



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING and COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, August 19, 2026
9:30AM

DCI2025-00014
Z-26-011

Honc 41 MPD

DCI2025-00022
Z-26-012

601 Leeland Rezone

CPA2026-00004

Southeast Lee County Update

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, August 19, 2026 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case(s) below.

DCI2025-00014 / Honc 41 MPD

Request to rezone 17.96± acres from Light Industrial (IL) and General Commercial (CG) to Mixed-Use Planned Development (MPD).

Located at 17701 N Tamiami Trail, Lee County, FL; North Fort Myers Planning District. Property Owner: Honc Docks and Lifts, Inc. Property Owner's Representative: Cindy Leal Brizuela (239) 226-0024.

DCI2025-00022 / 601 Leeland Rezone

Request to rezone 0.49± acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD).

Located at 601 Leeland Heights Boulevard W, Lee County, FL; Lehigh Acres Planning District. Property Owner: Crown Key Investments, LLC. Property Owner's Representative: Steven Enguita (239) 357-4962.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. For DCI2025-00014 Call Brianna Schroeder (DCI2025-00014) or Khalil Muhammad (DCI2025-00022) call at (239) 533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

Any document that a participant of record intends to submit must have been submitted as part of the record in the hearing before the Hearing Examiner or the document is relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner. All other documents will not be accepted by the Board. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (MLedesma@leegov.com) not less than 2 days before the date of the zoning hearing.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact ADA Coordinator Ranice Monroe, (239) 533-0255, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(TRANSMITTAL HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 19, 2026. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Commerce:

CPA2026-00004 Southeast Lee County Update – Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee Community Plan Area, to manage growth, streamline the Southeast Lee County overlays by relocating Planned Development requirements for Southeast Lee to the Land Development Code, reduce unnecessary regulations, and encourage development that will adequately protect water resources and wildlife habitat. This includes text amendments to Lee Plan Goal 33, Objectives 33.2, 33.3, and 33.4 and Policies 1.1.10, 1.1.13, 1.4.5, 1.6.10, 2.3.1, 2.3.2, 2.3.3, 6.1.2, 7.1.2, 33.1.2, 33.1.3, 33.1.6, 33.1.7, 33.1.8, 33.2.1, 33.2.2, 33.2.3, 33.2.4, 33.2.5, 33.3.1, 33.3.2, and Chapter 14 (Glossary), and add new Goals, Objectives, and Policies. To support the proposed text amendments, amendments are also proposed to Maps 1-A, 1-D, 2-A, 2-D, 4-A, and 4-B, and Table 1(a).

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Florida Department of Commerce's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact the ADA Coordinator, Ranice Monroe, (239) 533-0255, ADArequests@leegov.com, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

Comprehensive Plan Amendment
and
Zoning Hearing Agenda
Wednesday, August 19, 2026

List of Hearing Attendees by Case

Case Number	Name	Party
DCI2025-00014 Honc 41 MPD	Richard Akin, Esq. Henderson, Franklin, Starnes & Holt, P.A.	Applicant
	Yury Bykau T.R. Transportation Consultants	Applicant
	Betsie Hiatt Pennoni	Applicant
	Brian R. Smith EnSite, Inc.	Applicant
DCI2025-00022 601 Leeland Rezone	Adam Davie, P.E. Gulf Coast Design Professionals	Applicant
	Leonor Enguita	Applicant
	Steven Enguita	Applicant
CPA2026-00004 Southeast Lee County Update	Marsha Ellis	Public Participant
	Peter Spahn	Public Participant
	Alexis Crespo Rvi Planning & Landscape Architecture	Public Participant
	Ben Smith Morris-Depew & Associates	Public Participant
	Brian Smith Ensite, Inc.	Public Participant
	Derek Felder Unite Lehigh	Public Participant
	Marissa Figueroa Audubon Florida	Public Participant
	Julianne Thomas The Conservancy of SW Florida	Public Participant
	Daniel DeLisi DeLisi, Inc.	Public Participant
	Neale Montgomery Pavese Law Firm	Public Participant
	David Brown RESPEC	Public Participant
	Matt DePaolis Sanibel Captiva Conservation Foundation (SCCF)	Public Participant
	James Kennedy	Public Participant

DCI2025-00014

Honc 41 MPD



CASE NUMBER & NAME: DCI2025-00014 / Honc 41 MPD

REQUEST: Request to rezone 17.96± acres from Light Industrial (IL) and General Commercial (CG) to Mixed-Use Planned Development (MPD).

RESOLUTION NUMBER: Z-26-011

LOCATION: 17701 N Tamiami Trail; North Fort Myers Planning District; Lee County, FL.

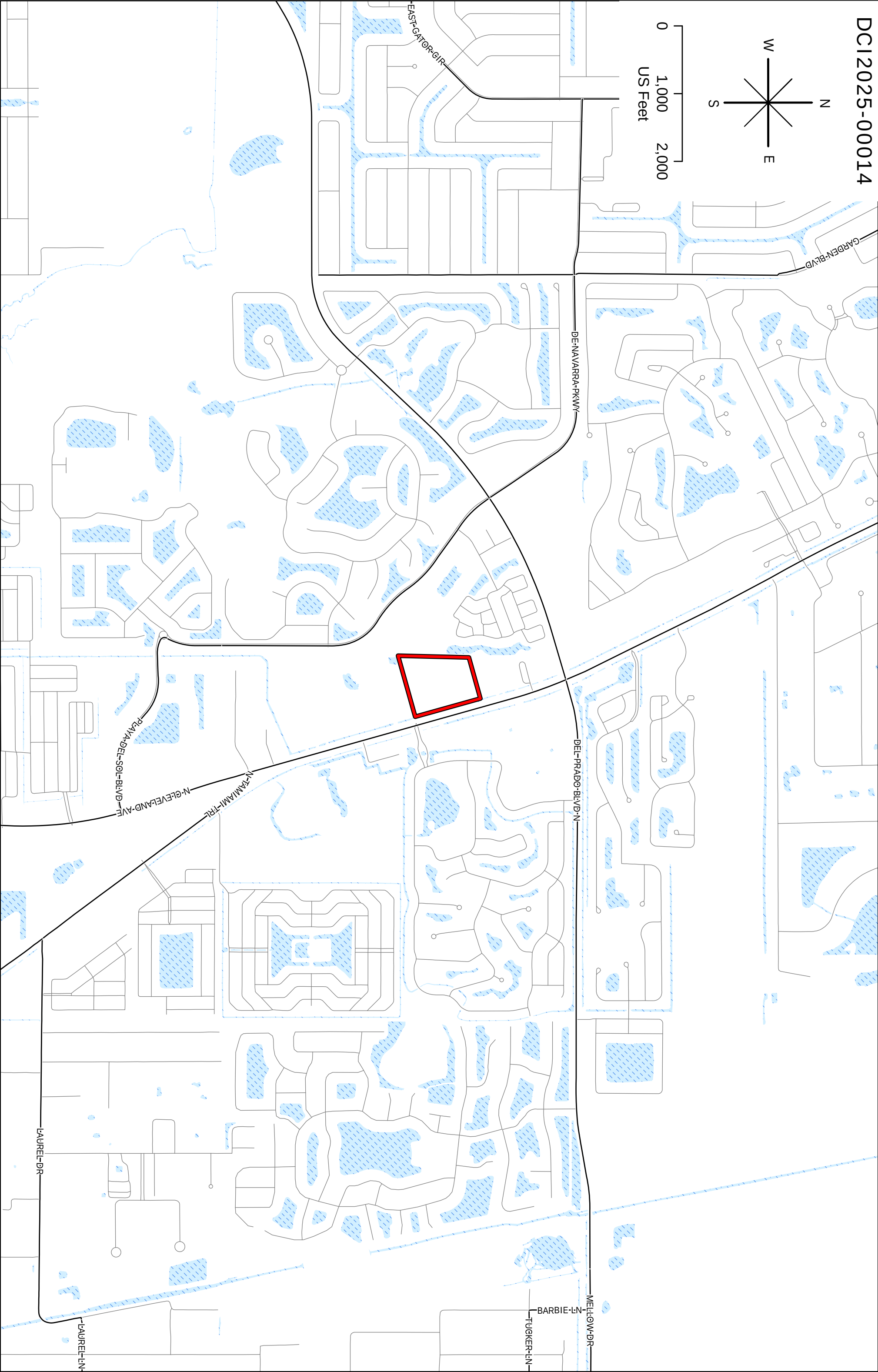
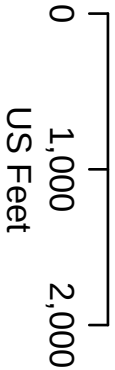
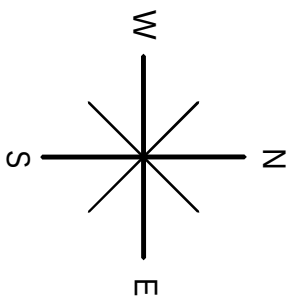
OWNER: Honc Docks and Lifts, Inc.

APPLICANT: Honc Docks and Lifts, Inc.

AGENT: Cindy C. Leal Brizuela, AICP, MURP
EnSite, Inc.
2401 First St, Suite 201
Fort Myers, FL 33901

HEARING EXAMINER
RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: None



Summary of Hearing Examiner Recommendation

HONC 41 MPD

Applicant seeks to unify zoning for a property with bifurcated commercial/industrial zoning along US 41/North Tamiami Trail in North Fort Myers.

The Board adopted a Lee Plan amendment designating the property in the Central Urban future land use category to permit industrial uses consistent with current zoning classifications. Applicant proposes a mix of commercial/industrial uses aligned with the Central Urban designation. The MPD retains commercial development along the road frontage with industrial tracts farther into the site.

The request infills development along a heavily trafficked corridor. The property is suitable for the proposed development program and complies with North Fort Myers Community Plan directives.

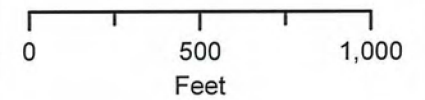
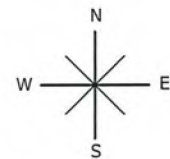
Detailed recommendation follows

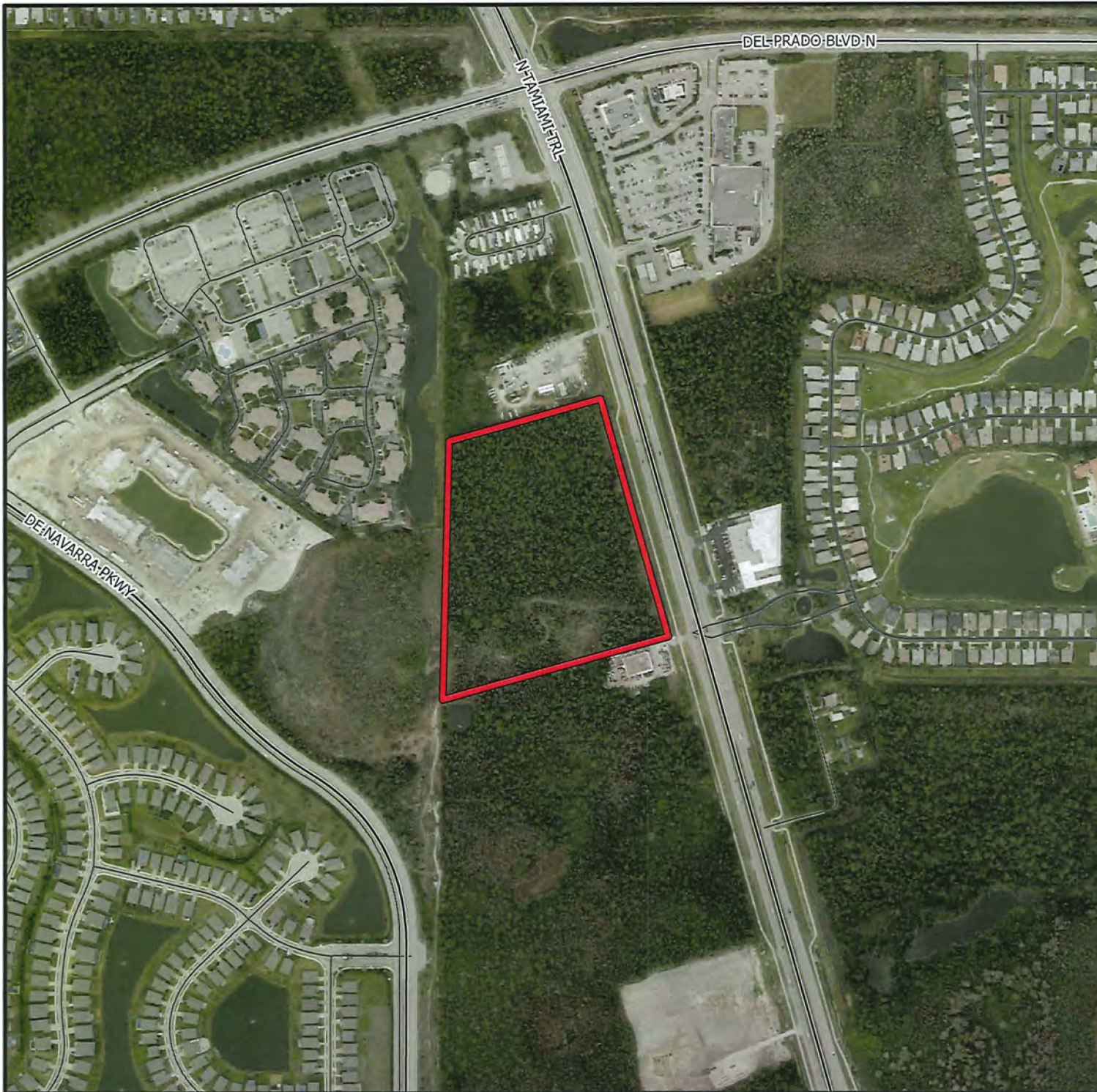


DCI2025-00014

Future Land Use

-  Subject Property
-  Central Urban
-  Suburban
-  Wetlands

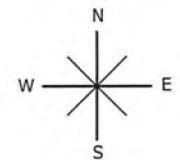




DCI2025-00014

Aerial

 Subject Property



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00014

Regarding: HONC 41 MPD

Location: 17701 North Tamiami Trail
North Fort Myers Planning Community
(District 4)

Hearing Date: June 11, 2026

Record Closed: June 19, 2026

I. Request

Rezone 17.96± acres from General Commercial (CG) and Light Industrial (IL) to Mixed Use Planned Development (MPD) to allow 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 17.96± acres to Mixed Use Planned Development (MPD).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to the facts presented.² The record must contain competent substantial evidence to support the recommendation.³

Staff recommended approval with conditions.

¹ LDC §34-145(d)(4)a.

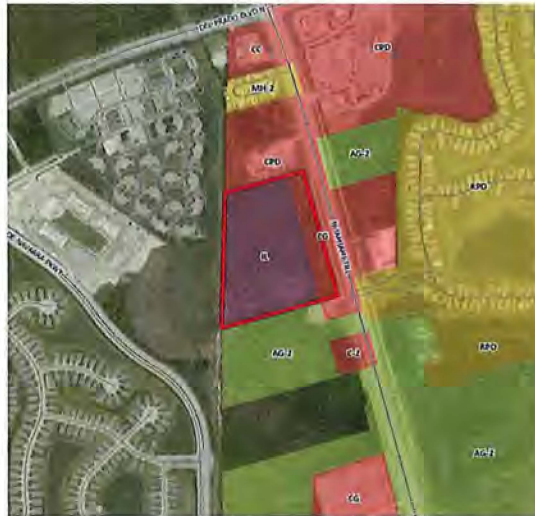
² LDC §34-145(d)

³ Lee Co. Admin. Code 2-6 §2.3.D(2)(b).

Discussion supporting the Hearing Examiner's recommendation of approval with conditions is set forth below.

