero Boulevard, many more people would get out of their own cars. The town will protect the pedestrian environment along Estero Boulevard and will not widen travel lanes or discourage safe pedestrian movement across the boulevard.

OBJECTIVE 7-B CONVENTIONAL SOLUTIONS — The usual response to traffic congestion is widening roads or building alternate routes. Estero Island's long narrow shape, frequent navigable canals, sensitive environmental, and highly urbanized character preclude these solutions. Congestion management at Fort Myers Beach must aim to reduce delay and improve safety, not just for motorists but for pedestrians and bicyclists as well.

POLICY 7-B-1 DELAY AND SAFETY: The town recognizes that many efforts to reduce delay and improve safety for motorists have the opposite effect on pedestrians. Creative solutions will be required to address both concerns.

POLICY 7-B-2 **WIDENING:** Under no circumstances shall conventional four-laning of Estero Boulevard be considered as a desirable means of improving traffic circulation on Estero Island.

POLICY 7-B-3 **IMPROVEMENTS TO ESTERO BOULEVARD:** The Town of Fort Myers Beach shall initiate additional pedestrian and streetscape improvements along Estero Boulevard beginning in 1999, and shall negotiate with Lee County for the turnover of responsibility for its maintenance if necessary to carry out these improvements or to further other town policies.

OBJECTIVE 7-C EVACUATION ROUTE — Estero Boulevard’s critical function as the sole evacuation route for Fort Myers Beach shall be considered in all planning and development activities.

POLICY 7-C-1 **EVACUATION CAPACITY:** Evacuation routes do not need to be designed as high-speed roadways. The critical factor is the total number of cars that can evacuate in a given period of time. The town shall evaluate all efforts by Lee County or by the town to reduce speeding on Estero Boulevard during the design phase to ensure that these efforts will not hinder an effective evacuation.

POLICY 7-C-2 **FLOODING:** The town shall analyze actual flooding of evacuation routes that occurs due to tropical storms or hurricanes, and shall initiate physical improvements that can avoid future flooding at those locations.

OBJECTIVE 7-D VARIETY OF TRAVEL MODES — The Town of Fort Myers Beach shall make efforts every year to improve mobility for its residents and visitors, striving for a balanced transportation system that allows safe movement even during peak periods of traffic congestion. These efforts may include further subsidies to improve the trolley system, the use of impact fees to improve sidewalks, and creation of critical links on the hidden-path system.

POLICY 7-D-1 **ARRIVE WITHOUT A CAR:** Fewer vehicles would be driven to Fort Myers Beach if scheduled airport shuttle service were available. The town shall encourage this service and the designation of a central drop-off point that could include a trolley stop and taxi stand.

POLICY 7-D-2 **IMPROVE TROLLEY SERVICE:** Trolley ridership increases when service is more frequent and when fares are low or free, yet no long-term funding or operational plan has been developed for providing higher service levels. Practical measures to improve trolley usage include:

- i. Recurring subsidies from tourism sources so that service can be enhanced and congestion minimized during heavy seasonal traffic;
- ii. Pull-offs at important stops along Estero Boulevard so that passengers can safely board and traffic is not blocked excessively; these pull-offs could be built during other improvements to Estero Boulevard or required by the Land Development Code during the re-development process.

- iii. Clear signs at every stop with full route and fare information;
- iv. Bus shelters at key locations, with roofs, benches, and transparent sides;
- v. Replacement of the existing trolley buses with clean-fuel vehicles so that businesses won't object to having trolleys stop at their front doors; and
- vi. Accommodation of the special needs of the transportation disadvantaged.

POLICY 7-D-3 **ALTERNATE TRAVEL MODES:** The town shall support alternatives to car travel to free up road capacity for trips that do require a car. Public funding sources shall include county/state gasoline taxes and road impact fees. The town shall modify its road impact fee ordinance by 1999 to allow these fees to be spent (within legal limits) on capital improvements that relieve road congestion, such as better sidewalks, trolley improvements, and off-island parking areas. The town seeks to at least double the usage of the trolley system by the year 2001 (from its 1996 total ridership level of 238,754).

POLICY 7-D-4 **ENCOURAGE WATER TAXIS:** Fort Myers Beach has great potential for water transportation, with its canals, natural waterways, and high levels of tourism. To encourage the private sector to provide this service, the town shall ease regulations that require a water taxi to provide dedicated parking spaces at every stop and shall encourage restaurants, motels, and marinas to provide dockage for water taxis. Where possible, water taxi drop-off sites should avoid areas of high manatee concentration, or use protective measure such as propeller guards, jet propulsion, or electric motors.

POLICY 7-D-5 **HIDDEN-PATH SYSTEM:** The town shall support the creation of a quiet network of "hidden paths" running on the Bay side parallel to Estero Boulevard. This network would provide an alternative to walking and cycling along Estero Boulevard (as described further in the Community Design Element). Initial land acquisition shall begin in 1999.

OBJECTIVE 7-E UPGRADE ESTERO BOULEVARD — As part of its congestion avoidance strategy, the town shall methodically upgrade Estero Boulevard to reduce speeding and encourage walking, as higher traffic speeds and car-oriented businesses are antithetical to its pedestrian character. (If a suitable partnership to this end cannot be achieved with Lee County, the town may consider taking on maintenance responsibility for Estero Boulevard.)

POLICY 7-E-1 **TIMES SQUARE STREETScape:** The town shall begin work by 1999 toward extending southward the curbs, colorful sidewalks, and street trees installed by the Estero Island CRA in 1996. Similar sidewalks should be placed on both sides of Estero Boulevard as far south as the public library, including drainage, lighting, and trolley improvements. Unspent funds from the Estero Island CRA should be sought from Lee County toward this end. Generous urban sidewalks should also be built in the future around the Villa Santini Plaza as part of its redevelopment (as described in the Community Design Element).

POLICY 7-E-2 **TRAFFIC CALMING:** The town shall support two types of traffic calming to reduce speeding, which endangers lives and diminishes the quality of the pedestrian environment of Fort Myers Beach:

- i. The first is “active” or traditional traffic calming along residential streets, using physical techniques such as speed humps, narrowed lanes, landscaping, traffic diverters, jogs, or traffic circles at intersections.
- ii. The second is “passive” traffic calming along Estero Boulevard, to control speeding without reducing the number of vehicles that can use the road. Techniques include full curbs and sidewalks separated by street trees; buildings nearer the road; interesting vistas for drivers; and avoidance of overly wide travel lanes or intersections.

POLICY 7-E-3 **BUILDINGS CLOSE TO THE STREET:** Where pedestrian levels are high, buildings should adjoin the sidewalk rather than be separated by parking spaces. Front walls of stores, offices, and restaurants should have large windows rather than blank walls, preferably shaded by awnings or canopies. Access to parking areas shall be off side streets wherever possible. The town’s Land Development Code shall implement these concepts beginning in 1999.

POLICY 7-E-4 **SIDEWALKS AND BIKEWAYS:** The town shall work toward major expansion of sidewalks and bikeways. In addition to the next phase of Estero Boulevard sidewalks (see Policy 7-E-1 above), the town shall support the following projects:

- i. Support Lee County’s imminent plans to fill the gaps from Buccaneer to Estrellita Drive and from the Villa Santini Plaza to Bay Beach Lane using federal funds;
- ii. Initiate extensive improvements by 1999 to Old San Carlos and Crescent Street in conjunction with parking improvements (see Policy 7-F-2);
- iii. Initiate engineering studies by 1999 for bikeways and additional sidewalks on the second side of Estero Boulevard and improved pedestrian crossings, including consideration of a pedestrian overpass at Times Square.

OBJECTIVE 7-F OPTIMIZE THE PARKING SUPPLY — Off-island parking facilities served by convenient public transportation should be provided to meet peak-season demands. For year-around demand, the town shall provide additional on-island public parking spaces, based in part on a new peak-season occupancy survey of existing public parking spaces.

POLICY 7-F-1 **ENCOURAGE SHARED PARKING LOTS:** Parking lots serving a variety of land uses require much less space than separate on-site lots for each business. Shared lots waste less land and encourage walking because businesses aren’t separated by large parking lots. The town shall encourage shared parking lots when businesses are relatively small, are clustered together, and have different busy periods.

POLICY 7-F-2 **SHARED PARKING NEAR TIMES SQUARE:** The Estero Island CRA recommended a reservoir of shared parking behind businesses along Old San Carlos and adding 165 on-street parking spaces near Times Square (although some of these spaces would merely replace spaces lost to new recreational facilities at Lynn Hall Park). The town shall investigate the feasibility of this concept in 1998-1999 and proceed toward implementation, or create an alternate plan that may include a parking garages near Times Square.

POLICY 7-F-3 **BETTER PARKING LOTS:** Large parking lots or garages are usually more cost-efficient to build and maintain, but may not be the best solution for Fort Myers Beach. Disadvantages of large lots include high capital costs; the possibility of providing more parking than is needed or can be handled by the road system; and the unsightliness of most large parking lots and garages.

POLICY 7-F-4 **DIRECT VISITORS TO AVAILABLE PARKING:** Many visitors are unaware of existing parking lots; others would be dissuaded from driving if they were aware of the shortage of parking. Variable message signs can aid both situations. The town should encourage Lee County and FDOT to install these signs with information about all major parking areas, including the state park at Lovers Key.

OBJECTIVE 7-G THE FUTURE OF THE BRIDGES — Match bridge capacity to Estero Island with the capacity of Estero Boulevard.

POLICY 7-G-1 **ADEQUACY OF THE SKY BRIDGE:** There is little evidence that traffic congestion at Fort Myers Beach is caused by any inadequacy of the Matanzas Pass Sky Bridge, which unlike Estero Boulevard has no interference from intersecting streets, parking spaces, or pedestrians crossing the street.

POLICY 7-G-2 **CHANGES TO THE SKY BRIDGE:** If parking lots at Bowditch Point or Times Square greatly increase demand for north-bound turns at the foot of the bridge, striping a third lane on the existing bridge might be considered, as might a reversible third lane during the peak season.

POLICY 7-G-3 **RESPONSIBILITY FOR THE SKY BRIDGE:** FDOT may be willing to turn over responsibility for the Sky Bridge to the Town of Fort Myers Beach. This would be advantageous to the town only if part of a congestion management system with peak-period tolls, off-island parking lots, and improved mass transit .

POLICY 7-G-4 **ADDITIONAL BRIDGE CAPACITY:** Additional bridge capacity should not be directed to Times Square (except for the potential restriping in Policy 7-D-2). New lanes to Old San Carlos or Crescent Street would also be undesirable, as most congestion is caused by conditions on Estero Boulevard south of Times Square. Previously proposed bridges from Winkler Road or Coconut Road are infeasible from environmental and financial standpoints and need not be considered further.

OBJECTIVE 7-H EXPERIMENT WIDELY — The town shall constantly search for innovative solutions to long-standing traffic problems and to new problems as they develop, and shall coordinate its efforts with those of the Lee County Metropolitan Planning Organization. The town shall serve as a catalyst for traffic engineering experiments that would evaluate minor improvements that might improve traffic flow at Fort Myers Beach. Some potential improvements are described in the following policies.

POLICY 7-H-1 **PEDESTRIAN OVERPASSES:** Although pedestrian overpasses are often ignored by pedestrians, an overpass providing a panoramic view of the Gulf might be attractive enough to reduce at-grade crossings at Times Square without discouraging foot traffic in this highly congested area. Even without an overpass, the pedestrian-actuated stop light may be replaceable with a flashing caution light to minimize effects of the crossing on traffic flow.

POLICY 7-H-2 **SAN CARLOS BOULEVARD:** The five-laning of San Carlos Boulevard has created severe problems near the approach to the Sky Bridge. Creative experiments are needed to discourage drivers from using the right-hand lane, or side streets on San Carlos Island, to bypass the line of cars waiting to enter the bridge.

POLICY 7-H-3 **RESERVED**

POLICY 7-H-4 **VARIABLE MESSAGE SIGNS:** These signs could advise motorists of congestion delays as well as available parking. The town should urge the detailed study of this con-

cept by Lee County, FDOT, and the Metropolitan Planning Organization.

POLICY 7-H-5 **ORIGIN/DESTINATION DATA:** Better data is needed on the origins and destinations of motorists during the peak season, and the town supports the MPO's efforts to obtain this data.

POLICY 7-H-6 **TRANSPORTATION DEMAND MANAGEMENT:** This part of a congestion avoidance strategy reduces the number of single-occupant vehicles during peak traffic periods, either by eliminating some trips completely, or by accommodating existing trips in fewer vehicles, or by moving some trips before or after the most congested periods. This strategy may alleviate peak-season traffic congestion if implemented aggressively in cooperation with area businesses.

POLICY 7-H-7 **DELIVERY VEHICLES:** To avoid interference with traffic and pedestrian flow, the town shall develop a strategy to limit commercial deliveries during peak traffic periods.

POLICY 7-H-8 **FLOODING:** During periods of minor flooding, the town shall monitor the performance of roadside drainage systems on and off Estero Island to identify areas where an evacuation could be prematurely halted.

POLICY 7-H-9 **PROFESSIONAL ASSISTANCE:** The town may wish to retain a creative traffic engineer to provide advice on these experiments on a continuing basis.

POLICY 7-H-10 **CONNECTIONS TO ESTERO BOULEVARD:** An excessive number of streets and driveways have direct access to Estero Boulevard, reducing its ability to handle peak-

season traffic. The town shall take advantage of any suitable opportunities to consolidate street connections into fewer access points onto Estero Boulevard.

OBJECTIVE 7-I LEVEL-OF-SERVICE STANDARD — Maintain minimum acceptable levels of service for the transportation system.

- POLICY 7-I-1 Traffic congestion is a serious problem at Fort Myers Beach, caused by a combination of high tourism demand for its beaches and past over-building relative to road capacity. Neither factor is within the control of the Town of Fort Myers Beach, although its residents must tolerate congestion every winter. This comprehensive plan seeks to manage congestion levels and encourage alternate means of mobility including walking, bicycling, and trolleys.
- POLICY 7-I-2 The peak capacity of Estero Boulevard's congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.
- POLICY 7-I-3 Figure 18 of this element is hereby adopted as the future transportation map of the Town of Fort Myers Beach.

OBJECTIVE 7-J PROTECTING PUBLIC ACCESS — Although no future right-of-way needs have been identified, some existing town and county rights-of-way are substandard and few are wider than needed. The town shall not vacate or acquiesce in the vacation of existing rights-of-way except where no public purpose would be served by retaining the right-of-way.

- POLICY 7-J-1 **RIGHTS-OF-WAY:** Town and county rights-of-way are needed for the undergrounding of utilities; for the expansion of sidewalks and bike paths; for water accesses; for on-street parking; for public transit and road improvements; and for other public purposes. The town shall strictly limit vacations of rights-of-way and easements to preserve future access for these purposes.
- POLICY 7-J-2 **TRAFFIC IMPACT ANALYSES:** A thorough traffic impact analysis is currently required only for major rezonings and very large development orders. The town shall amend its Land Development Code during 2010 to:
- i. decrease the thresholds for requiring traffic impact analyses;
 - ii. require them to study the cumulative impacts of potential development; and
 - iii. use the results in assessing whether impacts are acceptable, and whether an improved design could offset some of the impacts.

UTILITIES ELEMENT

INTRODUCTION	8 - 1
PURPOSE OF THIS ELEMENT	8 - 1
WATER SUPPLY	8 - 1
Existing and Projected Water Facility Needs	8 - 3
Bulk Water Agreement with Lee County	8 - 5
Traditional and Alternative Water Supply Sources	8 - 5
Work Plan for Constructing New Supply Facilities	8 - 6
Water Conservation	8 - 7
SEWER SERVICE	8 - 8
Existing and Forecasted Sewer Service Needs	8 - 8
Performance of Existing Facilities	8 - 8
Expansion Needs	8 - 9
SOLID WASTE	8 - 9
Solid Waste Collection at Fort Myers Beach	8 - 9
Landfill Operations	8 - 10
Resource Recovery Plant	8 - 10
Recycling Program	8 - 11
Fees	8 - 11
Hazardous Waste	8 - 12
Existing and Forecasted Solid Waste Needs	8 - 12
Expansion Needs	8 - 14
UTILITIES AND CONCURRENCY	8 - 14
GOALS - OBJECTIVES - POLICIES	8 - 15
OBJECTIVE 8-A RELATIONS WITH UTILITIES	8 - 15
OBJECTIVE 8-B LEVELS OF SERVICE	8 - 16
OBJECTIVE 8-C WATER CONSERVATION	8 - 17
OBJECTIVE 8-D SOLID WASTE	8 - 17
APPENDIX: INFLUENCE OF LEGISLATION	8 - 19

UTILITIES ELEMENT

INTRODUCTION

The Town of Fort Myers Beach is a retail provider of drinking water but does not provide other direct utility services. Three major utility services are provided by others:

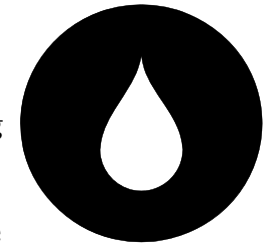
- **Bulk water** is provided by Lee County Utilities, a branch of Lee County government;
- **Sewer service** is provided directly to town residents and businesses by Lee County Utilities; and
- **Solid waste**, with pickup by investor-owned companies operating under a franchise from the Lee County government. Lee County also handles the ultimate disposal of trash from its various contracted trash haulers.

This comprehensive plan examines each of these services and assesses future expansion needs to accommodate growth. This plan also establishes “minimum levels of service” that must be met at all times in order for growth to continue.

Even though some of these services are actually provided by others, the town must ensure that proper provisions are being made for continued high-quality service into the future. The town may also wish to play a greater role in utilities in the future, for example by directly franchising its trash hauler rather than being included in one of Lee County’s larger contracts. Other alternatives for the town are discussed in this element.

PURPOSE OF THIS ELEMENT

The Utilities Element analyzes the availability of public facilities to meet the existing and future needs of the town. This analysis of potable water, sanitary sewer, and solid waste disposal service is mandated by Florida’s growth management legislation. Rule 9J-5.001 of the *Florida Administrative Code* requires that water, sewer, and solid waste services be provided in accordance with future land use projections, and it identifies a basic framework for inventories of existing infrastructure and services. It also provides the basis for the goals, objectives, and policies to be adopted in this comprehensive plan.



If proper water, sewer, and solid waste facilities are not available, the timing and location of development can be affected, as occurred during sewer moratoriums at Fort Myers Beach in the 1980s. Planning for these services is an integral part of any comprehensive plan.

WATER SUPPLY

Florida Cities Water Company, a private company, provided potable (drinking) water to the Town of Fort Myers Beach and surrounding areas until 2001, when the company was acquired by Lee County Utilities, a branch of Lee County government. Lee County then resold the water distribution system on Estero Island to the Town of Fort Myers Beach.

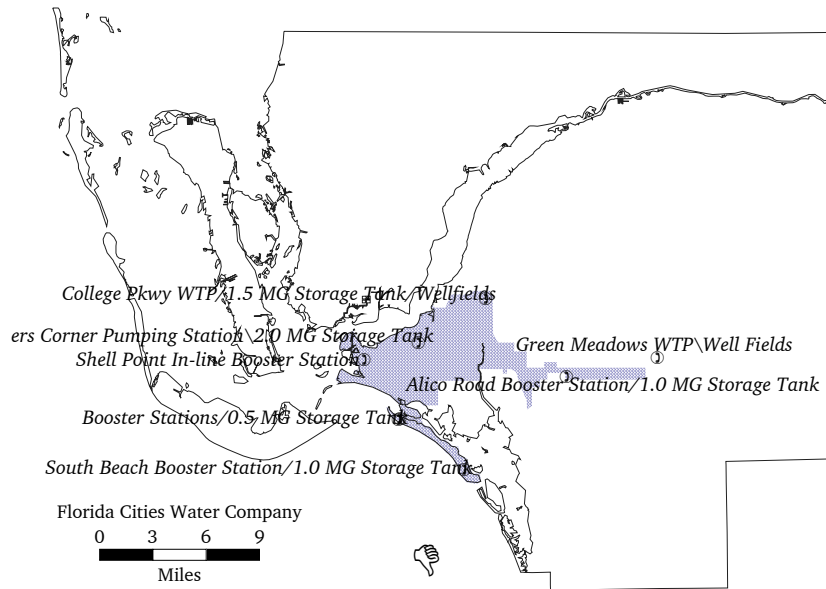


Figure 1, Former Florida Cities' south franchise boundaries & location of facilities

Figure 1 identifies the former Florida Cities' South Fort Myers certificated potable water supply area, which included the Town of Fort Myers Beach and nearby portions of mainland Lee County.

Lee County Utilities in 2001 acquired Florida Cities' two water treatment plants in the South Fort Myers area, which had supplied the following data about their operation. The Green Meadows Water Treatment Plant and College Parkway Treatment Plan, and their accompanying well fields, served this area. These plants had permitted and plant design capacities of 9,000,000 gallons per day (Green Meadows) and 1,500,000 gallons per day (College Parkway). These plants served approximately 16,000 water customers and an estimated population of about 56,000 (at an average of 3½ persons per connection). Land uses served are primarily residential and some commercial. Florida Cities

estimated that 3,000 of these customers and 10,500 of the population were located within the town's limits. (The number of customers is less than the total number of dwelling units because a majority of dwellings within the town are multi-family units, which share a water meter and are considered as "one customer.")

Florida Cities had a number of other facilities that served this area. These include:

- South Beach booster station and 1,000,000-gallon ground storage tank;
- North Beach booster station and 500,000-gallon ground storage tank;
- Marina in-line booster station;
- Miners Corner pumping station and 2,000,000-gallon ground storage tank; and
- Alico Road booster station and 1,000,000-gallon ground storage tank.

These facilities are also delineated on Figure 1. Figure 2 displays the potable water lines within the Town of Fort Myers Beach, indicating that potable water service is available throughout the town.

The average annual daily water demand within the South Fort Myers area averaged 5,757,000 gallons per day in 1997. The peak monthly demand was 7,306,000 gallons per day in 1997; the peak daily demand was 7,781,000 gallons on March 23, 1997.

Florida Cities did not have a meter at Matanzas Pass that measured total water consumption in the Town of Fort Myers Beach. In place of this data, a "proportional capacity" can be calculated to estimate the percentage of actual water consumption and of water treatment capacity used by the town, relative to the entire service area on the mainland. This capacity

is based on the peak number of customers within each location, compared to the peak month's average daily water demand and the total design capacity of the treatment plant. These figures are shown in Table 8-1. (Proportional capacity figures can be somewhat misleading since demand may be greater in one location one day and less on another day.)

The "level of service" *currently being provided* can be estimated using various methods. Residential levels of service are expressed here in "gallons per person per day." This calculation uses the peak month's average daily demand, which is then divided by the estimated peak population for the entire service area, yielding a figure of about 130 gallons per person per day, as shown in Table 8-2. (Note that this calculation does not apportion water consumption to commercial or industrial uses.) This computation is based on the entire service area rather than just the town because the actual peak population of the town greatly exceeds the population estimates used by Florida Cities.

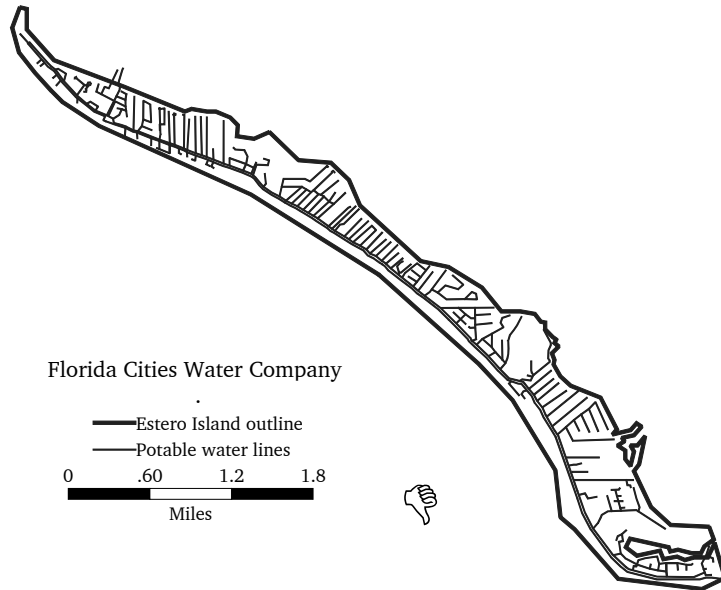


Figure 2, Potable water lines on Estero Island

Table 8-1 — Proportionate Capacity of Potable Water Treatment Facilities, 1995/96

<i>Customers/ Water Consumption</i>	<i>Town of Fort Myers Beach</i>	<i>Remainder of Lee County certificated area</i>
Approximate number of customers	3,000	13,000
Estimated peak population served	10,500	45,500
Estimated share of consumption using peak month water demand (gpd)	1,369,875	5,936,125
Estimated share of total plant design capacity (gpd)	1,968,750	8,531,250

Source: Population and total gpd figures from Florida Cities Water Company

**Table 8-2
Current Levels of Service for Potable Water**

<i>Peak Month Average Daily Water Demand (gpd):</i>	<i>Estimated Peak Population Served:</i>	<i>Gallons Per Person Per Day:</i>
7,306,000	56,000	130.46

Existing and Projected Water Facility Needs

Florida Cities used fixed gallon-per-day rates when designing its facilities. Single-family dwelling units are assumed to use up to 300 gallons per day, which constitutes one equivalent residential connection (ERC), and 240 gallons per day for multifamily units. Those standards have also been established in the Lee County Comprehensive Plan which has jurisdiction until the town's own plan is adopted. Lee County also established minimum standards for mobile homes and recreational vehicles at 187.5 and 150 gallons per day respectively. The state has established a

minimum water pressure standard of 20 pounds per square inch. An average pressure of 55 to 60 pound per square inch is maintained throughout the Fort Myers Beach distribution system.

For comprehensive planning purposes, the Town of Fort Myers Beach need not adopt these same standards. However, it would be best to use a standard based on dwelling units rather than people, since new housing is approved one dwelling unit at a time. By further defining this standard on an “ERC” basis, it can also be applied to new commercial development, which at Fort Myers Beach usually does not depend primarily on island residents for its customers. A simple and uniform standard would be 260 gallons per ERC (based on 130 gallons per person per day, times 2 people per typical unit). Since no further mobile home or recreational vehicle developments are expected, separate standards are not needed for them.

The 1990 U.S. Census reported 7,420 dwelling units within the town’s limits in April of that year. An additional 472 units were later constructed for a 1996 total of 7,710. As noted in the Future Land Use Element, housing units are forecasted to increase to 8,738 at buildout before the year 2020. An additional 175 dwelling units built after 2008 are forecasted to require an additional 45,500 gallons per day of potable water. Table 8-3 summarizes these forecasts. These additional demands are a minute portion (0.1%) of the supply increases being planned by Lee County Utilities by 2030 (source: *Lee County’s Water Supply Facilities Work Plan*, as updated in July 2008).

Table 8-3 — Forecasted Water Demand for the Town of Fort Myers Beach

<u>Year</u>	<u>Permanent Population</u>	<u>Peak-Season Population</u>	<u>Total Number of Dwelling Units</u>	<u>Total Daily Water Demand (at 260g/DU)</u>	<u>Forecasted Number of New Dwelling Units after 2008</u>	<u>Additional Forecasted Water Demand after 2008</u>
1996	6,039	15,680	7,710	2,004,600	—	—
2003	6,792	17,635	8,157	2,120,820	—	—
2008	7,100	18,435	8,527	2,217,020	—	—
2013	7,240	18,800	8,696	2,260,960	140	36,400
2018	7,275	18,890	8,738	2,271,880	175	45,500
2023	7,275	18,890	8,738	2,271,880	175	45,500

Source: See Future Land Use Element and Evaluation/Appraisal Report (2007) for details on forecasts

Bulk Water Agreement with Lee County

In August 2001, the Town of Fort Myers Beach entered into a binding contract with Lee County concerning the source of potable water that would be supplied to customers within town boundaries.

The county agreed to be fully responsible for providing a bulk supply of water to the town, which the town would then resell to its retail customers. The county confirmed that its water production and treatment facilities met all state and federal standards (and would meet all future standards), and that the county has and would continue to have the ability to provide sufficient water to the town for the duration of the agreement (a period of 25 years).

The town agreed not to purchase water from any other source, not to resell this bulk water to any other wholesale customer, and not to construct its own water production and/or treatment facilities.

This contract did not quantify future water demand within the town, inasmuch as the town was nearing buildout and little additional demand was anticipated. Continued planning by Lee County Utilities merely assumes that water customers within the town will require water at the same rates and with the same seasonal patterns as other nearby county water customers. This same approach is reflected in Lee County's July 2008 "Water Supply Facilities Work Plan," which is being incorporated into this plan by Policy 8-A-4.

Traditional and Alternative Water Supply Sources

The South Florida Water Management District updated its Lower West Coast Water Supply Plan in July 2006. The focus of this update was the development of "alternative" water sources, such as wells drilled into deeper aquifers, desalination, re-use of wastewater for irrigation, water conservation measures, and "aquifer storage and recovery" (ASR) where excess water during the rainy season is stored underground for later recovery during the dry season.

Lee County Utilities is committed to developing alternative water sources, including:

- Tapping the Lower Hawthorne aquifer at four wellfields.
- Expanding ASR wells from the two current wellfields to two additional wellfields, and expanding its use further in the future to include reclaimed water.

Essentially all future water supply development by Lee County Utilities will use alternative water supply sources, although traditional sources such as shallow wells will continue in use and will be spread out onto larger wellfields to reduce adverse impacts on wetlands.

