

LEE COUNTY ORDINANCE NO. 03-03  
(Greater Pine Island Community Plan)  
(CPA2001-18)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-18 (PERTAINING TO THE GREATER PINE ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY’S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for private individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held public hearings pursuant to Florida Statutes and Lee County Administrative Code on March 25, and April 22, 2002; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 5, 2002. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2001-18 pertaining to the Great Pine Island Community Planning Effort to the Florida Department of Community Affairs (“DCA”) for review and comment; and,

WHEREAS, at the September 5, 2002 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on November 22, 2002; and,

WHEREAS, at a public hearing on January 9, 2003, the Board moved to adopt the proposed amendment to the Lee Plan adopting the Greater Pine Island Community Plan more particularly set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle CPA2001-18 Greater Pine Island Community Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on January 9, 2003, known as CPA2001-18. CPA2001-18 amends the Plan to incorporate the recommendations of the Greater

Pine Island Community Planning effort including changes to Goal 14 and subsequent Objective and Policies specific to the Greater Pine Island Community, changes to Policy 1.4.7 and amendments to the Future Land Use Map. The specific amendments adopted are:

A. The establishment of a new “Coastal Rural” future land use category as described in new Policy 1.4.7 on Exhibit 1.

B. Reclassify all land on Pine Island now designated as “Rural” to “Coastal Rural” as shown on Map 1. (Exhibit 2 of this ordinance)

C. Amend the Future Land Use Map series to reclassify 157 acres of agricultural land between Bokeelia and September Estates from “Outlying Suburban” to “Coastal Rural” as shown on Map 2. (Exhibit 3 of this ordinance)

D. Replace the existing vision statement for Pine Island in Chapter I of the Lee Plan with the new vision statement as shown on Exhibit 1.

E. Modify Policies 14.1.5, 14.1.7, 14.2.2, 14.2.3, and 14.3.3 as shown on Exhibit 1.

F. Add new Policies 14.1.8, 14.2.4, 14.3.5, 14.4.3, 14.4.4, 14.4.5, and 14.5.4 as shown on Exhibit 1.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment including the Greater Pine Island Community Plan Update dated September 30, 2001 are adopted as “Support Documentation” for the Lee Plan.

### SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

#### SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

#### SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with

Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Janes, who moved its adoption. The motion was seconded by Commissioner St. Cerny, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John Albion	Aye

DONE AND ADOPTED this 9<sup>th</sup> day of January 2003.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: Michelle S. Cooper  
Deputy Clerk

BY: Ray Judah  
Chairman

DATE: 1/9/03

Approved as to form by:

Donna Marie Collins  
Donna Marie Collins  
County Attorney's Office



Exhibits:

1. Text amendments to the Lee County Comprehensive Land Use Plan.
2. Map 1 depicting the Coastal Rural Future Land Use Category on Pine Island.
3. Map 2 depicting 157 acres changed from the Outlying Suburban Future Land Use Category to the Coastal Rural Future Land Use Category.

## B. BOARD OF COUNTY COMMISSIONER'S TRANSMITTAL LANGUAGE:

### VISION STATEMENT:

~~Pine Island - This community includes the major islands of Pine Island, Little Pine Island, and Matlacha, the surrounding smaller islands, and the previously mentioned enclaves in the City of Cape Coral. This community has an overall identity of Pine Island; however, there are four sub community centers within the overall community. The four areas within the Pine Island Community are: Bokeelia at the northern tip, St. James City at the southern tip of the island, and Matlacha which is a small island between the mainland and Pine Island. The Pine Island community is similar to the other island communities in that the residents leave the islands to satisfy many of their commercial needs. However, unlike the other island communities, Pine Island does not have a substantial amount of tourist oriented commercial. Since the Pine Island community does not contain the gulf front beaches the other island communities have, this is not expected to change during the life of the plan. This community will add a small amount of new commercial by 2020 to meet the daily needs of residents; however, Pine Island community residents will still satisfy most of their commercial needs outside of their community. The population of this community will also grow from 8,400 permanent residents in 1996 to approximately 9,700 residents in 2020 and a total seasonal population of nearly 15,000. Pine Island is also different from the other island communities in that it has a much higher percentage of non-seasonal residents.~~

Pine Island - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth on the one hand and a fragile ecology on the other. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people and nature exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out.

**POLICY 14.1.5:** New development, including "planned development" rezoning approvals and, new subdivisions, and agriculture, that adjoining state-designated aquatic preserves and associated wetlands and natural tributaries must provide preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in chapter 14 of the land development code;

- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

**POLICY 14.1.7:** The county will continue to investigate the need for central sewer service for Bokeelia, St. James City, and Pine Island Center. This will include, for any area having a strong need for such service, an analysis of available facility sites, alternative types of service, and financial feasibility. Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures.

**POLICY 14.1.8:** The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes.

**POLICY 14.2.2:** In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800~~675~~ 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 would be to appropriately~~ will 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 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.
- 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.

**POLICY 14.2.3:** In addition to the enforcing the restrictions in the Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha, or a continuous third lane.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

**POLICY 14.2.4:** The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001.

**POLICY 14.3.3:** The county's zoning regulations with Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions.

**POLICY 14.3.5:** The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments.

**POLICY 14.4.3:** The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These

standards would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City.

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island (if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road.

POLICY 14.4.5: The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan.

POLICY 14.5.4: The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places.

**Proposed new comprehensive plan policy establishing a new non-urban designation on the County's Future Land Use Map:**

The following proposed policy will be necessary to implement the requirements of Policy 14.1.8 listed above.