Character of the Area

The property sits west of US 41/North Tamiami Trail and south of Del Prado Boulevard. The site is surrounded by commercial and residential uses. Municipal lands under the jurisdiction of the City of Cape Coral abut the western property boundary.⁴



Request Synopsis

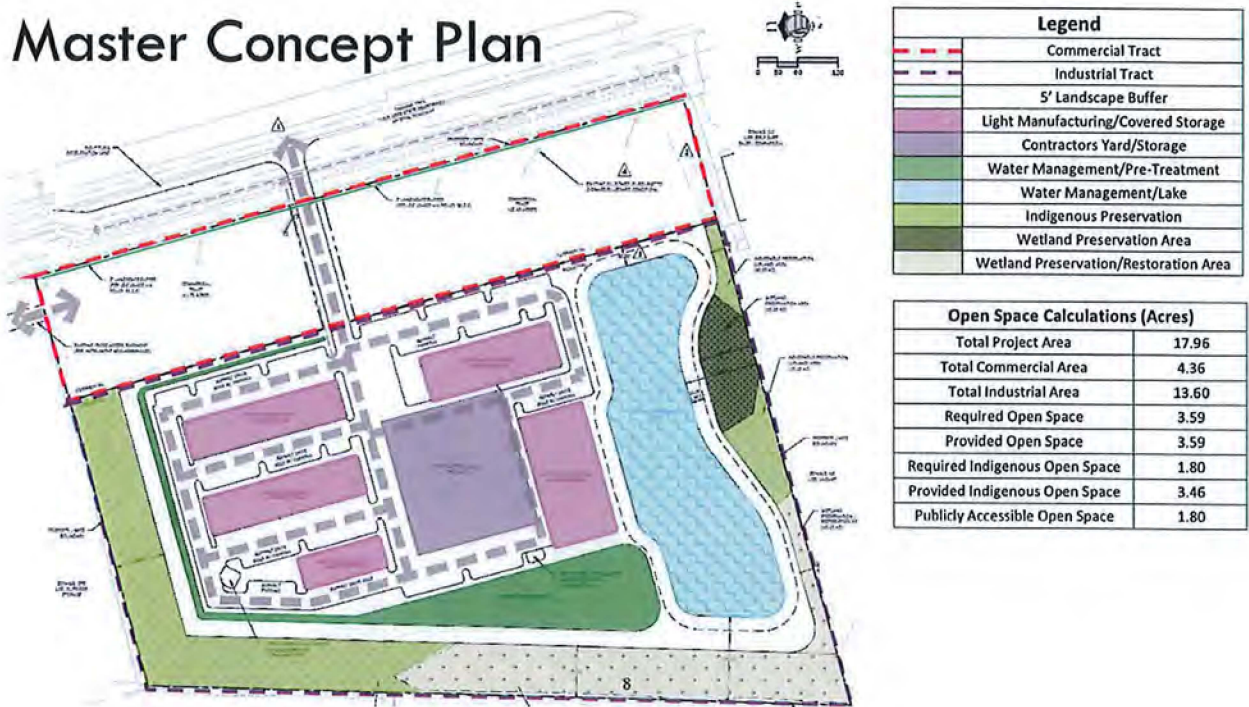
The property remains undeveloped with bifurcated zoning in the IL and CG districts. Most of the site is zoned for industrial use, while the strip along US 41/N Tamiami Trail is zoned commercially.

The request seeks to unify zoning in the MPD district. The proposed MPD retains current zoning configuration of commercial tracts along US 41 with industrial tracts further from view by the traveling public. If approved, the MPD permits 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses. Proposed building height remains at 35 feet.

The request proposes single access to US 41/North Tamiami Trail. Site design locates storage areas internal to the project, bordered by parking and water management areas. Preserves line the industrial perimeter.⁵

⁴ An auto/repair service center zoned CPD abuts the northern boundary with a golf cart dealership to the south. Commercial/office uses are east of the site, while the residential Isles of Porto Vista abut the western boundary. See Applicant Ex. 3 (slide 6).

⁵ The following illustration is taken from Applicant Ex. 3 (slide 8).



Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- Complies with the Lee Plan;
- Meets the LDC and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Provides sufficient access to support the proposed development intensity;
- Addresses impacts on transportation facilities by County regulations or conditions of approval;
- Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- Will be served by urban services if located in a Future Urban area.⁶

⁶ LDC §34-145(d)(4)a.1.

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- The proposed use/mix of uses is appropriate at the location;
- Recommended conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on public interest expected from the proposed development; and
- Requested deviations enhance achievement of objectives of the planned development and protect public health, safety, and welfare.⁷

Lee Plan

Planned developments must be consistent with the Lee Plan.⁸

Lee Plan Maps designate the property as Central Urban and Wetlands within the North Fort Myers Planning Community.⁹ The Board assigned the property to the Central Urban category in November 2025.¹⁰ The reassignment to Central Urban permits industrial development consistent with the site's existing IL zoning and the requested MPD.¹¹

The Lee Plan further designates the site within the North Fort Myers Neighborhood Center.¹²

Central Urban areas are identified as the county's "urban core," characterized by heavily settled areas with a broad range of public services.¹³ Residential, commercial, public/quasi-public, and light industrial uses predominate this category.¹⁴

Wetlands consist of low impact uses that do not adversely affect wetland ecological function.¹⁵ Environmental site assessments identify 4.82± acres of wetlands

⁷ LDC §34-145(d)(4)a.2.

⁸ F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.

⁹ Lee Plan Map 1-A, 1-B, & 2-A.

¹⁰ CPA2025-00001 was approved via Lee Co. Ord. 25-22 on November 5, 2025. See also Staff Report (pg. 1, 5-6, Attachment Q).

¹¹ See Staff Report (Attachment E). Applicant states 78% of the property is currently zoned IL. See Staff Report (Attachment E). The site's Suburban future land use designation did not permit industrial uses, resulting in a misalignment between zoning and land use classification. The Board's adoption of the Central Urban designation for the property resolved this discrepancy.

¹² Lee Plan Policy 30.2.4, 30.2.5. The LDC identifies the site within Neighborhood Center #2. See LDC Appendix I, Map 8. Given this designation, the site may utilize Mixed Use Overlay development standards.

¹³ Lee Plan Policy 1.1.3.

¹⁴ See *Id.*

¹⁵ Lee Plan Policy 1.5.1.

across the site.¹⁶ These lands feature exotic infestation, with some portions comprised of melaleuca or disturbed lands.¹⁷

The requested MPD is consistent with the property's future land use designation.¹⁸

The Lee Plan adopts Community Plans to address specific areas of the county. The vision for each Community Plan area is incorporated as a Goal within the Future Land Use Element.¹⁹ The request is subject to the North Fort Myers Community Plan.²⁰

The Community Plan emphasizes livability, economic vitality, and revitalization.²¹ The Plan encourages expanding opportunities for employment and attracting investment to commercial corridors.²² The proposed MPD achieves these goals by expanding the tax base along an established corridor with a mix of commercial and industrial employment centers.

The Lee Plan Economic Element directs the county to strive for a diversified economy to ensure maximum employment opportunities.²³ The requested land development creates jobs, increases property values, generates tax revenue, and contributes to economic growth.

The proposed MPD consists of commercial and light industrial uses that will contribute to a positive business climate and create employment.²⁴ The proposed project will support a host of diverse commercial/industrial uses, further strengthening the county's economy.²⁵

Compatibility

The county evaluates compatibility during the zoning process.²⁶ The LDC defines *compatible* as the state wherein two land uses/buildings/structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity, or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.²⁷

¹⁶ See Staff Report (Attachment E & M).

¹⁷ See Staff Report (Attachment E).

¹⁸ Applicant obtained a jurisdictional determination from South Florida Water Management District and will be subject to their wetland permitting. See also Lee Plan Policy 124.1.2.

¹⁹ Lee Plan Goals 17-34.

²⁰ The Board adopted the North Fort Myers Community Plan in 2009. Lee County Ordinance 09-11.

²¹ Goal 30.

²² Lee Plan Goal 30.

²³ Lee Plan Goal 158, Objective 158.2, Policy 158.2.2.

²⁴ Lee Plan Goals 158 & 159.

²⁵ *Id.*

²⁶ LDC §34-145(d)(4).

²⁷ LDC §34-2.

Compatibility exists when land uses exist in proximity without unduly impacting each other.²⁸ Planned development zoning is useful when integrating new development with surrounding land uses.²⁹ The MPD zoning district allows flexibility in site design to address potential incompatibility with neighboring development.³⁰

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support development.³¹ The proposed MPD infills development in a heavily trafficked corridor served by a full complement of public services.³²

Appropriate intensity is determined on a case-by-case basis in accordance with Lee Plan policies and the nature of surrounding uses.³³ The proposed intensity of 30,000 square feet of commercial and 120,000 square feet of light industrial uses is suitable at this location. Residential lands sit west of the property, distanced by water management features and a utility easement.³⁴

The Master Concept Plan (MCP) employs creative site design to address potential incompatibilities with nearby land uses.³⁵ Open storage is oriented interior to the site to shield view from the traveling public. Enhanced buffers further minimize off-site impacts to nearby residents.³⁶ Proposed height remains limited to maintain compatibility with the surrounding area.³⁷

LDC

Development must comply with the LDC or seek deviations. A “deviation” is a departure from a land development regulation.³⁸ Applicants seeking deviations from the LDC must demonstrate how each deviation enhances objectives of the planned development and protects public health, safety, and welfare.³⁹

Applicant requested three deviations from the LDC.⁴⁰ The deviations seek relief from standards pertaining to access, parking lot interconnection, and water

²⁸ Florida Statutes §163.3164(9); Lee Plan Policy 135.9.6.

²⁹ LDC §34-612(2).

³⁰ *Id.*

³¹ Lee Plan Objectives 2.1, 2.2, Policy 2.2.1.

³² Lee Plan Policy 6.1.7. The vacant property is ripe for development due to its location in a developed area with direct access to an arterial road.

³³ LDC §34-413.

³⁴ Hearing testimony reflects the nearest residence is 354 feet away.

³⁵ Lee Plan Policies 5.1.5, 6.1.4; LDC §34-411(i).

³⁶ Indigenous preserves serve as an enhanced buffer along the western boundary.

³⁷ The project retains a 35-foot building height limitation.

³⁸ LDC §34-2.

³⁹ LDC §§34-145(d)(4)a.2(c) & 34-373(a)(9).

⁴⁰ Applicant Ex. 2: 48-Hour Memorandum dated June 8, 2026.

management excavation setback.⁴¹ Staff recommended a fourth deviation to retain a single billboard along US 41/North Tamiami Trail.⁴²

Applicant offered testimony and evidence in support of the requested deviations.⁴³ Staff recommended approval of all deviations. ⁴⁴ The Hearing Examiner agrees with Staff's recommendation.

The project must abide by the North Fort Myers Community Plan and corresponding LDC regulations.⁴⁵ Developers must comply with adopted community-specific development criteria.⁴⁶ The proposed MCP and conditions of approval reflect intent to comply with development criteria set out in the North Fort Myers Community Plan.

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.⁴⁷

The property is undeveloped and heavily impacted by invasive vegetation.⁴⁸ Environmental assessment revealed 4.82± acres of wetlands consistent with jurisdictional determination by South Florida Water Management District (SFWMD).⁴⁹ Applicant's expert ecologist indicated the request impacts 3.5± acres of low grade wetlands to be mitigated off-site.⁵⁰

Applicant provided a Protected Species Survey, with further investigation to be provided during development order review.⁵¹

⁴¹ See Staff Report (pg. 4, Attachments C & G). Applicant requests relief from LDC §10-291(3), §10-610(e), and §10-329(d)(1)a.3.

⁴² See Staff Report (pg. 1, 4, & 10). Six billboards have occupied the site since at least 1984, as documented by historic aerials. See Applicant Ex. 2: 48-Hour Memorandum dated June 8, 2026. Staff initially recommended another deviation for the western boundary but withdrew the deviation at hearing after determining the cited Code is inapplicable to the property. Schroeder Testimony (Transcript pg. 48).

⁴³ LDC §34-377(a)(4); Staff Report (Attachment E); Expert Testimony (Transcript pg. 30-37).

⁴⁴ The Hearing Examiner may recommend approval, approval with modifications, or denial of deviations based on findings that a deviation (1) enhances the planned development and (2) protects public health, safety, and welfare. LDC §34-377(a)(4).

⁴⁵ LDC §§33-1531 *et. seq.*

⁴⁶ LDC §33-1534.

⁴⁷ LDC §34-145(d)(4)a.1(f).

⁴⁸ See Staff Report (Attachment M); Applicant Ex. (slide 11). Applicant's expert ecologist Betsie Hiatt testified as to environmental site conditions. (Transcript pg. 18-20).

⁴⁹ See Staff Report (pg. 6-7, Attachment M Ex. A: Environmental Assessment dated November 2023); Applicant Ex. 3 (slide 11).

⁵⁰ Ms. Hiatt testified off-site mitigation at the Little Pine Island and Panther Island Mitigation banks provides regionally significant mitigation. (Transcript pg. 19).

⁵¹ Staff noted the survey indicates presence of foraging little blue heron and tricolored heron, both State threatened species. See Staff Report (pg. 7). However, Ms. Hiatt clarified at hearing that the wood stork was recently delisted by the federal government. Transcript pg. 19-20.

Applicant's civil engineer provided a Surface Water Management Plan that details surface water flows, groundwater levels, and lake levels.⁵² The Plan reflects retention/detention areas with vegetated swales have been designed to minimize nutrient loading.

The MCP denotes compliance with open space requirements.⁵³ Consistent with supplemental design standards for projects within the North Fort Myers Commercial Corridor, the MCP reserves publicly accessible open space.⁵⁴ The project exceeds indigenous open space requirements.⁵⁵

The Hearing Examiner finds the MPD will not harm environmentally critical/sensitive areas or natural resources.

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.⁵⁶

The MCP depicts single access to US 41/North Tamiami Trail via a right-in/right-out connection. The Florida Department of Transportation retains jurisdiction over connection points to US 41/N Tamiami Trail and will determine site access location. Conditions of approval require Applicant to provide interconnection to the northern property.⁵⁷

Applicant's expert engineer prepared a Traffic Impact Statement (TIS) based on the highest trip generation rates associated with the proposed development.⁵⁸ The TIS utilized a standard trip reduction for pass-by traffic for the shopping plaza.⁵⁹ The TIS projects US 41/N Tamiami Trail will operate at the same level of service (LOS) at buildout in 2029, with or without the proposed development.⁶⁰

At hearing, Applicant provided an updated traffic analysis based upon the county's newly released Concurrency Report reflecting the affected segment of US 41/North Tamiami Trail operates at an acceptable LOS with/without the project.⁶¹

⁵² Lee Plan Policies 125.1.3 & 126.1.4.

⁵³ The LDC imposes a 20% open space requirement for large developments in the Mixed Use Overlay. See LDC §10-1 & §10-425; See Staff Report (pg. 11).

⁵⁴ See LDC §33-1572; See also MCP-02: Open Space Plan, reserving 1.8 acres for public open space.

⁵⁵ Smith and Hiatt Testimony (Transcript pg. 16 & 20)

⁵⁶ LDC §34-145(d)(4)a.1.

⁵⁷ Condition 6.

⁵⁸ See Staff Report (Attachment O: Traffic Impact Statement prepared by TR Transportation Consultants, Inc. issued 5/29/25, and Attachment N: LCDOT Staff Memo prepared by John Podczerwinsky dated 5/7/26).

⁵⁹ See Staff Report (Attachment O, citing a standard reduction of 30% pass-by rate).

⁶⁰ See Staff Report (Attachment N). The TIS concludes this is considered a background deficiency that the project is not responsible for mitigating. See Staff Report (Attachment O).

⁶¹ Applicant Ex. 6; Bykau Testimony (Transcript pg. 20-23).

Road impact fees will address project impacts to the county road network. Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.

Public Services and Infrastructure

Availability of public services and infrastructure must be analyzed during rezoning.⁶² Public services include facilities, capital improvements, and infrastructure necessary to support development.⁶³

A range of infrastructure and services are available to the property, including potable water, sanitary sewer, law enforcement, fire, and emergency medical services.⁶⁴ The Florida Governmental Utility Authority (FGUA) and Lee County Utilities (LCU) provided letters of availability evidencing capacity for the proposed project.⁶⁵ The project proposes direct access to the County road network via US 41/North Tamiami Trail.

The property is within one mile of a transit facility.⁶⁶

Conditions

The county must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁶⁷

Conditions must be plausibly related to the project's anticipated impacts and be pertinent to mitigating impacts to the public.⁶⁸ The MPD is subject to conditions addressing impacts reasonably anticipated from development.⁶⁹ Notable conditions limit permitted uses and impose open space and landscaping requirements.

The Hearing Examiner revised wording of conditions/deviations to improve clarity.⁷⁰

⁶² Lee Plan Policy 2.2.1.

⁶³ Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Objective 4.1, Standards 4.1.1, 4.1.2, & 4.1.4.

⁶⁴ See Staff Report (pg. 2-3, 13, Attachment K-L). Lee County Utilities serves the site with infrastructure adjacent to the property with sufficient capacity. See Staff Report (Attachment L). Lee Plan Objectives 2.1, 2.2, and 4.1. North Fort Myers Fire Control District and EMS station is within one mile of the property. Lee County Sheriff has a station less than four miles away. See Staff Report (pg. 3).

⁶⁵ See Staff Report (Attachment K-L).

⁶⁶ LeeTran Route 590 offers stop 2310 on US 41. Staff Report (pg. 3).

⁶⁷ Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).

⁶⁸ LDC §34-932(b).

⁶⁹ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.

⁷⁰ LDC §34-145(d)(1)c. & §34-377(a)(2)-(3).

Public

The LDC requires a community meeting for rezoning applications in the North Fort Myers Planning Community.⁷¹ Applicant conducted a community meeting consistent with this requirement.⁷² Future development orders will also be subject to community review.⁷³

No members of the public appeared at hearing.

Conclusion

The Hearing Examiner finds the MPD meets LDC criteria and, as conditioned, is compatible with surrounding development.

IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner finds the requested MPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 7, 30, 77, 158, 159, Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 158.2, 160.1, and Policies 1.1.3, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.6, 7.1.7, 30.2.6, 30.3.1, 124.1.2, 126.1.4, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4, Lee Plan Maps 1-A, 1-B, & 2-A.
- B. Meets the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
- C. Compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 1.1.3, 5.1.5, 6.1.4, 7.1.4, 7.1.6, 30.3.1, 135.9.6; LDC §§34-411, 34-413.
- D. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.2, Policies 6.1.5, 7.1.4, 39.6.4, 158.3.1.
- E. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 43.1.1, 158.3.1; LDC §§2-261 *et seq.*, §34-411.
- F. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 6, 7, 30, 60, 61, 77, 124, 126, Objectives 77.2, 77.3, 126.2, Policies 1.5.1, 6.1.1, 6.1.6, 60.4.1, 60.4.2, 124.1.2, 126.1.4, Standard 4.1.4.

⁷¹ LDC §33-1532; See *also* Staff Report (Attachment J).

⁷² See Staff Report (Attachment J).

⁷³ The LDC requires development order applications to comply with North Fort Myers Planning Community regulations. LDC §33-1532(a)(1).

- G. Will be served by public services. Goals 2, 4, 6, 7, 30, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 6.1.4, 7.1.4, Standards 4.1.1, 4.1.2.
- H. Proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 5, 6, 7, 30; Objectives 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.7, 7.1.3, 7.1.4, 7.1.7, 135.9.6, 158.2.1.
- I. Conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on the public's interest expected from the proposed development. Lee Plan Policies 5.1.5, 6.1.4, 7.1.6, 53.1.5, 56.1.4, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).
- J. Deviations enhance achievement of the MPD and protect public health, safety, and welfare.

Date of Recommendation: July 10, 2026.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

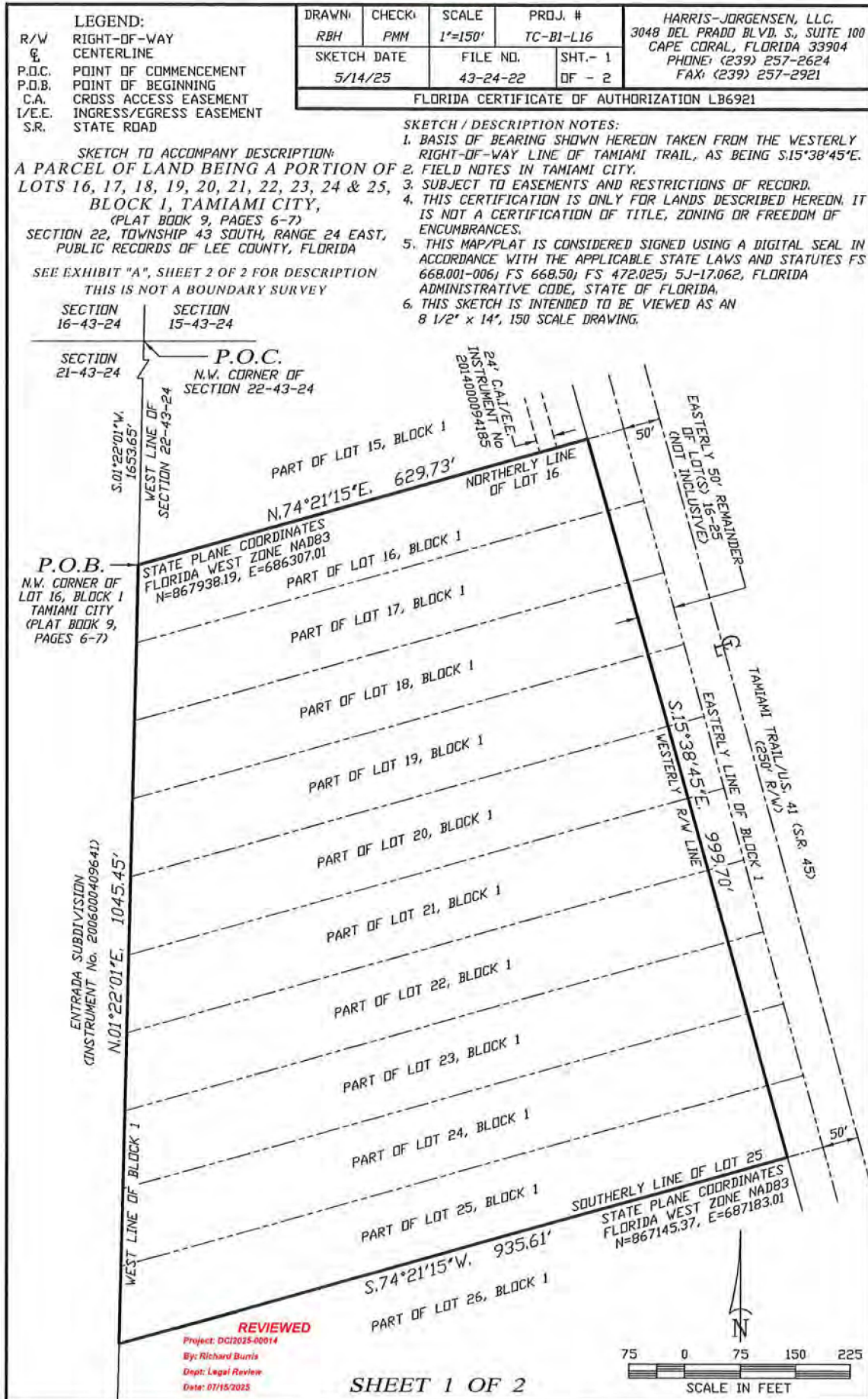
Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A



DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25, BLOCK 1, TAMiami CITY,

(PLAT BOOK 9, PAGES 6-7)
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25, AS RECORDED IN PLAT BOOK 9, PAGES 6 THROUGH 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, THENCE RUN S.01°22'01"W. ALONG THE WEST LINE OF SAID SECTION TO THE NORTHWEST CORNER OF THE AFORESAID LOT 16, BLOCK 1, FOR 1,653.65 FEET, FOR A POINT OF BEGINNING; THENCE RUN N.74°21'15"E. ALONG THE NORTHERLY LINE OF SAID LOT 16 TO A POINT ALONG THE WESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (U.S. 41 / S.R. 45, 250.00 FEET WIDE), LYING 50.00 FEET WESTERLY OF THE EASTERLY LINE OF THE AFORESAID BLOCK 1, FOR 629.73 FEET; THENCE RUN S.15°38'45"E., 50.00 FEET WESTERLY, AS MEASURED ON A PERPENDICULAR AND PARALLEL TO SAID EASTERLY LINE OF BLOCK 1, TO A POINT ALONG THE SOUTHERLY LINE OF THE AFORESAID LOT 25, FOR 999.70 FEET; THENCE RUN S.74°21'15"W. ALONG SAID SOUTHERLY LINE TO THE WEST LINE OF SAID BLOCK 1, BEING A POINT ALONG THE AFORESAID WEST LINE OF SECTION 22, FOR 935.61 FEET; THENCE RUN N.01°22'01"E. ALONG SAID WEST LINE OF BLOCK 1 AND SECTION 22, FOR 1045.45 FEET; TO THE POINT OF BEGINNING.

CONTAINING 782,432 SQUARE FEET OR 17.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE AFORESAID WEST LINE OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AS BEING S.01°22'01"W.

Phillip M
Mould, LS6515,
State of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of Florida
Date: 2025.05.16
08:14:25 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
MAY 14, 2025

REVIEWED

Project: DCI2025-00014
By: Richard Burris
Dept: Legal Review
Date: 07/15/2025

SHEET 2 OF 2

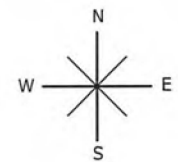
TC-B1-L16



DCI2025-00014

Zoning

 Subject Property



0 500 1,000
Feet

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be consistent with the two-page MCP entitled "Honc 41 MPD" prepared by EnSite last revised June 8, 2026 (Exhibit B1).
- b. Lee Plan and LDC Compliance. Development must comply with the LDC and Lee Plan at time of development order approval, except as granted by deviation herein. Subsequent changes may require additional approvals.
- c. Development Parameters. This MPD is limited to 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses, subject to the conditions enumerated herein.

2. Uses and Development Regulations

a. Schedule of Uses

Commercial Tracts

Accessory Uses and Structures
Administrative Offices
Animals, Clinic
ATM (Automatic Teller Machine)
Banks and Financial Establishments, All Groups
Boat Parts Store
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Car Wash
Clothing Stores, General
Clubs:
 Fraternal
 Membership Organization
 Private
Convenience Food and Beverage Store
Day Care Center, Adult, Child
Drive Through Facility for Any Permitted Use
Drugstore
Pharmacy
Entrance Gates and Gatehouses
EMS, Fire or Sheriff's Station

- Essential Services
- Excavation:
 - Water Retention
- Fences and Walls
- Hardware Store
- Hobby, Toy and Game Shops
- Household and Office Furnishings, All Groups
- Insurance Companies
- Lawn and Garden Supply Stores
- Medical Office
- Nonstore Retailers, Group I
- Package Store
- Parking Lot:
 - Accessory
 - Temporary
- Personal Services, All Groups
- Pet Services
- Pet Shop
- Plant Nursery
- Post Office
- Printing and Publishing
- Recreational Facilities, Commercial:
 - Group I
 - Group IV, limited to only "Theater, indoor"
- Rental or Leasing Establishment:
 - Group I
 - Group II
 - Group III
- Repair Shops:
 - Group I
 - Group II
 - Group III
- Restaurant, Fast Food
- Restaurants, All Groups
- Schools:
 - Commercial
- Signs
- Specialty Retail Shops:
 - Group I
 - Group II
 - Group III
- Studio
- Temporary Uses
- Theatre, Drive-in
- Transportation Services:
 - Group II

Used Merchandise Stores:

Group I

Group II

Variety Store

Vehicle and Equipment Dealer:

Group I

Group II

Industrial Tract

Accessory Uses and Structures

Administrative Offices

ATM (Automatic Teller Machine)

Automobile Repair and Service, All Groups

Automobile Service Station

Boats:

Boat Repair and Service

Boatyard

Building Materials Sales

Business Services:

Group II

Cleaning and Maintenance Services

Cold Storage, Pre-cooling Warehouse and Processing Plant

Computer and Data Processing Services

Contractors and Builders, All Groups

Drive Through Facility for any Permitted Use

Entrance Gates and Gatehouses

Essential Services

Excavation:

Water retention

Factory Outlets (point of manufacture only)

Farm Equipment, Sales, Storage, Rental or Service

Fences and Walls

Freight and Cargo Handling Establishments

Parcel and Express Services

Parking Lot:

Accessory

Temporary

Processing or Packaging for Agricultural or Fish Products

Processing and Warehousing

Recycling Facility

Rental or Leasing Establishment, All Groups

Repair Shops, All Groups

Research and Development Laboratories

Group I

Group IV

Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Signs in Accordance with Chapter 30

Storage:

Indoor

Open

Transportation Services

Group II

Group IV

Vehicle and Equipment Dealers, All Groups

Warehouse

High Cube

Hybrid

Mini-Warehouse

Private

Public

Wholesale Establishments

Group I

Group III

Group IV

b. Site Development Regulations

Commercial Tracts – Setbacks, Height, and Lot Coverage

Setbacks (Building):

North (Side): 15 feet

East (Street): 25 feet

West (Rear): 25 feet

South (Side): 15 feet

Waterbody: 25 feet

Height: 35 feet

Open Space: 20%

Maximum Lot Coverage: 40%

Industrial Tract - Setbacks, Height, and Lot Coverage

Setbacks (Building):

North (Side): 25 feet

East (Street): 25 feet

West (Rear): 25 feet

South (Side): 25 feet

Waterbody: 25 feet

Height: 35 feet
Open Space: 20%
Maximum Lot Coverage: 40%

3. Open Space, Indigenous Open Space, and Publicly Accessible Open Space

a. Commercial Tracts

- i. Open Space: Development order plans for the commercial tracts must depict 20 percent (0.87 acres) of open space.
- ii. Indigenous Open Space: The first development order for the Commercial Tract must depict 0.44 acres of indigenous open space and provide an Indigenous Management Plan. An Indigenous Restoration Plan is required if exotic vegetation is over 75 percent of the total indigenous open space area

b. Industrial Tract

- i. Open Space: Development order plans for the industrial tract must depict 20 percent (2.72 acres) of open space.
- ii. Indigenous Open Space: The first development order for the Industrial Tract must depict 1.36 acres of indigenous open space and provide an Indigenous Management Plan. An Indigenous Restoration Plan is required if exotic vegetation is over 75 percent of the total indigenous open space area.

c. Publicly Accessible Open Space

The first development order for both tracts must depict 1.80 acres of publicly accessible open space. If consolidated, Developer must demonstrate compliance with LDC §33-1572(c).

4. Landscape Buffers

The indigenous preservation located on the west side of the property adjacent to existing multi-family use will be utilized to meet the planting intent of a modified Type B buffer. This buffer includes 5 trees and 18 shrubs per 100 linear feet. Trees and shrubs must meet minimum heights for buffers in accordance with the LDC. If existing vegetation does not meet this requirement, Developer must provide supplemental plantings for compliance.

5. Billboard

Prior to obtaining a Certificate of Compliance for the commercial tracts, Developer must remove five of the existing billboards and may retain one billboard. The billboard may be repaired/replaced subject to LDC Chapter 30.

6. Interconnection/Cross Access

Developer must provide an access stub to the property adjacent to the northern commercial parcel for future vehicular interconnection at the time of that parcel's development order. The access stub must provide ingress/egress access to U.S. 41 for the adjacent parcels to the north and may not be gated or otherwise restricted. Developer is not responsible for development permitting or improvements on the adjacent parcel.

7. Development Permits

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by federal/state agencies or undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. **Access. Deviation (1)** seeks relief from **LDC §10-291(3)**, which requires commercial or industrial development of more than ten acres to provide more than one means of ingress or egress for the development, to allow for one point of ingress or egress for the subject property.

HEX Recommendation: APPROVE, subject to Condition 6.

2. **Interconnection. Deviation (2)** seeks relief from **LDC §10-610(e)**, which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection to the south.

HEX Recommendation: APPROVE.

3. **Excavation. Deviation (3)** seeks relief from **LDC §10-329(d)(1)a.3**, which requires all new excavations for water retention and detention to be setback 50 feet from any private property line under separate ownership, to allow a setback of 30 feet from any private property line under separate ownership.

HEX Recommendation: APPROVE.

4. **Billboard. Deviation (4)** seeks relief from **LDC §30-183(1)a**, which limits billboards to the Intensive Development, Industrial Development, Interchange Areas, and Tradeport Future Land Use Categories, to allow one of the six existing billboards to remain on the subject property, which is located in the Central Urban Future Land Use Category.

HEX Recommendation: APPROVE, subject to Condition 5.

Exhibits to Conditions:

B1 Master Concept Plan last revised June 8, 2026

ensite
2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024
EB-26544 CA-LC26000374

CHURCHMAN AND ADOBE

PROCESSES AND LOCATION



TOTAL PROJECT AREA	±17.96 AC.
TOTAL COMMERCIAL AREA	±4.36 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (20% OF TOTAL):	±0.87 AC. *
(50% OF REQ'D OPEN SPACE INDIGENOUS	±0.44 AC)
TOTAL INDUSTRIAL AREA:	±13.60 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL)	±2.72 AC.
(50% OF REQ'D OPEN SPACE INDIGENOUS	±1.36 AC.)
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±3.59 AC
PROVIDED OPEN SPACE	±3.59 AC **
REQUIRED INDIGENOUS OPEN SPACE	±1.80 AC
PROVIDED INDIGENOUS OPEN SPACE	±3.45 AC
OTHER	±0.04 AC

*EACH OUT PARCEL SHALL HAVE 20% OPEN SPACE AS THEY WOULD BE CONSIDERED SMALL DEVELOPMENTS.
*NOTE: 50% INDIGENOUS REQUIREMENT IS MET THROUGH THE INDIGENOUS/WETLAND PRESERVATION AREA.

PUBLICLY ACCESSIBLE SPACE CALCULATIONS:

TOTAL PROJECT AREA ±17.95 AC.
PER SECTION 33-1572 10% OF SITE AREA DEVOTED TO PUBLICLY ACCESSIBLE OPEN SPACE:
17.95 AC X 10% = 1.80 ACRES REQUIRED.

AREA TO BE PROVIDED DURING DEVELOPMENT ORDER REVIEW.