Work Plan for Constructing New Water Supply Facilities

In July 2008, a *Water Supply Facilities Work Plan* was published jointly by Lee County Utilities and Lee County Planning. This plan was first mandated state law in 2002 to coordinate water supply planning between local, regional, and state agencies. The objectives were to:

- Identify population and water demands for a planning period from 2007 to 2030 with focus on the planning period from 2007 to 2017.
- Identify existing and planned potable and reclaimed water facilities that will be utilized to meet the projected demand to 2017.
- Identify sources of raw water required to meet the projected demand.
- Identify planned potable water supply and reclaimed water projects required to meet projected demands and specify when they must be developed and how they will be funded.

- Demonstrate that the proposed water supply development projects are feasible with respect to facility capacity and consumptive use permitting.
- Describe Lee County Utilities' efforts in developing alternative water supplies.

Table 6 of the *Water Supply Facilities Work Plan* (last updated in July 2008) presents a ten-year expansion program for Lee County Utilities (see Policy 8-A-4). Existing and proposed uses of traditional and alternative water supply sources are detailed there in conformance with SFWMD's *2005-2006 Lower West Coast Water Supply Plan Update* (approved on July 12, 2006).

Lee County has adopted Table 6 into its Comprehensive Plan potable water sub-element exactly as reprinted below. At present none of these improvements are needed to meet the potable water level of service at Fort Myers Beach; if any are needed during any upcoming five-year period, they will need to be included in the five-year schedule of capital improvements (Table 11-7) in the Capital Improvements Element.

TABLE 6
CAPITAL IMPROVEMENT PROJECTS
10 YEAR WATER SUPPLY DEVELOPMENT PROJECTS

ALTERNATIVE WATER RESOURCE PROJECTS

CIP PROJECT #	LCU PROJECT NAME/ LWCWSP Project Name	DESCRIPTION	PROJECT STATUS	TOTAL PROJECT COST	ESTIMATED COMPLETION DATE	FUNDING SOURCE
7097	Corkscrew WTP Wellfield- Alcoo Road / Corkscrew Lower Hawthorne Wells	Design and construct a 5.0 mgd wellfield capacity and raw water transmission system	The total wellfield expansion project is 30% complete and expected to be completed by November 2008. The alternative water supply portion of this project is 70% complete and expected to be complete in June 2008	\$15,899,910.00	November 2008	Grant/Enterprise Fund
7187	Green Meadows WTP Plant Expansion / Green Meadows Lower Hawthorne Wells	Expand Green Meadows WTP capacity, construct additional wells and transmission lines to support plant expansion	Completed an Expansion Process and Regulatory Evaluation. Currently constructing two test/production wells in the Lower Hawthorne aquifer.	\$37,000,000.00	2014	Grant / Debt Finance / Enterprise Fund
7602	North Lee County R.O. Plant Wellfield Expansion / Not included in the LWCWSP	Well installation of 2 Lower Hawthorne wells to reduce upconing and premature water quality decline	Surveying for well sites and wellfield design expected to be underway by May 2008. Expected completion date is December 2008.	\$1,650,000.00	December 08	Grant/Enterprise Fund
7028	North Lee County WTP Expansion to 10 MGD / North Lee County Lower Hawthorne Wellfield and Plant Expansion	Expand the treatment capacity of the existing R.O. plant from 5.0 MGD to 10.0 MGD. Includes construction of the well field expansion	Surveying for well sites and wellfield design expected to be underway by May 2008.	\$16,250,000.00	2010	Grant/Enterprise Fund
7155	Pinewoods WTP DIW & Wellfield Expansion / Pinewoods WTP Expansion Phase II	Construct a deep injection well for disposal of brine and construct at least 4 Lower Hawthorne wells to provide raw water for R.O. plant	Project substantially complete	\$15,924,903.00	January 2007	Grant/Enterprise Fund
7110	ASR Wells @ No. Reservoir & Olga WTP	Complete construction of 30 MGD Storage additional ASR wells	Project on hold due to Arsenic issues	\$2,435,552.00	Unknown	Grant/Enterprise Fund
7188	Green Meadows WTP Raw Water Line Improvements	Upsize/Replace raw watermain to increase wellfield efficiency	scheduled for construction in 2008	\$2,300,000.00	December 2008	Enterprise Fund

CIP PROJECT #	LCU PROJECT NAME/ LWCWSP Project Name	DESCRIPTION	PROJECT STATUS	TOTAL PROJECT COST	ESTIMATED COMPLETION DATE	FUNDING SOURCE
7280	Three Oaks WWTP Expansion / Three Oaks Reclaimed Water Transmission System	Expand the Three Oaks WWTP to 6.0 MGD	Reuse pumpstation portion of this CIP project for AWS Project, Project substantially complete	\$27,452,866.00	January 2007	Grant/Enterprise Fund
7279	Three Oaks Parkway Three Oaks Pkwy, Reclaimed Water Transmission System	Relocate and Upgrade Existing water, sewer and reuse lines along Three Oaks Pkwy	Reuse Pipeline portion of this CIP for AWS Project, Project substantially complete	\$6,939,250.00	January 2007	Grant/Enterprise Fund
7297	FMB WWTP Elevated Reuse Storage Tank / FMB Reclaimed Elevated Storage Tank	Construct an elevated reuse storage tank in the Fort Myers Beach WWTP Reuse system	A low cost interim alternative has delayed the need for this project, now scheduled for 2011	\$4,000,000.00	2011	Grant/Enterprise Fund
7284	Reclaimed Water ASR / Health Park Reclaimed Water ASR Phase I and Phase II	Pilot and construction of a Reclaimed Water ASR for Wastewater Treatment Facilities	Issues related to Arsenic and ASR have delayed this project to 2011	\$600,000.00	2011	Grant/Enterprise Fund
Future	Fiesta Village WWTP Reuse ASR and reject Storage	Study, design, and construct reuse ASR Well and convert existing GST to reject tank	scheduled for 2011	\$1,500,000.00	2012	Grant/Enterprise Fund
7292	FGCU/Miramar Lakes Reuse Extension / FGCU/Miramar Lakes Reclaimed Water Main Improvements	Construct 900 L.F. of 12" reuse main from 3 Oaks WWTP to FGCU	design underway	\$126,000.00	2009	Grant/Enterprise Fund
7217	FMB/Iona Reuse System	Install reuse lines to serve to serve FMB reuse service area	Reuse lines will be constructed as need arises	\$1,307,503.00	2008-2011	Enterprise Fund
7240	Pine Island WWTP Reuse System	Expand effluent transmission system to provide irrigation for future customers	Reuse lines will be constructed as need arises	\$1,082,806.00	2008	Enterprise Fund
7305	Three Oaks Reuse Transmission Improvements	Upsize/expand 3 Oaks reuse transmission lines to handle increased flows to various sites	Reuse lines will be constructed as need arises	\$780,000.00	2008	Enterprise Fund
7111	Automated Flushing Devices	Install automated flushing devices on existing dead-end water mains	on-going	\$162,865.00	2008-2010	Enterprise Fund

Water Conservation

With an ever-increasing population and a limited potable water supply, water conservation programs become increasingly important. Citizens of Fort Myer Beach must do their part to conserve this resource. The South Florida Water Management District developed a water conservation program in 1990 which identified six measures specifically for urban areas. These measures identified in the District Water Management Plan (April 1995) include:

- limiting lawn irrigation to the hours between 5:00 P.M. and 9:00 P.M.;
- requiring the adoption of xeriscape landscape ordinances;
- requiring the installation of ultra-low-volume plumbing fixtures in all new construction;
- requiring the adoption of conservation-oriented rate structure by utilities;
- requiring the implementation of leak detection programs by utilities with unaccounted water losses greater than 10%; and
- requiring implementation of water conservation public education programs.

Active water conservation activities as of 2008 are summarized here (also see Policy 8-A-5):

- *Permanent Irrigation Ordinance:* Lee County has imposed an ordinance restricting landscape irrigation to the hours of 5:00 PM to 9:00 AM two days per week (Ordinance No. 05-10). This ordinance is more restrictive than rules of the South Florida Water Management District.
- *Rain Sensors Required:* The Land Development Code requires rain sensors on new irrigation systems (§ 10-154(7)m).
- *Xeriscape Requirements:* The Land Development Code requires xeriscape principles for all required landscaping (§ 10-421(b)). Xeriscape principles conserve water

through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas.

- *Leak Detection Program:* Lee County Utilities has an unaccounted-for water and leak detection program. The latest available data indicate that “unaccounted for” water losses are only 6.22% (calendar year 2006).
- *Water Conservation Education:* Lee County TV airs daily information on water conservation, addressing many ways that water customers can conserve. The Lee County Utilities web site contains several pages devoted to water conservation (start at www.lee-county.com/utilities/). The annual Consumer Confidence Report directs customers to the web site for conservation information. Water conservation posters and pamphlets are placed in schools, libraries, and county offices. About 20 water conservation presentations are made to third-grade students each year, and 4-5 water conservation presentations are made to civic organization throughout Lee County.

As the Town of Fort Myers Beach develops and maintains its public facilities, water conservation measures such as these should be followed, both to reduce consumption and to lessen costs for water supply. The town should take the lead by example (for instance by installing ultra-low-volume plumbing fixtures in new government facilities) and also by adopting ordinances requiring sound water conservation practices. The town should consider implementing a strong “conservation rate structure” where large water users pay a higher rate per gallon than is charged to frugal users. This approach could discourage excessive lawn irrigation while maintaining low rates for frugal users.

SEWER SERVICE

Lee County Utilities, a branch of Lee County government, provides sewer (wastewater) service to the Town of Fort Myers Beach. One of its service areas, known as the Fort Myers Beach/Iona-McGregor Service Area, includes Estero Island, San Carlos Island, and the Iona-McGregor district. This service is known as “sanitary sewer service” to distinguish it from “storm sewers” that collect excess rainwater.

Wastewater collected within the service area is transferred to the Fort Myers Beach Wastewater Treatment Plant where it is treated. A portion of the resulting effluent (after thorough treatment) is redistributed for irrigation purposes. Sewer bills are based on water usage, with charges billed by Florida Cities and then remitted to Lee County Utilities.

Figure 3 shows the boundaries of the Fort Myers Beach/Iona-McGregor sewer service area and the location of the wastewater treatment plant. Figure 4 shows the sanitary sewer lines within

the Town of Fort Myers Beach.

The original design capacity of the wastewater treatment plant in 1978 was 2,700,000 gallons per day. In 1989 it was expanded to its current design and permitted capacity of 6,000,000 gallons per day. As of September 1995, the plant served 7,015 residential and commercial customers. Land uses served are primarily residential (6,519 customers) with some commercial (496 customers).

The permanent and peak season populations within its service area are estimated to be 26,138 and 39,207 persons respectively. Lee County Utilities does not distinguish between the number of customers located within the separate districts of the service area. There are no legal on-site treatment and disposal systems remaining (package treatment plants or septic systems) on Estero Island, and the vast majority if not all structures are connected to the central sewer system in accordance with a mandatory connection policy. Therefore, the number of sanitary sewer customers within the Town of Fort Myers Beach can

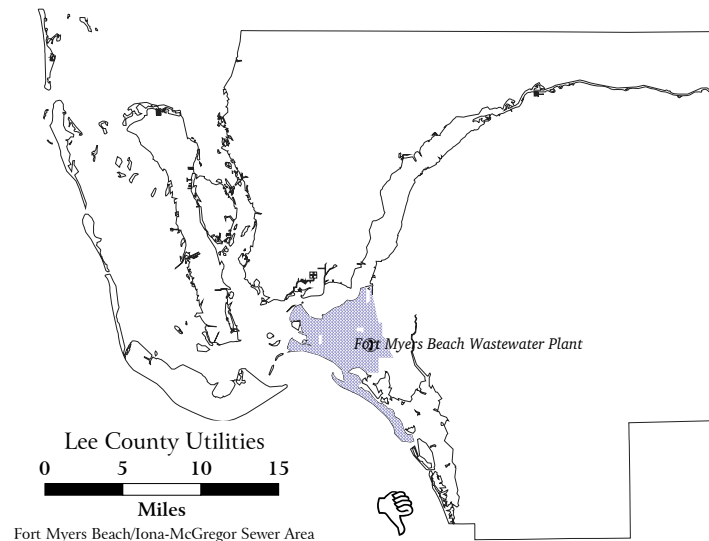


Figure 3, Sewer service area and wastewater plant

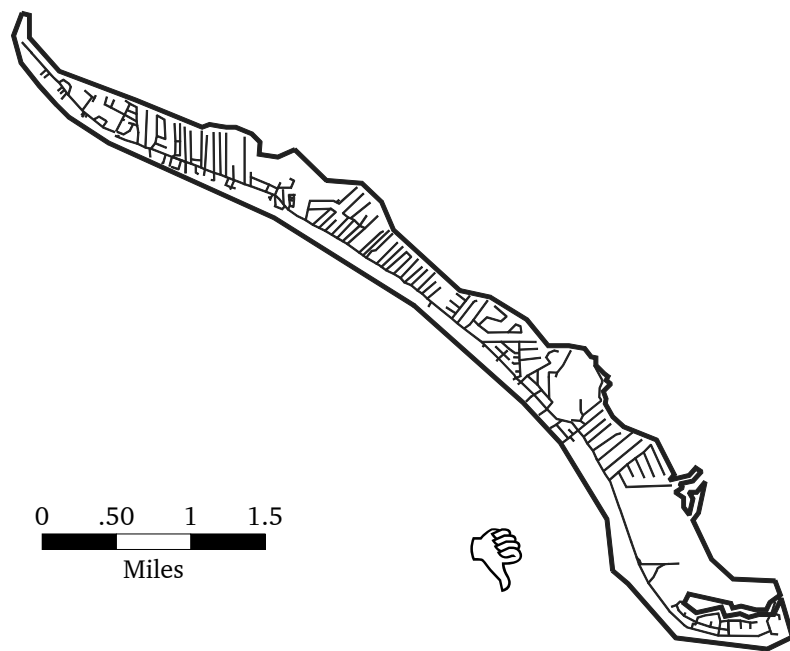


Figure 4, Sanitary sewer lines on Estero Island

be assumed to be the same 3,000 potable water customers reported by Florida Cities.

The average annual daily sewer demand within the South Fort Myers franchise area was 2,840,000 gallons per day between October 1994 and September 1995. The peak monthly demand was 3,436,000 gallons per day in February 1995. This type of data is reported every month by all utilities to the Florida Department of Environmental Protection.

As with potable water supply, a proportional capacity can be calculated to reflect the town’s share of the larger service area of Lee County Utilities. This capacity identifies the percentage of actual wastewater flows and of wastewater treatment plant capacity used by the town and by the remainder of the service area. It is based on the peak number of customers within each

location, compared to the peak month’s average daily sewer demand and the total capacity of the treatment plant. (As with potable water, the proportional capacity may be somewhat misleading since demand may be greater in one location one day and less on another day.) Table 8-4 reports the proportional capacity available to Fort Myers Beach.

Table 8-4 — Proportionate Capacity of Wastewater Treatment Facilities, 1995/96

<i>Customers/ Sewage Plant Consumption</i>	<i>Town of Fort Myers Beach</i>	<i>Remainder of Lee County service area</i>
Approximate number of customers	3,000	4,015
Estimated peak population served	10,500	28,707
Estimated share of consumption using peak month sewer flows (gpd)	1,469,423	1,966,577
Estimated share of total plant design capacity (gpd)	2,565,930	3,434,070

Source: Population from Florida Cities; gpd figures from Lee County Utilities

In the same manner as for potable water, the level of service currently being provided for sanitary sewer is expressed here in “gallons per person per day.” This calculation uses the peak month’s average daily flow, which is then divided by the estimated peak population for the entire Lee County Utilities sewer service area, yielding a figure of about 87½ gallons per person per day, as shown in Table 8-5. This is substantially less than the 130 gallons of water used per day, reflecting water consumption such as lawn irrigation that never flows into the sewer system. (Note that this calculation does not apportion sewer usage to commercial or industrial uses.)

<i>Peak Month Average Daily Sewage Flows (gpd):</i>	<i>Estimated Peak Population Served:</i>	<i>Gallons Per Person Per Day:</i>
3,436,000	39,207	87.64

Existing and Forecasted Sewer Service Needs

Lee County Utilities uses minimum level of service standards which have been established within the Lee County Comprehensive Plan. Those standards state that county sewage treatment plants will have the capacity to treat and dispose of 200 gallons per day per “Equivalent Residential Connection” (ERC) during the peak month. For mobile homes, the minimum level of service standard is 150 gallons per day and for recreational vehicles it is 120 gallons per day.

The town’s new comprehensive plan should use sewer standards comparable to those used for potable water, based in the same manner on observed usage rates adjusted “per ERC” rather than per person. A simple and uniform standard would be 175 gallons per day per ERC (based on 87½ gallons per person per day, times 2 people per typical unit). Since no further mobile home or recreational vehicle developments are expected, separate standards are not needed for them.

Table 8-6 displays the forecasted sanitary sewer demand for the Town of Fort Myers Beach for the two planning periods of this comprehensive plan. Assuming a growth of 411 dwelling units by the end of the first five-year planning timeframe in 2003, additional forecasted sanitary sewerage demand will be approximately 71,925 gallons per day using the 175-gallons-per-day standard. At buildout, an additional 617 dwelling units are forecasted to require an additional 107,975 gallons per day of

sanitary sewerage treatment capacity. These additional demands are only a small portion of the available capacity of the wastewater treatment plant (6,000,000 gallons available minus 3,436,000 gallons used during the busiest period).

Table 8-6 — Forecasted Sanitary Sewer Demand for the Town of Fort Myers Beach

<i>Year</i>	<i>Total Number of Dwelling Units</i>	<i>Forecasted Number of New Dwelling Units</i>	<i>Additional Forecasted Sewer Demand</i>
1996	7,710 (based on actual building permits)		
2003 (first planning timeframe)	8,121 (forecasted)	411	71,925 gpd
2020 (second planning timeframe)	8,738 (forecasted)	617	107,975 gpd

Source: See Future Land Use Element for permit forecasts

Performance of Existing Facilities

The Fort Myers Beach Wastewater Treatment Plant has been in operation since 1979. It is in good condition, with sufficient treatment capacity but inadequate effluent disposal capacity during extended rainy periods. The utility provides monthly monitoring reports to the Department of Environmental Protection which regulates the operations of the treatment plant. In the past, the plant has made improper discharges into a drainage ditch that is connected to Estero Bay. The Department of Environmental Protection found that this action violated state requirements, and Lee County was required to halt the illegal discharges. A \$20,000 fine was levied, and Lee County Utilities was forced to increase the effluent disposal capacity during peak periods.

Expansion Needs

Lee County Utilities reported no major problems specific to the town regarding facility replacement, expansion, or siting of new facilities. The treatment plant was recently upgraded with the addition of two chlorine contact tanks, which increase disinfection retention time. Private developers are installing a new sewage force main across Big Carlos Pass in order to replace a failing on-site sewer plant at the Grandview Resort and to serve two new buildings being constructed nearby on Black Island.

Lee County is installing a \$2.7 million deep-well injection system to increase disposal capacity during periods when demand for irrigation water is insufficient. Deep-well injection of sewage effluent appears to be environmentally sound but it is very expensive and is a waste of valuable irrigation water; it should be used only to avoid overflows into surface waters.

The Town of Fort Myers Beach contains many of the major users of this sewer service and it lies directly downstream of any effluent discharges into tidal waters. Both of these roles justify the town government's involvement in policy matters concerning sewer service. Although the town does not directly franchise or control this service, its long-range goal should be a significant role in its operation.

SOLID WASTE

The Lee County government uses a public-private partnership for collection and disposal of solid wastes throughout the county. All of the household garbage that is collected is taken by private contractors to the Lee County Resource Recovery Plant. There it is burned to reduce its volume and produce electricity; the ash residue is then transported to the county landfill. This ash product takes up 90% less room by volume in the landfill than

the unburned garbage would, greatly extending the life of the landfill.

Solid Waste Collection at Fort Myers Beach

Kimmins Recycling, Inc. is the primary solid waste collector for the Town of Fort Myers Beach. Its franchised service area includes the town as well as other locations within Lee County. Figure 5 delineates Kimmins Recycling, Inc.'s entire service area.

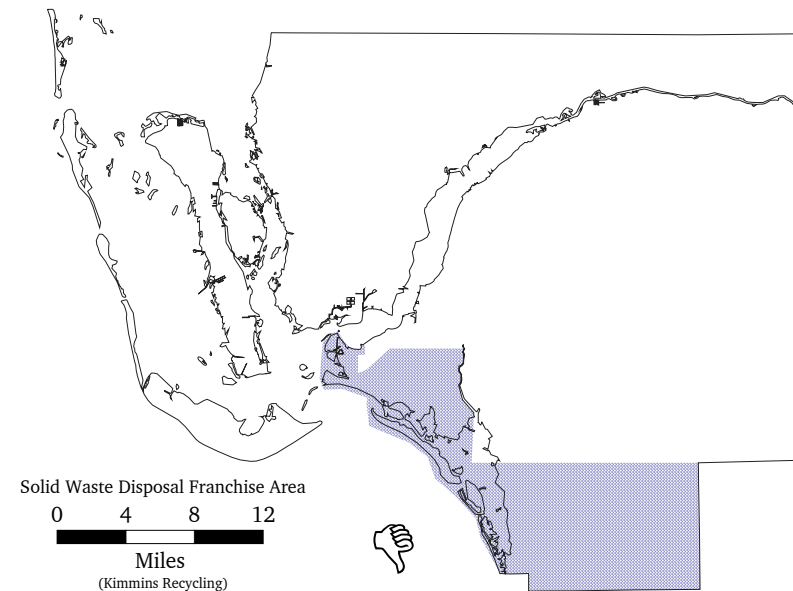


Figure 5, Solid waste disposal franchise area

Prior to the expiration of Lee County's existing contract with Kimmins, the town should research the alternative of seeking its own competitive bids from solid waste haulers rather than staying with the county's larger contract. The town may be able to obtain service better suited to its own needs, or may be able to reduce costs by eliminating superfluous county contracting requirements or using a smaller hauling company. Conversely, separate contracting might increase costs due to losses of

economies of scale. Nonetheless, the alternative of separate competitive bids should be explored prior to expiration of the existing contract.

Lee County has adopted a minimum level of service standard for solid waste disposal of 7 pounds per person per day for proper collection, disposal, and management. The Town of Fort Myers Beach can simply adopt that same standard.

Landfill Operations

The Town of Fort Myers Beach does not need to own or operate a landfill because it has full use of Lee County's modern waste disposal facilities. Lee County's landfill is the Gulf Coast Landfill located on SR 82 south of Colonial Blvd., operated by Waste Management, Inc. of Florida. The remaining lifespan of the Gulf Coast Landfill filled to its permitted height of 100 feet above sea level, is estimated to be the years 2000 to 2004, assuming renewal of its DEP operating permit.

The Lee/Hendry Landfill is a Lee County-owned landfill that is currently under construction. Phase I is scheduled for completion in 1997. The estimated ultimate capacity of the Lee/Hendry Landfill to receive solid waste is 40 years, assuming continued renewal of necessary permits and construction of additional phases at the landfill. However, no additional phases are currently planned.

Because of the high water table found throughout southwest Florida, landfills are created by depositing layers of waste and other fill material *on top of* the existing ground surface. In Lee County's case, ash from the Resource Recovery Plant is now the primary waste product which is deposited. The ash accumulates over time and is formed into a mound. Upon reaching a designated height, the landfilled waste receives a final cover of soil and vegetation. Landfill closures are governed by Rule 62-701 of the *Florida Administrative Code*.

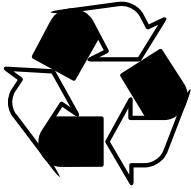
Resource Recovery Plant

The Resource Recovery Plant is also known as a waste-to-energy plant because it produces electricity from burning trash. The plant receives, on average, 900 TPD (330,000 tons per year), and produces up to 39.7 megawatts of power, which is enough electricity for about 25,000 homes (more than all of the homes in Bonita Springs and Lehigh Acres combined). The resource recovery plant is forecasted to reach its current capacity of 1,200 TPD within the next 10 years. Additional disposal capacity is available for approximately 100 TPD of construction debris at the Gulf Coast Landfill.

The resource recovery plant has a forecasted operating lifespan of 30 years, with sufficient capacity to serve all of Lee County until 2027. The projection of plant life is based on engineering design, operational techniques, forecasted population, and average per capita solid waste generation.

The resource recovery plant is equipped with extensive air pollution control systems. It is the first operational plant in the United States to be built with a permanent activated carbon injection system for controlling mercury emissions. The environmental control systems were designed with the new, more stringent *Clean Air Act* standards in mind, and emissions have met the proposed standards without any modification. It was the only waste-to-energy facility in the world to win the *Power Engineering* and *Power Engineering International* magazine's 1995 Project of the Year Award.

Recycling Program



The State of Florida mandated a thirty-percent reduction in municipal solid waste deposited at landfills beginning in 1988. Fifteen percent of this reduction was to come from glass, aluminum, steel cans, plastic, and newspaper recycling. The other fifteen percent would come from the recycling of yard trash, appliances, construction and debris material, and automobile tires. The Town of Fort Myers Beach needs to continue in the successful county-sponsored recycling program.

This voluntary program consists primarily of the residential curbside collection of recyclables utilizing 90-gallon carts and other suitable methods. The town's franchised solid waste hauler, Kimmins Recycling, Inc., provides curbside collection of paper, aluminum, metal, plastic, and glass products. The hauler sorts the recyclables at the curb each week and then transports the recyclables to markets located in Fort Myers. Lee County's current recycling rate is 33%, which exceeds state recycling requirements. The town should strongly encourage all of its residents, visitors, and businesses to participate to the greatest extent possible in the existing voluntary recycling program.

Residential wastes are collected using a 1-1-1 system with once-per-week garbage, recycling, and yard waste collection. Commercial collection is mandatory for businesses and institutions. Commercial wastes are primarily generated by retail stores, restaurants, and resorts.

Fees

Residents of the Town of Fort Myers Beach pay for garbage collection, recycling, and disposal through an annual assessment (garbage bill) from the Lee County Tax Collector. Other residents (of condominiums and mobile home parks) and

businesses pay their hauling company directly for collection and part of the disposal expenses.

The fixed operating expenses of the county-owned solid waste disposal facilities are paid to the Lee County Tax Collector as a special assessment (separate bill). The fixed disposal facility expenses are divided equally among all Lee County areas, and each customer pays their share. Figure 6 shows the proportion of the solid waste fee used for different purposes.

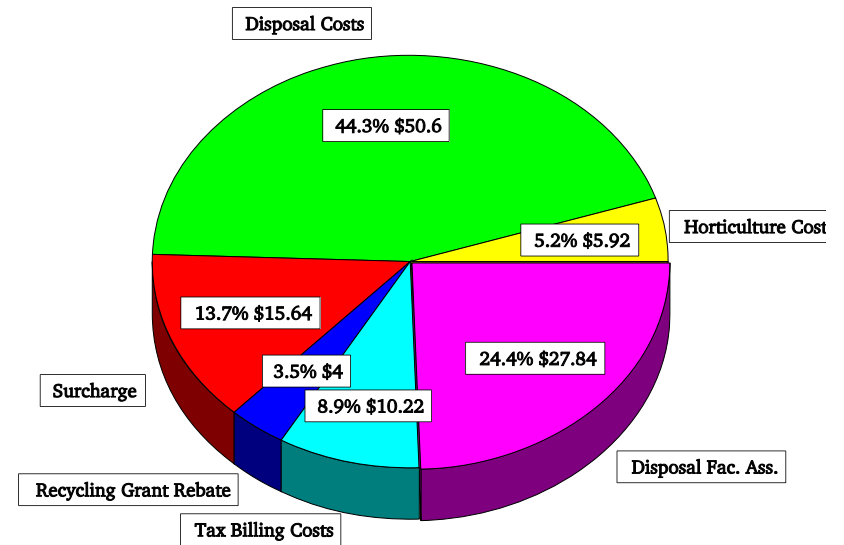


Figure 6, Annual residential solid waste rates FY 1996-97
(source, Lee County Solid Waste Rates: FY 96/97, 1996)

Residents of the town received their first solid waste assessment in 1995. Property taxes were reduced when the assessment was added. Table 8-7 shows the unincorporated Lee County solid waste rate summary for fiscal year 1996-97. This table details the fees, recycling rebates, and collection fees for unincorporated

Lee County. Table 8-8 compares household disposal costs from property taxes versus the new special assessment. The assessment costs less than a property tax-based assessment under the assumptions included in this table.

**Table 8-7 — Unincorporated Lee County
Solid Waste Rate Summary FY 96-97**

<u>Solid Waste Rate</u>	<u>FY 96-97</u>	<u>% Increment</u>
Disposal Tipping Fee	\$49.61/Ton \$50.60/HH	4%
Surcharges	\$12.90/Ton \$15.74/HH	(30%)
Recycling Grant Rebate	\$4.00/HH	NA
Residential Collection Fees	\$73.91 - 91.05/HH	3%
Billing Costs (Includes Late Payment Allowance)	\$10.22/HH	110%
Average Residential Bills	\$189.67/HH	(5%)

HH = household

Source: "Lee County Solid Waste Rates, Fiscal Year 96/97," 1996

Hazardous Waste

The Lee County Department of Solid Waste sponsors several "household hazardous waste collection days" throughout the year. Many of these products can be harmful or fatal if swallowed. These are items such as fluorescent tubes, paint, paint thinner, drain cleaners, automobile oil, thermostats, polishes, strippers, car/boat batteries, pool chemicals, pesticides, float switches, or anything marked corrosive, toxic, flammable, or reactive. The town may be able to sponsor an occasional pick-up day right on Estero Island for these products.