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and residential uses up to the following densities:

<u>Percentage of the on site uplands that are preserved or restored native habitats</u>	<u>Maximum density</u>
<u>0%</u>	<u>1 DU/ 10 acres</u>
<u>5%</u>	<u>1 DU/ 9 acres</u>
<u>10%</u>	<u>1 DU/ 8 acres</u>
<u>15%</u>	<u>1 DU/ 7 acres</u>
<u>20%</u>	<u>1 DU/ 6 acres</u>
<u>30%</u>	<u>1 DU/ 5 acres</u>
<u>40%</u>	<u>1 DU/ 4 acres</u>
<u>50%</u>	<u>1 DU/ 3 acres</u>
<u>60%</u>	<u>1 DU/ 2 acres</u>
<u>70%</u>	<u>1/ DU/ 1 acre</u>

**MAP 1  
CPA 2001-18**

*Proposed Future Land Use*  
August 29, 2002

**Legend**

**FUTURE URBAN AREAS**

-  Urban Community
-  Suburban
-  Outlying Suburban
-  Public Facilities

**NON-URBAN AREAS**

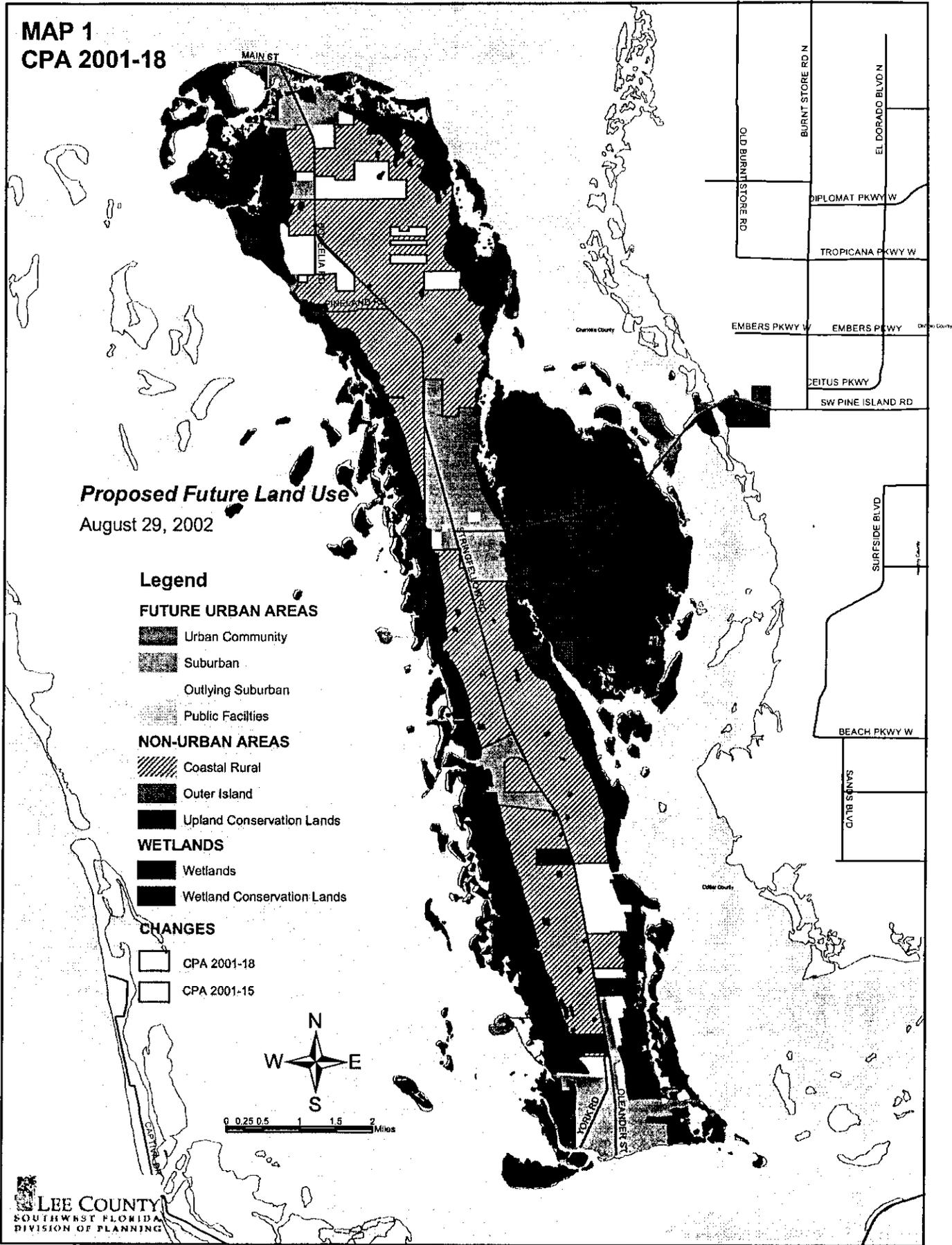
-  Coastal Rural
-  Outer Island
-  Upland Conservation Lands

**WETLANDS**

-  Wetlands
-  Wetland Conservation Lands

**CHANGES**

-  CPA 2001-18
-  CPA 2001-15





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**Ken Detzner**  
Secretary of State  
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January 17, 2003

Honorable Charlie Green  
Clerk of Circuit Court  
Lee County  
Post Office Box 2469  
Ft. Myers, Florida 33902-2469

Attention: Ruth Frymier, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 15, 2003 and certified copies of Lee County Ordinance Nos. 03-01 through 03-07, which were filed in this office on January 17, 2003.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

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