COMMERCIAL TRACT

INTENSITY	30,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	15'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	15'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (ROW)	5' (PER 10-425)
SOUTH (C-2)	N/A
WEST (INDUSTRIAL)	N/A

INDUSTRIAL TRACT

INTENSITY	120,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	25'
BUILDING SEPARATION	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (COMMERCIAL)	N/A
SOUTH (COMMERCIAL/AG)	N/A
WEST (MF/CONS. ESMT.)	N/A

NOTES:

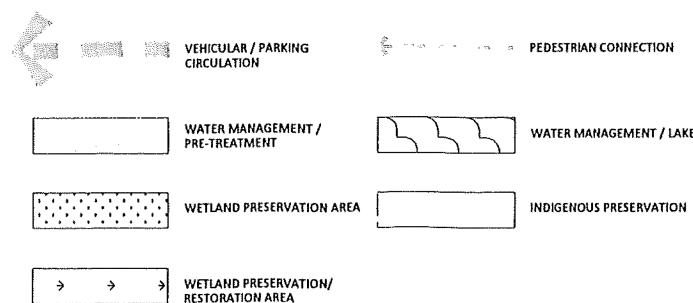
THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 34-625.

IN THE EVENT A PORTION OF THE INDUSTRIAL PROJECT IS BUILT AS OPEN STORAGE, THE AREA/PROJECT MUST COMPLY WITH SECTION 34-3005 - STORAGE FACILITIES.

DEVIATIONS

1. DEVIATION FROM LDC 10-329(j)3, WHICH REQUIRES COMMERCIAL OR INDUSTRIAL DEVELOPMENT OF MORE THAN TEN ACRES TO PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE POINT OF INGRESS OR EGRESS FOR THE SUBJECT PROPERTY.
2. DEVIATION FROM LDC 10-610(e), WHICH REQUIRES ADJACENT COMMERCIAL USES TO PROVIDE PARKING LOT INTERCONNECTIONS FOR AUTOMOBILE, BICYCLE, AND PEDESTRIAN TRAFFIC, TO ALLOW NO INTERCONNECT TO THE SOUTH.
3. DEVIATION FROM LDC 10-329(d)(1)3, WHICH REQUIRES NEW EXCAVATIONS FOR WATER RETENTION AND DETENTION SETBACK OF FIFTY (50') FEET OF ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP, TO ALLOW A SETBACK OF THIRTY (30') FEET FROM THE FUTURE COMMERCIAL PARCEL INTERNAL TO THE DEVELOPMENT.
4. A DEVIATION FROM LDC 30-183(1), WHICH LIMITS BILLBOARDS TO THE INTENSIVE DEVELOPMENT, INDUSTRIAL DEVELOPMENT, INTERCHANGE AREAS, AND TRANSPORT FUTURE LAND USE CATEGORIES, TO ALLOW ONE OF THE SIX EXISTING BILLBOARDS TO REMAIN ON THE SUBJECT PROPERTY.

LEGEND:



NO.	REVISION	DATE
R1	PER LEE COUNTY COMMENTS	9-10-25
R2	PER LEE COUNTY COMMENTS	12-20-25
R3	PER LEE COUNTY COMMENTS	11-16-18
R4	PER LEE COUNTY COMMENTS	03-03-26
R5	HEARING EXAMINER	06-08-16

DATE:	05-27-2011
PROJECT NO.	1333-03
FILE NO.	1333-03 CON.dwg
SCALE:	AS SHOWN

MASTER CONCEPT PLAN

SHEET TITLE

MCP-01

SHEET NUMBER

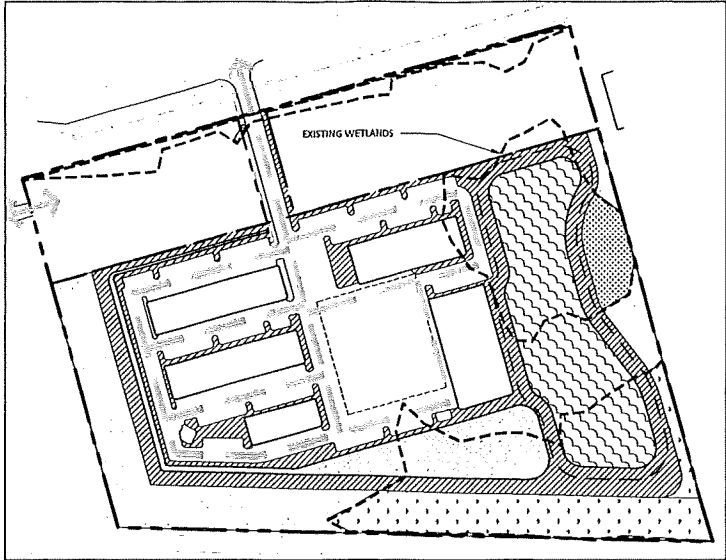
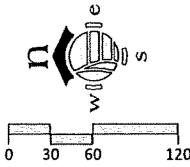
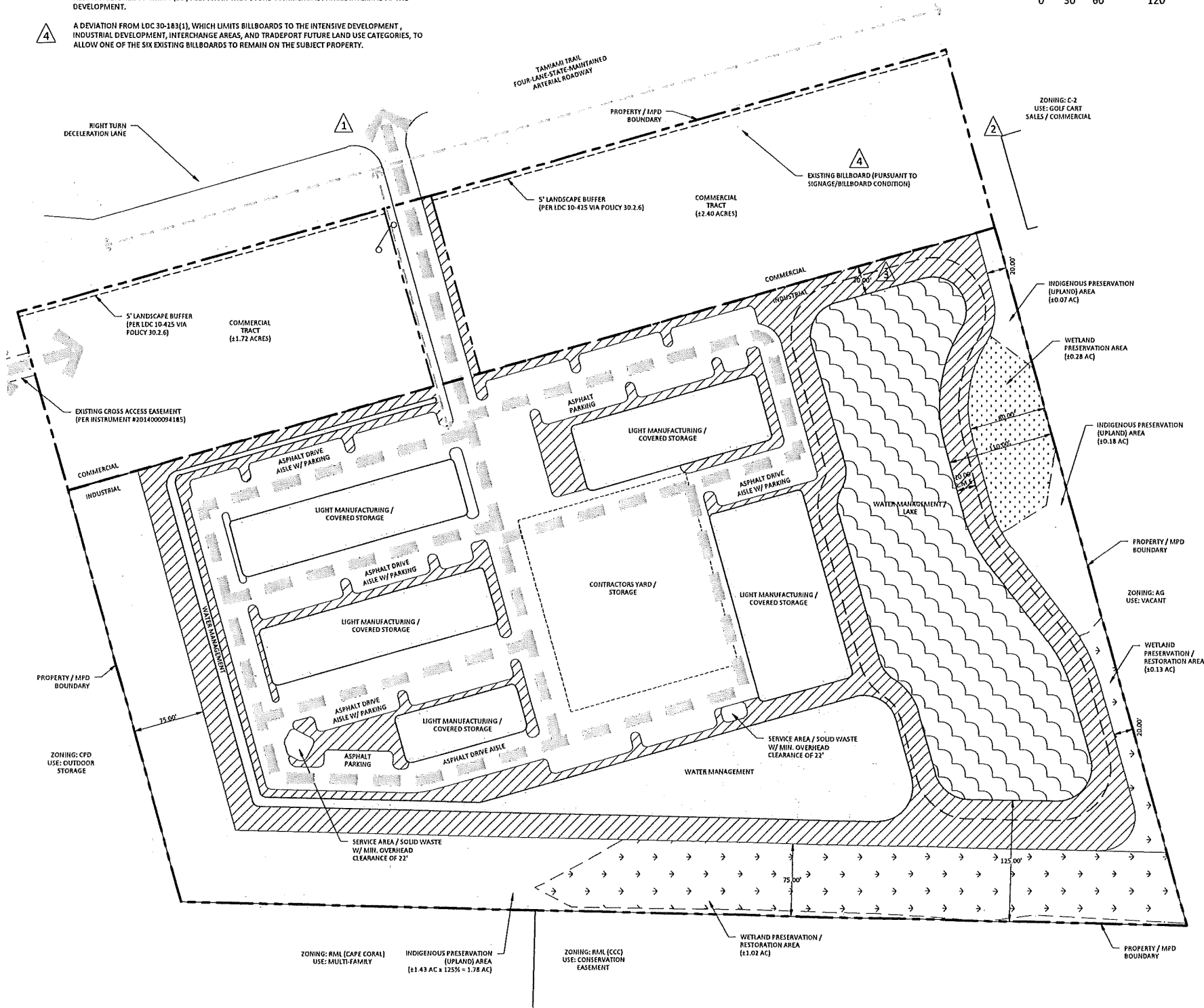
DEVIATIONS

- 1 DEVIATION FROM LDC 10-291(3), WHICH REQUIRES COMMERCIAL OR INDUSTRIAL DEVELOPMENT OF MORE THAN TEN ACRES TO PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE POINT OF INGRESS OR EGRESS FOR THE SUBJECT PROPERTY.
- 2 DEVIATION FROM LDC 10-610(4), WHICH REQUIRES ADJACENT COMMERCIAL USES TO PROVIDE PARKING LOT INTERCONNECTIONS FOR AUTOMOBILE, BICYCLE, AND PEDESTRIAN TRAFFIC, TO ALLOW NO INTERCONNECT TO THE SOUTH.
- 3 DEVIATION FROM LDC 10-329(d)(1)(3), WHICH REQUIRES NEW EXCAVATIONS FOR WATER RETENTION AND DETENTION SETBACK OF FIFTY (50') FEET OF ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP, TO ALLOW A SETBACK OF THIRTY (30') FEET FROM THE FUTURE COMMERCIAL PARCEL INTERNAL TO THE DEVELOPMENT.
- 4 A DEVIATION FROM LDC 30-183(1), WHICH LIMITS BILLBOARDS TO THE INTENSIVE DEVELOPMENT, INDUSTRIAL DEVELOPMENT, INTERCHANGE AREAS, AND TRADEPORT FUTURE LAND USE CATEGORIES, TO ALLOW ONE OF THE SIX EXISTING BILLBOARDS TO REMAIN ON THE SUBJECT PROPERTY.

NOTES:

THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 34-625.

IN THE EVENT A PORTION OF THE INDUSTRIAL PROJECT IS BUILT AS OPEN STORAGE, THE AREA/PROJECT MUST COMPLY WITH SECTION 34-3005 - STORAGE FACILITIES.



MCP / FLUCCS OVERLAY:

OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±17.96 AC.
TOTAL COMMERCIAL AREA	±4.36 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (20% OF TOTAL):	±0.87 AC. *
(50% OF REQ'D OPEN SPACE INDIGENOUS)	±0.44 AC.
TOTAL INDUSTRIAL AREA:	±13.60 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL)	±2.72 AC.
(50% OF REQ'D OPEN SPACE INDIGENOUS)	±1.36 AC.
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±3.59 AC.
PROVIDED OPEN SPACE	±3.59 AC. **
REQUIRED INDIGENOUS OPEN SPACE	±1.80 AC.
PROVIDED INDIGENOUS OPEN SPACE	±3.46 AC.
OTHER	±0.04 AC.

*EACH OUT PARCEL SHALL HAVE 20% OPEN SPACE AS THEY WOULD BE CONSIDERED SMALL DEVELOPMENTS.

**NOTE: 50% INDIGENOUS REQUIREMENT IS MET THROUGH THE INDIGENOUS/WETLAND PRESERVATION AREA.

PUBLICLY ACCESSIBLE SPACE CALCULATIONS:

TOTAL PROJECT AREA	±17.96 AC.
PER SECTION 33-1572 10% OF SITE AREA DEVOTED TO PUBLICLY ACCESSIBLE OPEN SPACE:	
17.96 AC X 10% = 1.80 ACRES REQUIRED.	
AREA TO BE PROVIDED DURING DEVELOPMENT ORDER REVIEW.	

COMMERCIAL TRACT

INTENSITY	30,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	15'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	15'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (ROW)	5' (PER 10-425)
SOUTH (C-2)	N/A
WEST (INDUSTRIAL)	N/A

INDUSTRIAL TRACT

INTENSITY	120,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	25'
BUILDING SEPARATION	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (COMMERCIAL)	N/A
SOUTH (COMMERCIAL/AG)	N/A
WEST (MF/CONS. ESMT.)	N/A

LEGEND (OPEN SPACE):

	OPEN SPACE		WETLAND PRESERVATION AREA
	INDIGENOUS PRESERVATION		WETLAND PRESERVATION / RESTORATION AREA
	WATER MANAGEMENT		



2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024
EB-26544 CA-LC26000374

HONC DOCKS
& LIFTS
1130-C PONDELLA ROAD
CAPE CORAL, FL 33909

CLIENT NAME AND ADDRESS

17701 N. TAMiami
TRAIL PROJECT
NORTH FORT MYERS

PROJECT NAME AND LOCATION

DATE	01-08-24
PROJECT NO.	1333-01
FILE NO.	1333-03 CON.dwg
SCALE	AS SHOWN

OPEN SPACE
PLAN

SHEET TITLE

MCP-02

SHEET NUMBER

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by Brianna Schroeder, Planner, date received May 27, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Brianna Schroeder to Maria Perez, and Cindy Leal, with copies to Elizabeth Workman, Brian Smith, Richard Akin, Esq., Anthony Rodriguez, Rebecca Sweigert, Joseph Adams, Esq., and Paige Carroll, dated Tuesday, June 9, 2026, 1:36 PM (4 pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00014, Honc 41 MPD, dated June 11, 2026 (multiple pages – 8.5"x11")[color]
4. Written Submission: Email from Brianna Schroeder to Maria Perez, Cindy Leal, Brian Smith, Richard Akin, Esq., Betsie Hiatt, and Yuri Bykau, dated Friday, June 19, 2026, 8:24 AM (multiple pages – 8.5"x11"){post-hearing submission}

APPLICANT EXHIBITS

1. Sign Posting: Email from Cindy Leal to Brianna Schroeder with copies to Hearing Examiner, Richard Akin, Esq., Brian Smith, and Marza Hiatt, dated Friday, May 22, 2026, 11:13 AM (multiple pages – 8.5"x11" and 11"x17")
2. 48-Hour Notice: Email from Cindy Leal to Hearing Examiner, with copies to Brianna Schroeder, Elizabeth Workman, Brian Smith, Richard Akin, Esq., and Maria Perez, dated Monday, June 8, 2026, 3:46 AM (multiple pages – 8.5"x11" and 11"x17")
3. PowerPoint Presentation: Prepared for Honc 41 MPD, dated June 11, 2026 (multiple pages – 8.5"x11")[color]
4. Master Concept Plan: Prepared by EnSite, Inc., for Honc Docks & Lifts, last revised June 8, 2026 (2 pages – 11"x17" and 2 pages – 24"x36")
5. Scheduled of Uses: Prepared by EnSite, Inc., for Honc 41 MPD (3 pages – 8.5"x11")
6. Supplemental Level of Service: Table 2A, Lee County Traffic Counts and Calculations for 17701 N. Tamiami Trail; Lee County Road Link Volumes (County-and-State Maintained Roadways) (2 pages– 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Brianna Schroeder
2. Elizabeth Workman

Applicant Representatives:

1. Richard Akin, Esq.
2. Yury Bykau
3. Betsie Hiatt
4. Brian R. Smith

Public Participants:

None

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.

DCI2025-00022

601 Leeland

Rezone



CASE NUMBER & NAME: DCI2025-00022 / 601 Leeland Rezone

REQUEST: Request to rezone 0.49± acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD).

RESOLUTION NUMBER: Z-26-012

LOCATION: 601 Leeland Heights Boulevard W; Lehigh Acres Planning District; Lee County, FL.

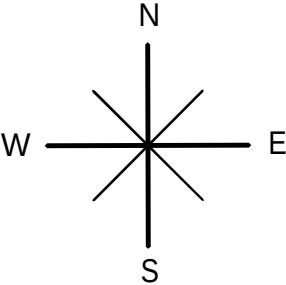
OWNER: Crown Key Investments LLC

APPLICANT: Crown Key Investments LLC

AGENT: Steven Enguita
Crown Key Investments LLC
6970 Penzance Boulevard
Fort Myers, FL 33912

HEARING EXAMINER
RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: None



0 1,000 2,000
US Feet



Summary of Hearing Examiner Recommendation

601 LEELAND REZONE

The request proposes to convert a 1,238-square-foot residence on Leeland Heights Boulevard to commercial use. The schedule of uses includes administrative offices, business services, medical offices, retail and service uses, daycare facilities, and a drive-through restaurant.

Development intensity is limited to the square footage of the existing building.

Applicant requests deviations to accommodate driveway spacing conditions on Leeland Heights Boulevard and modify landscape buffer widths due to conflicting easements.