Existing and Forecasted Solid Waste Needs

There are no major problems of development or physical deterioration which will adversely affect solid waste collection within the town over the next two planning timeframes. The waste-to-energy facility is new and has very modern equipment, and the new landfill for the safe disposal of the ash has capacity until 2027.

Lee County has implemented a successful recycling program and has plans to expand it. By 1991, the county's 115,000 single-family homes were involved in the recycling program. Currently, all single-family homes as well as all multi-family complexes (apartments, condominiums, and mobile home parks) have the opportunity to participate in the recycling program. However, motels are not included. In 1995, 33% of the county's total waste stream was recycled. In comparison, only 5% was recycled in 1989. The county is working toward a voluntary goal of 50% by the year 2000.

The quantity of solid waste will grow with the town's population. Table 8-9 and Figure 7 display population and solid waste forecasts through the year 2020. It is clear that the town's proportionate capacity of the Resource Recovery Plan and new landfill are minuscule, and that adequate service will be available for both planning timeframes.

These forecasts include solid wastes that will be recovered and recycled. In order to more accurately project the life expectancy of the waste-to-energy facility, recycled wastes must be accounted for because they will not be incinerated. In 1995, the Town of Fort Myers Beach achieved an adjusted recycling rate of 33 percent, based on Lee county's results. The adjusted recycling rate places goals on specified categories of recyclables; therefore, actual recyclable percentages may exceed those ceilings.

**Table 8-8 — Town of Fort Myers Beach
Comparison of Household Disposal Costs
Property Tax vs. MSBU Assessment**

Collection Options	Property Tax FY 95-96	MSBU Assessment FY 97-98
Disposal Facility Assessment Rate/Ton	\$27.29	\$27.29
Total Revenue Required	\$7,835,000	\$8,426,300
Payment Basis	Property Value	Disposal Tonnage
Tonnage Disposed		6,180
Fort Myers Beach Payment Share in %	5%	2%
Fort Myers Beach Total Payments in \$	\$391,750	\$168,652
Unincorporated Lee County Payment Share in %	58%	65%
Unincorporated Lee County Total Payments in \$	\$4,544,300	\$5,447,095
Average Household Tonnage	1.07	1.02
Estimated Tax Millage	0.405	
Fort Myers Beach Household Annual Facilities Payment in \$	\$192.38	\$33.84
Tipping Fee, \$/Ton (Escalated)	\$47.70	\$51.10
Disposal Payment in \$	\$51.04	\$52.12
Total Household Annual Disposal Payment in \$	\$91.54	\$85.96

Source: "Lee County Solid Waste Rates, Fiscal Year 96/97" and "Finding Sound Solutions -- Solid Waste Rates, FY 97-98"

"MSBU" means Municipal Services Benefit Unit.

**Table 8-9 — Solid Waste Forecasts by Population:
Collection of Total Solid Waste, 1990 — 2020**

<u>Year</u>	<u>Total Dwelling Units</u>	<u>Effective Population</u>	<u>Tons of Solid Waste Per Day</u>	<u>Tons of Solid Waste Per Year</u>
1990	7,420	8,826	30.9	11,279
1996	7,710	9,171	32.1	11,717
2003	8,121	9,660	33.8	12,337
2020	8,738	10,393	36.4	13,286

Sources:

— Dwelling units count for 1990: compilation of STF1A data for Census Tract 601, BG 3-7 plus Census Tract 602, BG 1-6

— Dwelling unit estimates for 1996, 2003, 2020: Future Land Use Element

— Effective population estimated as follows: Peak population = [(total dwelling units x 38.2% dwelling units occupied by permanent residents) + (total dwelling units x 61.8% x .33 allowing for 4 months out of year 100% dwelling units occupied)] x 2.03 persons per household

— Solid waste forecasts: based on standard of 7 pounds per person per day

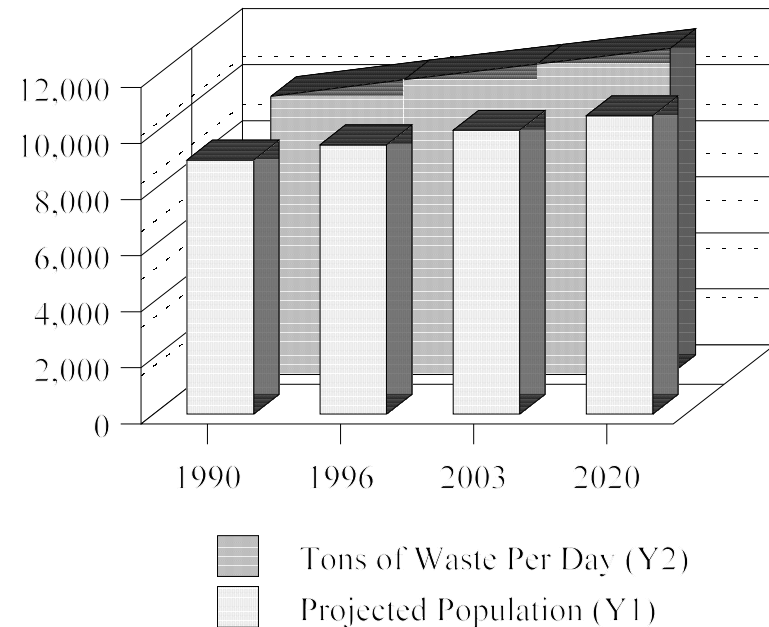


Figure 7, Tons of waste and population growth

Expansion Needs

The preceding analysis shows that Lee County's current system of incineration and landfilling is adequate for a 30- to 40-year period. There are no apparent problems with this system. Fort Myers Beach may wish to separately franchise its trash hauler if, after careful examination, there would be benefits to the town in this course of action.

UTILITIES AND CONCURRENCY

The Town of Fort Myers Beach must ensure that infrastructure and services are provided in order to support new development. This process is implemented through a concurrency management system, a requirement of Florida's growth management legislation. A concurrency management system coordinates the issuance of development orders/permits and certificates of occupancy with continuing measurements of infrastructure and services needed to support development (see the Capital Improvements Element). For potable water, sanitary sewer, and solid waste disposal services, the town depends heavily upon reports furnished by the utility providers to measure availability according to the standards contained in this plan.

The inventory and analysis of utility providers indicates that adequate services can be expected to be available to serve new development through build-out of Fort Myers Beach. Even though there appears to be no problem with the provision of these services, the town must still monitor continuing reports through its concurrency system to ensure that no unexpected problems are developing.

GOALS - OBJECTIVES - POLICIES

Based on the analysis of utility services in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 8: To improve the existing systems that provide safe drinking water, irrigation water, sewer service, and solid waste disposal in order to reduce environmental impacts on land and water while keeping costs as economical as possible.

OBJECTIVE 8-A RELATIONS WITH UTILITIES — Increase the town’s role in influencing utility providers about service alternatives, facility locations, and conservation of resources.

- POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.
- POLICY 8-A-2 When considering improvements to utility systems, utility companies should expect involvement by the town in evaluating alternatives and seeking the best interests of utility customers and other people and resources affected by those decisions.
- POLICY 8-A-3 The town shall seek a significant role in policy matters concerning Lee County Utilities’ sewer service, based on the town’s dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.
- POLICY 8-A-4 The town’s potable water supply distribution system is supplied by Lee County Utilities under terms set forth in a bulk water agreement approved in August 2001. Lee County Utilities

has a long-term expansion plan that details existing and proposed uses of traditional and alternative water supply sources, in accordance with SFWMD’s Lower West Coast Water Supply Plan Update (July 2006). Lee County Utilities’ expansion plan, the Water Supply Facilities Work Plan, was last updated in July 2008 and is incorporated herein by reference.

- POLICY 8-A-5 The town shares a common interest with Lee County government in ensuring that potable water supplies will be sufficient to meet future demands. The town will coordinate with Lee County on an ongoing basis on the following matters:
1. Analyzing peak season demands and providing sufficient allocations of water.
 2. Using consistent population projections and level-of-service standards.
 3. Conserving water by adopting a conservation rate structure (see Policy 8-C-6).
 4. Implementing a leak detection program and replacing obsolete portions of the water supply system.

OBJECTIVE 8-B LEVELS OF SERVICE — Maintain minimum acceptable levels of service for potable water, sanitary sewer, and solid waste disposal.

POLICY 8-B-1 The minimum acceptable level of service standards for utility services within the Town of Fort Myers Beach shall be:

- i. **for potable water service:**
 - (a) available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.
 - (b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to the town's water distribution system to serve new development at these same rates.
- ii. **for sanitary sewer service:** available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).
- iii. **for solid waste disposal service:** the ability to collect and manage 7 pounds of municipal solid waste per person per day.

An ERC is defined as the total number of meter equivalents using the methodology of the Florida Public Service Commission (and is synonymous with their use of the term "equivalent residential units"). ERCs are used to convert commercial and industrial water or sanitary sewer use into standard units that are based on typical rates of use in dwelling units.

POLICY 8-B-2 The town will enforce these levels of service under the concurrency requirements of Florida law by requiring one of the following before issuance of development permits:

- i. development orders or building permits will be issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or
- ii. at the time development orders or building permits are issued, the necessary facilities and services are guaranteed to be in place and available to serve the development at the time of issuance of a certificate of occupancy through an enforceable development agreement pursuant to Section 163.3220, *Florida Statutes*, or through an agreement or development order pursuant to Chapter 380, *Florida Statutes*.

POLICY 8-B-3 The concurrency management system in the town's Land Development Code shall be amended to requirement the assessment of water supply capacity, in addition to treatment plant capacity, when determining compliance with the potable water level of service specified in Policy 8-B-1.

OBJECTIVE 8-C WATER CONSERVATION — Take all reasonable steps to conserve potable water supplies, aiming for a 10% per-capita reduction in water use by 2005.

- POLICY 8-C-1 The town shall, by resolution, encourage Lee County Utilities to expand its facilities and agreements for recycling treated wastewater for reuse as irrigation water; deep-well injection of surplus wastewater should be limited to emergency use only.
- POLICY 8-C-2 The town shall consult with the South Florida Water Management District to obtain suggestions on regulations to conserve water before adopting such regulations.
- POLICY 8-C-3 The town will use drought-tolerant vegetation, xeriscape techniques, recycled water, or other available methods for landscaping publicly owned lands, and encourages private landowners to do the same to reduce usage of potable water for irrigation purposes.
- POLICY 8-C-4 The town will continue to require, through its building codes, the use of water-saving plumbing fixtures in all new development and redevelopment.
- POLICY 8-C-5 The town will support public educational programs that encourage water conservation practices.
- POLICY 8-C-6 The town should consider implementing a strong conservation rate program where large water users pay a higher rate per gallon than is charged to frugal users.

OBJECTIVE 8-D SOLID WASTE — Add recycling pickup at commercial enterprises, and maintain an efficient solid waste system that stresses recycling of reusable materials plus safe and efficient disposal of that which cannot be recycled.

- POLICY 8-D-1 The town will ensure the routine collection of residential and commercial wastes; special collections of bulky items; separate curbside and bulk collection of recyclable materials; and separate collection of yard wastes and construction debris.
- POLICY 8-D-2 The town will continue its participation in Lee County's program of recycling, incineration, and disposal of solid wastes.
- POLICY 8-D-3 The town will seek to expand the current program to collect recyclables from motels and other tourist lodgings, and to collect and recycle additional materials.
- POLICY 8-D-4 The town will consider an ordinance requiring mandatory recycling of solid waste if voluntary participation does not achieve standards set by state or regional agencies.
- POLICY 8-D-5 The town will evaluate methods of improving the cost-effectiveness of solid waste collection, and may consider franchising the collection process independently of Lee County.
- POLICY 8-D-6 The town will cooperate with Lee County in implementing programs to decrease the volume of solid waste requiring landfilling (e.g. source separation of material which can be reused, recycled, or disposed of in another manner). The town shall also support and assist in programs to reduce roadside litter and illegal dumping, such as Keep Lee County Beautiful's annual coastal cleanups.

POLICY 8-D-7 The town will cooperate with the Lee County in educating businesses and residents on the proper management of hazardous wastes and the provision of convenient disposal opportunities for the benefit of the town's citizens and visitors. This cooperation shall include distributing written material prepared by Lee County and publicizing their regular schedule of household hazardous waste collection days.

APPENDIX: INFLUENCE OF LEGISLATION

The town's utility providers must construct and operate potable water and sanitary sewer facilities in accordance with all applicable federal, state, and local regulations. Most of the existing regulations pertaining to water quality and sewage treatment are based on federal guidelines mandated by the United States Environmental Protection Agency (EPA). Minimum drinking water standards are defined under Public Law 93-423. This law, also known as the "Safe Drinking Water Act," establishes federal water quality standards for the protection of water for public uses, including operational standards and quality controls for public water systems.

In order to comply with the federal regulations for water quality, the State of Florida has adopted legislation pursuant to Chapter 403.850, *Florida Statutes*. The "Florida Safe Drinking Water Act" meets the same federal primary and secondary water quality standards required for public health and recommended for aesthetic quality. The State of Florida has also implemented specific laws for classifying and regulating public drinking water systems under Chapters 62-501 and 10D-4 of the *Florida Administrative Code*.

The federal regulations governing wastewater treatment are set forth under Public Law 92-500 or the "Federal Water Pollution Control Act." This law requires that wastewater treatment programs be established to regulate water quality limits for effluent disposal and to control "point source" pollution. These provisions have been implemented at the state level under Chapter 403.086, *Florida Statutes*, and Chapter 62-600, *Florida Administrative Code*. Separate standards for on-site sewage treatment and disposal systems are established in Chapter 10D-6, *Florida Administrative Code*.

State requirements pertaining to the management of water resources and the regulation of consumptive water use have been adopted by regional water management districts pursuant to Chapter 40D-2, *Florida Administrative Code*. The purpose of Chapter 40D-2 is to implement the provisions of Part II of Chapter 373, *Florida Statutes*,

and the State of Florida Water Policy. Additional rules relating to water use are found in Chapter 40D-3, entitled "Regulation of Wells"; Chapter 40D-8, entitled "Water Levels and Rates of Flow"; and, Chapter 40D-21, entitled "Water Shortage."

Numerous federal, state, and local laws and rules regulate solid waste disposal. In addition to mandates, organizations such as the Southwest Florida Regional Planning Council have guidelines and policies with which Fort Myers Beach's solid waste operations must be consistent. Among these rules and plans are chapters 187 and 403 *F.S.*, the Federal Resource Conservation and Recovery Act, Rules 9J-5 and 62-701, the *Florida Administrative Code*, and the *Regional Strategic Policy Plan*.

Chapter 403 (Part IV) of the *Florida Statutes* contains the 1988 Solid Waste Management Act. This act greatly altered the management of solid waste for all local governments, specifically requiring all local governments to start recycling programs in order to reduce the amount of waste being deposited into landfills by thirty percent (30%). In addition, counties are required to recycle at least fifty percent (50%) of newspapers, aluminum cans, glass, and plastic bottles. The act also addresses the disposal of various other wastes such as lead-acid batteries, used oil, and tires.

The Resource Conservation and Recovery Act (RCRA) was adopted by Congress in 1976 and serves as the Federal legislation which regulates the disposal of municipal solid waste by setting minimum standards for waste disposal facilities. It also established resource recovery as a national priority and mandated that efforts to better utilize and manage the recycling of wastes were needed.

Rule 9J-5, *Florida Administrative Code*, specifies the requirements for local government comprehensive plans. It requires the Town of Fort Myers Beach to include an infrastructure element with a solid waste section and goals, objectives, and policies relating to solid waste. The Rule requires adoption of minimum level of

service standards and concurrency requirements indicating that the Town of Fort Myers Beach will not issue development orders or building permits unless facilities and services are in place to manage a development's impact.

Chapter 62-701, *Florida Administrative Code*, outlines specific state requirements regarding the operation and closure of landfills, solid waste permits, and the handling of special wastes. This rule also regulates the disposal and classification of waste, and prohibits the disposal of yard wastes in landfills with liners.

The Town of Fort Myers Beach has currently adopted Lee County regulations which govern solid waste in order to be consistent with these state, federal, and regional guidelines.

The State of Florida's comprehensive plan (Chapter 187, *Florida Statutes*) seeks to ensure that sewer, water, and solid waste disposal services are provided in accordance with the aforementioned regulations. The plan has several goals relating to utility services. Overall, the plan seeks to safeguard the environment from the effects of pollution.

Chapter 163, Part II, *Florida Statutes* is known as the local government comprehensive planning act. It requires local governments to adopt comprehensive plans which are reviewed and approved by the state's land planning agency, the Department of Community Affairs. This element is one of those required by Chapter 163.

The Florida Department of Community Affairs also requires local governments to incorporate a concurrency management system in accordance with Chapter 163, Part II, *Florida Statutes*. For the Utility Element, potable water and sanitary sewer facilities and solid waste collection and disposal must be in place or available to serve new development at the time a certificate of occupancy is issued by the local government.

The Southwest Florida Regional Planning Council has a Strategic Regional Policy Plan (SRPP) for this region. This plan identifies several issues and policy statements which have regional significance. These regional issues and policies cover "Surface Water Management," "Protection of Groundwater Resources," "Planning for Public Facilities," and "Protection of Water Supply" to name a few. The goals, objectives, and policies of the Utility Element should be consistent with these federal, state, and regional laws and plans.

According to the SRPP, "Planning for Public Facilities" section, sewer (facilities and service), water, and solid waste are categorized as "primary" public facilities in the SRPP, which are required by the public on a daily basis. Region-wide, population growth will continue to strain existing facilities and services. Seasonal populations make facility planning very difficult. It is hard to ensure that development utilizes existing unused service capacities before resorting to the construction of new facilities.

The SRPP indicates that local governments within the region should support and establish recycling and hazardous waste disposal programs; transportation of hazardous waste products is regulated; personnel working with hazardous wastes be trained and properly protected; and local governments properly collect solid wastes and operate disposal facilities.

Solid waste management programs in the Region consist of landfills, transfer stations, and yard trash compost sites. An SWFRPC study indicated limited effectiveness for a single six-county solid waste disposal system. As a result, alternatives such as the Lee County Resource Recovery Facility and the currently under construction - Lee/Hendry Landfill have come to fruition.

place and available to serve the development at the time of issuance of a certificate of occupancy through an enforceable development agreement pursuant to Section 163.3220, *Florida Statutes*, or through an agreement or development order pursuant to Chapter 380, *Florida Statutes*.

- POLICY 9-D-3 Identify by 1999 any emergency shelters and portions of evacuation routes subject to flooding during coastal flooding of 4.0, 5.0, and 6.0 feet above mean sea level.
- POLICY 9-D-4 Identify options to improve flood-prone emergency shelters and evacuation routes, including but not limited to:
- i. raising the elevation of low-lying roads;
 - ii. berming/diking/elevating shelter facilities; and
 - iii. installing flap-valves on stormwater discharges where appropriate.
- POLICY 9-D-5 The quality of water to be discharged from new surface water management systems is and shall remain subject to state and regional permitting programs that determine compliance with state water quality standards. Stormwater management systems in new private and public developments (excluding improvements to existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm). 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 shall be

designed to avoid increased flooding of surrounding areas.

OBJECTIVE 9-E PRELIMINARY DRAINAGE STUDY — Identify by 2009 all existing drainage facilities and poorly drained areas.

- POLICY 9-E-1 Undertake a thorough effort to map all existing drainage facilities, including modern stormwater management systems, roadside swales, and remnants of systems that may no longer function. Use citizen volunteers to reduce the cost of this effort.
- POLICY 9-E-2 Identify significant existing drainage problem areas through logs of citizen complaints and a public outreach effort.
- POLICY 9-E-3 Identify any existing facilities that need immediate repair or replacement.
- POLICY 9-E-4 Identify any partially submerged stormwater outfalls that could be retrofitted with grates to prevent manatees from entering the drainage system.

OBJECTIVE 9-F STORMWATER MASTER PLAN — Evaluate by 2010 the need to improve public stormwater management facilities.

- POLICY 9-F-1 This evaluation shall determine the nature of potential improvements to the existing stormwater system to improve drainage and to reduce the level of contaminants running off into tidal waters.
- POLICY 9-F-2 This evaluation shall include studies and/or models as needed to determine the capacity of existing facilities if they were fully maintained.
- POLICY 9-F-3 This evaluation shall also be based on the initial results of the monitoring program, the inventory of existing facilities, the potential

for improving drainage and water quality, the potential effects of future development, and the potential cost of the improvements.

POLICY 9-F-4 This evaluation shall determine what kind of improvements might better protect life and property against flooding from extreme tides and tropical storms.

POLICY 9-F-5 The interim levels of service shall be re-examined if any instances occur where they cannot be maintained.

POLICY 9-F-6 The Town Council shall establish a funding source within two additional years to begin carrying out the selected stormwater improvements. This funding source may include revenue from gas taxes, ad valorem collections, stormwater utility fees, or other recurring sources.

CAPITAL IMPROVEMENTS ELEMENT

<p>INTRODUCTION 11 - 1</p> <p>FINANCIAL ISSUES AT FORT MYERS BEACH .. 11 - 2</p> <p style="padding-left: 20px;">Decentralized Service Providers 11 - 2</p> <p style="padding-left: 20px;">Potential Turn-Over of Lee County Facilities 11 - 2</p> <p>POSSIBLE SOURCES OF ADDITIONAL REVENUE 11 - 3</p> <p style="padding-left: 20px;">Potential Changes to Impact Fees 11 - 3</p> <p style="padding-left: 20px;">Stormwater Utility Fees 11 - 3</p> <p style="padding-left: 20px;">Utility (Public Service) Taxes 11 - 4</p> <p style="padding-left: 20px;">Dedicated Ad Valorem Millage 11 - 5</p> <p style="padding-left: 20px;">Franchise Fees 11 - 5</p> <p style="padding-left: 20px;">Parking Fees 11 - 5</p> <p style="padding-left: 20px;">Redevelopment Agency 11 - 6</p> <p style="padding-left: 20px;">Special Assessments 11 - 6</p> <p style="padding-left: 20px;">User Fees 11 - 6</p> <p style="padding-left: 20px;">Borrowing 11 - 7</p> <p style="padding-left: 20px;">Lee County Transportation Funds 11 - 7</p> <p style="padding-left: 20px;">Resort Taxes 11 - 7</p> <p>EXISTING REVENUE SOURCES 11 - 7</p> <p style="padding-left: 20px;">Ad Valorem Property Taxes 11 - 8</p> <p style="padding-left: 20px;">Impact Fees 11 - 9</p> <p style="padding-left: 20px;">State Revenue Sharing 11 - 10</p> <p style="padding-left: 40px;"><i>Municipal Revenue Sharing Program</i> 11 - 10</p> <p style="padding-left: 40px;"><i>Local Government Portion of Sales Tax</i> 11 - 10</p> <p style="padding-left: 40px;"><i>Communication Services Tax</i> 11 - 10</p> <p style="padding-left: 40px;"><i>Municipal Financial Assistance Trust Fund</i> 11 - 10</p> <p style="padding-left: 20px;">County Revenue Sharing 11 - 10</p> <p style="padding-left: 40px;"><i>Local Option Gas Taxes</i> 11 - 10</p>	<p style="padding-left: 20px;">Franchise Fees 11 - 11</p> <p style="padding-left: 20px;">Interest Earnings 11 - 11</p> <p style="padding-left: 20px;">Grants 11 - 11</p> <p style="padding-left: 20px;">Miscellaneous Revenues 11 - 12</p> <p>PUBLIC FACILITIES PROPOSED IN THIS PLAN 11 - 12</p> <p style="padding-left: 20px;">Public Facilities Required for Concurrency 11 - 12</p> <p style="padding-left: 40px;"><i>Potable Water Level-of-Service Standard</i> 11 - 13</p> <p style="padding-left: 40px;"><i>Sanitary Sewer Level-of-Service Standard</i> 11 - 14</p> <p style="padding-left: 40px;"><i>Solid Waste Disposal Level-of-Service Standard</i> 11 - 14</p> <p style="padding-left: 40px;"><i>Stormwater Level-of-Service Standards</i> 11 - 15</p> <p style="padding-left: 40px;"><i>Recreation Level-of-Service Standard</i> 11 - 16</p> <p style="padding-left: 40px;"><i>Transportation Level-of-Service Standard</i> 11 - 17</p> <p style="padding-left: 40px;"><i>Public School Level-of-Service Standard</i> 11 - 18</p> <p style="padding-left: 40px;"><i>Concurrency Management System</i> 11 - 19</p> <p style="padding-left: 20px;">Other Public Facilities Proposed in This Plan 11 - 19</p> <p style="padding-left: 40px;"><i>Education and Health Care Facilities</i> 11 - 23</p> <p style="padding-left: 20px;">Setting Priorities for Capital Improvements 11 - 23</p> <p>ABILITY TO FINANCE CAPITAL IMPROVEMENTS 11 - 24</p> <p style="padding-left: 20px;">Accounting System 11 - 24</p> <p style="padding-left: 20px;">Forecasts of General Revenues and Expenditures 11 - 25</p> <p>FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS .. 11 - 27</p> <p>GOALS - OBJECTIVES - POLICIES 11 - 29</p> <p style="padding-left: 20px;">OBJECTIVE 11-A CAPITAL IMPROVEMENTS PROGRAM . 11 - 29</p> <p style="padding-left: 20px;">OBJECTIVE 11-B LEVEL-OF-SERVICE STANDARDS 11 - 31</p> <p style="padding-left: 20px;">OBJECTIVE 11-C CAPITAL FINANCING POLICIES 11 - 35</p>
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CAPITAL IMPROVEMENTS ELEMENT

INTRODUCTION

This Capital Improvements Element evaluates the public facilities proposed in all other elements of this comprehensive plan.

Specifically, this element:

- identifies various parties with fiscal responsibility for proposed capital improvements;
- analyzes the town’s fiscal capability to carry out capital improvements;
- establishes financial policies for capital improvements;
- presents a schedule for funding and construction that balances concurrency requirements with other capital improvement that are identified in this plan; and
- meets the additional financial feasibility requirements adopted by the state legislature in 2005.

“Capital improvements” are projects to build or improve major assets that have long-term value, such as buildings, roads, and parks.¹ This element identifies revenue sources that could be used for capital improvements, and presents criteria for setting priorities among the proposed projects. (All projects to be funded must be consistent with the comprehensive plan.)

¹ “Capital improvement” means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets which have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements. [Rule 9J-5.003(12), FAC] See Policy 11-A-6 of this plan.

This element provides the basis for creating a capital budget every year during the town’s regular budget process. The capital budget for each year is the first year of a revised five-year Capital Improvements Program (CIP).

Like this element, the CIP will contain a balanced set of revenues and capital expenditures for the next five years. After adoption each year, the five-year list of projects in the new CIP will continue to be incorporated as an update to this element. This element has been previously updated five times to revise the five-year schedule of improvements:

Table 11-1 – Prior Updating of Five-Year Schedule of Improvements

Application Number:	Adopting Ordinance:	Effective Date:
2000-1-TEXT	00-15	11/21/2000
2001-1-TEXT	01-07	11/21/2001
2002-1-TEXT	02-07	11/15/2002
2003-1-TEXT	03-13	3/8/2004
2004-1-TEXT	04-13	5/3/2005

The process of preparing this element and the CIP allows the community to be involved in implementing this comprehensive plan. Information is made available to everyone regarding when and where public projects should be expected. This process results in a reasonable multi-year spending plan, with public monitoring of whether adopted levels of service are being met (through a concurrency management system, to be discussed below). This process forces priority-setting across the entire spectrum of possible projects, allowing a realistic evaluation of what the public wants and can afford.

FINANCIAL ISSUES AT FORT MYERS BEACH

Twelve years after incorporation, many local policies are still evolving. Today's financial policies mainly reflect the promise of a "bare-bones" government that won the support of voters to create the town in late 1995. The intent was to increase local control with a minimum of duplication. The result has been a small government with few employees, a limited budget, and extensive "contracting out" of services to public and private entities, although this approach continues to be evaluated. The town has thus far been successful in its efforts to incubate and spin off initiatives rather than attempting to solve all problems with its own resources. The town's charter requires this enterprising approach because it severely limits public debt for capital improvements.

Each refinement of a comprehensive plan allows an updated look at the timing and location of future public investments. Vacant developable land makes up less than 3% of the town's land area (down from 8% at the time of incorporation), and even the few vacant parcels have public services available. Therefore, future public investments will be providing additional services and planning for the inevitable redevelopment of many first-generation buildings as they deteriorate or become obsolete. Strategic public investments can guide and stimulate private investment to help create the vision of the town's future as articulated in this comprehensive plan.

Public services at Fort Myers Beach are provided through a unique mix of public, for-profit, and voluntary entities, as discussed in the following sections.

Decentralized Service Providers

The town is served by several independent special districts, each with an independent elected board with its own taxing authority. These include the Fort Myers Beach Library District, the Fort Myers Beach Fire Control District, and the Fort Myers Beach

Mosquito Control District. Solid waste collection is contracted out by Lee County to a private firm. Sanitary sewer is provided directly by Lee County. Police protection is provided by the Lee County Sheriff. Lee County issues building permits in accordance with an interlocal agreement. Animal control is also contracted out.

These arrangements have proven generally satisfactory, although there are many opportunities for fine-tuning or alternatives.

Since incorporation, Lee County has been administering much of the town's land development code under contract to the town, an arrangement that has been desirable to the town but which is now being reconsidered by both parties.

Potential Turn-Over of Lee County Facilities

Lee County continues to maintain Estero Boulevard south of Times Square. This comprehensive plan and the subsequent streetscape plan by WilsonMiller contain many suggestions for improving the appearance and functioning of Estero Boulevard, but many would require the consent of and considerable funding from Lee County. The Transportation Element identifies many of the costs, benefits, and revenues that would be involved in a transfer of maintenance responsibility.

