

# IMPLEMENTING POLICY 14.2.2

## RECENT CHANGES TO LEE PLAN POLICY 14.2.2:

**POLICY 14.2.2:** In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 ~~6,800~~ additional dwelling units, the county will ~~consider for adoption~~ keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. ~~The effect of~~ These regulations will ~~would be to appropriately~~ reduce certain types of approvals at established thresholds prior to the ~~adopted level-of-service standard~~ capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road ~~between Burnt Store Road and Stringfellow Boulevard~~ reaches 810 peak hour, annual average two-way trips, the regulations will ~~provide~~ restrictions on further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road ~~between Burnt Store Road and Stringfellow Boulevard~~ reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

## SUMMARY OF CODE CHANGES NEEDED TO IMPLEMENT POLICY 14.2.2:

- a. "When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island." – MODIFY CONCURRENCY REGULATIONS IN 2-48(2) and (4)

- b. "The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property." – MODIFY CONCURRENCY REGULATIONS IN 2-48(3) and (4)
- c. "These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36." – MODIFY CONCURRENCY REGULATIONS IN 2-48(5)

**COMPOSITE CODE CHANGES TO IMPLEMENT POLICY 14.2.2:**

**CHAPTER 2**  
**Administration**  
**ARTICLE II, CONCURRENCY**  
**MANAGEMENT SYSTEM**

**Sec. 2-48. Greater Pine Island concurrency.**

Concurrency compliance for property located in Greater Pine Island, as identified on the future land use map and described in section 34-2 of this code, will be determined in accordance with the level of service and restrictions set forth in Lee Plan policies 14.2.1 and 14.2.2 to the extent the policies provide additional restrictions that supplement other provisions of this article. These policies require the following:

- (1) The minimum acceptable level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service D on an annual average peak-hour basis and level of service E on a peak-season peak-hour basis using methodologies from the 1985 Highway Capacity Manual Special Report 209. This standard will be measured at the county’s permanent count station on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.
- (2) In addition, when traffic on Pine Island Road at the western edge of Matlacha between ~~Burnt Store Road and Stringfellow Boulevard~~ reaches 810 peak-hour annual average two-way trips, rezonings in Greater Pine Island that increase traffic on Pine Island Road may not be granted. Three types of exceptions

to this rule may be considered during the rezoning process:

- a. Minor rezonings on infill properties surrounded by development at similar densities or intensities. A minor rezoning under this exception may not rezone more than 5 acres of land or have a net effect of allowing more than 15 additional dwelling units.
  - b. Rezonings that would have inconsequential effects on traffic flows at the western edge of Matlacha during peak periods in the peak (busier) direction, or would have positive effects by reducing trips during those peak flow periods.
  - c. Rezonings to accommodate small enterprises that promote the natural features or cultural heritage of Greater Pine Island.
- (3) When traffic on Pine Island Road at the western edge of Matlacha between Burnt Store Road and Stringfellow Boulevard reaches 910 peak-hour annual average two-way trips, residential development orders (pursuant to chapter 10) will not be granted for land in Greater Pine Island unless measures to maintain the adopted level of service at the western edge of Matlacha can be included as a condition of the development order. As an alternative to maintaining the adopted level of service, the following options are available to landowners:
- a. Except in the Lee Plan’s Coastal Rural land use category, a reduction in residential density on the property for which a development order is sought to one-third of the maximum density

- otherwise allowed by the Lee Plan and this code.
- b. In the Lee Plan’s Coastal Rural land use category, a reduction in residential density on the property for which a development order is sought to the levels in the third column of Table 34-655 (see section 34-655 of this code).
- (4) The standards in subsections (2) and (3) will be measured as follows:
- a. Traffic counts will be taken from the county’s permanent count station on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.
- b. For purposes of the regulations in this section, the 810-trip and the 910-trip thresholds will be considered to be exceeded once Lee County’s Department of Transportation issues its annual Traffic Count Report with data from the preceding calendar year if that data indicates that Annual Average Daily Trips (AADT) multiplied by the percentage for the busiest peak flow (AM or PM) exceeds 810 or 910 respectively. If one or both of these thresholds are exceeded each year, the corresponding restrictions in subsections (2) and (3) will be in effect until the issuance of the next annual Traffic Count Report.
- c. A property or portion thereof will be allowed an additional six months after issuance of an annual report indicating that the 910-trip threshold has been exceeded to obtain a development order without the restrictions in subsection (3) if a complete application had been filed for the development order prior to issuance of the report.
1. This allowance does not extend to tracts in phased projects that are reserved for future development.
  2. Development orders issued under this allowance cannot be extended or renewed unless they are modified to conform with the regulations in effect at the time the extension or renewal is granted.
- (5) The restrictions in subsections (2) and (3) will not be interpreted to affect legitimate ongoing developments whose final phases are already platted in accordance with F.S. ch. 177, provided that no new lots are added and that the number of allowable dwelling units is not increased. These restrictions also will not be interpreted to affect expansions to existing recreational vehicle parks to serve additional transient RVs if such expansions were explicitly approved by Lee County under Ordinance No. 86-36 (see section 34-3272(1)d.) and are properly zoned for this purpose.