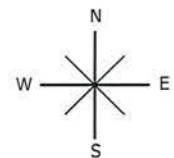
Detailed recommendation follows

DCI2025-00022

Future Land Use



-  Subject Property
-  Intensive Development
-  Central Urban
-  Public Facilities



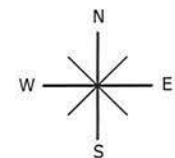
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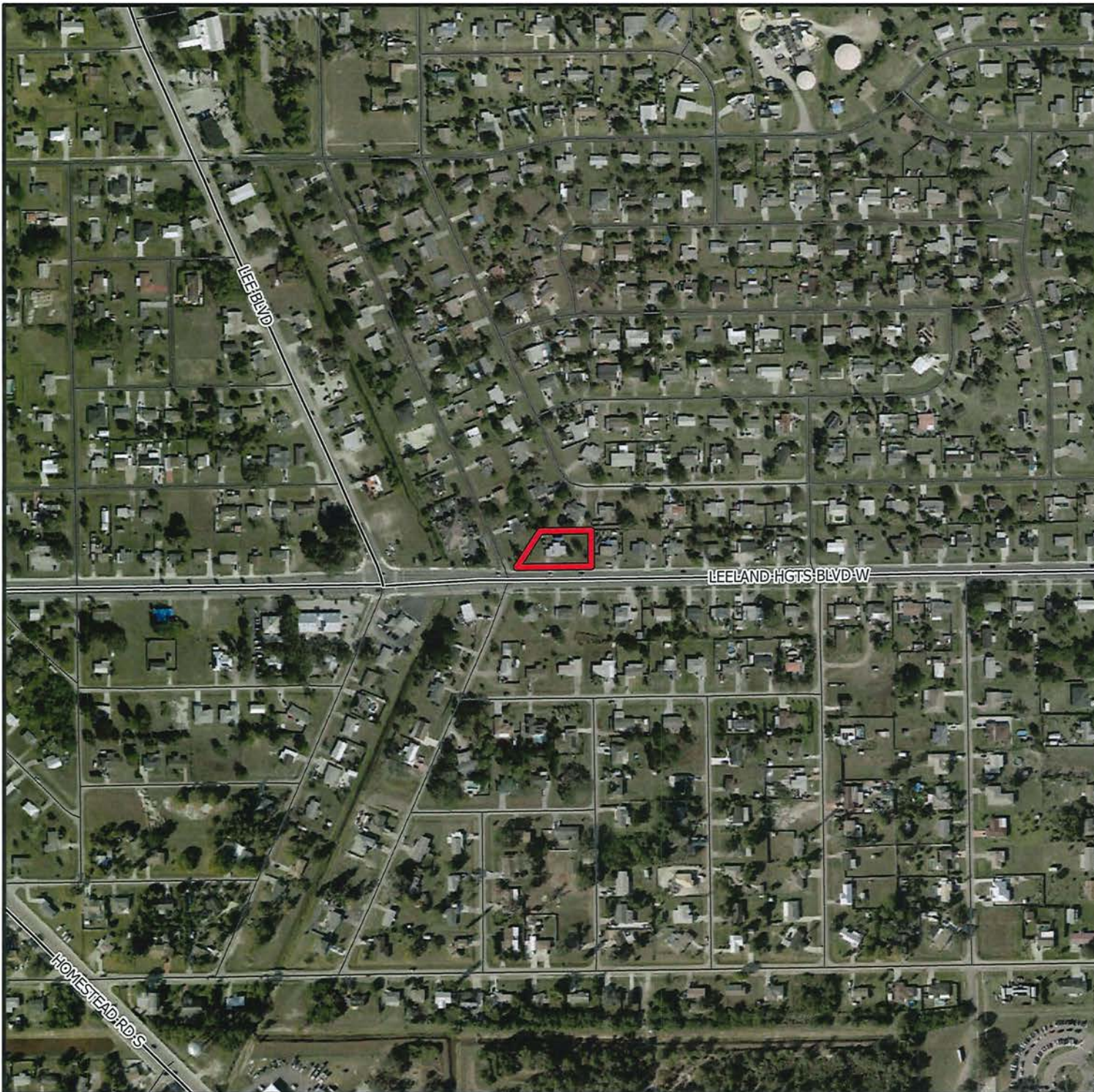
DCI2025-00022

Aerial

 Subject Property



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Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00022

Regarding: 601 LEELAND REZONE

Location: 601 Leeland Heights Blvd W

Lehigh Acres Planning Community
(District 5)

Hearing Date: June 25, 2026

I. Request

Rezone 0.49 acres from Single Family Residential (RS-1) to Commercial Planned Development (CPD), to convert an existing 1,238-square-foot residence to commercial use.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 0.49 acres in Lehigh Acres to the Commercial Planned Development zoning district. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the County's Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other regulations to facts presented at hearing. The record must include substantial competent evidence to support the recommendation.

Discussion on the Hearing Examiner's recommendation of approval, with conditions, is set forth below.

¹ LDC §34-145(d)(4) a.

History

The property is located at 601 Leeland Heights Boulevard West in Lehigh Acres. The site is improved with a single-family residence constructed in 1957. The plan is to retain and repurpose the 1,238 square foot structure for commercial use.

Lee Plan

The Lee Plan regulates land development in the County.² The Plan's Future Land Use Map divides the County into future urban, non-urban, and environmentally sensitive areas. Development must be consistent with the Lee Plan.³

The property's future land use designation is Central Urban.⁴ Central Urban areas are heavily settled with access to the greatest range and highest levels of public services.⁵ A broad range of land uses is permissible in Central Urban areas.⁶

The Lee Plan Economic Element directs the County to strive for a diversified economy to ensure maximum employment opportunities.⁷ The CPD proposes small scale commercial uses in furtherance of Lee Plan directives.⁸

The request seeks to redevelop property improved with a single-family home. The site is surrounded by residential and small-scale commercial development. Compact and contiguous development patterns are desirable in areas with services and infrastructure.⁹ Redeveloping property with access to infrastructure is consistent with this policy directive.¹⁰

Community Plan

Community plans address conditions unique to specific areas within the County. The vision for each community is incorporated as a Goal in the Lee Plan Future

² LDC §34-491.

³ Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezoning must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

⁴ Properties designated Central Urban are considered Future Urban Areas. See Lee Plan Chapter XIV: Glossary definition of Future Urban Areas.

⁵ Lee Plan Policy 1.1.3.

⁶ Residential, commercial, public, and quasi-public, and limited light industrial land uses are permissible in the Central Urban category. *Id.*

⁷ Lee Plan Goal 158. Objective 158.2, Policy 158.2.1.

⁸ The request seeks a mix of commercial land uses, including administrative offices, business services, medical offices, retail and service, daycare facilities, and a drive-through restaurant with a pickup window and no intercom system.

⁹ The project constitutes infill development consistent with development patterns along Leeland Heights Boulevard. Lee Plan Objectives 2.1, 2.2, Policies 1.1.3, 2.2.1, 2.2.2, 6.1.1, 6.1.7, See Lee Plan Glossary definition - infill.

¹⁰ Lee Plan Objectives 2.1, 2.2, Policies 2.1.1, 2.2.1.

Land Use Element. Community plans consist of long term objectives and policies not regulatory in nature.¹¹ If needed, the Board may adopt land development regulations to implement a community plan.”¹²

The Board adopted the Lehigh Acres Community Plan in 2010.¹³ The Lehigh Plan emphasizes vibrant commercial and employment centers and pedestrian friendly mixed use activity centers.¹⁴

Community plans must be coordinated with county-wide and regional plans regarding population accommodation, transportation, employment, economic development, and infrastructure needs.¹⁵ The property’s future land use designation must be read together with the Lehigh Community Plan to achieve the Board’s legislative intent for the property.¹⁶

The property lies within a Lehigh Commercial Overlay zone.¹⁷ The Community Plan permits commercial uses within Commercial Overlay Zones once the property is rezoned to a commercial district.¹⁸

Compatibility

The County evaluates compatibility during zoning.¹⁹ Compatibility exists when land uses exist in proximity, and no one use unduly negatively impacts another.²⁰ Planned development zoning is useful when integrating new development with surrounding land uses.²¹ The planned development zoning district allows flexibility in site design to address potential incompatibilities with neighboring development.²²

Appropriate intensity is determined on a case-by-case basis in accordance with the Lee Plan and character of surrounding land uses.²³ The property is surrounded on three sides by residential development. Leeland Heights Boulevard borders the

¹¹ Lee Plan Policy 17.1.3, emphasis supplied. Community Plan policies and objectives are not regulatory unless the Board adopts land development regulations to implement.

¹² *Id.* LDC Chapter 33 is devoted to implementation of community plans. The purpose of the LDC community planning regulations is to adopt guidelines and provisions necessary to achieve Lee Plan goals, objectives, and policies for recognized planning communities. The Board adopted the Lehigh Acres Community Plan LDC regulations in 2012, Lee County Ordinance 12-01.

¹³ Lee County Ordinance 10-16 adopted March 3, 2010.

¹⁴ Lee Plan Goal 25. See *also* Goal 158.

¹⁵ Lee Plan Policy 17.1.1

¹⁶ *Id.*

¹⁷ Lee Plan Objective 25.6, Policy 25.6.2, Lee Plan Map 2-B.

¹⁸ Lee Plan Policy 25.6.1.

¹⁹ LDC §34-145(d)(4).

²⁰ Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6.

²¹ LDC §34-612(2).

²² *Id.*

²³ LDC §34-413.

site along the south property line. The Boulevard is a four-lane, undivided roadway with a posted speed limit of 40 mph.

Properties in the area are mainly zoned for residential and small-scale commercial land uses.²⁴ Proposed development parameters repurpose the 1,238 square foot building for limited commercial uses to serve the surrounding community.²⁵ The schedule of permitted uses includes administrative offices, business services, medical offices, retail and service uses, daycare facilities, and a drive-through restaurant.²⁶

The site design addresses potential incompatibilities with landscape buffers and conditions impose limitations on restaurant use.²⁷ Condition of approval limit hours of operation and prohibits intercoms.

The Hearing Examiner finds the site plan and development parameters are compatible with surrounding development.

LDC

Development must comply with the LDC or request deviations. A “deviation” is a departure from a land development regulation.²⁸

The requested amendment includes four deviations. The deviations pertain to driveway separation and buffers.²⁹ Applicants must demonstrate deviations enhance the project and not be detrimental to the public.³⁰ Staff recommended approval of the requested deviations. The Hearing Examiner agrees with this recommendation.³¹

Site development in Lehigh Acres is subject to the Lehigh Acres Community Plan.³² Community specific LDC regulations require zoning applications to conduct

²⁴ Surrounding properties are zoned RS-1 and CPD. The project constitutes infill development and is consistent with development patterns in the area. Lee Plan Policies 6.1.7, 25.6.2.

²⁵ The schedule of permitted uses contemplate a limited range of commercial uses, including administrative offices, business services, medical offices, retail and service, daycare facilities, and a drive-through restaurant with a pickup window and no intercom.

²⁶ The Lehigh Community planning regulations limit building height outside Lehigh's Specialized Mixed-Use Nodes to a maximum of three stories or 45 feet unless greater heights are approved by deviation. LDC §33-1417. The request does not request a deviation from height limitation.

²⁷ Conditions of approval limit fast food restaurant use to a pickup window and no intercoms. Hours of operation are limited to 7 A.M. to 9 P.M. daily. Lee Plan Policies 5.1.5, 6.1.4, LDC §34-411(i).

²⁸ LDC §34-2.

²⁹ Buffer deviations address width of buffers and planting areas within those buffers along the project perimeter.

³⁰ LDC §34-373(a)(9).

³¹ The Hearing Examiner may recommend approval, approval with modifications, or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).

³² Lee Plan Goal 25 and supplemental development regulations in LDC §33-1400 *et seq.* Future development permits, including development orders, must comply with community standards. The Board

a public hearing in Lehigh to inform the public prior to the hearing before the Hearing Examiner. Applicant conducted an advertised neighborhood meeting at the Lehigh Acres Municipal Services Improvement District offices.³³ Future development orders will also be subject to community review and must comply with the community's commercial design standards.³⁴

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical areas or natural resources.³⁵

The property is cleared and developed with a single-family home. The Department of Environmental Sciences reported no evidence of protected species, nesting, or feeding.³⁶

The Master Concept Plan (MCP) depicts .23 acres of open space, far exceeding the 20% required by code.³⁷ As a small project, there is no requirement to provide an indigenous open space preserve. Applicant requested deviations from buffer width requirements are necessary due to the presence of utility easements along the perimeter. Buffer widths will vary from 13 to 15 feet, with required plantings placed within a five-foot area outside utility easements.³⁸

The Hearing Examiner concludes the request does not affect environmentally critical areas or natural resources.

Transportation

Requests to rezone property must provide sufficient access to support the proposed development intensity and address expected impacts to the transportation facilities by existing County regulations and conditions of approval.

The property is on the north side of Leeland Heights Boulevard West, a short distance east of Lee Boulevard. Leeland Heights Boulevard is a four-lane county-maintained arterial roadway.³⁹ The MCP depicts a single driveway access. Conditions of approval require development order submittals to depict

adopted the Lehigh Acres Community Plan on March 3, 2010, via Lee County Ordinance 10-16. The Board adopted the corresponding LDC regulations on January 10, 2012, via Lee County Ordinance 12-01.

³³ Staff Report Attachment J: Public Informational Meeting Summary. Meeting held at Lehigh Acres Municipal Services Improvement District Offices at 5:30 PM on August 28, 2025.

³⁴ The LDC requires development order and building permit applications to comply with the Lehigh Acres Planning Community regulations. LDC §§33-1400(d), LDC §33-1401(a) and LDC §33-1411 *et seq.* Commercial design standards govern parking, transportation, architecture, and signs. See *also* LDC §10-620(c).

³⁵ LDC §34-145(d).

³⁶ Staff Report Attachment L: Lee County Environmental Staff Memo dated April 22, 2025.

³⁷ Lee Plan Objective 77.2,

³⁸ Deviation 3 applies to the north, east, and west property boundaries.

³⁹ Lee County Administrative Code 11-1.

interconnections with adjacent properties.⁴⁰ In the event adjacent property develops with commercial uses, interconnections facilitate access to and between properties.⁴¹

Applicant's transportation analysis concluded no adverse impacts to the county road network at buildout in 2027.⁴² Lee County Department of Transportation agreed with this conclusion.⁴³

Road impact fees address project impacts to the County network.⁴⁴ Further analysis of transportation impacts, including site-related turn lane improvements, will occur during development order permitting.⁴⁵

Public Services and Infrastructure

Public services include facilities, capital improvements, and infrastructure necessary to support development.⁴⁶ The Lee Plan requires an evaluation of public services during the zoning process.⁴⁷

Public services and infrastructure are available to serve the site.⁴⁸ The project will have access to the County road network via Leeland Heights Boulevard. Sidewalks/shared use paths connect to similar facilities on Lee Boulevard.⁴⁹

Florida Governmental Utility Authority provides potable water and sanitary sewer service to the property.⁵⁰ The Lehigh Acres Fire District provides fire protection and emergency medical services from Station 102 on Homestead Road S.⁵¹ Lee County Sheriff provides law enforcement services from a station on Homestead Road approximately one mile from the site. The property is within the Lee County Solid Waste Franchise Area and served by Advanced Disposal.

⁴⁰ See Condition 3: Cross Access Easement. This will be achieved via recorded cross access easements to provide access to adjacent parcels if redeveloped with commercial uses.

⁴¹ Lee Plan Objective 25.8, Policy 25.8.4, LDC §33-1412.

⁴² Staff Report Attachment H: Transportation Analysis prepared by TR Transportation Consultants, Inc., dated September 29, 2025. A fast-food restaurant is the highest trip generator on the list of permitted uses.

⁴³ Staff Report Attachment K: Lee DOT staff memo dated May 15, 2026.

⁴⁴ Lee Plan Goal 39, Objectives 39.1, 95.3, Policies 38.1.1, 95.3.1.

⁴⁵ Lee County Administrative Code 11-4.

⁴⁶ Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Objective 4.1, Standards 4.1.1, 4.1.2.

⁴⁷ Lee Plan Policy 2.2.1.

⁴⁸ Staff Report Attachments G, I. See Lee Plan Goals 70, 95, Policies 2.2.1, 6.1.1, 6.1.4, Standards 4.1.1, 4.1.2.

⁴⁹ Lee Plan Policies 39.2.1, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways. See also LDC §33-1412(a)

⁵⁰ Staff Report Attachment I: FGUA Letter of Availability. Lee Plan Objective 4.1, Policies 25.9.1, 25.9.2, 53.1.5, 56.1.4.

Standards 4.1.1, 4.1.2.

⁵¹ PowerPoint Presentation, Staff Hearing Exhibit 3.

Lee Tran operates a bus route 515 on Leeland Heights Boulevard with two stops in the vicinity of the site.⁵² The LDC requires commercial establishments less than 30,000 square feet in floor area to install improvements to nearby bus stops if not equipped with signs, a landing pad, and bicycle storage rack.⁵³

The project will be integrated with surrounding development by automobile, transit, pedestrian, and bicycle connections.⁵⁴ Development will be subject to road, fire, and emergency medical service impact fees.⁵⁵

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁵⁶ Conditions must be plausibly related to the project's anticipated impacts and pertinent to mitigating impacts to the public.⁵⁷

The proposed conditions address impacts reasonably anticipated from the development, most notably, hours of operation.⁵⁸

Hearing Examiner revised conditions/deviations for clarity, compliance with state law, and to remove LDC references applicable to development by Condition 1.⁵⁹

Public

No members of the public spoke at hearing.