The recreational facilities at Bay Oaks, which have been operated by Lee County with cost-sharing by the town, are being transferred to the town. The proposed effective date is October 1, 2009.

POSSIBLE SOURCES OF ADDITIONAL REVENUE

In addition to the current revenue sources (which will be described later in this element), the following revenue sources could be used by the town for capital improvements.

Potential Changes to Impact Fees

The town now collects transportation impact fees from new development. These fees are collected when building permits are issued and are used for capacity-enhancing transportation improvements.

Under the current fee schedule, replacing an existing building does not trigger the payment of a new fee. Once the remaining vacant property at Fort Myers Beach has been built upon, the current transportation impact fee program will cease to be a viable funding source for further transportation improvements even though it is apparent that the current transportation system is highly inadequate.

The proposed streetscape improvements to Estero Boulevard would effectively add some capacity to Estero Boulevard, which makes these improvements eligible for transportation impact fees. If a program were devised to charge impacts fees for redevelopment of property, not just for new development, this could become a viable funding source for the streetscape program.

Capacity is enhanced by streetscape improvements in many ways: sidewalks and bike paths get pedestrians out of the roadway and encourage alternate travel modes; drainage improvements increase capacity during storm events; transit pullouts and/or a dedicated transit lane would reduce vehicle traffic by promoting an alternative mode; and underground utilities are necessary to provide the space in a limited right-of-way for the other improvements.

Because these capacity enhancements are difficult to quantify using normal engineering methods, the existing methodology would have to be updated. The model would be an “improvements-driven” impact fee. Cost estimates for capacity-enhancing elements of the streetscape program would be divided by projected redevelopment activities to determine the gross impact fee cost per unit of development.

For instance, if the town expects to get 50 new residential units each year and another 50 older homes are replaced with much larger units, that combined might be the equivalent of 100 new residential units if the impact fees were based on dwelling size. At an average per unit fee of \$5,000, that would amount to \$500,000 annually. Add another \$450,000 for nonresidential redevelopment, and transportation impact fees might bring in \$950,000. These amounts can be compared to collections from current impact fees, which are summarized in Figure 1.

The town could also consider other types of impact fees to pay for capital improvements that are necessitated by additional development or redevelopment.

Stormwater Utility Fees

A stormwater utility is a branch of municipal government whose sole purpose is stormwater management. Its funds usually come from a separate fee that is charged to owners of developed property, based on a share of the benefit each will receive from the utility. These fees cannot be used for any other purpose. The base fee is often around \$3/month for a typical home. A fee of this level covers stormwater planning, routine maintenance, and minor improvements to the system. Higher fees could provide funding for the drainage portion of improvements to Estero Boulevard.

The Stormwater Management Element discusses the benefits of establishing a stormwater utility at Fort Myers Beach. That element suggests establishing a monitoring program, an

inventory of drainage facilities, and an evaluation (in the form of a stormwater master plan) that will determine the nature of potential improvements to the stormwater system. Such evaluation will provide guidance to the town in determining the appropriate source of funds and mechanism, such as a stormwater utility, to begin carrying out selected stormwater improvements.

Utility (Public Service) Taxes

Utility taxes, also known as public services taxes, are paid by end users of specific services. These optional taxes may be levied by a municipality at rates up to 10% of the cost of electricity and water. They may also apply to telecommunications, but the 10% maximum applies to only a narrow range of these services; for instance, telephone service is capped at 7%.

One of the greatest difficulties in moving existing power lines underground is the difficulty in finding an equitable way to pay for the substantial one-time cost. A temporary surcharge could be placed on the sale of electricity within town limits, with these funds dedicated to moving the power lines along Estero Boulevard underground. This would be a logical funding source because of the link between electricity usage and improvements to the local electrical distribution system.

An FPL surcharge might bring in \$600,000 annually. Residents of unincorporated Lee County already pay such a surcharge. The town could formally agree to sunset this surcharge after 10 to 12 years when sufficient funds have been collected to place all of the Estero Boulevard power lines underground.

One characteristic of this method is that year-around residents would pay a greater share of the cost than if the same dollar amount was raised through ad valorem taxes (which are levied on the value of property, whether or not the property is occupied

throughout the year). Unlike ad valorem taxes, the surcharge would not be deductible on federal income tax returns.

The City of Fort Myers levies this tax at the maximum rate of 10% of the cost of electricity, water, and bottled gas and 7% for telecommunications. Proceeds are pledged to repay the city's revenue bonds. The City of Cape Coral, Bonita Springs, and Sanibel do not charge any public services taxes.

In 1997 the Town of Fort Myers Beach had proposed to implement a public services tax (then referred to as a utility tax) at a rate of 3% of the cost of electricity, and has an ordinance in place (but set at 0%). The Town Council placed the 3% rate before the voters in a November 1997 referendum. This tax, which would have generated about \$260,000 annually for land acquisition, was defeated at the polls and has not been reconsidered since that time; however, it still remains an option for the town.

Dedicated Ad Valorem Millage

For many years Lee County has collected separate ad valorem millages that are dedicated solely to capital improvements. For instance, since 2000 the county has collected ad valorem taxes from all property owners at the following rates:

- FOR GENERAL CAPITAL IMPROVEMENTS: 0.5124 per \$1,000 of taxable value of property.
- FOR CONSERVATION ACQUISITIONS ONLY: 0.5000 per \$1,000 of taxable value of property (for “Conservation 20/20”)

Since incorporation, the town has decreased its annual property tax levels from 1.47 mills to 0.7093 mills. Rising property values and fiscal prudence have made these decreases possible. By not continuing to lower the tax rate as property values rise, additional funds could be generated and dedicated to, for example, improving Estero Boulevard. For instance, if the town had not decreased its millage from 0.85 to 0.75 in 2005, an additional \$250,000 would have been generated that year alone.

The town has the same ability as Lee County to establish a separate millage for capital improvements. A similar alternative would be to dedicate a fixed portion of ad valorem taxes to a specific project such as improvements to Estero Boulevard. In this manner, that portion of the millage would have no reason to exist once the specific improvements have been completed.

Franchise Fees

Franchise fees are very similar to utility (public service) taxes. Both ultimately appear on local customers’ utility bills. Utility tax rates can float each year by action of the town council, whereas franchise fees are set at fixed rates for the duration of the franchise period.

Franchise fees are charged to the service provider for the right to provide certain services and use town rights-of-way. Franchise

fees are negotiated with various private companies (as authorized by Section 180.14 of the *Florida Statutes*) and are based on a percentage of the service provider’s gross revenue.

In August of 1997 Lee County added a 3% franchise fee for electric service which now yields \$7.5 million annually for the unincorporated area. The town has never entered into a similar franchise agreement; electric bills within the town do not reflect a franchise fee and the town receives no revenue from Florida Power and Light. If the town were to charge the same 3% franchise fee as Lee County, it would yield over \$400,000 per year; at 6%, it would yield over \$800,000.

The Cities of Fort Myers, Cape Coral, and Sanibel charge franchise fees for electricity and garbage hauling. At present, the only franchise fee charged by the town are for garbage hauling, which yields about \$80,000 per year.

Parking Fees

The town collects revenue from parking meters. Revenue from these meters during FY 07/08 is expected to be \$380,000. These meters serve to manage parking demand so that store employees and beachgoers are directed to long-term parking spaces rather than using the prime on-street parking that is reserved for shorter-term use. The meters are also a minor source of revenue after paying the substantial costs of administration and enforcement, but their main purpose is parking management.

Redevelopment Agency

Prior to incorporation, Estero Island was one of the designated community redevelopment areas of the Lee County CRA. The CRA had a list of community capital projects to be funded by its “tax-increment fund” (TIF). Each year this fund received the incremental increases in ad valorem revenue caused by increases in the tax base since the CRA program began. In all, \$2,590,387 million from this source was used on Estero Island.

After incorporation, TIF dollars were no longer set aside by the county. The Estero Island CRA had funds remaining in its budget after completion of the Times Square project; the county later agreed to transfer unused funds to the town. These funds were used to complete the next phase of that project, the improvements to Old San Carlos Boulevard.

In place of the county’s CRA program, the town decided to establish a Downtown Redevelopment Agency (DRA) which would encompass just the Times Square area down to the Diamondhead Resort (rather than the entire island). A redevelopment plan was drafted around 1998 to initiate this process, but the incremental increases in ad valorem revenue have apparently never been set aside.

If the town still wishes to pursue a DRA, it would establish a new tax-increment fund to capture the increases in tax revenues generated after the new district is formed. The town council would create a Redevelopment Trust Fund by ordinance (which must also must provide for funding the remainder of the redevelopment plan). However, a small DRA would generate relatively little revenue, even with the funds diverted from Lee County. The town can set aside its own revenue through its budgeting process, avoiding the administrative structure of a DRA, if it is willing to forgo the funds that would be diverted from Lee County and any other taxing authorities that are subject to tax increment financing.

Special Assessments

The town council can establish a special assessment within a defined area of the island to fund maintenance and/or capital improvements there, analogous to a county Municipal Service Benefit Unit. A special assessment could fund continuing maintenance of existing and future improvements, or could be used to build specific capital improvements such as underground utilities or sidewalks. Special assessments are also ideal for specialized projects such as maintenance dredging of private canals.

There are two requirements for the imposition of a valid special assessment. First, the property assessed must derive a special benefit from the improvement or service provided; and second, the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.

Special assessments can take two forms, or be a combination of the two. *Taxing* districts usually pay for on-going maintenance with a levy based on the assessed value of property. *Benefit* districts usually pay for one-time capital improvements, based on the acreage or front-footage of properties being benefitted by the improvement. The council can establish these assessments without a referendum.

User Fees

User fees may be charged for miscellaneous services ranging from recreational programs to photocopying. Such fees are intended to offset costs rather than provide revenue to support other governmental functions. User fees will pay for some of the cost to operate the Bay Oaks Recreation Center and the new swimming pool. User fees rarely pay for capital improvements.

Borrowing

The town charter greatly restricts borrowing. It requires the voters to approve, by referendum, the following types of borrowing:

- entering into lease purchase contracts or any other unfunded multi-year contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of thirty-six months (unless mandated by state or federal governing agencies); and
- the issuance of revenue bonds.

Revenue bonds are bonds financed by those directly benefitting from the improvements (for example, a toll bridge or a metered parking lot). The debt is paid off through charges to users of the public facilities built with bond proceeds.

A charter amendment on the November 1997 ballot would have removed restrictions on the use of bonds for the purchase of land or capital improvements, but the amendment was defeated.

In 2007, voters authorized refinancing of the town's water utility in accordance with charter requirements.

Lee County Transportation Funds

Lee County still maintains Estero Boulevard from Times Square to Big Carlos Pass and is very aware of its overcrowding and general poor condition. The drainage portion of improvements to Estero Boulevard is very considerable. A partnership with Lee County is possible whereby Lee County would pay the costs of drainage retrofits, road surfacing, and sidewalks/bike paths while the town pays for other costs.

Resort Taxes

Some towns with substantial tourist economies are allowed to tax visitor spending to pay for traveler-related services whose costs would otherwise inundate the community. For instance, the State of Montana allows such local governments to levy a 3% tax on goods and services typically sold to tourists (if approved in a local referendum); this tax applies to motels, campsites, restaurants, fast-food stores, and bars, but not to groceries.

Resort taxes are similar in some ways to tourist development taxes, such as the 5% tax that Lee County charges on transient rentals. However, tourist development taxes can only be used for statutorily defined purposes which do not include most local services used by visitors. Tourist development taxes are often used for tourism promotion, convention centers, and beach-related improvements.

Certain communities in Florida are allowed to levy a form of resort tax. For instance, Miami Beach charges 2% on retail sales of food and beverages, although it may not spend these funds for many of the purposes allowed in Montana. The Town of Fort Myers Beach cannot impose even this limited resort tax without its own special act of the state legislature (or a narrowly drawn general law such as used by Miami Beach, as found in Chapter 67-930, *Laws of Florida* as amended).

EXISTING REVENUE SOURCES

A basic principal of capital budgeting is that revenues and expenditures must be balanced (even though initial revenues may be obtained through borrowing). Therefore, until such time as any of the additional revenue-generating ideas suggested above have been implemented, the five-year schedule of capital projects is limited to that which can be paid for through existing revenue sources. This Capital Improvements Element will be updated annually to reflect additional funding sources as they

are implemented, and to reflect corresponding changes to the list of expenditures. Major existing revenue sources and funding mechanisms currently available to the town for capital improvement financing are described below. These funds are available for capital improvements only to the extent they are not needed for annual operating expenses.

Ad Valorem Property Taxes

Ad valorem taxes are an annual tax on the value of real estate (and some personal and business property). Assessed values are determined each year by the county property appraiser. The rate of taxation, or “millage rate,” is determined annually by each governing body with taxing authority. The millage rate is the amount to be paid for each \$1,000 of value (i.e. a millage rate of 1.0 would result in \$1 for each \$1,000 of assessed value).

Cities are limited to 10 mills of ad valorem taxation by Chapter 166.211 of the *Florida Statutes*. Assessed values are reduced by any exemptions allowed by law (such as the \$25,000 homestead exemption and the “Save Our Homes” exemption, and exemptions for widows and widowers, disability, government-owned, and non-profit owned property, including churches). This reduced value is known as the taxable value, which is multiplied by each millage rate levied by a local government to yield the total ad valorem tax bill to each property owner.

The total taxable value of property in the town for 2008 is \$3.4 billion. The current millage rate is 0.7093, which yields about \$2.4 million each year in ad valorem taxes.

State law requires that revenues be budgeted at only 95% of the full amount, assuming that only 95% of revenues may actually be collected during the year. About 44% of the town’s recurring revenues come

from ad valorem taxes. Ad valorem taxes can be used to fund both operating costs and capital projects.

Table 11-2a shows recent trends in assessed valuation for the Town of Fort Myers Beach. Given the recent extreme volatility in real estate values and tax-reform efforts by the state legislature, no increase in ad valorem revenue should be assumed for future years; further decreases are very possible.

The millage rate in recent years has been dropping at a rate roughly corresponding to increases in taxable value, yielding adequate funds to run the general governmental functions of the town. In 2008, the opposite occurred; taxable values dropped and the millage rate was increased. These minor annual adjustments to the millage rate will never generate sufficient funds for substantial capital improvements.

**11-2a — Trends in Assessed Valuation
Fort Myers Beach, 1996 – 2008**

	---Millage---		Taxable value	Annual increase in taxable value (calculated)	Percent annual increase (calculated)	Total ad valorem taxes levied
Town	Street Lighting District					
1996	1.0604	0.0357	\$1,097,095,620			\$1,163,360
1997	1.0961	—	\$1,149,535,220	\$52,439,600	4.8%	\$1,260,006
1998	1.0961	—	\$1,192,180,910	\$42,645,690	3.7%	\$1,306,750
1999	1.0961	—	\$1,289,215,850	\$97,034,940	8.1%	\$1,413,109
2000	1.0961	—	\$1,387,116,900	\$97,901,050	7.6%	\$1,520,419
2001	1.0400	—	\$1,616,283,120	\$229,166,220	16.5%	\$1,680,934
2002	1.0400	—	\$1,888,027,310	\$271,744,190	16.8%	\$1,963,548
2003	1.0000	—	\$2,291,140,270	\$403,112,960	21.4%	\$2,291,140
2004	0.8500	—	\$2,656,675,540	\$365,535,270	16.0%	\$2,257,324
2005	0.7498	—	\$3,063,418,220	\$406,742,680	15.3%	\$2,296,951
2006	0.6096	—	\$3,780,475,940	\$717,057,720	23.4%	\$2,304,578
2007	0.6053	—	\$3,910,189,400	\$129,713,460	3.4%	\$2,366,838
2008	0.7093	—	\$3,443,135,660	(\$467,053,740)	-11.9%	\$2,442,216

Impact Fees

The town requires the payment of impact fees before issuing building permits. Separate fees are paid to build community parks, regional parks, fire and emergency medical services, schools, and transportation facilities that are needed to keep up with the demands of growth. Table 11-2b shows the current impact fee rates, and Figure 1 shows the total impact fees collected by type and by year since Fiscal Year 00/01.

Although mainland roads do benefit town residents, the major impacts are the reverse, with mainland traffic causing acute congestion at Fort Myers Beach during the peak season. Lee County only allows its road impact fees to build new roads (and occasionally bike paths); it will not allow other types of transportation improvements such as mass transit. Since incorporation, the town has modified its transportation impact fee program in favor of a system that can better offset the impacts of further growth, given the town's intractable transportation problems. Instead of limiting expenditures to new roads, the program now covers capital improvements such as improved mass transit, better sidewalks, off-island parking areas, and elevating roads to prevent flooding. (However, no operating costs can be paid with any impact fees.)

Fire impact fees are transferred directly to the independent fire district. School impact fees are being collected by Lee County and are transferred directly to the school district.

**Table 11-2b — Selected Impact Fee Rates
(as of September 18, 2006)**

	SF <u>home</u>	MF <u>unit</u>	Hotel <u>room</u>	Retail <u>(per 1,000 sq. ft.)</u>	Restaurant
Transportation	\$2,971	\$2,059	\$2,237	\$5,063	\$6,504
Parks – regional	\$631	\$518	\$318	\$0	\$0
Parks – community	\$788	\$591	\$363	\$0	\$0
Fire protection	\$610	\$478	\$501	\$476	\$476
Schools	\$4,309	\$1,704	\$0	\$0	\$0
TOTAL:	\$9,309	\$5,350	\$3,419	\$5,539	\$6,980

Actual charges are slightly higher, reflecting 3% administrative charges

Impact Fee Collections, By Type of Fee

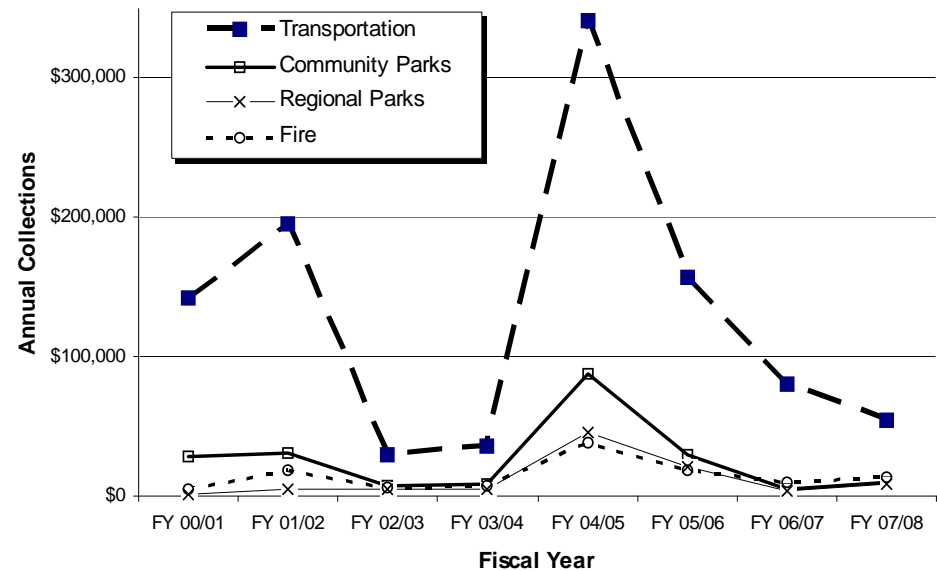


Figure 1

State Revenue Sharing

The state collects certain revenues that are then shared with municipalities and counties. Local shares are distributed according to various formulas found in state statutes. The three major state shared revenue programs are described below.

Municipal Revenue Sharing Program

This fund comes from 1.34% of the state sales and use tax collections, plus the 1-cent municipal gas tax, plus 12.5% of the state alternative fuel decal user fee. The share for municipalities is determined by a complex formula. For the 08/09 fiscal year, the forecasted amount for Fort Myers Beach will be \$118,383. About 26.6% of this amount results from the municipal gas tax and can be used only for transportation purposes (construction or maintenance), including transportation-related public safety activities.

Local Government Portion of Sales Tax

Revenue for this fund comes from 8.814% of the state sales tax, which is shared by counties and cities and is distributed using a complex formula. Forecasted sales tax revenue for the town is \$516,079 for fiscal year 08/09. These funds are to be used for municipal-wide programs or for municipal utility tax relief (to replace declining ad valorem revenues if applicable). These funds can also be pledged for bond repayment or used directly for capital projects.

Communication Services Tax

The 2000 Florida Legislature restructured seven prior taxes on communications services into a single program. The current tax applies to cable television and telephone service (both cellular and conventional phones).

Municipalities set the rate for a portion of this tax; the current rate set by the town is the maximum allowable (5.22%). The state Department of Revenue collects the taxes and remits the

relevant portion monthly. The yield to the Town of Fort Myers Beach has been increasing each year, from \$430,000 in FY 04/05 to an expected total of \$665,029 in 08/09.

Municipal Financial Assistance Trust Fund

This fund generated approximately 2 cents per pack of cigarettes (5.8% of the state tax on each pack of cigarettes) distributed to the municipalities by a ratio of each city's population (Cape Coral, Fort Myers, Sanibel, and Fort Myers Beach) to their combined population. These distributions were discontinued in 2000 when this fund was dissolved.

County Revenue Sharing

Local Option Gas Taxes

Lee County has a 6-cent local option tax on motor fuel which is shared with the municipalities according to a negotiated percentage specified in interlocal agreements. These funds may be used for general transportation purposes. In addition, the county has imposed a separate additional 5-cent tax on motor fuel, which it distributes according to the same percentages. This portion of the gasoline tax may be used only for transportation expenditures consistent with each municipality's adopted comprehensive plan. The 1996 distribution among Lee County's cities was as follows:

- Town of Fort Myers Beach 2.3%
- City of Sanibel 5%
- City of Fort Myers 14%
- City of Cape Coral 23.3%
- Unincorporated Lee County 55.4%

After the incorporation of Bonita Springs, an agreement was reached to share these revenues with the new city using a 50/50 split between population and centerline miles of roads. This same formula was applied to Fort Myers Beach in 2002, reducing the town's percentage from 2.3% to 1.27%. The county committed to using the differential (1.53%) to improve transportation at Fort Myers Beach for at least four years,

through FY 07/08. These funds are currently being used by Lee County to pay for the first phase of analysis and design for Estero Boulevard improvements under a contract awarded in December 2007 to McMahon Associates. The interlocal agreement that established these shares expired on September 30, 2008 and is being renegotiated.

The distributed amount to the town for F.Y. 07/08 was \$432,245.

Franchise Fees

The Town of Fort Myers Beach currently receives 5.5% of gross receipts as a franchise fee for garbage hauling. Budgeted revenues for FY 08/09 are \$80,000.

Interest Earnings

The town invests any surplus public funds in its control in any of the several options for investment allowed by Chapter 166.261 of the *Florida Statutes*. For F.Y. 08/09, the town is budgeting \$150,000 in earnings from interest.

Grants

Since incorporation, the town has been successful in obtaining numerous grants:

- Main Street Program — consists of a \$10,000 grant and technical assistance to establish a Main Street program in the downtown area.
- Florida Communities Trust — a grant of \$1,031,100 to acquire the Mound House on Connecticut Street. Over \$2 million in additional grants have been obtained to restore the house and landscape and to create a walk-in archaeological exhibit.
- Approximately \$60,000 in boater improvement funds through WCIND for public docks at Bowditch, the Mound House, and under the bridge; \$16,000 for boating

enforcement; and \$14,000 for a canoe/kayak landing at the Mound House.

- About \$200,000 of state tourism funds for the extension of the Times Square streetscape project.
- Approximately \$2,300,000 from the state and county to acquire the beachfront property of James and Ellie Newton and \$500,000 from the TDC for improvements to create a beach park.

Because of the uncertainty inherent in the grant process, proposed grants, like tax increases that are subject to a referendum, are not considered “committed funding sources.” If a capital improvement is needed to maintain an adopted level of service during the first three years, its funds must be committed.²

If a proposed improvement is not needed to maintain a level of service, or is not scheduled until the fourth or fifth year, it may be funded by a “planned” funding source. Proposed grants or tax increases that are subject to a referendum may be considered as planned funding sources.³ Once the grant or tax increase is approved, it then becomes a “committed funding source” and can be used for required capital improvements in the first three years.

If a proposed capital improvement is not required to achieve or maintain an adopted level of service, proposed grants or proposed tax increases may be listed as the funding source.

Grant proceeds may also be included as revenue being carried forward (“transfer from fund balance”) if a grant was awarded in a prior year but has not yet been fully expended. Capital improvements funded by such grants may be included anywhere on the five-year schedule of improvements (provided the timing is consistent with the terms of the grant).

² 9J-5.003(29), *Florida Administrative Code*

³ 163.3177(3)(a)5., *Florida Statutes*

Miscellaneous Revenues

In addition to the existing revenue sources described above, the town also receives miscellaneous revenues from sources such as these:

- Local business tax (occupational licenses)
- Mobile home licenses
- Alcoholic beverage licenses
- Permit fees
- Fees for zoning requests
- Assessments for capital projects
- Harborage user fees

Each miscellaneous revenue source is identified in the town's annual budget. For purposes of this capital improvements element, they are totaled as "Miscellaneous Revenues" and should be budgeted at 95% of the prior year's actual miscellaneous revenue.

PUBLIC FACILITIES PROPOSED IN THIS PLAN

This section summarizes public facility needs identified in other elements of this comprehensive plan. Public facility needs are divided into two categories: those that are required to maintain concurrency, and others that fulfill a policy requirement and/or are recommended in other elements of this plan. At present, there are no public facility needs related to concurrency.

The following section addresses concurrency requirements by:

- identifying public facilities needed to maintain concurrency;
- analyzing the general fiscal implications of existing deficiencies and future needs;
- estimating the cost of capital improvements needed to mitigate existing deficiencies, replacements, and needs caused by new growth;
- discussing public educational and health care facilities, as required by Rule 9J-5.016; and
- discussing the concurrency process.

After the concurrency discussion, *optional* capital improvements that are suggested throughout this comprehensive plan will be reviewed.

Public Facilities Required for Concurrency

State law requires all local governments to ensure that public facilities and services will be available "concurrent" with the impacts of new development. This concurrency requirement has been mandatory since its adoption in 1986 through the "Local Government Comprehensive Planning and Land Development Regulation Act" (Chapter 163, Part II, Sections 163.3167 through 163.3215).

To measure compliance, "level-of-service" standards are established to ensure that adequate public facilities will be available for existing and future development. These standards

indicate the acceptable capacity per unit of demand (typically per person, or per dwelling unit). In the respective elements of this comprehensive plan, the following quantifiable levels of service have been established:

Potable Water Level-of-Service Standard

POLICY 8-B-1: *“The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be: for potable water service: available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.*

Initial Status: The Utilities Element indicates that there is adequate facility capacity for water supply and that adequate services can be expected to be available to serve new development through build-out of Fort Myers Beach.

Fiscal Implications and Estimated Cost of Capital Improvements: Expansion costs are charged directly to users by the service providers; there are no additional costs that will become the responsibility of the town.

Measurement Method: “...available capacity is based on the difference between the total permitted plant design capacity of the [former] Florida Cities Water Company’s water system south of the Caloosahatchee and the peak daily flow through this system during the previous calendar year. This difference, measured in gallons per day, is available to serve new development in the service area.” (LDC § 2-48(a)(1))

Status in 2008: The Florida Cities water system in unincorporated Lee County has been purchased by Lee County and fully integrated into the Lee County Utilities system of five major water production plants. The town acquired the water

distribution system on Estero Island and now purchases water in bulk from Lee County Utilities.

The former Florida Cities water plant south of the Caloosahatchee is known as the Green Meadows water plant and has a design capacity of 10.5 million gallons per day (MGD). Water production was 9.0 MGD in 2004, 9.6 MGD in 2005, 9.5 MGD in 2006, 7.4 MGD in 2007, and is projected to be 7.5 MGD in 2008. Major capacity increases in three other Lee County Utilities’ water plants are either under construction or complete which will reduce or eliminate the need for Lee County Utilities to purchase water from neighboring utilities to meet peak demands anywhere in the system. (SOURCE: Lee County Concurrency Report, October 2008)

There have been no reports of water pressure falling below 20 psi except immediately following Hurricane Charley in August 2004.

Implications for Future Capital Improvements: No capital improvements are needed during the next five years to maintain the adopted level of service for potable water. The town intends to make significant upgrades to the aging water distribution system in the coming years but these improvements are not required to achieve or maintain the adopted level of service.

Sanitary Sewer Level-of-Service Standard

POLICY 8-B-1: “The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:
for sanitary sewer service: available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).”

Initial Status: The Utilities Element indicates that there is adequate facility capacity for wastewater treatment and that adequate services can be expected to be available to serve new development through build-out of Fort Myers Beach.

Fiscal Implications and Estimated Cost of Capital Improvements: Expansion costs are charged directly to users by the service providers; there are no additional costs that will become the responsibility of the town.

Measurement Method: “...available capacity is based on the difference between the total permitted plant design capacity of the Lee County Utilities’ Fort Myers Beach/Iona-McGregor service area and the peak month’s flow during the previous calendar year (divided by the number of days in that month). This difference, measured in gallons per day, is available to serve new development in the service area.” (LDC § 2-48(a)(2))

Status in 2008: The permitted design capacity of the Fort Myers Beach sewer plant is an average of 6.0 MGD. It operates slightly below capacity, currently at 5.8 MGD during the busiest day in 2007 and expected to rise about 0.1 MGD per year. (SOURCE: *Lee County Concurrency Report, October 2008*)

Implications for Future Capital Improvements: Although flow rates are high on the peak day due to infiltration of rainwater into the sewer system, Lee County Utilities appears to have more than adequate sewer capacity during the next five years to avoid any need to expand its treatment plant.