Conclusion

The Hearing Examiner recommends approval of the requested CPD, subject to conditions in Exhibit B.

The Hearing Examiner finds the CPD meets LDC criteria and, as conditioned, is compatible with surrounding development.⁶⁰

⁵² Hearing Examiner Site Visit confirmed. Lee Plan Policy 39.2.1.

⁵³ LDC §10-442. The property owner may pay a fee in lieu of required improvements where the Director of Development Services and Lee Tran conclude the improvements would be contrary to public safety. LDC §10-443.

⁵⁴ Lee Plan Policy 39.2.1. Lee Plan Map 3-D: Lee County Walkways & Bikeways. Cf. Lee Plan Policy 25.1.5.b.

⁵⁵ LDC Chapter 2, Article VI.

⁵⁶ Lee Plan Policies 5.1.5, 6.1.4, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).

⁵⁷ LDC §34-932(b).

⁵⁸ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Policies 5.1.5, 6.1.4.

⁵⁹ LDC 34-145(d)(1)c. and LDC 34-377(a)(2) and (3).

⁶⁰ Lee Plan Policy 6.1.4.

IV. **Findings and Conclusions**

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 25, 39, 70, 77, 95, 158, 159, 160, Objectives 2.1, 2.2, 4.1, 6.1, 25.6, 25.8, 39.1, 77.2, 126.2, 158.2, 158.3, 159.2, and Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 17.1.1, 17.1.3, 25.6.1, 25.6.2, 25.8.4, 25.9.1, 25.9.2, 135.9.5, 135.9.6, 158.2.1, 159.1.4, Standards 4.1.1, 4.1.2, Lee Plan Maps 1-A, 1-B, 2-A, 2-B, 3-D, Table 1(b).
- B. As conditioned, the CPD:
 - 1. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, 25.6, and Policies 1.1.3, 2.1.1, 5.1.5, 6.1.4, 25.6.2, 135.9.5, 135.9.6; LDC §§34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.5, 39.2.1, 43.1.1, 158.3.1.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objectives 25.8, 39.1, 95.3, Policies 6.1.5, 38.1.1, 25.8.4, 38.1.1, 39.1.1, 39.2.1, 43.1.1, 43.1.3, 158.3.1; LDC §§2-261 *et seq.*, 34-411.
 - 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, Objectives 77.2, 126.2, Policies 6.1.6, 6.1.3.11, 126.2.1; and
 - 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 70, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 6.1.4, 25.9.1, 25.9.2, 35.3.1, Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 6, 25; Objectives 2.1, 2.2, 25.6, Policies 1.1.3, 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.7, 6.1.8, 25.6.1, 25.6.2, 135.9.5, 135.9.6, 158.2.1.
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.5, 6.1.4, 53.1.5, 56.1.4, 135.9.5, 135.9.6; LDC §§34-377(a)(3), 34-411 and 34-932(c).

Date of Recommendation: June 26, 2026.


Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

CASE NUMBER: DCI2025-00022

LEGAL DESCRIPTION

Lot 31, Block 1, Unit 20, Lehigh Acres, A Subdivision lying in Sections 32, Township 44 South, Range 27 East, According to the Map or Plat Thereof on file in the Office of the Clerk of Circuit Court, Recorded in Plat Book 10, Pages 86-89, Public Records Of Lee County, Florida.

STRAP NUMBER

32-44-27-L3-20001.0310

REVIEWED

Project: DCI2025-00022

By: Richard Burris

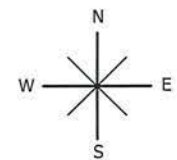
Dept: Legal Review

Date: 11/20/2025

DCI2025-00022

Zoning

 Subject Property



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Feet

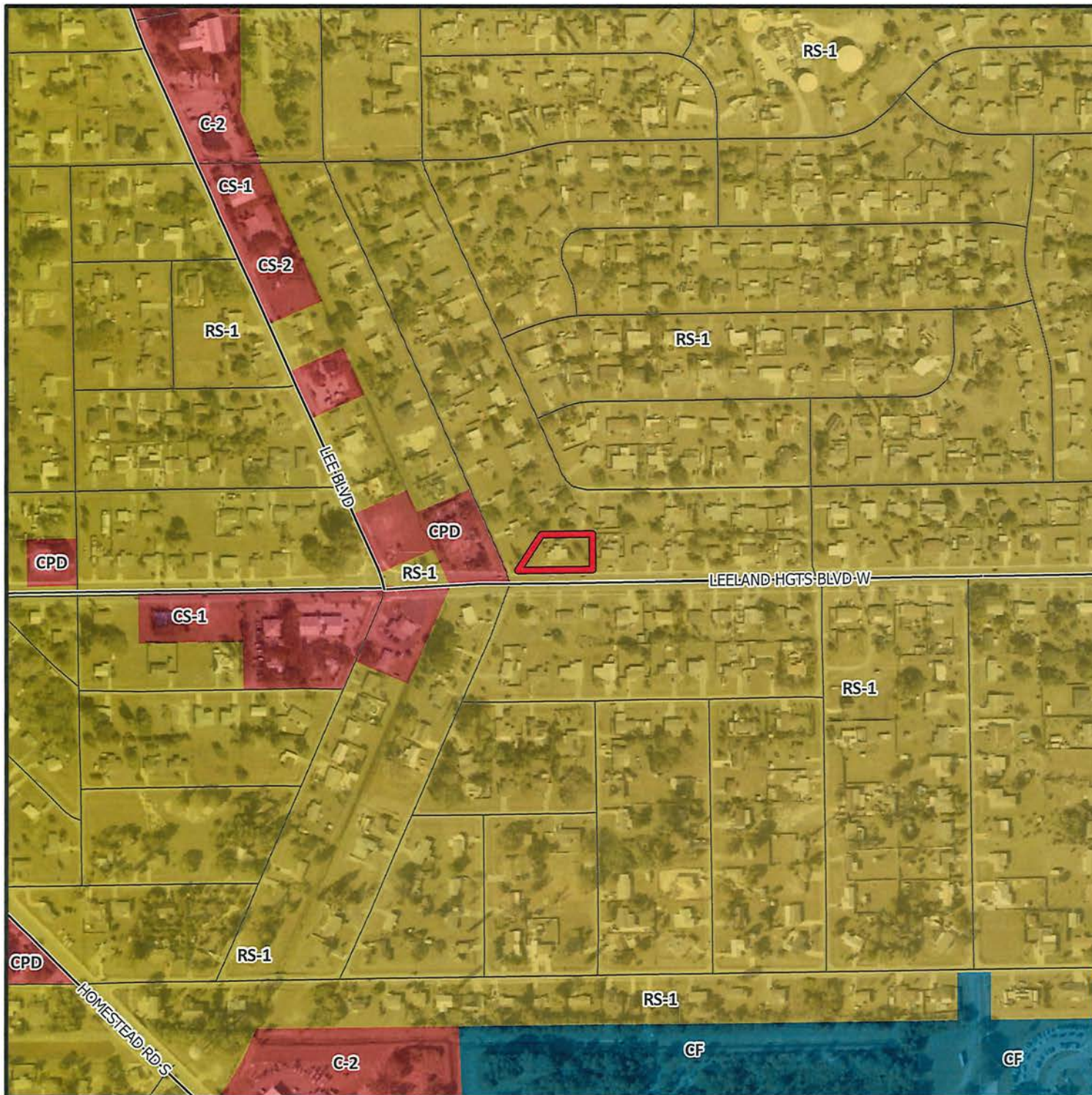


Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. **Master Concept Plan and Development Parameters**

Master Concept Plan (MCP). Development must be substantially consistent with the MCP entitled 601 Leeland Heights Blvd West, prepared by Gulf Coast Design Professionals, Inc. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations have been approved herein. Future amendments to the MCP, conditions, or deviations will be subject to further review and approval.

Approved Development Parameters. Development intensity is limited to the 1,238 square foot existing building.

2. **Schedule of Uses and Property Development Regulations**

a. **Schedule of Uses**

Accessory Uses and Structures
Administrative Office
Auto Repair & Service Group 1 (limited to Auto Detailing)
Cleaning and Maintenance Services
Contractor and Builders, Group I
Day Care Center, Child Adult (Limited to the Existing Building Area)
Restaurant, Fast Food, with Drive-Thru (Limited to Pick up Window, no intercom system)
Drugstore, Pharmacy
Fence, Wall
Hardware Store
Household and Office Furnishings, Groups I and II
Business Services, Group I
Medical Office
Post Office
Temporary Uses
Food store, Group I
Storage, Indoor Only
Signs

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area 0.49 acres

Width (feet) 228 feet

Depth (feet) 110 feet

Minimum Setbacks

Street (feet) 25 feet

Side (interior) feet 15 feet

Side (Street) in feet 15 feet

Rear (feet) 15 feet

Building Separation (feet) Determined by LDC/Building Code and or Fire Code

Perimeter (feet) 15 feet

3. Cross Access Easement

Development order plans must depict stub outs to facilitate interconnection between the adjacent parcels to the east and west. Stub outs must be located in a recorded cross access easement to provide cross access to adjacent parcels if redeveloped with commercial uses.

4. Buffers

Development order submittals must depict perimeter buffers with a five-foot-wide planting area outside easements.

5. Hours of Operation

Hours of operation are limited to 5 A.M. to 9 P.M. Monday through Sunday.

DEVIATIONS

1. Driveway Separation. Deviation 1 seeks relief from LDC §10-285(a), which requires driveway separation of 330 feet on arterial roadways in future urban areas with speed limits of less than 45 miles per hour, to allow a 187-linear foot separation from Connecticut Road on Leeland Heights Boulevard W to maintain the greatest separation possible given available property frontage.

The deviation is approved, subject to Condition 3.

2. Buffers. Deviation 2 seeks relief from LDC §33-1405(c)(3), which requires commercial uses abutting single-family residential uses to provide a buffer 25 feet in width with seven trees, a double hedge row, and 33 groundcovers per 100 linear feet, to allow a 15-foot buffer to the north and a 13-foot buffer to the east and west while meeting LDC planting specifications.

This deviation is approved, subject to the following condition:

Development order submittals must depict perimeter buffers with a five-foot-wide planting area outside easements.

3. Plant Installation and Maintenance Standards. Deviation 3 seeks relief from LDC §10-421(a)(2), which requires buffer trees and shrubs to be planted in an area equal to one-half the required buffer width, with a minimum planted width of five feet, to allow buffers and easements to overlap by more than half and provide a minimum 5 feet of planting area.

This deviation is approved, subject to the following condition:

Development order submittals must depict perimeter buffers with a five-foot-wide planting area outside easements.

4. Street Right-of-Way Buffer Landscaping. Deviation 4 seeks relief from LDC §34-1353(e)(1), which requires landscaping adjacent to rights-of-way to be located within a landscape buffer that is a minimum of 25 feet in width, to allow a 15-foot Type D buffer along the south property line in compliance with LDC §10-416(d)(4).

This deviation is approved, subject to the following condition:

Development order submittals must depict perimeter buffers with a five-foot-wide planting area outside easements.

Exhibits to Conditions:

B1 Master Concept Plan entitled 601 Leeland Heights Blvd W, prepared by Gulf Coast Design Professionals, Inc,

EXHIBIT B1

LEGEND

ASPHALT PAVEMENT

CONCRETE PAVEMENT

PROPOSED CONCRETE SIDEWALKS

GREEN BUTTWOOD SHRUBS
(3-GAL, 36" O.C.)

GUMBO LIMBO AND/OR SHADY LADY OLIVE
(10'-12' HT., 2-1/2" CAL.)

SITE DATA TABLE	
ADDRESS	601 LEELEND HEIGHTS BLVD W LEHIGH ACRES FL 33936
ZONING	CPD (CURRENTLY RS-1)
SETBACKS	
FRONT	25 FEET
SIDE (INTERIOR)	15 FEET
SIDE (STREET)	15 FEET
REAR	15 FEET
LAND USE TABLE	
601 LEELEND HEIGHTS BLVD W.	
TOTAL PROJECT AREA	0.49 ACRES
IMPERVIOUS	0.26 AC MAX (53%)
BUILDING	0.03
CONC./ASPHALT PAVT.	0.23 AC
PERVIOUS	0.23 AC MIN. (47%)
GREEN SPACE/LANDSCAPE	
OPEN SPACE REQUIRED	0.10 ACRES (20%)
OPEN SPACE PROVIDED	0.23 ACRES (47%)
LANDSCAPE BUFFERS (PER 100 LF OF FRONTAGE)	
NORTH (CPD/SF-R)	15' - LDC SECTION 33-1405 (C)(3) - DEVIATION
EAST (CPD/SF-R)	13' - LDC SECTION 33-1405 (C)(3) - DEVIATION
SOUTH (CPD/ROW)	15' - LDC SECTION 33-1405 (C)(3)
WEST (CPD/SF-R)	13' - LDC SECTION 33-1405 (C)(3) - DEVIATION
PARKING CALCULATIONS	
TOTAL PARKING REQUIRED	1 SPACE / 300 SF = 4 SPACES
OFFICE SPACE	4.5 SPACES / 1000 SF = 6 SPACES
MEDICAL OFFICE	
RESTAURANT / FAST FOOD	13 SPACES / 1000 SF = 13 SPACES
H/C PARKING REQUIRED	1 H/C SPACES REQ.
TOTAL PARKING PROVIDED	14 SPACES TOTAL
H/C PARKING PROVIDED	1 H/C SPACES (12'x18')

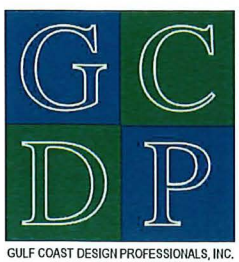
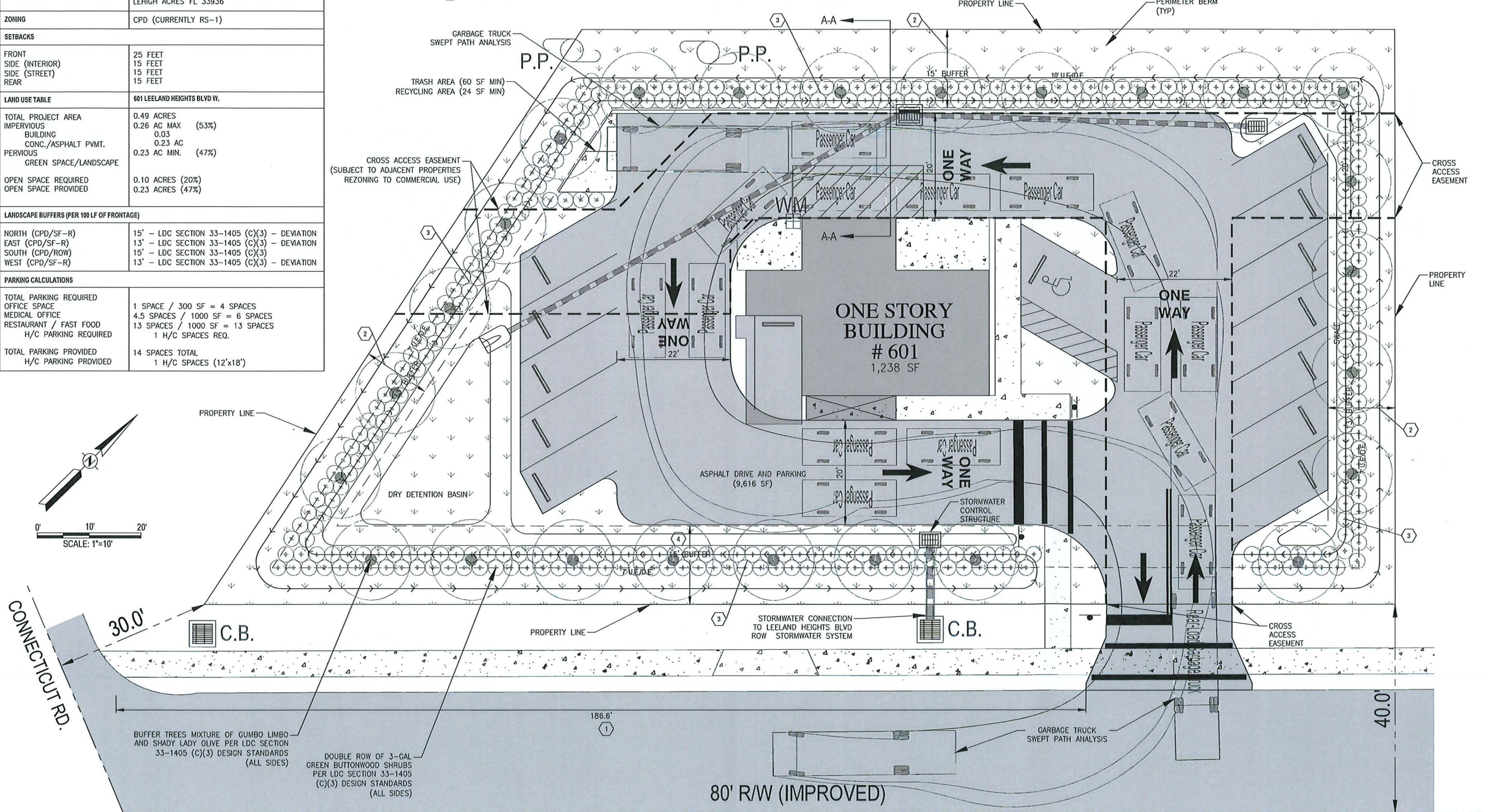
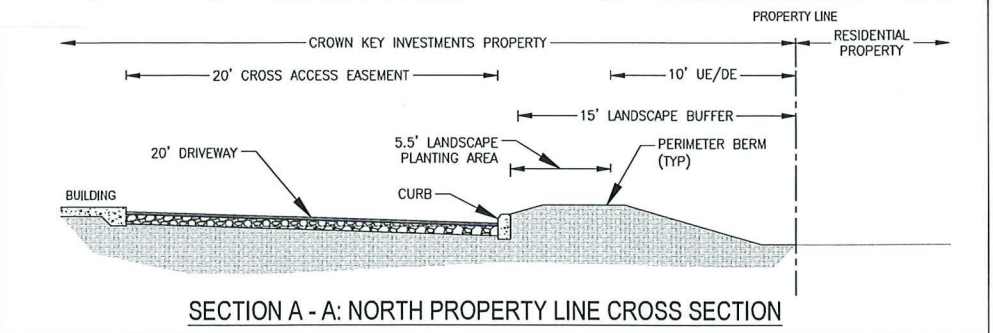
- GENERAL NOTES:
1. PURSUANT TO LDC SECTION 10-261 A MINIMUM OVERHEAD CLEARANCE OF 22 FEET IS REQUIRED AND A 12 FOOT WIDE UNOBSTRUCTED ACCESS OPENING MUST BE PROVIDED TO ACCOMMODATE ALL STORAGE AREAS/CONTAINERS.

2. THE SITE IS LOCATED WITHIN ONE-QUARTER MILE OF BUS STOP #10946. ACCORDING TO THE LEE COUNTY TRANSIT LAND DEVELOPMENT CODE (LDC 10-442 (A)(1)), THE DEVELOPER WILL BE REQUIRED TO INCLUDE THE INSTALLATION OF AN 8' X 30' LANDING PAD (IN THIS CASE, EXTENSION OF THE CURRENT SIDEWALK FROM 6 FT TO 8 FT), AND INSTALL OF A SINGLE INVERTED 'U' BICYCLE STORAGE RACK.
- HEX NOTES:
- 1 ADMINISTRATIVE DEVIATION REQUIRED FOR DRIVEWAY SEPARATION DISTANCE (10-285).

2 ADMINISTRATIVE DEVIATION REQUIRED FOR BUFFER SIZE (33-1405(C)(3)).

3 ADMINISTRATIVE DEVIATION ALLOWING BUFFER PLANTINGS UTILITY OVERLAP AND 5' MIN. PLANTING WIDTH (10-421(A)).

4 ADMINISTRATIVE DEVIATION ALLOWING A 15' SOUTH BUFFER SIZE FOR FAST FOOD USE (34-1353(E)(1)).



CLIENT / OWNER:
**STEVEN ENGUITA
(CROWN KEY
INVESTMENTS)**

CONSULTANT:

PROJECT TITLE:
**601 LEELEND
HEIGHTS BLVD W.**

ISSUED FOR:
PLANNING

ISSUED ON: 1/6/2026

REVISIONS:	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

ENGINEER'S SEAL:

DESIGNED BY: AD CHECKED BY: AD

DRAFTED BY: AD GCDP Project No.: 25-xxx

0 1/2 1 BAR MEASURES 1 INCH ON FULL SIZE DRAWING

DRAWING TITLE:

SITE PLAN

DRAWING NUMBER: SHEET NO.:

C100

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by Khalil Muhammad, Planner, received June 10, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Khalil Muhammad to Maria Perez and Hearing Examiner, with copies to Mark Ledesma and Brienne Cherry, dated Wednesday, June 24, 2026, 8:34 AM (multiple pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00022, 601 Leeland Rezone, dated June 25, 2026(multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. Résumé: For Adam Davie, P.E. (multiple pages – 8.5"x11")
2. Project Description: Prepared by Gulf Coast Design Professional (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Khalil Muhammad, Planner, Dept of Community Development

Applicant Representatives:

1. Adam Davie, P.E.
2. Leonor Enguita
3. Steven Enguita

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.

CPA2026-00004

Southeast Lee County Update

SUMMARY SHEET
CPA2026-00004 – Southeast Lee
LPA RECOMMENDATION

PROPOSED AMENDMENTS:

Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee County Community Plan Area, update policies related to development in Southeast Lee, and the related maps and table to better reflect current conditions, remove overlays and allow nonresidential uses to simplify regulations and reduce redundancies, and establish guardrails for development that will adequately protect the county's water resources and wildlife habitat in the future. The proposed amendments are consistent with the BoCC direction from April 1, 2025, and April 21, 2026.

LPA PUBLIC HEARING:

Staff provided a detailed presentation of the proposed text and map amendments, addressing planning rationale, impacts of the proposed changes, and consistency with the Lee Plan.

Members of the LPA acknowledged the effort that went into the proposed amendments and then inquired about the intent of some of the terminology used in the presentation, clarification on the need for a Development Agreement in addition to Planned Developments, clarification on the applicability of Conservation Communities in other places in the County, and recommended additions to Goal 165.

LPA PUBLIC INPUT:

Thirteen members of the public spoke on the proposed amendments. Comments included concern regarding the process, the implications of the proposed amendments on water quality, additional requests from the applicants of the privately-initiated amendments, appreciation for the direction staff took with the proposed amendments, changing conditions in Southeast Lee the amendments are meant to address, requesting additional FAR allowances for industrial development, the positive impact of the proposed amendments on Lehigh Acres, the positive impact of adding nonresidential uses to reduce trip and add jobs, concern over wildlife habitat, concern about density incentives, the changing statutory requirements for comprehensive planning, the general compatibility of the amendments with the natural resources in Southeast Lee, concern that the new allowances will create more development demand, and concern that these amendments could apply to other places in the County.

LPA MOTION:

A motion was made to recommend that the Board of County Commissioners (BoCC) transmit CPA2026-00004, with the following changes: remove additional portions of the Daniels Tradeport property from Southeast Lee, include the Freeman property in the Preservation and Innovation future land use category, clarify the terms adequate protection and alongside, and add language to Goal 165. The motion passed 4 to 0.

Staff generally agrees with the LPA motion. Additional details, discussion, and recommendations are provided in Part 2C of the staff report.

STAFF RECOMMENDATION:

Staff recommends that the BoCC *transmit* the proposed amendment as provided in Attachment 1, as revised.

STAFF REPORT FOR CPA2026-00004: Southeast Lee Community Plan Area



County-Initiated Lee Plan Map and Text Amendments

Recommendation:

Adopt

Applicant:

Lee County BOCC
Direction on April 21, 2026

Representatives:

Lee County Planning
Section, Department of
Community Development

Amended Elements:

Future Land Use
Property Rights
Glossary

Amended Maps:

1-A, 1-D, 2-A, 2-D, 4-A, 4-B

Amended Tables:

1(a)

Planning District:

District 18, Southeast Lee

Commissioner Districts:

District 2 – Cecil
Pendergrass

District 3—David Mulika

Hearing Dates:

LPA: July 27, 2026
BOCC #1: August 19, 2026
BOCC #2: TBD

Attachment(s):

1: Proposed Amendments
2: Draft LDC Amendments

REQUEST

- Amend the Lee Plan's Future Land Use Element, Property Rights Element, Glossary, and Appendix to update the Southeast Lee County Community Plan Area, update policies related to development in Southeast Lee, and the related maps and table to better reflect current conditions, remove overlays and allow nonresidential uses to simplify regulations and reduce redundancies, and establish guardrails for development that will adequately protect the county's water resources and wildlife habitat in the future.
- Move the Planned Development requirements for Southeast Lee County to the Land Development Code (LDC).

SUMMARY

This amendment to the Lee Plan was initiated by the county in response to eleven privately-initiated amendments within the Southeast Lee County Community Plan Area. The proposed modifications will update the Lee Plan and introduce a new Southeast Lee County section to the Land Development Code (LDC). These LDC updates will follow the standard LDC amendment procedures. Planning staff collaborated extensively with County departments, private applicants, conservation organizations, and public stakeholders throughout the development of these proposed changes.



The Lee Plan

AS AMENDED THROUGH DECEMBER 2025

RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **adopt** the proposed amendment as shown in Attachment 1.

PART 1
STAFF DISCUSSION AND ANALYSIS

BACKGROUND

The Southeast Lee County Community Plan Area encompasses most lands south of SR 82, east of Gateway, the Southwest Florida International Airport (RSW), the Village of Estero, and the City of Bonita Springs, and north of Bonita Beach Road. Lee Plan Goal 33 provides the goals and policies for development in this area. Goal 33 is provided below.

GOAL 33: SOUTHEAST LEE COUNTY. *Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.*

This goal is currently supported by three (3) objectives: Objective 33.1, Water, Habitat, and Other Natural Resources; Objective 33.2, Residential and Mixed-Use Development; and Objective 33.3, Southeast Lee County Transfer of Development Rights Program. Generally, these objectives protect natural resources, limit development to the areas indicated on Map 2-D, and incentivize relocating development to uplands or other parts of the County.

The Southeast Lee Community Plan Area emphasizes conserving water resources and improving water quality. Southeast Lee County supports many of the county's wellfields for public water supply. Ensuring long-term water conservation and preservation is very important in this part of the county. See Figure 2.

This area of the county is generally characterized by very low-density development (less than 1 unit per acre) and active mines. The predominant land use categories in Southeast Lee County are Density Reduction/Groundwater Resource (DR/GR), Conservation, and Wetlands. There are a number of properties with existing Tradeport, General Interchange, and Public Facilities designations.

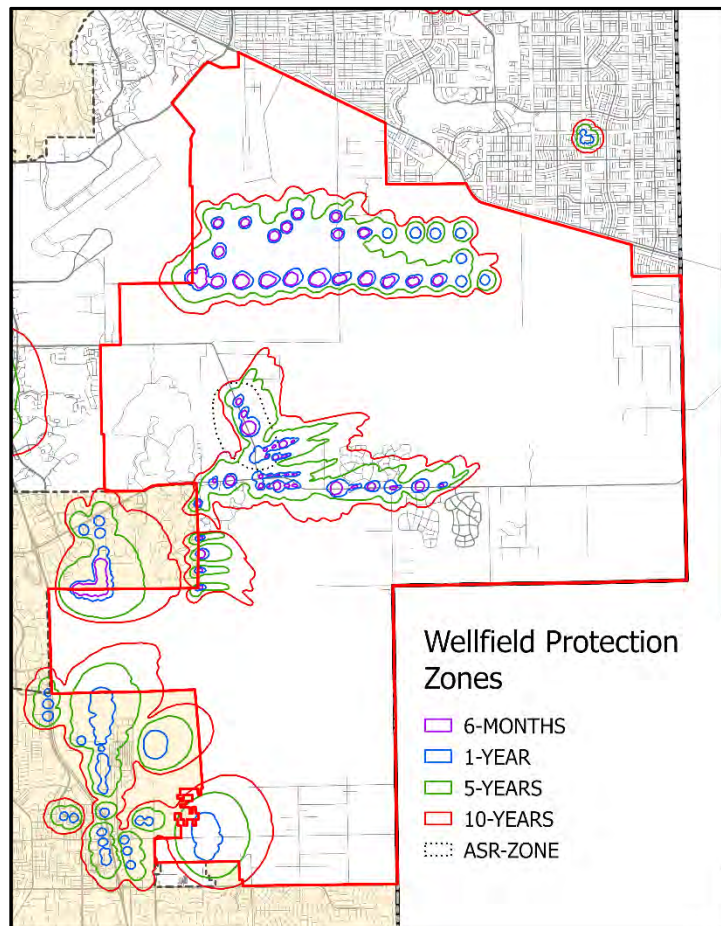


Figure 1: Wellfield Protection Zones

The Density Reduction/Groundwater Resource (DR/GR) designation was given to most of Southeast Lee County in 1990 to settle a legal dispute with the Florida Department of Community Affairs, the State planning agency, for two main reasons. First, to protect the shallow aquifers, which are underground water sources. Second, the state required Lee County to reduce its projected population by allocating a lower population limit using the Future Land Use Map and Table 1(b). At that time, Florida's Growth Management Act required local governments to plan for a maximum population; however, this requirement was removed in 2011.

In 2008, Dover, Kohl & Partners completed a four-part study for the county. This study helped create the Southeast Lee Community Plan Area and its associated overlay districts. The study included "Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area (DR/GR)," "Natural Resource Strategies for Southeast Lee County," "Transferable Development Rights In Southeast Lee County," and "Proposed Lee Plan Amendments for Southeast Lee County." The four-part study was in response to direction by the Board of County Commissioners (BOCC) to take a proactive role in addressing competing needs in Southeast Lee County and to identify appropriate locations for various uses of land. The study helped develop Maps 1-D and 2-D and resulted in the establishment of Goal 33, Southeast Lee County.

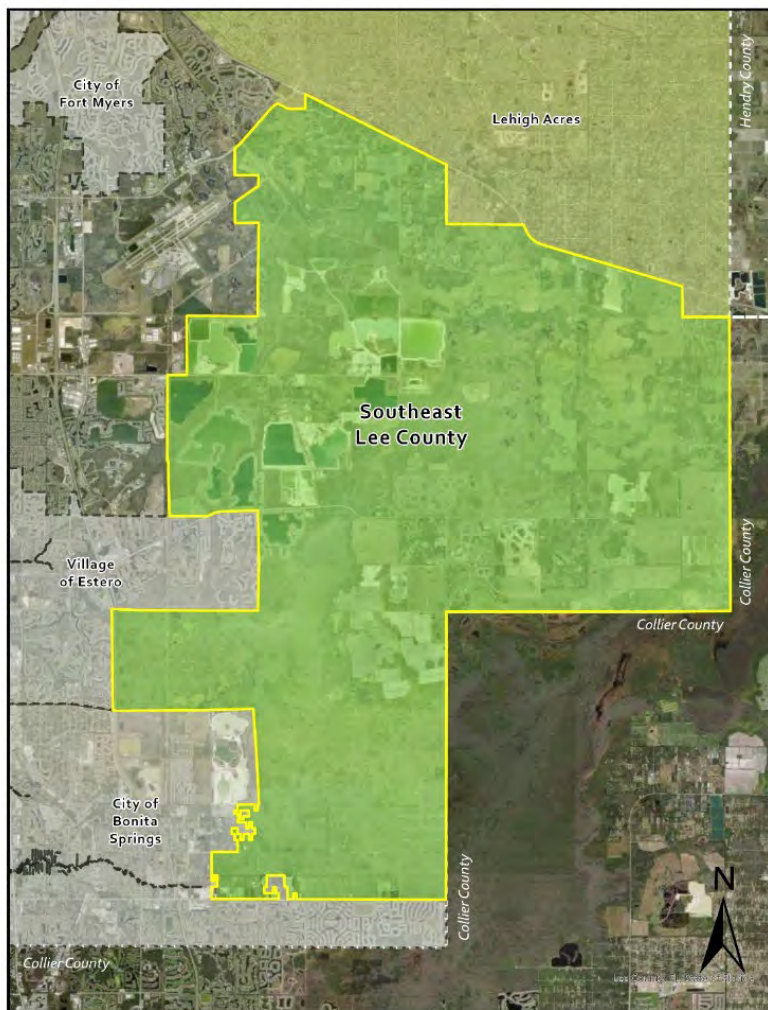


Figure 2: Southeast Lee Existing Boundary and Surrounding Communities

The majority of Southeast Lee is located just South of Lehigh Acres and borders Collier County. Currently, Southeast Lee is a mixture of semi-platted large-lot subdivisions, planned residential and mixed-use developments, mines, golf communities, and agricultural estates. The residential and mixed-use communities are mostly located along Corkscrew Road. Kingston is a new mixed-use community connecting Lehigh Acres on the North side of State Road 82 to Corkscrew Road. The County has acquired property between Alico Road and State Road 82 to extend Alico Road to connect with Sunshine Boulevard, thereby establishing a new major North-South connector between Lehigh Acres and the employment centers located in proximity to Alico Road, RSW, and Florida Gulf Coast University.

The southwestern corner of Southeast Lee borders the City of

Bonita Springs. This area has a distinctly different development pattern from Southeast Lee as a whole. Currently, there is a townhouse development, farm worker housing, and a couple of existing large lot residential developments. See Figure 3 for a General Location Map of Southeast Lee on page 3.

A large percentage of the Southeast Lee County Community Plan Area is preservation areas owned by the State of Florida, Lee County, or other conservation groups. See Figure 5. Additionally, most of Southeast Lee County is also designated as primary or secondary panther habitat. See Figure 4, Panther Habitat.