Solid Waste Disposal Level-of-Service Standard

POLICY 8-B-1: “The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:
for solid waste disposal service: the ability to collect and manage 7 pounds of municipal solid waste per person per day.”

Initial Status: The Utilities Element indicates that there is adequate facility capacity for solid waste disposal and that adequate services can be expected to be available to serve new development through build-out of Fort Myers Beach.

Fiscal Implications and Estimated Cost of Capital Improvements: Expansion costs are charged directly to users by the service providers; there are no additional costs that will become the responsibility of the town.

Measurement Method: “...available capacity is based on the difference between the current capacity of Lee County’s waste-to-energy plant and current peak usage of that facility. This difference, measured in tons per day, is available to serve new development county-wide.” (LDC § 2-48(a)(3))

Status in 2008: Lee County’s waste-to-energy plant has been operating at its guaranteed capacity since 1999. Construction on a third combustion unit was completed in August 2007, which has increased capacity dramatically. Recent countywide data indicates that the average person generates 8 to 10 pounds of solid waste per day, higher than the 7-pound figure that was previously believed to be accurate and was used to set the level of service for solid waste. (SOURCE: *Lee County Concurrency Report, October 2008*)

Implications for Future Capital Improvements: No capital improvements are needed during the next five years to maintain the adopted level of service for solid waste disposal.

Stormwater Level-of-Service Standards

POLICY 9-D-1: “Until completion of the evaluation under Policies 6-A through 6-F, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

- 1) During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.
- 2) During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.
- 3) During coastal flooding of up to 4.0 feet above mean sea level, all lanes of evacuation routes should remain passable. Emergency shelters should not be flooded.”

Initial Status: There is adequate capacity in the stormwater system to meet these interim levels of service (which are admittedly minimal).

Analysis: The Stormwater Management Element suggests that the town address flooding problems and water quality problems resulting from inadequately treated run-off. Flooding occurs from two different sources: one that occurs when the Gulf of Mexico and Estero Bay rise to unusual heights due to strong on-shore winds; and flooding caused by stormwater resulting from a conveyance system which is inadequate to get excess water off of the island and into the Gulf or Bay.

That element suggests a number of steps:

- an immediate program to monitor the environmental impacts of stormwater runoff;
- the use of sound management practices to reduce contaminant levels in stormwater;

- modifying land development regulations to improve the handling of stormwater;
- preparing an inventory of all existing drainage facilities and poorly drained areas; and
- evaluating, by the year 2000, the nature of potential improvements to the system and the adoption of better levels of service.

Based on the outcome of this evaluation, the town could establish a dedicated funding source to begin carrying out the selected stormwater improvements. This funding source may include revenue from gas taxes, ad valorem collections, stormwater utility fees, or other recurring sources.

Fiscal Implications and Estimated Cost of Capital Improvements:

No fiscal impact is required to meet the interim level-of-service standards. However, there will be significant costs to improve the current conditions. The costs for the monitoring program and implementation of sound management practices can be reduced through the use of knowledgeable volunteers and potential grant funding for innovative projects. The cost of a stormwater master plan to evaluate the feasibility of drainage options is budgeted in the five-year schedule of capital improvements (see Table 11-7 below) and this master plan has recently gotten under way. The evaluation in a stormwater master plan will determine costs associated with selected improvements and provide guidance as to the appropriate source(s) of funds to implement improvements. If this should result in the establishment of a stormwater utility, it may then become a self-supporting enterprise.

Measurement Method: “...available capacity is based on the reported depth that evacuation routes, emergency shelters, and essential services were flooded during or after storms of varying intensities. Depths of flooding shall be as reported by emergency services personnel, town, or county officials, or other reliable sources.” (LDC § 2-48(a)(4))

Status in 2008: Rainfall from a 3-day, 25-year storm has not occurred since this standard was adopted. Severe coastal flooding occurred during Hurricane Charley in August 2004; it significantly surpassed the 4.0-foot standard and made Estero Boulevard impassable during the storm (and for several days thereafter due to heavy accumulations of sand).

Implications for Future Capital Improvements: No capital improvements are needed during the next five years to maintain the adopted level of service for stormwater. The town has been and will continue to make significant upgrades to the town's drainage system in the coming years but these improvements are not required to achieve or maintain the adopted level of service.

Recreation Level-of-Service Standard

POLICY 10-D-3: *"The town adopts the following standard for community parks: for each 7,500 permanent residents, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketball courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities."*

Initial Status: This level-of-service standard for community recreational facilities has been met. A major enhancement, an outdoor swimming pool, was constructed by Lee County. The county acquired the land from multiple owners. Design, permitting, and construction were valued at \$1,295,000. These facilities will serve the recreational needs of the community through build-out.

Fiscal Implications and Estimated Cost of Capital Improvements: Fiscal impacts to the town are related to the long-term operation and maintenance of the community recreation center and swimming pool as those responsibilities are turned over to the town from the county. For many years, the town and the county

have divided the cost to operate the Bay Oaks Recreation Center. Lee County wants the town to take over management of this facility as early as October 1, 2009.

In an interlocal agreement with the county, the town agreed to operate and maintain a public swimming pool. The annual cost to operate and maintain the pool (water, heat, chemicals, and staff salaries) for FY 08/09 is expected to be \$235,200, to be offset by \$70,000 in revenue.

Measurement Method: Available capacity is based on the existence of specified park facilities, including a recreation complex, ballfields, tennis courts, basketball courts, play equipment, gymnasium, community meeting spaces, and programming of activities. (LDC § 2-48(a)(5))

Status in 2008: The adopted standard described the facilities in existence in early 1998. All of those facilities and their programming remain in place, plus the outdoor community swimming pool next to Bay Oaks Park. In addition, the Mound House has been acquired and is in operation at this time, and Newton Park is expected to be in operation in the near future.

Implications for Future Capital Improvements: No capital improvements are needed during the next five years to maintain the adopted level of service for recreation.

Transportation Level-of-Service Standard

POLICY 7-I-2: “The peak capacity of Estero Boulevard’s congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.”

Status: This level-of-service standard is currently being met. In 1996, the 1,300-vehicle average was exceeded only one month; in 1997, during no months.

Fiscal Implications and Estimated Cost of Capital Improvements:

This plan’s capital improvements for transportation are directed to sidewalks, bike paths, pedestrian crossovers, and shared parking facilities. Each of these will have some impacts on traffic circulation, but no numerical correlation can be deduced.

Measurement Method: “...available capacity is based on actual traffic counts from Lee County’s permanent count station on Estero Boulevard near Donora Boulevard. The total counts in both directions for the seven hours between 10:00 A.M. and 5:00 P.M. shall be summed for all days in each month. These sums shall be divided by seven and by the number of days in that month, yielding an average traffic flow (measured in vehicles per hour) during the peak period for that month. The amount that each month’s average is below the level-of-service standard of 1,300 vehicles per hour is the amount of capacity available to serve additional demand.” (LDC § 2-48(a)(6))

Status in 2008: Traffic counts on Estero Boulevard near Donora Boulevard have not increased since the Comprehensive Plan was adopted in late 1998. Between October 1995 and March 1998, there had been only a single month when average hourly counts

exceeded 1,300 vehicles per hour between 10:00 A.M. to 5:00 P.M. (SOURCE: Transportation Element, page 7–25)

Measurements of congestion are discussed at length in Appendix B to the Transportation Element. As a supplement to that analysis, Figure 2 shows average daily traffic data on Estero Boulevard since 1996, based on official counts from Lee County DOT. Traffic counts are taken on a quarterly basis at Avenida Pescadora and Virginia Avenue and then extrapolated to annual averages; those figures are highly dependent on the days chosen for the actual counts because traffic levels vary considerably based on tourism demands. Traffic counts have been taken every hour of every day since 1996 at Donora Boulevard; the Donora figures are the most reliable indicator of actual traffic on Estero Boulevard and are shown with a thicker line in Figure 2.

Several cautions are in order when reviewing the Donora traffic counts. First, they are annual averages rather than peak-season traffic levels. Second, unlike typical traffic counts, they cannot be used to assess the need to widen a road at the count location. Traffic levels at Donora actually reflect the serious congestion from Town Hall to the Sky Bridge; traffic toward the bridge backs up this far during busy periods, and traffic from the bridge cannot reach Donora without being slowed dramatically by the same congestion.

Figure 2 indicates that traffic levels at Donora are essentially unchanged since 1996. This has occurred despite modest additional growth within the town from vested development rights and from continued increases in tourism in the region. The reason is that peak traffic levels on Estero Boulevard are not controlled by traffic demand, but by the capacity of the busiest portion of the road, with its frequent driveways and side streets, shortage of available parking, and heavy pedestrian crossing volumes. Increasing traffic demand at Fort Myers Beach causes longer waiting periods for motorists rather than higher traffic counts.

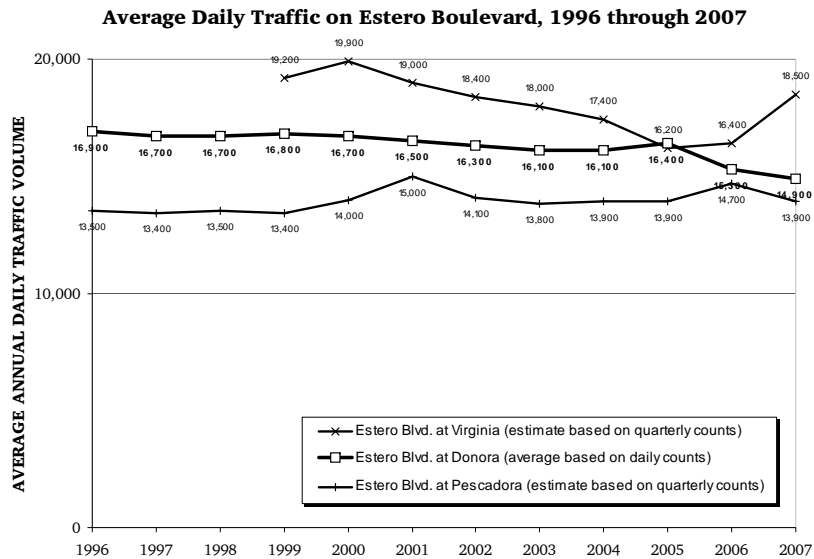


Figure 2

Implications for Future Capital Improvements: No capital improvements are needed during the next five years to maintain the adopted level of service for transportation. The numerous transportation improvements in this element’s five-year schedule of capital improvements will improve the quality of life at Fort Myers Beach but are not required to achieve or maintain the adopted level of service.

Public School Level-of-Service Standard

POLICY 16-B-1: “The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

- i. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- ii. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iii. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iv. Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

“Permanent capacity” of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district’s South Student Assignment Zone, as depicted in Figure 3 of this element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education’s Office of Educational Facilities. “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.

Initial Status: (see Public Schools Element for details)

Fiscal Implications and Estimated Cost of Capital Improvements: The Public Schools Element demonstrates that the School District has adequate funding to continue meeting this standard.

Measurement Method: (as described in Policy 16-B-1)

Status in 2008: The Public Schools Element contains data demonstrating that this standard is being met.

Implications for Future Capital Improvements: The capital improvements needed during the next five years to maintain the adopted level of service for public schools are contained in the School District's Five-Year District Facilities Work Program, as updated each September and as referenced in Policy 11-A-7 of this element.

Concurrency Management System

Minimum levels of service as described above must be met at all times in order for further building permits to be issued. This Capital Improvements Element must contain a policy requiring the town to maintain the adopted level-of-service standards for roads, sanitary sewer, solid waste, drainage, potable water, and parks, and provide a financially feasible plan which demonstrates that the adopted standards will be maintained (Rule 9J-5.0055 FAC). A new requirement to adopt a similar standard for public schools was added by the state in 2005.

To comply, this plan requires that development orders or building permits be issued by the town subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized, or are guaranteed to be in place through an enforceable development agreement pursuant to Section 163.320 FS or through an agreement or development order pursuant to Chapter 380 FS. Certain exceptions are described in Policy 11-B-5.

This plan's concurrency management system is will be implemented through § 2-48-2-49 of the land development regulations which specifies monitoring procedures and links them to the issuance of development orders and building permits.

The town has never failed to meet any of its adopted levels of service, and no shortfalls are anticipated during future planning timeframes. Thus the town's five-year schedule of capital improvements contains only improvements that the town has chosen to make to improve public services and quality of life.

Other Public Facilities Proposed in This Plan

When this plan was originally adopted in late 1998, the town had already reached about 85% of its build-out population. Additional development has been mostly in the form of infill on the remaining vacant parcels or by replacing existing buildings, plus the unanticipated final phases of Bay Beach which have been constructed after the circuit court ruled against the town's contention that the final phases were inconsistent with this plan and were not vested.

Only 112 of the additional 1,028 dwelling units forecasted in 1998 for by build-out remain to be constructed (see the Future Land Use Element and the 2007 Evaluation and Appraisal Report). Most other development activity within the town is the voluntary replacement of existing structures which are often aging, obsolete, or just an economic underutilization of valuable land.

For instance, a single home built across two full-size lots can be demolished and replaced by two homes. In other cases, a single-story commercial building may be replaced by a two- or three-story building with residential units on the upper floors. The town's strict density limitations for new construction and its restrictions on locations for commercial buildings together limit the number of additional units that can be created in this way.

The remaining undeveloped land totals only about 28 acres of vacant platted lots and is distributed fairly evenly throughout the entire town. Most of these lots will accommodate only one

single-family home, although a small number will accommodate two or more dwellings.

The entire town is within developed service areas, so there is no ability to control the location or timing of growth through providing or withholding public services. Therefore, the timing and location of capital improvements will emphasize new optional services and improving current service (such as discussed above under stormwater and transportation).

Capital investment by the public sector can be a strong catalyst for private redevelopment to help achieve the town's vision for the future. This comprehensive plan identifies several redevelopment areas including Times Square, the entire length of Estero Boulevard, the civic center surrounding Bay Oaks, the south end near the Villa Santini Plaza, and an interconnected system of pedestrian and bicycle pathways. These and others are discussed in their respective elements and summarized below, referenced by policy number. In addition, other elements of this plan identify more direct measures to implement the town's vision. Those measures *which have a capital component as the town's responsibility* are summarized and referenced by policy number in Table 11-3 below. All of these measures are optional; none are required to achieve or maintain levels of service that have been adopted as part of this plan.

To assist in planning for these projects, Table 11-3 also identifies other entities that could help implement them and lists potential sources of funds. Many of these funding sources have not been implemented (TIF, stormwater utility), and some would be subject to referendum (utility tax); however, they are included in Table 11-3 to indicate the type of projects that could use each source of funds.

Table 11-3 — Potential Capital Improvements

<i>Project</i>	<i>Policy</i>	<i>Entity</i>	<i>Potential Funding Sources</i>
Alternative transportation modes to Bowditch Point Park (tram, trolley, public docks).	Rec 10-B-2	Town and Lee County	Grant, General, WCIND
Enhancements to Lynn Hall Park (beach renourishment, beach volleyball areas, etc. and a pedestrian path)	Design 3-D-12, Rec 10-C-1 i	Town and Lee County	Grant, TDC, General
Pedestrian-friendly walkway from beach to bay	Design 3-D-5 ii, Rec 10-C-2 i	Town	Grant, TIF, General, TDC
Implement Central Green and facilitate revitalization of Villa Santini Plaza	Design 3-C-1, 2, Rec 10-C-2 iii	Partnership: Town/business	General, Grant, Private, Stormfee
Implementing Matanzas Pass restoration plan and planned future improvements.	Rec 10-E-1, Cons 6-B-3	Town, Lee Co., non-profit	Grant, TDC
Acquire additional sites for conservation and public appreciation of natural resources.	Rec 10-E-3, Cons 6-b-9	Town	Utility, Impact, FCT, 20/20
Continue Mound House restoration and improvements, including dockage facilities.	Rec 10-F-2	Town	Grant, General
Acquire one or more beach access points at the southern end of the island.	Rec 10-G-1, Coastal 5-E-3	Town or Lee County	Impact, Utility
Develop a sidewalk and streetscape plan for all of Estero Boulevard and upon completion, establish a phased schedule of capital improvements to complete the network, including occasional “oasis” areas (resting places for pedestrians and bicyclists) at selected trolley stops and other strategic locations along Estero Boulevard	Design 1-A-3, Rec 10-H-3, Trans 7-E-4	Town	Grant, General
Acquire parcels or easements as part of implementation of hidden paths network.	Design 2-A-1	Town/community land trust	Utility, General, Private
Create Estero Boulevard gateways or entry features	Design 2-C-1	Town or civic project	Grant, General
Develop a program for placing utilities underground that addresses both public and private sector development.	Design 2-C-5	Town and private sector	General, Private
Prepare a “heart of the island” plan and implement the streetscape plan for School Street and environs.	Design 3-A-4	Town	General
Replace rental space with a town hall if directed by the Town Council	Design 3-A-3	Town	General
Implement the pedestrian circulation plan along Estero Boulevard south of Times Square	Design 3-D-4, Trans 7-E-1	Town	TIF, General
Implement traffic circulation improvements in the downtown core area consistent with policies in Community Design Element. Capital costs would involve items such as a turn lane and/or a traffic signal.	Design 3-D-5	Town	TIF, General

Table 11-3 — Potential Capital Improvements

<i>Project</i>	<i>Policy</i>	<i>Entity</i>	<i>Potential Funding Sources</i>
Implement trolley/transit improvements in the downtown core area consistent with policies in the Transportation and Community Design Elements. Capital costs would involve providing trolley pull-off lanes on Old San Carlos and Lynn Hall Park, and cost of an open-air electric tram.	Design 3-D-6	Town	TIF, TDC, General, Grant
Implement the streetscape improvements for Crescent Street, Center Street, and First through Fifth street, including modifications to the roadway to provide on-street parking, new sidewalks, place utilities underground, landscape the public right-of-way, and implement the stormwater management exfiltration system both by private sector (as each property develops) and by public sector.	Design 3-D-4,5,6 Design 3-D-13 Trans 7-F-2	Town and private sector	Grant, Impact, TIF, Stormfee, Private
Build a pedestrian overpass near Times Square	Trans 7-H-1	Town and private sector	Grant, General, TIF, Private
Create pedestrian trails, interpretive signage (e.g. at Little Estero Island Critical Wildlife Area)	Rec 10-E-2 Cons 6-B-2	Town, DEP, FGFWFC	Grant, TDC
Participate in beach renourishment, dune creation, and construction of dune walkovers at public beach accesses.	Coastal 5-D-1	Town or Lee County	TDC, Grant, Private
Support the concept of a boardwalk along the beachfront as a private-sector effort	Design 3-D-4 iii, Rec 10-C-1 iv	Private sector	Private
Enhancements to Newton Park		Town	TDC, General

Policy legend:

Trans: Transportation Element
 FLU: Future Land Use Element
 Design: Community Design Element
 Rec: Recreation Element
 Cons: Conservation Element
 Coast: Coastal Management Element
 Hous: Housing Element
 Hist: Historic Preservation Element
 StmW: Stormwater Management Element
 Util: Utilities Element

Funding legend:

Grant: Grants
 TIF: Tax Increment Financing
 Utility: Potential utility tax
 Stormfee: Potential stormwater utility fee
 Impact: Impact Fees
 General: General Fund
 Private: Private Sector
 TDC: Tourist development tax (Lee County)
 WCIND: West Coast Inland Navigation District
 20/20: Conservation 20/20 (Lee County)
 FCT: Florida Communities Trust

Education and Health Care Facilities

Comprehensive plans are now required to identify the location and service area of the public education and public health systems, and to analyze the impact of new or improved systems on local infrastructure (Rule 9J-5.016 FAC).

There are no existing or planned public health care facilities in the Town of Fort Myers Beach. The only existing public educational facility is the Fort Myers Beach Elementary School. The service area for the elementary school includes the entire town (and beyond). The school is adequately served by roads, solid waste and wastewater disposal, potable water service, drainage, and recreation. There are no additional public educational facilities planned or needed.

Although no new schools will be needed within Fort Myers Beach or to serve students living at Fort Myers Beach, this plan was amended in 2008 to meet new state requirements for a public schools element and concurrency for schools.

Setting Priorities for Capital Improvements

The list of proposed capital projects would clearly cost far more than the revenues now available to fund them over the next five years. In any case, it is often difficult for a community to agree on which projects should be undertaken first (or at all). To provide a framework for decision-making, projects proposed to be included in the Capital Improvements Program should be evaluated annually in terms of their ability to further the objectives of the comprehensive plan.

All projects should be evaluated for financial feasibility, their impact on the town's budget, and the town's ability to operate and maintain the facility.

Priority should be given (in the following order) to projects that:

1. Remove a direct and immediate threat to the public health or safety;
2. Are directed by a court order or otherwise by law;
3. Are essential for the maintenance of the town's investment in existing infrastructure;
4. Remove an existing capacity deficiency;
5. Will accommodate new development or redevelopment anticipated by this plan.

For the purpose of further ranking projects that are otherwise equal, the following should be considered:

1. Priorities found elsewhere in the comprehensive plan;
2. Whether the facility is needed to satisfy a mandatory level-of-service standard in this comprehensive plan;
3. Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;
4. The revenue-generating potential of the project;
5. Whether the project leverages additional benefits to the town, such as offers to donate land or services by the private sector and/or other governmental entities.

State statutes require the following analysis:

*The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.*⁴

The comprehensive plan contains many ideas that the town cannot afford at this time; for instance, many of the streetscape improvements for the length of Estero Boulevard. However, the definition of “financial feasibility” in state statutes is limited to the feasibility of constructing only those improvements that are necessary to meet the adopted level-of-service standards:

*“Financial feasibility” means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180(12) and (16) is used.*⁵

ABILITY TO FINANCE CAPITAL IMPROVEMENTS

This section provides an assessment of the town’s ability to finance capital improvements based on anticipated population and revenues. This section demonstrates that sufficient revenue is available to maintain all adopted levels of service and to pay for additional desired improvements at the time they are scheduled. The fiscal assessment process consists of estimating revenues available for capital improvements and balancing these revenues with anticipated expenditures for capital improvements.

Accounting System

Currently, town’s budget is prepared and presented on a line-item and program basis, including:

- administrative costs,
- service cost centers,
- parks and recreation,
- capital improvements,
- Local Planning Agency costs,
- contractual services,
- committees,
- Main Street program, and
- reserves.

In 1998, the town began annual preparation of a capital budget and a five-year Capital Improvements Program which is separate from but consistent with the town’s operating budget. Capital improvements have been funded by transfers from the general fund and other revenue funds specifically for capital projects as they have become available. No capital improvements have been undertaken with borrowed funds.

⁴ F.S. 163.3191(2)(c)

⁵ F.S. 163.3164(32)

The general fund is the principal fund which accounts for the daily recurring activities of the town. It is funded by ad valorem revenues, intergovernmental transfers, and miscellaneous revenues, as described earlier in this element.

In fiscal year 08/09, the general fund budgeted \$3,028,337 for non-transportation capital projects, including development of the Newton Beach Park, improvements to the Mound House, land acquisition, and start-up funds for beach renourishment.

\$3,485,000 was budgeted in fiscal year 08/09 for transportation capital projects as described in Table 11-7.

Forecasts of General Revenues and Expenditures

Revenue forecasts are required in capital budgeting for future years. A conservative look at recent events suggests that historic revenue increases should not be assumed to continue and that future budgeting should be based on the same revenue shown in the 2008/2009 annual budget. Consistent with the town's governmental philosophy, forecasts of millage rates are likewise kept constant at 0.7093 (see Table 11-2). Table 11-4 provides the forecasted ad valorem proceeds.

Table 11-5 forecasts all anticipated revenues for FY 08/09 through 12/13, conservatively assuming no revenue increases in

future years. A similar assumption is made about future expenditures. To the extent that these revenues are not budgeted for ongoing services and operations, funds may be allocated from the general fund for capital improvements.

During the period since adoption of the comprehensive plan, the town has functioned without long-term debt and has continued to build up a surplus of funds, as shown in Figure 3.

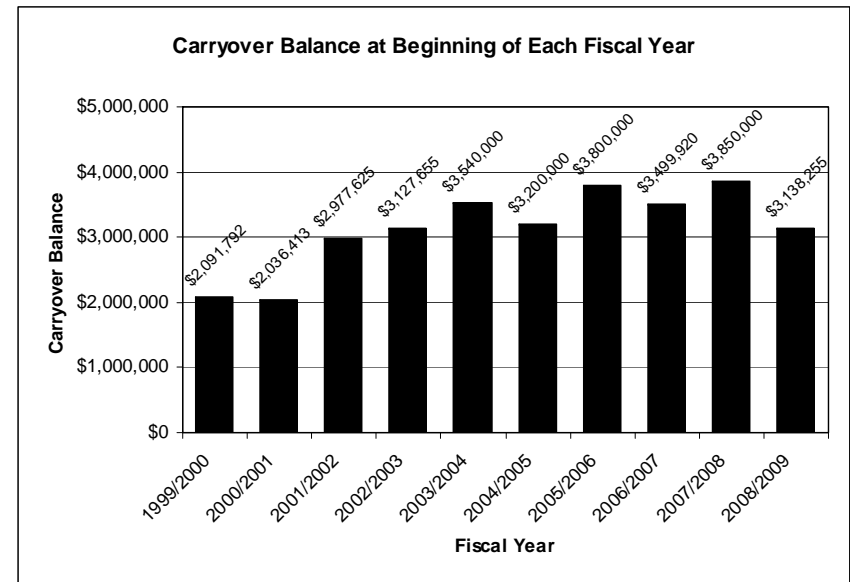


Table 11-4 — Ad Valorem Revenues, 2008/09 – 2012/13

	FY 08/09 (Budgeted)	FY 09/10 (Projected)	FY 10/11 (Projected)	FY 11/12 (Projected)	FY 12/13 (Projected)
Assessed value of real property (zero projected increase)	\$3,443,135,660	\$3,443,135,660	\$3,443,135,660	\$3,443,135,660	\$3,443,135,660
Millage rate (per \$1,000 of value)	0.7093	0.7093	0.7093	0.7093	0.7093
Gross Tax Estimate	\$2,442,216	\$2,442,216	\$2,442,216	\$2,442,216	\$2,442,216
Less 5% (budgeting requirement)	\$122,111	\$122,111	\$122,111	\$122,111	\$122,111
Estimated ad valorem revenue	\$2,320,105	\$2,320,105	\$2,320,105	\$2,320,105	\$2,320,105

Table 11-5 — Revenue Projections, FY 08/09 to 12/13

	<i>FY 08/09</i>	<i>FY 09/10</i>	<i>FY 10/11</i>	<i>FY 11/12</i>	<i>FY 12/13</i>
POTENTIAL REVENUE FOR TRANSPORTATION					
CAPITAL IMPROVEMENTS:					
Municipal revenue sharing program (26.6% share from state that is limited to transportation) . .	\$31,490	\$30,000	\$30,000	\$30,000	\$30,000
Transportation impact fees	\$85,000	\$25,000	\$20,000	\$15,000	\$10,000
Local option gas tax (based on 1.02% share of \$0.11 county tax on motor fuel beginning 09-10) . .	\$250,156	\$325,000	\$325,000	\$325,000	\$325,000
Interest	\$60,000	\$0	\$0	\$0	\$0
Grants:					
North Estero Rehabilitation (grant previously approved by SFWMD)	\$350,000	\$0	\$0	\$0	\$0
North Estero Rehabilitation (grant anticipated from FEMA)	\$954,400	\$0	\$0	\$0	\$0
Stormwater, Carolina to Tropical Shores (hazard mitigation grant from FEMA)	\$131,250	\$131,250	\$0	\$0	\$0
Special assessment from Laguna Shores (60% of dredging cost)	\$190,000	\$0	\$0	\$0	\$0
Miscellaneous transportation revenues	\$242,139	\$0	\$0	\$0	\$0
Anticipated annual transportation revenue:	\$1,791,046	\$380,000	\$375,000	\$370,000	\$365,000
<i>Less transportation revenue remaining in annual operating budget:</i>	<i>\$444,301</i>	<i>\$250,000</i>	<i>\$250,000</i>	<i>\$250,000</i>	<i>\$250,000</i>
Equals anticipated revenue available for transportation capital improvements:	\$1,346,745	\$130,000	\$125,000	\$120,000	\$115,000
POTENTIAL REVENUE FOR NON-TRANSPORTATION					
CAPITAL IMPROVEMENTS:					
Ad valorem property taxes	\$2,415,131	\$2,415,131	\$2,415,131	\$2,415,131	\$2,415,131
Community park impact fees	\$17,000	\$2,500	\$2,500	\$2,500	\$2,500
Regional park impact fees	\$15,500	\$2,000	\$2,000	\$2,000	\$2,000
Accumulated park impact fees from prior years (to be used for Newton Park)	\$164,000	\$0	\$0	\$0	\$0
Municipal revenue sharing program (73.4% share from state that is not limited to transportation)	\$86,893	\$150,000	\$150,000	\$150,000	\$150,000
Local government portion of sales tax	\$516,079	\$500,000	\$500,000	\$500,000	\$500,000
Communication services tax	\$665,029	\$665,029	\$665,029	\$665,029	\$665,029
Franchise fee (on garbage hauling)	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000
Interest earnings	\$150,000	\$0	\$0	\$0	\$0
Grants:					
Newton Park (carryover of development grant from TDC)	\$380,000	\$0	\$0	\$0	\$0
Mound House restoration (carryover of prior TDE and state grants)	\$520,932	\$0	\$0	\$0	\$0
Mound House landscape restoration phase II (grant from TDC)	\$726,405	\$0	\$0	\$0	\$0
Miscellaneous non-transportation revenues	\$589,521	\$600,000	\$600,000	\$600,000	\$600,000
Anticipated annual non-transportation revenue:	\$6,326,490	\$4,414,660	\$4,414,660	\$4,414,660	\$4,414,660
<i>Less non-transportation revenue required for annual operating expenses:</i>	<i>\$3,297,653</i>	<i>\$3,300,000</i>	<i>\$3,300,000</i>	<i>\$3,300,000</i>	<i>\$3,300,000</i>
Equals anticipated revenue available for non-transportation capital improvements:	\$3,028,837	\$1,114,660	\$1,114,660	\$1,114,660	\$1,114,660

FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

Table 11-7 shows the most recent five-year schedule of capital improvements, as amended through FY 2008/09 to 2012/13. Because this schedule must be balanced (expenditures cannot exceed revenues), the number of projects to be implemented is limited to existing revenue sources. If future grants are obtained for capital projects, they will also be added. Because the town's charter currently prohibits most borrowing, no forecast of the town's debt capacity is provided.

Additional projects can be added as additional revenue sources are put in place, or if listed projects are modified or deleted. As a practical matter, these updates to the Capital Improvements Program this will be evaluated during the annual budget cycle which is completed in late September of each year. Table 11-7 of this Element will be revised annually by the town council to reflect such decisions. Based on recent state legislation, the annual update to this plan can now be adopted by ordinance during the final budget hearing; the old rules, which required advance transmittal of the proposed update, have been repealed.

Table 11-7 — Revised Five-Year Schedule of Capital Improvements, FY 08/09 to 12/13

	Reduce level-of-service deficiency	Maintain adopted LOS?	Meet future LOS after growth?	Replace facility to maintain LOS?	Desirable but not related to LOS	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13
TRANSPORTATION CAPITAL IMPROVEMENTS:						(Capital budget)	(Projected in CIP)	(Projected in CIP)	(Projected in CIP)	(Projected in CIP)
Transportation: stormwater master plan & early implementation	-	-	-	-	✓	\$265,000	\$0	\$0	\$0	\$0
Transportation: dredging at Laguna Shores.	-	-	-	-	✓	\$475,000	\$0	\$0	\$0	\$0
Transportation: stormwater plan from Carolina to Tropical Shores	-	-	-	-	✓	\$175,000	\$175,000	\$0	\$0	\$0
North Estero Blvd. improvements (Times Square to Bowditch Point)	-	-	-	-	✓	\$2,570,000	\$710,415	\$0	\$0	\$0
Total of proposed annual expenditures:						\$3,485,000	\$885,415	\$0	\$0	\$0
Transportation reserves carried forward from prior year:						\$2,138,255	\$0	(\$755,415)	(\$630,415)	(\$510,415)
Anticipated annual transportation & related revenue for capital improvements:						\$1,346,745	\$130,000	\$125,000	\$120,000	\$115,000
Anticipated year-end transportation reserves after proposed expenditures:						\$0	(\$755,415)	(\$630,415)	(\$510,415)	(\$395,415)
NON-TRANSPORTATION CAPITAL IMPROVEMENTS:										
Conversion of Newton property (funded largely by TDC grant)	-	-	-	-	✓	\$544,000	\$0	\$0	\$0	\$0
Beach access improvements (restrooms)	-	-	-	-	✓	\$0	\$100,000	\$0	\$0	\$0
Mound House improvements (funded by state, federal & TDC grants, plus park impact fees carried forward from prior years)	-	-	-	-	✓	\$1,247,337	\$0	\$0	\$0	\$0
Beach restoration	-	-	-	-	✓	\$1,000,000	\$0	\$0	\$0	\$0
Land acquisition	-	-	-	-	✓	\$225,000	\$0	\$0	\$0	\$0
Neighborhood landscaping (matching funds for street trees)	-	-	-	-	✓	\$12,500	\$10,000	\$10,000	\$0	\$0
Capital repairs to water utility system	-	-	-	-	✓	\$0	\$0	\$0	\$3,000,000	\$3,000,000
Acquire property and renovate existing town hall	-	-	-	-	✓	\$0	\$3,800,000	\$500,000	\$0	\$0
Total of proposed annual expenditures:						\$3,028,837	\$3,910,000	\$510,000	\$3,000,000	\$3,000,000
Non-transportation reserves carried forward from prior year if not listed on Table 11.5:						\$0	\$0	(\$2,795,340)	(\$2,190,680)	(\$4,076,020)
Anticipated annual revenue for non-transportation capital improvements:						\$3,028,837	\$1,114,660	\$1,114,660	\$1,114,660	\$1,114,660
Anticipated year-end non-transportation reserves after proposed expenditures:						\$0	(\$2,795,340)	(\$2,190,680)	(\$4,076,020)	(\$5,961,360)

GOALS - OBJECTIVES - POLICIES

Based on the analysis of capital improvements issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 11: To provide major public improvements that help create the safe and beautiful community envisioned in this comprehensive plan.

OBJECTIVE 11-A CAPITAL IMPROVEMENTS

PROGRAM — Adopt each year, as part of the budget process, a capital improvements program (CIP) that implements this plan, ensures the availability of services at adopted levels, and carries out the fiscal policies in this element.

POLICY 11-A-1 **ROLE OF THE CIP** — As a part of the town’s annual budget process, the town shall adopt a Capital Improvements Program every year that identifies all proposed capital expenditures for the ensuing five-year period, identifies the revenues to fund the expenditures, and describes each project’s compliance with the criteria in Policy 11-A-4 below. The proposed CIP shall be balanced, with the proposed expenditures not greater than the amount of revenues available to fund the expenditures. A list of projects that are needed, but unfunded, may be included as an attachment to the balanced CIP. Once adopted, the new five-year schedule of capital improvements shall

annually be incorporated into the Capital Improvements Element.

POLICY 11-A-2 **CIP PROCESS** — The Capital Improvements Program shall be prepared, adopted, and amended according to the following process:

- i. The proposed CIP shall be developed by the Town Manager based on a review of existing facilities, level-of-service standards, current and projected deficiencies, and the capital needs as identified in this comprehensive plan.
- ii. The proposed CIP shall be reviewed by the Local Planning Agency (LPA) which shall consider the consistency of all proposed CIP expenditures with this comprehensive plan.
- iii. After reviewing the report of the LPA, the Town Council shall modify the CIP as needed and adopt it by resolution in conjunction with the annual budget.
- iv. After its adoption, the CIP may be amended by resolution of the Council. All changes to the CIP must be consistent with this comprehensive plan.

POLICY 11-A-3 **CIP FISCAL POLICIES** — All projects included in the CIP should be evaluated for financial feasibility, their impact on the town’s budget, and the town’s ability to operate the facility. Operating costs associated with public facilities and services programmed in the CIP shall be incorporated into the town’s operating budget. The capital portion of the annual budget shall be consistent with the first year of the adopted CIP. Where an

amendment to the CIP affects the first year, the annual operating budget shall also be amended to remain consistent with the CIP.

- POLICY 11-A-4 **CIP PRIORITIES** — The following priorities shall be used in determining which projects are included in the CIP:
- i. Remove a direct and immediate threat to the public health or safety;
 - ii. Are directed by a court order or otherwise by law;
 - iii. Are essential for the maintenance of existing infrastructure;
 - iv. Remove an existing capacity deficiency;
 - v. Will accommodate new development or redevelopment anticipated by this plan.

- POLICY 11-A-5 **OTHER CIP CRITERIA** — For the purpose of further ranking projects that are otherwise equal, the following should be considered:
- i. Priorities found elsewhere in the comprehensive plan;
 - ii. Whether the facility is needed to satisfy a level-of-service standard in this plan;
 - iii. Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;
 - iv. The revenue-generating potential of the project;
 - v. Whether the project leverages additional benefits to the town, such as offers to donate land or services by

the private sector and/or other governmental entities.

- POLICY 11-A-6 **CAPITAL IMPROVEMENT DEFINED** — A “capital improvement” is a project to acquire, build or improve a major asset that will have long-term value, such as sidewalks, roads, landscaping, beach renourishment, parks, and nature preserves. Capital improvements usually have a value of at least \$10,000 and may include planning and design studies that will lead to a physical improvement.

- POLICY 11-A-7 **SCHEDULE OF IMPROVEMENTS** — Table 11-7 of this element presents the five-year schedule of capital improvements to be undertaken by the Town of Fort Myers Beach. This schedule will be updated each year through an amendment to this plan to correspond with revisions to the capital improvements program made by the town during its annual budget process.
- i. To comply with § 163.3180(13)(d), *F.S.*, the required five-year schedule of capital improvements also includes the capacity-enhancing school improvements and summary of estimated revenues as presented by the Lee County School District through its Five-Year District Facilities Work Program, as updated each September. For FY 2008/09 through 2012/13, the specific capacity-enhancing school improvements are listed in Table 16-7 of the Public Schools Element and the formal demonstration that those improvements meet all requirements of state law is set forth in that element.

- ii. To comply with § 163.3177(3)(a)5, *F.S.*, any capital improvements that Lee County Utilities needs to construct to achieve or maintain the potable water level of service in this plan during the next five years will be included in the town’s five-year schedule of capital improvements.

OBJECTIVE 11-B LEVEL-OF-SERVICE STANDARDS — Adopt and maintain a concurrency management system that ensures that public facilities are provided in accordance with the adopted level-of-service (LOS) standards for potable water, sanitary sewer, solid waste, stormwater, recreation, and transportation.

POLICY 11-B-1

UTILITIES LOS STANDARDS

(Repeated from Policy 8-B-1 of the Utilities Element): The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:

- i. for potable water service:
 - (a) Available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.
 - (b) Prior to issuance of building permits, the town must obtain assurances from Lee County Utilities that an adequate bulk water supply will be available to

the town’s water distribution system to serve new development at these same rates.

- ii. for sanitary sewer service: available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).
- iii. for solid waste disposal service: the ability to collect and manage 7 pounds of municipal solid waste per person per day.

POLICY 11-B-2

STORMWATER LOS STANDARDS

(Repeated from Policy 9-D-1 of the Stormwater Management Element): Until completion of the evaluation under Stormwater Management Element Policy 9-F-1 to 6, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

- i. During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.
- ii. During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.
- iii. During coastal flooding of up to 4.0 feet above mean sea level, all lanes of

evacuation routes should remain passable. Emergency shelters should not be flooded.

POLICY 11-B-3 RECREATION LOS STANDARD
(Repeated from Policy 10-D-3 of the Recreation Element): The town adopts the following standard for community parks: for each 7,500 permanent residents, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketball courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities.

POLICY 11-B-4 TRANSPORTATION LOS STANDARD
(Repeated from Policy 7-I-2 of the Transportation Element): The peak capacity of Estero Boulevard’s congested segments is 1,300 vehicles per hour. The minimum acceptable level-of-service standard for Estero Boulevard shall be that average monthly traffic flows from 10:00 A.M. to 5:00 P.M. during each month do not exceed that level for more than four calendar months in any continuous twelve-month period. Measurements from the permanent count station at Donora Boulevard shall be used for this standard.

POLICY 11-B-4.5 PUBLIC SCHOOL LOS STANDARD
(Repeated from Policy 16-B-1 of the Public Schools Element): The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

- i. Elementary Schools: 100% of permanent capacity as adjusted by the

- school district annually to account for measurable programmatic changes.
- ii. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iii. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- iv. Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

“Permanent capacity” of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district’s South Student Assignment Zone, as depicted in Figure 3 of the Public Schools element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education’s Office of Educational Facilities.

“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.

POLICY 11-B-5 **CONCURRENCY** — The town will enforce these levels of service under the concurrency requirements of Florida law by:

- i. Withholding development orders or building permits that might cause the adopted levels of service to fall below the minimum standards; or by
- ii. Issuing development orders or building permits subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized (or are guaranteed to be in place through an enforceable development agreement pursuant to Section 163.320 *FS* or through an agreement or development order pursuant to Chapter 380 *FS*).

However, for parks/recreation, transportation, and public schools, the following requirements will apply:

- iii. For parks and recreation, the facilities needed to serve new development must be in place or under actual construction within 1 year after issuance of a certificate of occupancy; any required acreage must meet the requirements of 163.3180(2)(b), Florida Statutes.
- iv. For transportation, the facilities needed to serve new development must be in place when a building permit is issued, or under actual construction within 3 years after issuance of a building permit that

results in traffic generation if the required facility is listed in Table 11-7, the Five-Year Schedule of Capital Improvements.

- v. For public schools, the facilities needed to serve new development must be in place when a final site plan is issued; or under actual construction within 3 years after issuance if the required facility is listed in Table 11-7, the Five-Year Schedule of Capital Improvements; or mitigation may be accepted by the school district in accordance with the Public Schools Element of this plan.

POLICY 11-B-6 **CONCURRENCY MANAGEMENT SYSTEM** — The town's concurrency management system shall comply with the provisions of Rule 9J-5.0055 *FAC* to include:

- i. The town's commitment to maintain the adopted level-of-service standards for potable water, sanitary sewer, solid waster, stormwater, recreation, and transportation.
- ii. The town's commitment that future CIPs and amendments to this element maintain this element's financially feasible plan to maintain these levels of service.
- iii. A system for monitoring and ensuring adherence to the adopted level-of-service standards, the schedule of capital improvements, and the availability of public facility capacity.
- iv. Standards for interpreting and applying level-of-service standards to applications for development orders

and building permits and specifying when the test for concurrency must be met (which will be no later than issuance of a development order or permit which contains a specific plan for development, including densities and intensities).

- v. The concurrency management system shall be implemented through the Land Development Code and ensure that development orders and building permits that are issued will not result in a reduction in the levels of service below the adopted levels of service.

POLICY 11-B-7 **ANNUAL CONCURRENCY ASSESSMENT** — The Town Manager shall annually prepare a formal assessment of the current status of the adopted level-of-service standards, including:

- i. existing usage of public facilities;
- ii. available capacity (committed or uncommitted); and
- iii. additional public facilities that are being planned.

Based on this assessment, the Town Council shall determine after a public hearing whether there is cause to withhold or condition building permits or development orders during the following year. Such action, as updated periodically by the Town Council, shall empower the issuance of development permits where this assessment reasonably demonstrates that sufficient capacity will be available to serve all development that is reasonably expected to occur during the period of time approved by the town council. This assessment and its conclusions shall be published by the town at least annually.

POLICY 11-B-8 **CONCURRENCY SHORTFALLS** — Should the annual concurrency

assessment indicate problems with maintaining one or more of the adopted level-of-service standards during the coming year, the Town Council shall immediately take one or more of the following actions:

- i. initiate a comprehensive plan amendment to modify the adopted level of service; or
- ii. determine which types of development permits will have significant impacts on service levels, direct that such permits shall not be granted or shall be granted conditionally (with occupancy dependent upon achievement of the adopted level of service), and set a schedule for the re-assessment of that level of service; or
- iii. immediately begin or accelerate capital improvements or other measures to offset any apparent deficiencies in levels of service. Examples would include upgrading potable water lines to improve water pressure; increasing sewage disposal or solid waste capacity; improving drainage or elevating evacuation routes at problem locations; adding recreational facilities; or improving public transit service, bicycle routes, and/or sidewalks to improve non-vehicular mobility.

The third alternative just listed is the preferred response of the Town of Fort Myers Beach to deficiencies in an adopted level of service, provided that the minimum concurrency requirements of this plan and state law are still met.

- POLICY 11-B-9 **CONCURRENCY DEFERRALS AND EXEMPTIONS** — The town’s concurrency management system shall allow deferrals and exemptions only as follows:
- i. Some types of development applications do not contain a specific plan for development or authorize any actual development. Such applications shall not be approved for concurrency compliance until a later stage of approvals where such impacts can be measured and then deducted from available capacity. The town may, however, evaluate probable concurrency impacts at these earlier stages as one factor in determining whether or not to approve such activities.
 - ii. Development applications will be exempted from the concurrency management system only if they will create zero or insignificant impacts on public facilities; any such exemptions shall be defined in the Land Development Code.
- POLICY 11-B-10 **CONCURRENCY APPLICATION** — The town’s concurrency management system shall be administered in accordance with the remainder of the Land Development Code. The preparation of the annual concurrency assessment shall be the responsibility of the Town Manager, and all decisions resulting from that assessment shall be made directly by the Town Council.

OBJECTIVE 11-C CAPITAL FINANCING POLICIES —
Manage the fiscal resources of the town to

- ensure the equitable financing of needed public facilities and services.
- POLICY 11-C-1 **EXISTING DEVELOPMENT** — Existing development shall be responsible for the costs of repairing and replacing existing public facilities and for capital improvements needed to eliminate pre-1998 deficiencies. This responsibility shall be discharged through the payment of property taxes, utility fees, gas taxes, sales taxes, user fees, and taxes and fees.
- POLICY 11-C-2 **NEW DEVELOPMENT** — New development and redevelopment shall bear a proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain service levels through payment of impact fees, connection fees, site-related developer dedications, developer contributions, and other lawfully imposed charges.
- POLICY 11-C-3 **IMPACT FEES** — Impact fees for designated public facilities shall be set to capture a substantial proportion of the full and real cost of the designated facility, and shall be reviewed and updated regularly.
- POLICY 11-C-4 **GENERAL FUND** — The town will develop specific policies as to the use of general governmental revenues for capital purposes, such as setting aside each year a portion of ad valorem taxes or other general revenues (such as sales taxes, gas taxes, or utility service taxes) for capital improvements.

POLICY 11-C-5 **GRANTS** — The town will actively seek grants from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations and restrictions involved in such grants.

POLICY 11-C-6 **INTERNAL CONSISTENCY** — Amendments and updates to the CIP and this Capital Improvements Element shall continue to support the Future Land Use Element, be consistent with all other elements of the comprehensive plan, and where appropriate, be consistent with all other state and regional plans.

GOALS - OBJECTIVES - POLICIES

Based on the analysis of intergovernmental issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 14: To efficiently coordinate plans, policies, and public services among the many public and private agencies that play important community roles.

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OBJECTIVE 14-A COORDINATION OF PLANS — Ensure coordination of this comprehensive plan with comprehensive plans of Lee County and the Lee County School Board, other units of local government providing services but not having regulatory authority over the use of land, and with regional and state plans.

- POLICY 14-A-1 The town will coordinate planning activities called for by this comprehensive plan with other local governments, the school board, other units of local government providing services but not having regulatory authority over the use of land, the regional planning council, and the state through informal coordination, working groups, workshops, joint meetings of governing boards, participation in coordinating organizations, special task forces, and by formal interlocal agreements as the need arises.
- POLICY 14-A-2 In the areas where the town's comprehensive plan addresses the subject matter of the State Comprehensive Plan in Chapter

187 *F.S.* and/or the 1995 Southwest Florida Strategic Regional Policy Plan, the town's plan has been designed to be compatible with and further these plans. Future amendments to this plan shall maintain this compatibility. The town will incorporate into the land development code appropriate regulations to further attain mutually held objectives.

POLICY 14-A-3 Where conflicts with other entities cannot be resolved through discussion among those concerned or other means, the town shall consider resolution through interlocal agreements and/or the informal mediation process of the Southwest Florida Regional Planning Council.

POLICY 14-A-4 Pursuant to the 1996 amendments to Chapter 163.3177 *F.S.*, the town shall cooperate with the Lee County and other municipalities within the county, the Lee County School Board and any unit of local government providing services in the county in the following activities:

- i. Developing principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plans;
- ii. Describing joint processes for collaborative planning and decision-making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance

The town will cooperate in establishing, by interlocal or other formal agreement executed by all affected entities, the joint pro-

cesses described above, pursuant to the schedule to be established by the state land planning agency.

POLICY 14-A-5 The town will coordinate with Lee County and the South Florida Water Management District to insure that this Comprehensive Plan remains consistent with Lee County's Water Supply Facilities Work Plan (last updated in July 2008) and SFWMD's 2005–2006 Lower West Coast Water Supply Plan Update (approved on July 12, 2006). The town commits to updating this Comprehensive Plan in accordance with statutory timeframes, which in 2009 required this update within 18 months after SFWMD updates or amends its 2006 Lower West Coast Water Supply Plan Update.

OBJECTIVE 14-B COORDINATION OF SERVICES — Ensure coordination among relevant entities in establishing level-of-service standards for public facilities, providing for efficient delivery of services, monitoring progress toward goals, and constructing improvements.

POLICY 14-B-1 The town would like to see major power lines placed underground to protect the lines, to avoid interruptions to evacuation due to fallen lines, and to improve the visual experience for tourists and residents.

POLICY 14-B-2 Level-of-service standards for public facilities, as specified in Policies 2-A through 2-D of the Capital Improvements Element, have been coordinated with the level-of-service standards of entities operating these facili-

ties. Future amendments to these standards shall be similarly coordinated.

POLICY 14-B-3 To foster coordination with special districts, the town shall review the annual public facilities report prepared by special districts pursuant to Section 189.415, *F.S.*

POLICY 14-B-4 The Town Council shall appoint a committee by 1999 to evaluate the relationship between the town and the three independent special districts and suggest whether efficiencies could be achieved through closer cooperation.

POLICY 14-B-5 The town shall continue to cooperate with Lee County's process of monitoring for conflicts in level-of-service standards for public facilities, and shall help resolve any conflicts.

POLICY 14-B-6 The town shall work closely with public and private service providers to coordinate expected utility improvements with roadway projects and/or become a party to the county's interlocal agreement with such entities.

POLICY 14-B-7 The town shall seek a significant role in policy matters concerning Lee County Utilities' sewer service, based on the town's dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.

OBJECTIVE 14-C COORDINATION OF NEW DEVELOPMENT — Work closely with Lee County in evaluating and addressing the effects of new development.

POLICY 14-C-1 During 1998, resolve the current ambiguity over the county's and town's roles in collecting and spending road impact fees.

- POLICY 14-C-2 In cooperation with Lee County, establish a process and enter into interlocal agreements as needed to address the following:
- i. Impacts of proposed new development or re-development in Lee County outside the town's boundaries which may impact the town's levels of service, natural resource standards, evacuation times, or other significant impacts.
 - ii. Impacts, if any, of development proposed in the town's comprehensive plan upon development in the adjacent county area.
 - iii. Resolution of annexation issues that may arise.
 - iv. Implementation of joint planning areas and/or joint infrastructure service areas.
 - v. Procedure for notification and exchange of information regarding changes in land use or zoning and/or other issues potentially affecting the area adjacent to the town's boundaries.

OBJECTIVE 14-D COORDINATION OF IMPLEMENTATION — Promote cooperative solutions to multi-jurisdictional problems and opportunities through active participation in coordinating entities, strengthening coordination mechanisms, leading by example (particularly through timely implementation of the policies of the town's comprehensive plan), and fostering community involvement in implementing this plan.

- POLICY 14-D-1 The town shall continue to participate actively in the Lee County Metropolitan Planning Organization and intends to join the Southwest Florida Regional Planning Council.
- POLICY 14-D-2 The town shall continue to participate in relevant coordinating entities sponsored by the regional planning council such as:
- i. Southwest Florida Chief Administrative Officers
 - ii. Regional Harbor Board
 - iii. Estero Bay Agency on Bay Management
 - iv. Beach Restoration working group convened by WCIND, SWFRPC, and Lee County Coastal Advisory Council
 - v. Southwest Florida Issues Group of the Governor's Commission for a Sustainable South Florida
 - vi. Charlotte Harbor National Estuary Program
- POLICY 14-D-3 The town shall continue to foster close cooperation among WCIND, SFWMD, DEP, FGFWFC, DCA, other state and federal agencies as appropriate, Lee County, local task forces, non-profit organizations and volunteer groups to implement the policies of the town's comprehensive plan.
- POLICY 14-D-4 The town shall actively participate in efforts that promote the consistent and coordinated management of bays, estuaries, and harbors that fall under the jurisdiction of more than one local government through the entities described in Policies 5-D-1/2/3 and specifically by implementing Policy 5-F-1 of the Coastal Management Element initiating a cooperative planning

- process for Matanzas Pass and surrounding waterways by 1998.
- POLICY 14-D-5 The town shall coordinate implementation of the comprehensive plan with the programs and permitting requirements of all relevant regional, state, and federal agencies and shall support the regulatory and enforcement efforts of those agencies by requiring applicants for development orders to obtain approval from these other agencies prior to the city's authorizing commencement of development activities.
- POLICY 14-D-6 The town will continue cooperating with Lee County over appropriate long-term responsibilities, cost sharing, and the transition process for county-owned facilities within the jurisdictional boundaries of the town, formalizing resolution of these matters through interlocal agreements.
- POLICY 14-D-7 The town shall continue to coordinate informally with the Fort Myers Beach Elementary School and the Fort Myers Beach Library District to address mutual needs.
- POLICY 14-D-8 The town will exchange information with the Fort Myers Beach Fire Control District and solicit input from the fire district on development proposals.
- POLICY 14-D-9 The town will consider joining the Lee County Regional Water Supply Authority.
- POLICY 14-D-10 Should the need for a new permanent dredge spoil disposal site arise, the town will coordinate with Lee County and the West Coast Inland Navigational District and resolve conflicts between the town and a public agency seeking a dredge spoil disposal site through the Coastal

PUBLIC SCHOOLS ELEMENT

INTRODUCTION	16-1
LEGAL BACKGROUND	16-1
CHANGES IN STUDENT POPULATION	16-1
PUBLIC SCHOOL SYSTEM	16-2
FUTURE CAPACITY ANALYSIS	16-5
CONCURRENCY BOUNDARIES	16-5
LEVEL-OF-SERVICE STANDARD	16-13
PROJECTED ADDITIONS TO SCHOOL CAPACITY	16-15
SCHOOL DISTRICT CAPITAL FUNDING	16-15
FINANCIAL FEASIBILITY	16-15
PROPORTIONATE SHARE MITIGATION	16-18
SCHOOL PLANNING AND SHARED COSTS	16-19
COORDINATION	16-19
GOALS - OBJECTIVES - POLICIES	16-21
REFERENCES	16-25

PUBLIC SCHOOLS ELEMENT

INTRODUCTION

Public schools are critical to the well-being and future of any community. Coordinated planning among the Lee County School District, Lee County government, and the five municipalities can ensure that public school capacity is available to meet the needs created by future growth.

The local governments participating in this school concurrency program are Lee County, the town of Fort Myers Beach, and the cities of Fort Myers, Cape Coral, Bonita Springs, and Sanibel. Each local government is entering into an interlocal agreement with the school district to establish common parameters from public school concurrency.

This element establishes public school concurrency requirements triggered by a level-of-service standard for public schools, as required by recent state legislation. School concurrency will ensure that the public school facilities needed to maintain the adopted level of service are in place before or concurrent with the school impacts of new residential development.

LEGAL BACKGROUND

In 2005 the Florida Legislature began requiring each local government to adopt a public schools element as part of its Comprehensive Plan and to amend other elements to implement public school concurrency.¹

¹ *Laws of Florida 2005-290, formerly known as Senate Bill 360*

This element must establish a level of service for public schools and also addresses school utilization, school proximity and compatibility with residential development, availability of public infrastructure, co-location opportunities for other public facilities, and financial feasibility of school expansion plans.

CHANGES IN STUDENT POPULATION

Very little vacant land remains at Fort Myers Beach. The number of additional students that will live within the town and use the public school system will be low.

The town's 2007 Evaluation/Appraisal Report estimated the following number of vacant lots: 14 on the beachfront; 49 on canals; and 43 inland lots. In addition, one multifamily building of 40 dwelling units remains to be constructed at Bay Beach, and about 6 dwelling units may be built on a vacant beachfront parcel near the Carousel Motel. Additional residential units will be constructed as some existing commercial parcels are redeveloped as mixed-use buildings.

It is possible to forecast the number of students who will reside in a new residential development based on countywide data. A "student generation multiplier" was determined by Lee County in 2008 as part of a school impact fee study. This multiplier is applied to the proposed development's number and type of residential dwelling units; the product is the number of students that should be expected. The multipliers are:

- Single-family home: 0.299 students per unit
- Multifamily: 0.118 students per unit

Applying these multipliers to anticipated additional residential development yields a total of only about 50–70 additional students at build-out of the town.

PUBLIC SCHOOL SYSTEM

The Florida Department of Education requires each school district to implement a financially feasible “Five-Year Capital Facilities Plan” that provides for school capacity improvements to accommodate projected student growth.² Improvements which increase the capacity of schools and which are budgeted and programmed for construction within the first three years of the plan are considered “committed” projects for concurrency purposes, as discussed later.

Currently, the school district operates 93 public schools from pre-kindergarten to 12th grade:

- 43 elementary schools and 4 K-8 schools
- 17 middle schools
- 13 high schools
- 13 special centers and 3 high-tech centers

Recent state-mandated changes, such as early childhood education and class size limitations, have affected the capacity of school district facilities. Within the current five-year plan, the following improvements will provide new capacity by 2011:

- 4 new elementary schools
- 2 new middle schools
- 1 elementary school replacement (increasing capacity by 308 student stations)

Florida school districts follow the same boundaries as counties. There is only school within the Town of Fort Myers Beach, the historic public elementary school on Oak Street (see Figures 1 and 2). This school serves grades K through 5, with enrollment fluctuating from 165 to its current capacity of 200 students, all of whom live (at least seasonally) on Estero or San Carlos Islands or have parents who work there. Adding middle-school classrooms to this school would be warmly welcomed by town residents.

² The most recent work plan, for 2008-2009, is available here:
<http://planning.leeschools.net/Data/08WkPlanFinal.pdf>



Figure 1, Fort Myers Beach Elementary School

The school is on an 11-acre site, 7.8 acres of which are buildable uplands. Excellent community facilities are adjacent, including the public library, Bay Oaks park, Matanzas Pass Preserve, and a public swimming pool. (This clustering of public facilities is consistent with the state law’s encouragement of the “co-location” of schools with parks, libraries, and community centers.)

The elementary school does not need to be expanded to meet future demands. The only change planned is to convert one primary classroom into a pre-kindergarten classroom for exceptional students. If unexpected enrollment increases were to occur, the school district’s busing program could transfer students to off-island schools; also, ample room remains on the current site for expansion. Although there is no apparent or expected need for additional space, should such a need occur, it could be accommodated by expanding the current school.

According to the 2000 Census, the following number of school-aged children resided within the town:

- 143 from 5 to 9 years old (2.2% of the population)
- 151 from 10 to 14 years old (2.3% of the population)
- 164 from 15 to 19 years old (2.5% of the population)
- 164 from 15 to 19 years old (2.5% of the population)

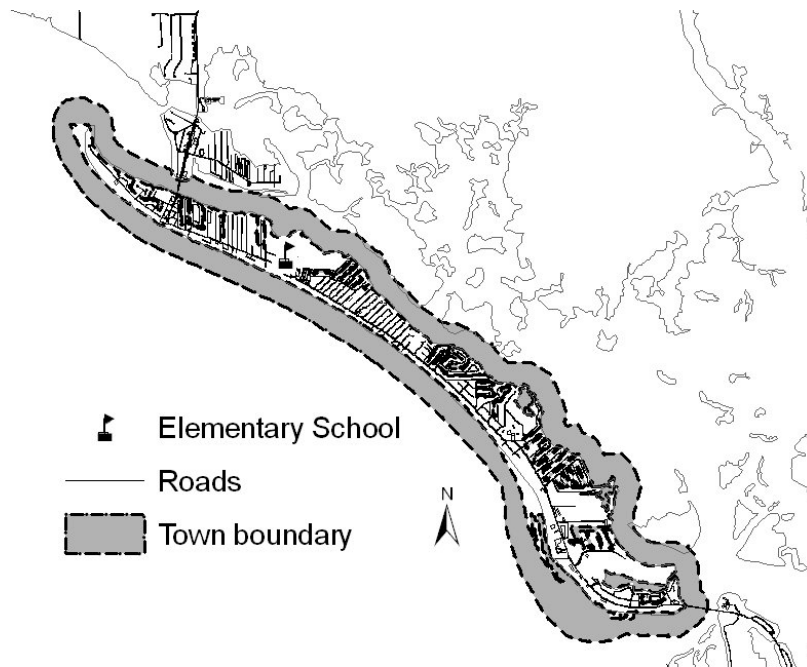


Figure 2, Fort Myers Beach Elementary School

Since 1998, the Lee County School District has operated under a “school choice” program. The School District was divided into three “student assignment zones” (south, east, and west), plus several sub-zones (see Figure 3). Fort Myers Beach is in the south zone, sub-zone S-4. Generally, students may be assigned to a school in their sub-zone or an adjacent sub-zone within the same zone; for example, a student living in S4 may also attend a school in S1, S2, or S3.

Prior to the beginning of the school year, parents select from a variety of schools close to where they live. Once the application period ends, each application is assigned a random number that determines the order in which the application is processed. Applications are sorted giving priority to siblings wanting to attend the same school, students living near each school, students whose first choice is a school within their sub-zone, and

students in full-time special education classes. The remaining applications are processed in order of their random numbers until all applications have been assigned.

Under the school choice program, children who are enrolled in a school can remain in that school through its highest grade unless they move to a different zone or sub-zone for which that school is not an option. Since the school choice program began, the district has tried to balance program offerings in each zone so that children do not have to attend schools in another zone to access a particular program. By limiting the choices to adjacent sub-zones, transportation costs have been kept manageable.

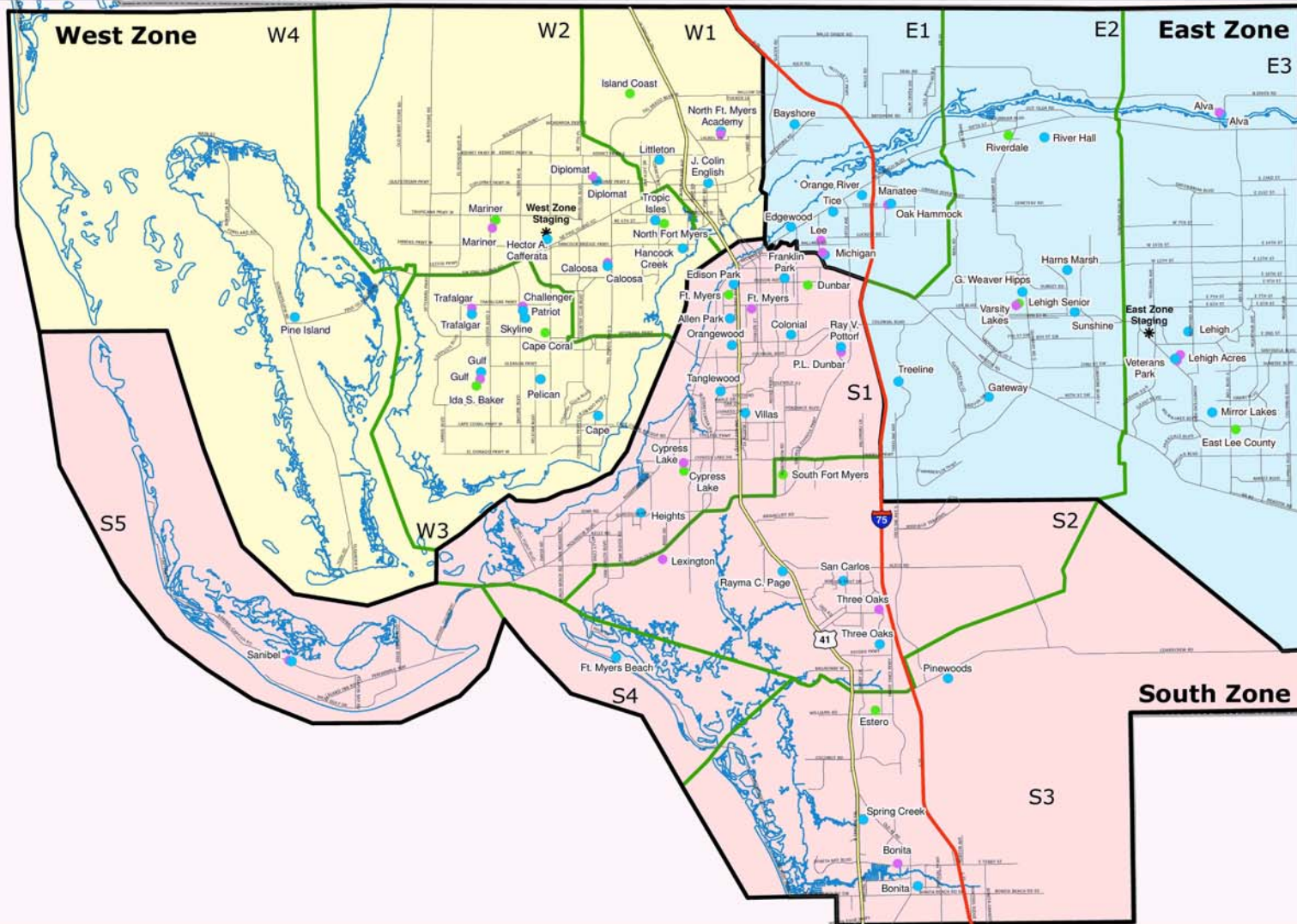
Table 16-1 shows the projected growth rate by grade level for the entire Lee County School District:

Table 16-1 — Student Growth Rates by Grade Level - Recent and Projected

<i>Grade</i>	<i>Actual 2007-08</i>	<i>Forecast 2008-09</i>	<i>Forecast 2009-10</i>	<i>Forecast 2010-11</i>	<i>Forecast 2011-2012</i>	<i>Forecast 2012-2013</i>
Pre-K	611	676	736	806	854	883
Grade K	5,976	6,162	6,100	6,770	7,547	8,183
Grade 1	5,865	5,955	5,943	5,890	6,476	7,243
Grade 2	5,547	5,883	5,803	5,785	5,732	6,289
Grade 3	5,601	5,915	6,080	6,014	5,986	5,953
Grade 4	5,275	5,408	5,533	5,676	5,609	5,596
Grade 5	5,449	5,467	5,431	5,544	5,674	5,621
Grade 6	5,188	5,590	5,453	5,418	5,528	5,683
Grade 7	5,390	5,332	5,549	5,414	5,362	5,474
Grade 8	4,977	5,327	5,116	5,311	5,184	5,149
Grade 9	5,590	5,273	5,348	5,257	5,477	5,495
Grade 10	5,524	5,133	4,683	4,651	4,562	4,711
Grade 11	5,063	5,474	4,998	4,505	4,379	4,258
Grade 12	<u>4,578</u>	<u>4,953</u>	<u>5,190</u>	<u>4,701</u>	<u>4,205</u>	<u>4,073</u>
Total	70,634	72,548	71,963	71,742	72,575	74,611

SOURCE: Table PSFE 9, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008

LEE COUNTY PUBLIC SCHOOLS 2008-2009 STUDENT ASSIGNMENT ZONES



MAP DISCLAIMER:
Maps and documents made available to the public by the Lee County Property Appraiser's Office are not legally recorded maps or surveys and therefore are not intended to be used as such. The maps and documents are created as part of a Geographic Information System (GIS) that compiles records, information, and data from various departments, cities, county, state and federal sources. The source data may contain errors. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, currentness, and limitations.

Please read:
All information taken from this map should be verified by the Parent Information Center.

I-75	Staging	Sub-Zones
SR 41	Elementary	EAST
Major Roads	Middle	SOUTH
County Boundary	High	WEST
Boundary		
Coastline		

Source: Lee County Property Appraiser
Lee County ROCC
Map Date: December 11, 2007
Prepared By: J. Rivera
File Location: \\GIS\River\Schools\2008-09\Student\2008-09\and

Figure 3, Student Assignment Zones

FUTURE CAPACITY ANALYSIS

Tables 16-2, 16-3, 16-4, and 16-5 provide a breakdown of the enrollment and school capacity for School Year 2008/2009 and projections for four additional years. This table indicates the student assignment zone (and sub-zone) where each school is located. These figures exclude charter schools which are funded by but not operated by the School District. School capacity figures are based on the capacity analysis in the Florida Inventory of School Houses.

The School District sometimes addresses capacity deficiencies at individual schools is through the use of relocatables (portable classrooms). The District currently uses relocatables to accommodate 5,603 students but plans to phase them out over the next five years.

The School District constantly monitors development trends to determine where new schools will be needed. The expected cost and timing of these schools is adjusted to match to available revenue sources. New schools have been added to Tables 16-2 through 16-5 to determine how well they will meet the demand of new students in each of the three school assignment zones.

CONCURRENCY BOUNDARIES

School concurrency is based on a measurement of available school capacity within a defined geographical area, called a “concurrency service area” (CSA).

The School District, the county, and the cities have agreed to use the three “student assignment zones,” as shown on Figure 3, as CSAs. State legislation encourages CSAs to be county-wide during the early years of school concurrency and then become more geographically targeted as the program evolves.³ However, the School District has demonstrated that it has a financially feasible plan to provide adequate school capacity in all three zones over the coming five years and has been a strong advocate of the smallest possible CSAs as early as possible. The School District would prefer to use sub-zones rather than zones for CSAs immediately, but county and some city officials were unwilling to do so at least in the early years of the concurrency program.

³ Florida Statutes § 163.3180(13)(c)

Table 16-2 — Projections for SOUTH Zone, By School Type and By Sub-Zone

<u>SCHOOL</u>	<u>2008/2009</u>			<u>2009/2010</u>			<u>2010/2011</u>			<u>2011/2012</u>			<u>2012/2013</u>			<u>2013/2014</u>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
S1																		
Allen Park Elementary	880	1,056	83%	890	1,056	84%	878	1,056	83%	860	1,010	85%	848	1,010	84%	895	1,010	89%
Colonial Elementary	684	965	71%	813	965	84%	802	965	83%	792	930	85%	781	930	84%	824	930	89%
Edison Park Elementary	385	449	86%	378	449	84%	373	449	83%	371	436	85%	366	436	84%	386	436	89%
Franklin Park Elementary	506	579	87%	488	579	84%	481	579	83%	485	570	85%	479	570	84%	505	570	89%
Heights Elementary	824	1,306	63%	1,101	1,306	84%	1,085	1,306	83%	1,112	1,306	85%	1,097	1,306	84%	1,158	1,306	89%
Orangewood Elementary	688	637	108%	537	637	84%	529	637	83%	468	549	85%	461	549	84%	487	549	89%
Ray V. Pottorf Elementary	604	912	66%	769	912	84%	758	912	83%	746	876	85%	736	876	84%	777	876	89%
Tanglewood Elementary	679	793	86%	668	793	84%	659	793	83%	636	747	85%	627	747	84%	662	747	89%
Villas Elementary	788	943	84%	795	943	84%	784	943	83%	730	857	85%	720	857	84%	760	857	89%
Elementary Total	6038	7,640	79%	6,438	7,640	84%	6,350	7,640	83%	6,201	7,281	85%	6,116	7,281	84%	6,454	7,281	89%
Cypress Lake Middle	749	880	85%	747	880	85%	741	880	84%	736	860	86%	755	860	88%	763	860	89%
P.L. Dunbar Middle	907	1,013	90%	860	1,013	85%	853	1,013	84%	838	980	86%	860	980	88%	869	980	89%
Fort Myers Middle	694	858	81%	729	858	85%	723	858	84%	740	865	86%	759	865	88%	767	865	89%
Middle Total	2350	2,751	85%	2,336	2,751	85%	2,318	2,751	84%	2,313	2,705	86%	2,374	2,705	88%	2,399	2,705	89%
Cypress Lake High School	1348	1,727	78%	1,451	1,727	84%	1,341	1,727	78%	1,293	1,680	77%	1,248	1,680	74%	1,243	1,680	74%
Dunbar High School	1002	1,242	81%															
Fort Myers High School	1689	1,964	86%	1,650	1,964	84%	1,525	1,964	78%	1,497	1,945	77%	1,445	1,945	74%	1,439	1,945	74%
High Total	4039	4,933	82%	3,101	3,691	84%	2,865	3,691	78%	2,791	3,625	77%	2,693	3,625	74%	2,683	3,625	74%
S2																		
Rayma C. Page Elementary	656	836	78%	704	836	84%	695	836	83%	731	858	85%	721	858	84%	761	858	89%
San Carlos Elementary	878	1,081	81%	911	1,081	84%	898	1,081	83%	851	999	85%	839	999	84%	886	999	89%
Three Oaks Elementary	738	738	100%	622	738	84%	613	738	83%	598	702	85%	590	702	84%	622	702	89%
Elementary Total	2272	2,655	86%	2,237	2,655	84%	2,207	2,655	83%	2,180	2,559	85%	2,149	2,559	84%	2,268	2,559	89%
Lexington Middle	890	1,027	87%	872	1,027	85%	865	1,027	84%	873	1,021	86%	896	1,021	88%	905	1,021	89%
Three Oaks Middle	802	987	81%	838	987	85%	831	987	84%	844	987	86%	866	987	88%	875	987	89%
Middle Total	1692	2,014	84%	1,710	2,014	85%	1,697	2,014	84%	1,717	2,008	86%	1,762	2,008	88%	1,781	2,008	89%
S Ft Myers High School	1425	1,926	74%	1,618	1,926	84%	1,495	1,926	78%	1,447	1,879	77%	1,396	1,879	74%	1,391	1,879	74%
High Total	1425	1,926	74%	1,618	1,926	84%	1,495	1,926	78%	1,447	1,879	77%	1,396	1,879	74%	1,391	1,879	74%

Table 16-2 — Projections for SOUTH Zone, By School Type and By Sub-Zone (continued)

<u>SCHOOL</u>	<u>2008/2009</u>			<u>2009/2010</u>			<u>2010/2011</u>			<u>2011/2012</u>			<u>2012/2013</u>			<u>2013/2014</u>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
S3																		
Bonita Springs Elementary	441	389	113%	328	389	84%	323	389	83%	326	383	85%	322	383	84%	340	383	89%
Pinewoods Elementary	932	1044	89%	880	1044	84%	868	1044	83%	882	1035	85%	869	1035	84%	918	1035	89%
Spring Creek Elementary	711	753	94%	635	753	84%	625	753	83%	641	753	85%	632	753	84%	668	753	89%
Elementary Total	2084	2186	95%	1842	2186	84%	1816	2186	83%	1849	2171	85%	1824	2171	84%	1925	2171	89%
Bonita Springs Middle	647	876	74%	745	876	85%	737	876	84%	725	847	86%	744	847	88%	751	847	89%
Middle Total	647	876	74%	745	876	85%	737	876	84%	725	847	86%	744	847	88%	751	847	89%
Estero High School	1427	1695	84%	1425	1695	84%	1316	1695	78%	1275	1657	77%	1231	1657	74%	1225	1657	74%
High Total	1427	1695	84%	1425	1695	84%	1316	1695	78%	1276	1657	77%	1232	1657	74%	1225	1657	74%
S1 Total	6038	7640	79%	6438	7640	84%	6350	7640	83%	6201	7281	85%	6116	7281	84%	6454	7281	89%
S2 Total	2272	2655	86%	2237	2655	84%	2207	2655	83%	2180	2559	85%	2149	2559	84%	2268	2559	89%
S3 Total	<u>2084</u>	<u>2186</u>	<u>95%</u>	<u>1842</u>	<u>2186</u>	<u>84%</u>	<u>1816</u>	<u>2186</u>	<u>83%</u>	<u>1849</u>	<u>2171</u>	<u>85%</u>	<u>1824</u>	<u>2171</u>	<u>84%</u>	<u>1925</u>	<u>2171</u>	<u>89%</u>
Elementary Total	10394	12481	83%	10517	12481	84%	10373	12481	83%	10230	12011	85%	10089	12011	84%	10647	12011	89%
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
S1 Total	2350	2751	85%	2336	2751	85%	2318	2751	84%	2313	2705	86%	2374	2705	88%	2399	2705	89%
S2 Total	1692	2014	84%	1710	2014	85%	1697	2014	84%	1717	2008	86%	1762	2008	88%	1781	2008	89%
S3 Total	<u>647</u>	<u>876</u>	<u>74%</u>	<u>745</u>	<u>876</u>	<u>85%</u>	<u>737</u>	<u>876</u>	<u>84%</u>	<u>725</u>	<u>847</u>	<u>86%</u>	<u>744</u>	<u>847</u>	<u>88%</u>	<u>751</u>	<u>847</u>	<u>89%</u>
Middle Total	4689	5641	83%	4791	5641	85%	4752	5641	84%	4755	5560	86%	4880	5560	88%	4931	5560	89%
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
S1 Total	4039	4933	82%	3101	3691	84%	2865	3691	78%	2791	3625	77%	2693	3625	74%	2683	3625	74%
S2 Total	1425	1926	74%	1618	1926	84%	1495	1926	78%	1447	1879	77%	1396	1879	74%	1391	1879	74%
S3 Total	<u>1427</u>	<u>1695</u>	<u>84%</u>	<u>1425</u>	<u>1695</u>	<u>84%</u>	<u>1316</u>	<u>1695</u>	<u>78%</u>	<u>1275</u>	<u>1657</u>	<u>77%</u>	<u>1232</u>	<u>1657</u>	<u>74%</u>	<u>1225</u>	<u>1657</u>	<u>74%</u>
High Total	6891	8554	81%	6144	7312	84%	5676	7312	78%	5513	7,161	77%	5321	7161	74%	5299	7161	74%

SOURCE: Table PSFE 12, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008

Table 16-3 — Projections for EAST Zone, By School Type and By Sub-Zone

SCHOOL	2008/2009			2009/2010			2010/2011			2011/2012			2012/2013			2013/2014		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
E1																		
Bayshore Elementary	590	693	85%	581	693	84%	604	693	87%	570	639	89%	566	639	89%	630	639	99%
Edgewood Elementary	479	741	65%	622	741	84%	645	741	87%	636	713	89%	632	713	89%	703	713	99%
Manatee Elementary	765	1042	73%															
Michigan Int. Elem.	366	442	83%	629	750	84%	653	750	87%	669	750	89%	665	750	89%	739	750	99%
Orange River Elem.	766	817	94%	685	817	84%	712	817	87%	682	765	89%	678	765	89%	754	765	99%
Tice Elementary	545	587	93%	492	587	84%	511	587	87%	481	539	89%	478	539	89%	531	539	99%
Elementary Total	3511	4322	81%	3010	3588	84%	3125	3588	87%	3038	3406	89%	3019	3406	89%	3357	3406	99%
Lee Middle	462	926	50%	769	926	83%	780	926	84%	796	917	87%	802	917	87%	658	917	72%
Michigan Int'l Middle	118	221	53%															
Oak Hammock Middle	794	1192	67%															
Middle Total	1374	2339	59%	769	926	83%	780	926	84%	796	917	87%	802	917	87%	658	917	72%
Dunbar High				867	1242	70%	813	1242	65%	638	983	65%	634	983	65%	631	983	64%
High Total	0	0		867	1242	70%	813	1242	65%	638	983	65%	634	983	65%	631	983	64%
E2																		
Gateway Elementary	749	758	99%	636	758	84%	660	758	87%	607	680	89%	603	680	89%	670	680	99%
Harns Marsh Elementary	898	912	98%	765	912	84%	794	912	87%	778	872	89%	773	872	89%	859	872	99%
Manatee Elementary				874	1042	84%	908	1042	87%	929	1042	89%	924	1042	89%	1027	1042	99%
River Hall Elementary	873	1046	83%	876	1046	84%	911	1046	87%	910	1020	89%	904	1020	89%	1005	1020	99%
Sunshine Elementary	1152	1191	97%	999	1191	84%	1037	1191	87%	988	1108	89%	982	1108	89%	1092	1108	99%
Treeline Elementary	850	1034	82%	867	1034	84%	901	1034	87%	922	1034	89%	916	1034	89%	1019	1034	99%
Elementary "V"										922	1034	89%	916	1034	89%	1019	1034	99%
Elementary "W"													916	1034	89%	1019	1034	99%
Elementary Total	4522	4941	92%	5018	5983	84%	5212	5983	87%	6056	6790	89%	6935	7824	89%	7711	7824	99%
Oak Hammock Middle				990	1192	83%	1005	1192	84%	1035	1192	87%	1043	1192	87%	855	1192	72%
Varsity Lakes	910	1024	89%	851	1024	83%	863	1024	84%	864	995	87%	870	995	87%	713	995	72%
Middle "LL"																860	1200	72%
Middle Total	910	1024	89%	1841	2216	83%	1868	2216	84%	1900	2187	87%	1913	2187	87%	2429	3387	72%
Lehigh Senior	1516	1732	88%	1208	1732	70%	1133	1732	65%	1112	1713	65%	1105	1713	65%	1100	1713	64%
Riverdale High School	1706	1926	89%	1343	1926	70%	1260	1926	65%	1251	1926	65%	1242	1926	65%	1237	1926	64%
High Total	3222	3658	88%	2551	3658	70%	2393	3658	65%	2363	3639	65%	2347	3639	65%	2337	3639	64%

Table 16-3 — Projections for EAST Zone, By School Type and By Sub-Zone (continued)

<u>SCHOOL</u>	<u>2008/2009</u>			<u>2009/2010</u>			<u>2010/2011</u>			<u>2011/2012</u>			<u>2012/2013</u>			<u>2013/2014</u>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
E3																		
Alva Elementary	412	391	105%	328	391	84%	341	391	87%	269	302	89%	268	302	89%	298	302	99%
Lehigh Elementary*				867	1034	84%	901	1034	87%	922	1034	89%	916	1034	89%	1019	1034	99%
Mirror Lakes Elementary	1027	1061	97%	890	1061	84%	924	1061	87%	892	1000	89%	886	1000	89%	986	1000	99%
Veterans Park Elementary	891	1178	76%	988	1178	84%	1026	1178	87%	963	1080	89%	957	1080	89%	1064	1080	99%
East Zone Staging **	<u>792</u>	<u>758</u>	<u>104%</u>	<u>636</u>	<u>758</u>	<u>84%</u>	<u>660</u>	<u>758</u>	<u>87%</u>	<u>676</u>	<u>758</u>	<u>89%</u>	<u>672</u>	<u>758</u>	<u>89%</u>	<u>747</u>	<u>758</u>	<u>99%</u>
Elementary Total	3122	3388	92%	3710	4422	84%	3852	4422	87%	3723	4174	89%	3699	4174	89%	4114	4174	99%
Alva Middle	560	513	109%	426	513	83%	432	513	84%	446	513	87%	449	513	87%	368	513	72%
Lehigh Acres Middle	1025	1057	97%	878	1057	83%	891	1057	84%	875	1007	87%	881	1007	87%	722	1007	72%
Veterans Park Middle	<u>600</u>	<u>589</u>	<u>102%</u>	<u>489</u>	<u>589</u>	<u>83%</u>	<u>496</u>	<u>589</u>	<u>84%</u>	<u>469</u>	<u>540</u>	<u>87%</u>	<u>472</u>	<u>540</u>	<u>87%</u>	<u>386</u>	<u>540</u>	<u>72%</u>
Middle Total	2185	2159	101%	1794	2159	83%	1820	2159	84%	1789	2060	87%	1802	2060	87%	1476	2060	72%
East Lee County High	<u>1623</u>	<u>1946</u>	<u>83%</u>	<u>1357</u>	<u>1946</u>	<u>70%</u>	<u>1273</u>	<u>1946</u>	<u>65%</u>	<u>1263</u>	<u>1946</u>	<u>65%</u>	<u>1255</u>	<u>1946</u>	<u>65%</u>	<u>1250</u>	<u>1946</u>	<u>64%</u>
High Total	1623	1946	83%	1357	1946	70%	1273	1946	65%	1263	1946	65%	1255	1946	65%	1250	1946	64%
E1 Total	3511	4322	81%	3010	3588	84%	3125	3588	87%	3038	3406	89%	3019	3406	89%	3357	3406	99%
E2 Total	4522	4941	92%	5018	5983	84%	5212	5983	87%	6056	6790	89%	6935	7824	89%	7711	7824	99%
E3 Total	<u>3122</u>	<u>3388</u>	<u>92%</u>	<u>3710</u>	<u>4422</u>	<u>84%</u>	<u>3852</u>	<u>4422</u>	<u>87%</u>	<u>3723</u>	<u>4174</u>	<u>89%</u>	<u>3699</u>	<u>4174</u>	<u>89%</u>	<u>4114</u>	<u>4174</u>	<u>99%</u>
Elementary Total	11155	12651	88%	11738	13993	84%	12189	13993	87%	12817	14370	89%	13653	15404	89%	15182	15404	99%
E1 Total	1374	2339	59%	769	926	83%	780	926	84%	796	917	87%	802	917	87%	658	917	72%
E2 Total	910	1024	89%	1841	2216	83%	1868	2216	84%	1900	2187	87%	1913	2187	87%	2429	3387	72%
E3 Total	<u>2185</u>	<u>2159</u>	<u>101%</u>	<u>1794</u>	<u>2159</u>	<u>83%</u>	<u>1820</u>	<u>2159</u>	<u>84%</u>	<u>1789</u>	<u>2060</u>	<u>87%</u>	<u>1802</u>	<u>2060</u>	<u>87%</u>	<u>1476</u>	<u>2060</u>	<u>72%</u>
Middle Total	4469	5522	76%	4404	5301	83%	4468	5301	84%	4485	5164	87%	4517	5164	87%	4563	6364	72%
E1 Total	0	0		867	1242	70%	813	1242	65%	638	983	65%	634	983	65%	631	983	64%
E2 Total	3222	3658	88%	2551	3658	70%	2393	3658	65%	2363	3639	65%	2347	3639	65%	2337	3639	64%
E3 Total	<u>1623</u>	<u>1946</u>	<u>83%</u>	<u>1357</u>	<u>1946</u>	<u>70%</u>	<u>1273</u>	<u>1946</u>	<u>65%</u>	<u>1263</u>	<u>1946</u>	<u>65%</u>	<u>1255</u>	<u>1946</u>	<u>65%</u>	<u>1250</u>	<u>1946</u>	<u>64%</u>
High Total	4845	5604	86%	4775	6846	70%	4479	6846	65%	4264	6568	65%	4236	6568	65%	4218	6568	64%

* Lehigh Elementary located in East Zone Staging School for 20082009 school year while existing campus is remodeled.

** East Zone Staging School will become Elementary "I" in 20092010 school year when converted to permanent campus.

SOURCE: Table PSFE 10, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008

Table 16-4 — Projections for WEST Zone, By School Type and By Sub-Zone

SCHOOL	<u>2008/2009</u>			<u>2009/2010</u>			<u>2010/2011</u>			<u>2011/2012</u>			<u>2012/2013</u>			<u>2013/2014</u>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
W1																		
J. Colin English Elementary	422	601	70%	531	601	88%	553	601	92%	561	584	96%	568	584	97%	599	584	103%
Littleton Elementary	628	738	85%	652	738	88%	680	738	92%	624	649	96%	631	649	97%	666	649	103%
North Ft Myers Acad. Elem.	<u>548</u>	<u>876</u>	<u>63%</u>	<u>774</u>	<u>876</u>	<u>88%</u>	<u>807</u>	<u>876</u>	<u>92%</u>	<u>820</u>	<u>853</u>	<u>96%</u>	<u>830</u>	<u>853</u>	<u>97%</u>	<u>875</u>	<u>853</u>	<u>103%</u>
Elementary Total	1598	2215	72%	1958	2215	88%	2040	2215	92%	2005	2086	96%	2029	2086	97%	2141	2086	103%
North Ft Myers Acad. Midd.	<u>438</u>	<u>438</u>	<u>100%</u>	<u>412</u>	<u>438</u>	<u>94%</u>	<u>349</u>	<u>438</u>	<u>80%</u>	<u>340</u>	<u>426</u>	<u>80%</u>	<u>344</u>	<u>426</u>	<u>81%</u>	<u>347</u>	<u>426</u>	<u>82%</u>
Middle Total	438	438	100%	412	438	94%	349	438	80%	340	426	80%	344	426	81%	347	426	82%
Island Coast High	<u>1094</u>	<u>2004</u>	<u>55%</u>	<u>1881</u>	<u>2004</u>	<u>94%</u>	<u>1802</u>	<u>2004</u>	<u>90%</u>	<u>1772</u>	<u>2004</u>	<u>88%</u>	<u>1796</u>	<u>2004</u>	<u>90%</u>	<u>1790</u>	<u>2004</u>	<u>89%</u>
High Total	1094	2004	55%	1881	2004	94%	1802	2004	90%	1772	2004	88%	1796	2004	90%	1790	2004	89%
W2																		
Caloosa Elementary	993	1075	92%	950	1075	88%	990	1075	92%	1015	1056	96%	1027	1056	97%	1084	1056	103%
Diplomat Elementary	944	1086	87%	960	1086	88%	1000	1086	92%	935	973	96%	946	973	97%	999	973	103%
Elementary "C"										994	1034	96%	1006	1034	97%	1061	1034	103%
Elementary "A"													1006	1034	97%	1061	1034	103%
Hancock Creek Elementary	874	1044	84%	923	1044	88%	961	1044	92%	976	1015	96%	987	1015	97%	1042	1015	103%
Hector A. Cafferata, Jr. Elementary	732	883	83%	780	883	88%	813	883	92%	750	780	96%	759	780	97%	800	780	103%
Tropic Isles Elementary	880	<u>1051</u>	<u>84%</u>	<u>929</u>	<u>1051</u>	<u>88%</u>	<u>968</u>	<u>1051</u>	<u>92%</u>	<u>959</u>	<u>997</u>	<u>96%</u>	<u>970</u>	<u>997</u>	<u>97%</u>	<u>1023</u>	<u>997</u>	<u>103%</u>
Elementary Total	4423	5139	86%	4542	5139	88%	4732	5139	92%	5628	5855	96%	6700	6889	97%	7070	6889	103%
Caloosa Middle	892	1005	89%	945	1005	94%	801	1005	80%	765	957	80%	772	957	81%	780	957	82%
Diplomat Middle	863	973	89%	914	973	94%	775	973	80%	773	967	80%	780	967	81%	788	967	82%
Mariner Middle	928	1141	81%	1072	1141	94%	909	1141	80%	903	1130	80%	911	1130	81%	921	1130	82%
Middle "MM"							<u>950</u>	<u>1192</u>	<u>80%</u>	<u>953</u>	<u>1192</u>	<u>80%</u>	<u>962</u>	<u>1192</u>	<u>81%</u>	<u>972</u>	<u>1192</u>	<u>82%</u>
Middle Total	2683	3119	86%	2931	3119	94%	3435	4311	80%	3393	4246	80%	3425	4246	81%	3461	4246	82%
Mariner High	1631	1635	100%	1535	1635	94%	1470	1635	90%	1445	1635	88%	1465	1635	90%	1460	1635	89%
North Fort Myers High	<u>1748</u>	<u>1763</u>	<u>99%</u>	<u>1655</u>	<u>1763</u>	<u>94%</u>	<u>1585</u>	<u>1763</u>	<u>90%</u>	<u>1559</u>	<u>1763</u>	<u>88%</u>	<u>1580</u>	<u>1763</u>	<u>90%</u>	<u>1575</u>	<u>1763</u>	<u>89%</u>
High Total	3379	3398	99%	3190	3398	94%	3055	3398	90%	3004	3398	88%	3045	3398	90%	3035	3398	89%

Table 16-4 — Projections for WEST Zone, By School Type and By Sub-Zone (continued)

<u>SCHOOL</u>	<u>2008/2009</u>			<u>2009/2010</u>			<u>2010/2011</u>			<u>2011/2012</u>			<u>2012/2013</u>			<u>2013/2014</u>		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
W3																		
Cape Elementary	751	898	84%	794	898	88%	827	898	92%	839	873	96%	849	873	97%	896	873	103%
Gulf Elementary	1216	1347	90%	1190	1347	88%	1240	1347	92%	1244	1294	96%	1259	1294	97%	1328	1294	103%
Patriot Elementary	769	1046	74%	924	1046	88%	963	1046	92%	1005	1046	96%	1017	1046	97%	1073	1046	103%
Pelican Elementary	1088	1362	80%	1204	1362	88%	1254	1362	92%	1244	1294	96%	1259	1294	97%	1328	1294	103%
Skyline Elementary	1017	1380	74%	1220	1380	88%	1271	1380	92%	1211	1260	96%	1226	1260	97%	1293	1260	103%
Trafalgar Elementary	<u>830</u>	<u>1036</u>	<u>80%</u>	<u>915</u>	<u>1036</u>	<u>88%</u>	<u>954</u>	<u>1036</u>	<u>92%</u>	<u>996</u>	<u>1036</u>	<u>96%</u>	<u>1008</u>	<u>1036</u>	<u>97%</u>	<u>1063</u>	<u>1036</u>	<u>103%</u>
Elementary Total	5671	7069	80%	6246	7069	88%	6509	7069	92%	6538	6803	96%	6617	6803	97%	6982	6803	103%
Challenger Middle	1046	1230	85%	1156	1230	94%	980	1230	80%	953	1192	80%	962	1192	81%	972	1192	82%
Gulf Middle	874	943	93%	886	943	94%	751	943	80%	730	914	80%	737	914	81%	745	914	82%
Trafalgar Middle	<u>956</u>	<u>1034</u>	<u>92%</u>	<u>972</u>	<u>1034</u>	<u>94%</u>	<u>824</u>	<u>1034</u>	<u>80%</u>	<u>818</u>	<u>1023</u>	<u>80%</u>	<u>825</u>	<u>1023</u>	<u>81%</u>	<u>834</u>	<u>1023</u>	<u>82%</u>
Middle Total	2876	3207	90%	3014	3207	94%	2556	3207	80%	2501	3129	80%	2524	3129	81%	2551	3129	82%
Cape Coral High School	1964	1759	112%	1651	1759	94%	1582	1759	90%	1555	1759	88%	1577	1759	90%	1571	1759	89%
Ida Baker High School	<u>1920</u>	<u>1940</u>	<u>99%</u>	<u>1821</u>	<u>1940</u>	<u>94%</u>	<u>1744</u>	<u>1940</u>	<u>90%</u>	<u>1715</u>	<u>1940</u>	<u>88%</u>	<u>1740</u>	<u>1940</u>	<u>90%</u>	<u>1733</u>	<u>1940</u>	<u>89%</u>
High Total	3884	3699	105%	3472	3699	94%	3326	3699	90%	3270	3699	88%	3316	3699	90%	3304	3699	89%
W1 Total	1598	2215	72%	1958	2215	88%	2040	2215	92%	2005	2086	96%	2029	2086	97%	2141	2086	103%
W2 Total	4423	5139	86%	4542	5139	88%	4732	5139	92%	5628	5855	96%	6700	6889	97%	7070	6889	103%
W3 Total	<u>5671</u>	<u>7069</u>	<u>80%</u>	<u>6246</u>	<u>7069</u>	<u>88%</u>	<u>6509</u>	<u>7069</u>	<u>92%</u>	<u>6538</u>	<u>6803</u>	<u>96%</u>	<u>6617</u>	<u>6803</u>	<u>97%</u>	<u>6982</u>	<u>6803</u>	<u>103%</u>
Elementary Total	11692	14423	81%	12746	14423	88%	13281	14423	92%	14171	14744	96%	15346	15778	97%	16193	15778	103%
W1 Total	438	438	100%	412	438	94%	349	438	80%	340	426	80%	344	426	81%	347	426	82%
W2 Total	2683	3119	86%	2931	3119	94%	3435	4311	80%	3393	4246	80%	3425	4246	81%	3461	4246	82%
W3 Total	<u>2876</u>	<u>3207</u>	<u>90%</u>	<u>3014</u>	<u>3207</u>	<u>94%</u>	<u>2556</u>	<u>3207</u>	<u>80%</u>	<u>2501</u>	<u>3129</u>	<u>80%</u>	<u>2524</u>	<u>3129</u>	<u>81%</u>	<u>2551</u>	<u>3129</u>	<u>82%</u>
Middle Total	5997	6764	89%	6357	6764	94%	6340	7956	80%	6234	7801	80%	6293	7801	81%	6359	7801	82%
W1 Total	1094	2004	55%	1881	2004	94%	1802	2004	90%	1772	2004	88%	1796	2004	90%	1790	2004	89%
W2 Total	3379	3398	99%	3190	3398	94%	3055	3398	90%	3004	3398	88%	3045	3398	90%	3035	3398	89%
W3 Total	<u>3884</u>	<u>3699</u>	<u>105%</u>	<u>3472</u>	<u>3699</u>	<u>94%</u>	<u>3326</u>	<u>3699</u>	<u>90%</u>	<u>3270</u>	<u>3699</u>	<u>88%</u>	<u>3316</u>	<u>3699</u>	<u>90%</u>	<u>3304</u>	<u>3699</u>	<u>89%</u>
High Total	8357	9101	92%	8543	9101	94%	8183	9101	90%	8046	9101	88%	8157	9101	90%	8129	9101	89%

SOURCE: Table PSFE 11, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008

Table 16-5 — Projections for Barrier Island and Special Centers

SCHOOL	2008/2009			2009/2010			2010/2011			2011/2012			2012/2013			2013/2014		
	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%	Enroll	Cap	Util%
Barrier Island Schools																		
Fort Myers Beach Elem	153	200	77%	170	200	85%	170	200	85%	161	179	90%	161	179	90%	161	179	90%
Pine Island Elementary	301	391	77%	332	391	85%	332	391	85%	329	347	95%	329	347	95%	329	347	95%
The Sanibel School (Elem)	244	263	93%	224	263	85%	223	263	85%	231	241	96%	231	241	96%	231	241	96%
The Sanibel School (Mid)	<u>126</u>	<u>132</u>	<u>95%</u>	<u>112</u>	<u>132</u>	<u>85%</u>	<u>112</u>	<u>132</u>	<u>85%</u>	<u>115</u>	<u>122</u>	<u>94%</u>	<u>115</u>	<u>122</u>	<u>94%</u>	<u>115</u>	<u>122</u>	<u>94%</u>
Total	824	986	84%	838	986	85%	837	986	85%	836	889	94%	836	889	94%	836	889	94%
Special Facilities																		
Buckingham Exceptional Ctr.	105	100	105%	110	100	110%	116	100	116%	122	100	122%	128	100	128%	134	100	134%
Dunbar Community School	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%	0	260	0%
New Directions	518	665	78%	544	665	82%	571	665	86%	599	640	94%	629	640	98%	661	640	103%
ALC West	76	265	29%	79	265	30%	83	265	31%	88	265	33%	92	265	35%	96	265	36%
Royal Palm Exceptional Center	181	230	79%	190	230	82%	199	230	87%	209	230	91%	220	230	95%	230	230	100%
High Tech Central	78	675	12%	82	675	12%	86	675	13%	90	675	13%	94	675	14%	99	675	15%
High Tech North	<u>100</u>	<u>324</u>	<u>31%</u>	<u>105</u>	<u>324</u>	<u>32%</u>	<u>110</u>	<u>324</u>	<u>34%</u>	<u>115</u>	<u>324</u>	<u>36%</u>	<u>121</u>	<u>324</u>	<u>37%</u>	<u>127</u>	<u>324</u>	<u>39%</u>
Total	1058	2519	58%	1110	2519	61%	1165	2519	64%	1223	2494	68%	1284	2494	71%	1347	2494	75%

SOURCE: Table PSFE 13, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008

LEVEL-OF-SERVICE STANDARD

“Level of service” (LOS) is the relationship between demand and supply. For schools, LOS is expressed as a ratio of student enrollment to school capacity for all schools of each type (elementary, middle, high, and barrier islands/special centers).

To establish a formal level of service, the school district first identifies the *current* level of service that is being provided. Then the district projects future demand from additional students, identifies needed capacity in nearby schools, and determines the cost to construct additional school capacity. This cost is then compared to available funds for construction.

This process is similar to how the school district has always identified where new schools should be constructed. The difference now is that a public school “level of service” must become a regulatory standard in every county and city. Should the adopted standard not be met in any CSA, further development approvals cannot be granted.

To determine the capacity of each school, the school district uses a methodology established by the state Department of Education known as the Florida Inventory of Schoolhouses (FISH). This capacity is the number of students that may be housed in a school at any given time based on a state-determined percentage of the number of existing “student stations.”

The number of regular classrooms is multiplied by the number of student stations to create the “Permanent FISH Capacity” for each school. (“Permanent” capacity excludes relocatable classrooms from the capacity of schools.) No capacity is assigned to small instructional spaces or to specialized classrooms such as science labs and art or music rooms.

Tables 16-2 through 16-5 list each school administered by the school district according to its student assignment zone (South,

East, West, and Barrier Islands/Special Centers, respectively) and its sub-zone (e.g., S1, S2, S3, etc.). Data is provided showing each school’s current enrollment and its permanent FISH capacity. Projections of future student demand are applied to each school for each year through 2011/12. New schools are shown as available in future years according to the school district’s current construction schedule.

A “utilization percentage” (enrollment divided by capacity) is also provided in these tables for each school each year. This percentage can be thought of as a “level of service” for that school. Subtotals of enrollment, capacity, and utilization percentage are provided for each school type in each sub-zone and zone. This presentation of data makes it possible to evaluate taking the utilization percentage for various groupings of schools and making that percentage the formal “level of service” for concurrency purposes.

Based on this data, the school district has agreed with Lee County and the five municipalities⁴ to jointly establish the following level-of-service standard for concurrency purposes:

- (1) *Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.*
- (2) *Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.*
- (3) *High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.*
- (4) *Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.*

⁴Interlocal Agreement, approved April 7, 2008 (copy attached)

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 shall 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 shall not exceed 20% of the Permanent FISH Capacity and shall 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.

This standard will be applied to each of the three student assignment zones, not to individual schools or to sub-zones. Policy 16-B-1 of this element contains the final wording for this standard. Policy 16-B-3 describes the process for modifying this standard.

PROJECTED ADDITIONS TO SCHOOL CAPACITY

Countywide, four additional elementary schools are proposed in this plan, adding about 4,000 additional elementary student stations. The replacement of Michigan Elementary School will add about 308 student stations.

To accommodate the growth at the middle school level, two new middle schools will open in the next 5 years, adding about 2,668 new middle school student stations. No new high schools are planned.

The school district currently owns enough land to build all schools planned to open through 2012, with a bank of properties for some of the schools planned to open after that date.

SCHOOL DISTRICT CAPITAL FUNDING

The school district relies on both local and state funding for new construction and renovation. The primary local funding is from property taxes and school impact fees.

The school district has levied the maximum allowable rate of 1.75 mills for capital costs in its most recent budget.

In 2005, Lee County adopted school impact fees. The current rate is approximately \$4,116 for a single-family home and \$1,624 for multifamily units. These fees offset a portion of the cost of additional student stations required by new residential development.

The school district may also sell bonds or offer certificates of participation. The district currently has \$574,230,000 in outstanding certificates which were used to construct 24,879 student stations.

School expansion projects also rely on state capital outlay funding sources derived from motor vehicle license taxes, known

as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities, known as Public Education Capital Outlay funds (PECO). Table 16-6 summarizes funds available to the school district for capital improvements over the coming five years.

FINANCIAL FEASIBILITY

Florida law requires that this element of the comprehensive plan must address how the level-of-service standard will be achieved and maintained.

The school board is required by state law to adopt each year a financially feasible "Five-Year Capital Facilities Plan." That plan details the capital improvements that are needed and the revenues that are available to meet the demand for additional student stations.

The summary of capital improvements shown in Table 16-7 details the school district's planned expenditures over the current five-year planning period. The school district's capital improvements program does not require funding from Lee County or the individual cities.

A comparison of Tables 16-2 through 16-7 show that the school district's capital financing plan is sufficient to fund necessary capital improvements and is financially feasible.

Table 16-6— Estimated Revenues for Public School Capital Improvements

Revenue Source	FY 2008 – 2009 Budget	FY 2009-2010 Projected	FY 2010-2011 Projected	FY 2011-2012 Projected	FY 2012-2012 Projected	Five-Year Total
Local Ad Valorem Tax (Discretionary Capital Outlay Revenue)	147,296,040	141,630,808	136,183,469	133,513,205	140,188,865	698,812,387
PECO and 2-Mil Maintenance and Other 2-Mil Expenditures	(367,110,689)	(248,503,334)	(219,173,383)	(225,568,282)	(209,324,672)	(1,269,680,360)
PECO Maintenance Revenue	2,891,818	3,472,847	4,647,908	4,396,618	4,381,272	19,790,463
Available 2-Mil for New Construction:	(219,814,649)	(106,872,526)	(82,989,914)	(92,055,077)	(69,135,807)	(570,867,973)
CO & DS Revenue	1,011,549	1,011,549	1,011,549	1,011,549	1,011,549	5,057,745
PECO New Construction Revenue	6,081,424	0	1,370,343	4,189,361	1,674,646	13,315,774
Other Revenue for Other Capital projects	665,800	100,000	100,000	100,000	100,000	1,065,800
Impact fees received	5,000,000	3,000,000	4,000,000	4,000,000	7,000,000	23,000,000
Interest, Including Profit on Investment	9,981,000	6,490,192	5,195,531	4,879,795	5,250,135	31,796,653
Fund Balance Carried Forward	336,106,236	175,368,500	112,472,249	96,774,372	108,121,977	828,843,334
Total Additional Revenue:	358,846,009	185,970,241	124,149,672	110,955,077	123,158,307	903,079,306
Total Available Revenue:	139,031,360	79,097,715	41,159,758	18,900,000	54,022,500	332,211,333
<p><i>SOURCES: Table PSFE 17, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008 Five-Year District Facilities Work Program, 2008-2009, prepared by the Lee County School District, September 2008</i></p>						

Table 16-7— Schedule of Capacity-Enhancing Capital Improvements

Project Description	Name / Code	Added Capacity	Expected cost, by fiscal year					Total
			2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	
New Elementary East Zone (K-5)	Elem. V	1,000	\$23,477,713	\$0	\$0	\$0	\$0	\$23,477,713
New Elementary West Zone (K-5)	Elem. A	1,000	\$0	\$8,145,000	\$19,005,000	\$0	\$0	\$27,150,000
New Elementary East Zone (K-5)	Elem. W	1,000	\$0	\$8,145,000	\$19,005,000	\$0	\$0	\$27,150,000
New Elementary South Zone (K-5)	TBD	1,000	\$0	\$0	\$0	\$0	\$9,922,500	\$9,922,500
New Elementary East Zone (K-5)	TBD	1,000	\$0	\$0	\$0	\$9,450,000	\$22,050,000	\$31,500,000
New Elementary West Zone (K-5)	Elem. C	1,000	\$0	\$0	\$0	\$9,450,000	\$22,050,000	\$31,500,000
Replacement Elementary South Zone (K-5)	Heights	0	\$2,428,064	\$0	\$0	\$0	\$0	\$2,428,064
Replacement Elementary South Zone (K-5)	Michigan	750	\$23,066,661	\$0	\$0	\$0	\$0	\$23,066,661
Oak Hammock Middle East Zone (6-8)	KK	1,334	\$3,842,498	\$0	\$0	\$0	\$0	\$3,842,498
New Middle East Zone (6-8)	LL	1,334	\$13,065,107	\$26,159,893	\$0	\$0	\$0	\$39,225,000
New Middle West Zone (6-8)	MM	1,334	\$300,000	\$31,047,822	\$3,149,758	\$0	\$0	\$34,497,580
New ALC West Zone	ALC West	265	\$1,001,497	\$3,600,000	\$0	\$0	\$0	\$4,601,497
Sub-totals:			\$67,181,540	\$77,097,715	\$41,159,758	\$18,900,000	\$54,022,500	\$258,361,513
Other Capital Improvements That Don't Add School Capacity:			\$74,849,820	\$2,000,000	\$0	\$0	\$0	\$76,849,820
Grand totals:			\$142,031,360	\$79,097,715	\$41,159,758	\$18,900,000	\$54,022,500	\$335,211,333

SOURCE: Capacity Project Schedules in Five-Year District Facilities Work Program, 2008-2009

PROPORTIONATE SHARE MITIGATION

If school capacity is not available to accommodate a new development, the school district may entertain mitigation offers from the developer to offset the impact by creating additional school capacity.

If a mitigation option is accepted, it will be memorialized in an enforceable agreement between the developer, the affected local government, and the school district. The contribution must be directed toward a school capacity project identified in the district's Five-Year Capital Facility Work Plan.

Capacity projects identified within the first three years of the Five-Year Capital Facility Work Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the district's Five-Year Capital Facility Work Plan within the same CSA as the proposed residential development, the developer may pay a proportionate share of the identified capacity project to mitigate the proposed development and accelerate its schedule.

When the student impacts from a proposed development cause the adopted level of service to fail, a developer may enter into a 90-day negotiation period with the school district and the town to review potential mitigation proposals. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options include but are not limited to:

- (1) The funding of land acquisition or construction of a public school facility to offset the demand for public schools being created by the proposed development; or
- (2) 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 the guidelines for SREF

and subject to guarantees that the facility will be conveyed to the school district at no cost if the charter school ceases to operate.

The following standards apply to any mitigation accepted by the school district:

- (1) Proposed mitigation must be directed towards a permanent school capacity improvement identified in the school district's financially feasible work program, which satisfies the demands created by the proposed development; and
- (2) Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:

$$\begin{aligned} & (\# \text{ of housing units by type}) \times (\text{student generation rate by} \\ & \text{type of unit}) \times (\text{student station cost adjusted to local costs}) \\ & = \text{proportionate share mitigation amount} \end{aligned}$$

The student generation rate is 0.299 for single-family detached homes and 0.118 for all multifamily dwelling units. The student station cost adjusted to local costs will be calculated utilizing the total cost per student station established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures as determined annually in the school district's Five-Year Capital Facilities Work Plan.

The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of

the developer. Any mitigation accepted by the school district and subsequently agreed to by the town shall result in a legally binding agreement between the school district, the town, and the developer.

SCHOOL PLANNING AND SHARED COSTS

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the school district to submit proposed school sites to the affected local government for review and approval. This process also permits the school district and local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Necessary infrastructure improvements may include potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization, site lighting, bus stops, and sidewalks. These improvements are mandated at the time of site plan approval. Approval conditions can address the timing and responsibility for construction of required on-site and off-site improvements.

COORDINATION

State law requires the school district and local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to all parties and greater convenience to the public.

The school district and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. During the preparation of its educational plant survey, the school district can identify future co-location and shared-used opportunities for new schools and public facilities.

Likewise, co-location and shared use opportunities should be considered by the town and other units of local government when updating their own comprehensive plans and when planning and designing libraries, parks, community centers, and auditoriums. Co-location and shared use of school and governmental facilities for health care and social services should also be considered.

PUBLIC SCHOOLS ELEMENT

GOALS - OBJECTIVES - POLICIES

Based on the analysis of public school issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 16: To provide a public school system with a high-quality educational environment that is accessible for all of its students and has enough capacity to accommodate enrollment demand.

OBJECTIVE 16-A INTERGOVERNMENTAL

COORDINATION – Maintain an interlocal agreement with the Lee County School District that coordinates the location of public schools with supporting infrastructure and other public facilities and with this comprehensive plan.

POLICY 16-A-1 To ensure compatibility with surrounding land uses and proximity to residential areas they serve, public and private schools should be located in the following categories on the town's future land use map: Mixed Residential, Boulevard, Pedestrian Commercial, or Recreation (but never seaward of the 1978 coastal construction control line), as required by Policy 4-B-14. Schools located outside the town must be located in accordance with policies of the relevant local government.

POLICY 16-A-2 The town and the school district shall jointly determine the need for and timing of on-site and off-site improvements necessary to ensure safe access to public schools and shall enter into an agreement with the school district identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support public schools. Examples of off-site improvements include sidewalks and bicycle paths.

POLICY 16-A-3 The town strongly encourages the school district to add middle-school classrooms to the Fort Myers Beach Elementary School.

POLICY 16-A-4 Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near the Fort Myers Beach Elementary School, which has always served as a community focal point.

POLICY 16-A-5 The town will coordinate with nearby local governments and the school district on emergency preparedness issues.

POLICY 16-A-6 The town will coordinate an annual review of this element and of school enrollment and population projections with the school district, county, and other cities as set forth in the interlocal agreement with the Lee County School District.

OBJECTIVE 16-B ACCOMMODATING ENROLLMENT

DEMAND – The town will keep in force the level-of-service standard (LOS) for public schools that is contained in the most current interlocal agreement with the school district in order to correct existing deficiencies and meet future needs.

- POLICY 16-B-1 The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:
- i. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
 - ii. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
 - iii. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
 - iv. Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
- “Permanent capacity” of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district’s South Student Assignment Zone, as depicted in Figure 3 of this element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of

Education’s Office of Educational Facilities. “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.

- POLICY 16-B-2 Relocatable classrooms may be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the permanent capacity and shall 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.
- POLICY 16-B-3 Modifications to these level-of-service standards and concurrency service areas shall be accomplished by amendment to the Interlocal Agreement approved on April 7, 2008, and subsequent amendments to policies in this comprehensive plan. Modified levels of service and concurrency service areas must maximize the utilization of school capacity to the greatest extent possible and must be financially feasible, supported by adequate data and analysis, and able to be achieved and maintained for the coming five years.

OBJECTIVE 16-C PUBLIC SCHOOL CONCURRENCY –

Within six months after the effective date of this element, the town shall amend the concurrency management system in its land development code to include public school concurrency in the annual concurrency assessment in order to ensure adequate school capacity for at least the coming five years. Public school concurrency shall be applied by the town immediately as of the effective date of this element.

- POLICY 16-C-1 The following residential uses are exempt from the requirements of school concurrency:
- i. Single family lots having received final plat approval prior to the effective date of the code amendments.
 - ii. Multi-family residential development having received development order approval prior to the effective date of the code amendments.
 - iii. Amendments to residential development orders issued prior to the effective date of the code amendments, which do not increase the number of residential units or change the type of residential units proposed.

- POLICY 16-C-2 The town’s concurrency provisions for public schools shall apply to residential development only, except as exempted in Policy 16-C-1.
- i. If school capacity is available or planned to be under construction within the next three years, the application can proceed through the regular process.
 - ii. If school capacity is not available in the South Student Assignment Zone, a

contiguous zone can be reviewed for available capacity.

- a. If school capacity in a contiguous zone is available or is planned to be under construction within the next three years, the application can proceed through the regular process.
- b. If capacity is not available, the applicant may begin a 90-day negotiation period for mitigation.

POLICY 16-C-3 The town and the school district shall review mitigation options during the 90-day negotiation period.

- i. Mitigation options may include but are not limited to:
 - a. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; or
 - b. 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 district at no cost to the district if the charter school ceases to operate.

- ii. The school district will consider mitigation offers only if they meet the following standards:
 - a. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the school district's financially feasible work program which satisfies the demands created by the proposed development.
 - b. Relocatable classrooms will not be accepted as mitigation.
- iii. If mitigation can be agreed upon, the town and the school district will enter into an enforceable binding agreement with the developer.
- iv. If capacity is not available and mitigation cannot be agreed upon, the town cannot approve the application until such time as capacity becomes available.
- v. Further details on mitigation requirements is provided in the Interlocal Agreement with the school district.

OBJECTIVE 16-D SCHEDULE OF CAPITAL

IMPROVEMENTS – The town's five-year schedule of capital improvements will include school projects that are needed to address existing deficiencies or meet future needs.

POLICY 16-D-1 During the annual update of the capital improvements element, the town shall incorporate into its five-year schedule of capital improvement any improvements proposed by the school district during the next five years that will be constructed within the town's municipal limits and which are needed to address capacity deficiencies and shall ensure the financial feasibility of the school district's facility work plans on which this element is based. Capacity-enhancing school improvements outside the Town of Fort Myers Beach will be incorporated into the five-year schedule of capital improvements in accordance with Policy 11-A-7. The annual update process will comply with all relevant statutory and administrative code requirements.

REFERENCES

- **Five-Year District Facilities Work Program, 2008-2009**, Lee County School District, September 2008, www.planning.leeschools.net/Data/08WkPlanFinal.pdf
- **Educational Plant Survey**, September 2006, <http://planning.leeschools.net/Data/Lee%20Co%202007-12%20Ed%20Plant%20Survey.pdf>
- **Draft Public School Facilities Element**, prepared by Lee County School District, revised October 2008
- **Adopted Lee County Public Education Facilities Amendment**, DCA Number 09-1, approved by Lee County Ordinance 08-21 on September 11, 2008. The entire amendment file can be accessed through the following links:
<http://dcapapers.eoconline.org/FloridaPAPERS/FlashAug16/Model/documentView.cfm?UserID=6239&AreaID=11&DocumentID=435854>
- **Interlocal Agreement**, Lee County School District and Town of Fort Myers Beach, approved by School District on 03-25-08 and by Fort Myers Beach on 04-07-08 (copy attached)