The Southeast Lee County Community Plan Area was adopted in 2010. In the last few years, Southeast Lee County has seen significant new development driven by court decisions and existing Lee Plan programs. This growth has led to expanded road networks and utility infrastructure, increasing demand for new types of development, as evidenced by the volume of privately initiated amendments. The Southeast Lee County Community Plan Area and related Lee Plan policies should be updated to guarantee that future growth in this area preserves the County's natural resources and aligns with its long-term development vision.

On April 1, 2025, the BOCC directed staff, "to bring back proposed amendments to increase efficiency, reduce unnecessary regulations, while maintaining the protections of public health safety and welfare, and meeting State and Federal mandates." The proposed amendments are directly related to this motion. Because the motion applied broadly to the Lee Plan and Land Development Code, staff anticipates that additional amendments made under this direction may affect the final location of the Southeast Lee amendment package within the text of the Lee Plan.

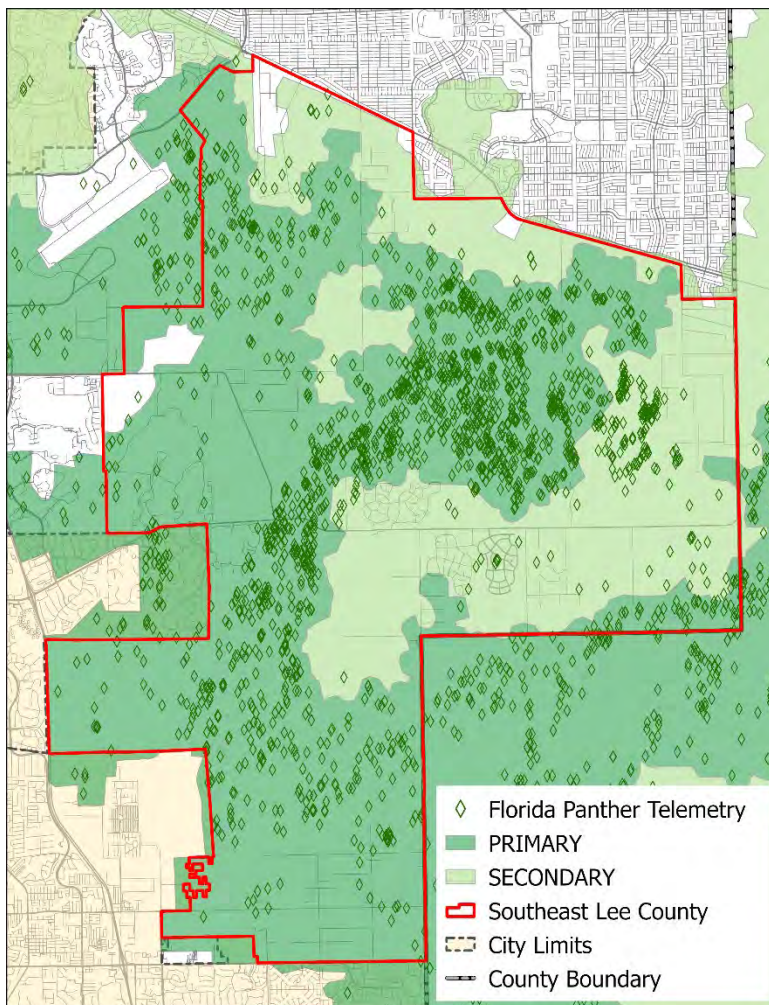


Figure 3: Panther Habitat

From 2023 to 2026, the County's Planning Section received eleven privately initiated text and map amendments to support projects within the Southeast Lee County Community Plan Area. Rather than reviewing each case separately, staff asked the Board of County Commissioners for specific direction to consider the text amendment requests collectively to ensure clear, consistent language, reduce redundancies, and increase efficiency, consistent with the Board's April 1, 2025, direction. **The Board**

directed staff to proceed with County-Initiated Amendments to Southeast Lee County on April 21, 2026, with two unanimously approved motions:

1. Direct staff to prepare amendments to the Lee Plan, relating to the Southeast Lee County Community Plan Area, to manage growth, streamline the Southeast Lee County Overlays, reduce unnecessary regulations, and encourage development that preserves or restores the County's natural resources.
2. Direct staff to pause processing the following privately-initiated text amendments to the Southeast Lee County Community Plan Area: CPA2024-00002, CPA2024-00012, CPA2025-00006, and CPA2026-00001.

Table 1 lists the privately initiated amendments and their general requests to illustrate the importance of a county-initiated amendment and to provide a reference based on the application numbers and requests in this report. The data and analysis provided in the privately initiated requests may also be used to justify the County-Initiated text and map amendments. All of the application materials for the privately-initiated amendments are incorporated by reference into the county-initiated amendment. When data from a privately initiated request is used, staff will provide a citation in the footnotes indicating which application it originated from.

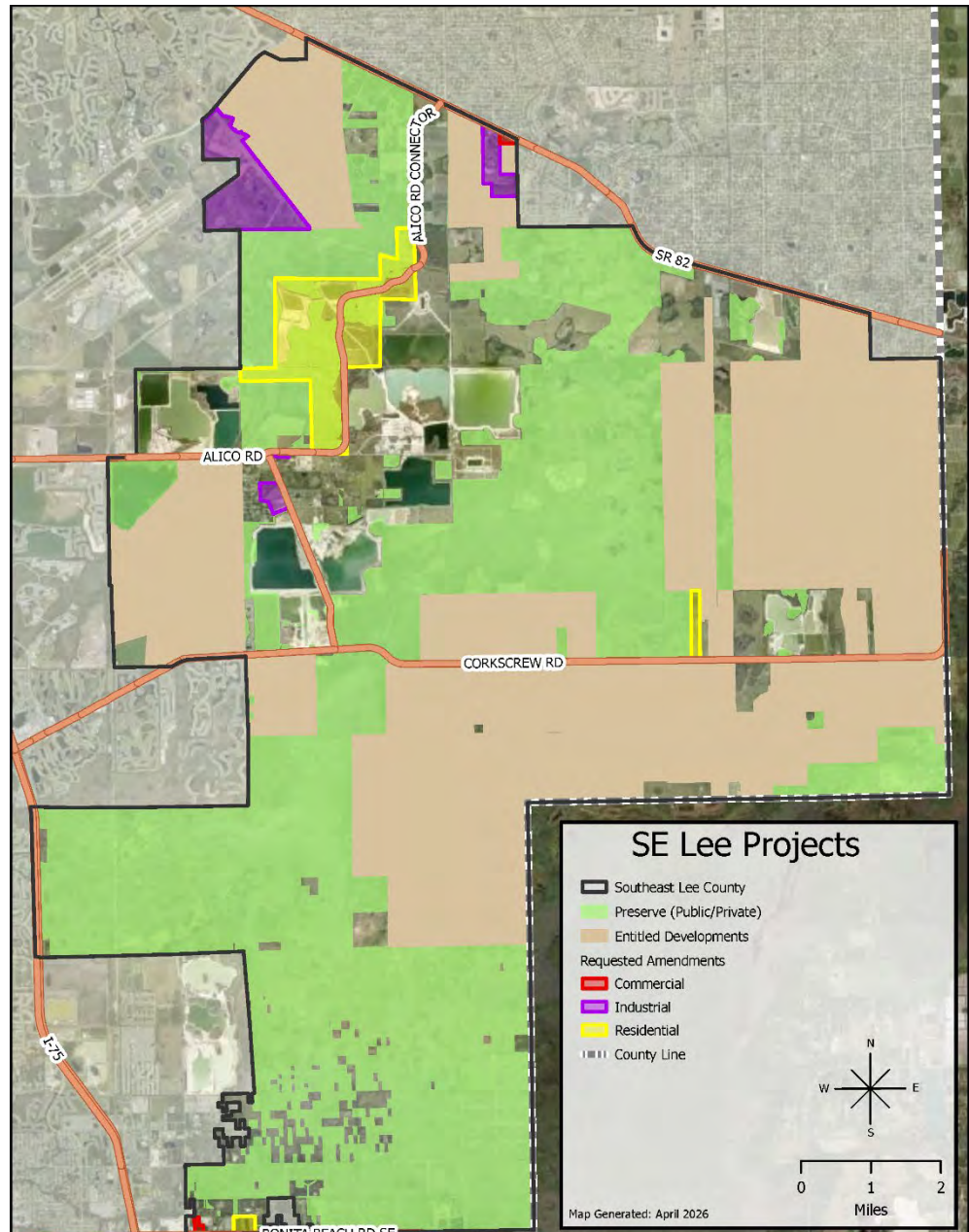


Figure 4: Southeast Lee Privately Initiated Amendments Map

Table 1: Privately-Initiated CPA Requests

CASE NUMBER	PROJECT NAME	REQUEST	CONSULTING TEAM
CPA2023-00009	Dante Commercial	- Map 1-A (DR/GR & Wetlands to Commercial & Wetlands) - Map 1-F (Remove Private Rec Fac. Overlay)	RVi Planning + Landscape Architecture
CPA2024-00001	Bonita Beach Commercial	Map 1-A (DR/GR & Wetlands to Sub-Outlying Suburban & Wetlands)	RVi Planning + Landscape Architecture
CPA2024-00002	Bonita Beach Commercial	Text Amendment to remove the commercial cap in Policy 33.2.5 and allow commercial uses in Goal 33	RVi Planning + Landscape Architecture
CPA2024-00011	Corkscrew 80 Residential	- Map 1-D (Designate as Tier 1) - Map 2-D (Designate as EEPKO) - Maps 4-A and 4-B (LCU Water and Sewer Services Areas)	RVi Planning + Landscape Architecture
CPA2024-00012	Corkscrew 80 Residential	Text Amendment to changes for Goal 33 to change the EEPKO locational and size requirements	RVi Planning + Landscape Architecture
CPA2025-00006	Alico Tradeport Industrial	Text Amendment to Goal 33 to allow industrial uses in Southeast Lee	Ensite
CPA2025-00009	Daniels Tradeport Industrial	- Map 1-A (DR/GR & Wetlands to Tradeport & Wetlands) - Map 2-A (Remove property from Southeast Lee) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	Morris DePew & Associates
CPA2025-00010	Alico Tradeport Industrial	- Map 1-A (DR/GR to Tradeport) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	Ensite
CPA2025-00011	SR 82 Freeman Industrial	- Map 1-A (DR/GR to Tradeport) - Maps 4-A and 4-B (LCU Water and Sewer Areas)	RVi Planning + Landscape Architecture
CPA2025-00013	White Willow Residential	Map 1-A (DR/GR to Outlying Suburban)	Daniel Delisi
CPA2026-00001	Bluewater Ridge Residential	Text Amendments to Goal 33 to create a new mine reclamation overlay to facilitate new residential development on an existing mine site	RVi Planning + Landscape Architecture

Staff's proposed amendments balance the privately initiated amendment requests with the county's interest in long-term water quality, appropriate development standards, and environmental protection by examining community needs, environmental conditions, and private property rights. Staff's proposed language minimizes redundancy and inconsistency and addresses the County's overarching goals for the Southeast Lee County Community Plan Area.

PROCEDURAL REQUIREMENTS

The Lee Plan is Lee County's comprehensive plan, providing the long-term vision for the county's development. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section "d" addresses Amendments to the Plan. The applicable paragraph is reproduced below.

This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.

Lee County Administrative Code 13-6 establishes procedures for amending the Lee Plan, including notice requirements and public participation provisions. According to Florida Statutes and AC 13-6, the proposed amendments are County-Initiated Amendments, meaning they are proposed amendments directed by an affirmative vote of three or more Commissioners. The BOCC provided specific direction to pursue these amendments on April 21, 2026, in addition to the previous direction to simplify the LDC and Lee Plan provided on April 1, 2025.

County-initiated amendments have slightly different requirements from privately initiated amendments. According to AC 13-6, County-Initiated Amendments must follow sections C and D.1. Sections B and D.2, which set forth requirements for applications, fees, and Courtesy Notices, do not apply. No sign postings or mailed Courtesy Notices are required under AC 13-6 or Florida Statute, even though the proposed amendments would change the Future Land Use designations for privately owned properties. **The proposed amendments have followed the applicable procedures under AC 13-6.**

County-initiated amendments follow the **Expedited State Review** process under F.S. 163.3184(2)(a), which requires one public hearing before the Local Planning Agency for a recommendation to the BOCC and two public hearings before the BOCC. Applications that follow the Expedited State Review process also require review by the State Reviewing Agencies. **The proposed amendments will continue to follow the applicable process under F.S. 163.3184.**

PUBLIC OUTREACH & DEPARTMENT COLLABORATION

Lee Plan Objective 17.3 states that the county will "provide opportunities for public input as part of the comprehensive plan and land development code process." The Southeast Lee County Amendments have included extensive input from the public and subject-matter experts in Lee County, as well as professionals from local nonprofit organizations and consulting firms.

Most of the privately-initiated amendments shown in Table 1 on page 6 held public information meetings regarding their proposed amendments, consistent with Objective 17.3, even though none of the applications have been found sufficient as of the date of this report. Table 2 provides the dates and locations of the public input meetings held by the applicants for the privately-initiated requests. **These**

meetings covered only the application requests in the context of the Lee Plan at the time of the meeting, but they did provide an opportunity for the public to ask questions and provide feedback on the application requests.

Table 2: Privately-Initiated Public Meeting Dates

APPLICATION(S)	NAME	DATE	LOCATION
CPA2023-00009	Dante Commercial	NA	NA
CPA2024-00001 CPA2024-00002	Bonita Beach Commercial	7/28/2025	13660 Bonita Beach Road SE, Bonita Springs, FL 34135
CPA2024-00011 CPA2024-00012	Corkscrew 80 Residential	4/2/2025	20351 Corkscrew Rd, Fort Myers, FL 33928
CPA2025-00006 CPA2025-00010	Alico Tradeport Industrial	3/25/2026	14800 Alico Road, Fort Myers, FL 33912
CPA2025-00009	Daniel's Tradeport Industrial	3/31/2026	17320 Corkscrew Rd, Estero, FL 33928
CPA2025-00011	SR 82 Freeman	NA	NA
CPA2025-00013	White Willow Residential	4/21/2026	16999 Dormie Drive, Estero, FL 33928
CPA2026-00001	Bluewater Ridge Residential	NA	NA

In addition to the information sessions held by the applicants on their application requests, Table 3 outlines the major meetings on the proposed County-Initiated amendments with stakeholders, applicants, surrounding municipalities, and county staff.

Table 3: County-Initiated Meeting Summary

MEETING TYPE	LOCATION	DATE	ATTENDEE(S)
Department	Public Works Building	1/14/2026	County Attorney's Office
Applicant	Teams	2/3/2026	Morris DePew & Associates
Applicant	Teams	2/4/2026	Ensite
Applicant	Teams	2/6/2026	RVi Planning +Landscape Architecture
Applicant	Teams	2/13/2026	Delisi Planning
Board Meeting – AIR	Commission Chambers	4/21/2026	Public/Board
Department	Public Works Building	5/6/2026	Natural Resources
Department	Teams	5/7/2026	Solid Waste
Department	Teams	5/11/2026	Port Authority

Department	Public Works Building	5/11/2026	Lee DOT
Department	Teams	5/15/2026	Utilities
Stakeholder Round Table	Admin East	5/18/2026	Applicants, Members of the Public, County Staff, and Conservation Groups
Department	Teams	5/22/2026	Public Safety
Department	Public Works Building	5/26/2026	Planning GIS
Municipality	Teams	6/3/2026	City of Bonita Springs
Municipality	Teams	6/4/2026	City of Estero
Department	Public Works Building	6/10/2026	Development Services
Department	Public Works Building	6/19/2026	Natural Resources
Department	Public Works Building	6/19/2026	County Attorney's Office
Department	Public Works Building	6/26/2026	Planning GIS
Department	Public Works Building	6/26/2026	Zoning

Per **Policy 17.3.1**, County staff held meetings with the public to provide information on planning best practices and the comprehensive planning process, and to receive feedback on the proposed amendments. Attendees at the public meetings were provided with copies of the most recent draft changes and encouraged to send comments, questions, or concerns to planning staff. Comments from stakeholders, county departments, and applicants were considered and incorporated into the final version of the amendments when appropriate.

In addition to meetings with stakeholders, applicants, and county staff, the Department of Community Development, Planning Section website was updated to include a designated section detailing meetings, drafts, and anticipated timelines for the County-Initiated amendments.

The proposed amendments have met and exceeded the public outreach requirements in Administrative Code 13-6, Florida Statutes, and the Lee Plan.

AMENDMENTS & RATIONALE

The Amendments & Rationale section of the staff report will provide strikethrough and underline for the proposed changes, along with the reasoning for each amendment. The amendments will be organized by topic rather than by the order they appear in Attachment 1, beginning with the amendments to the Southeast Lee County Community Plan Area (Goal 33), followed by amendments relating to nonresidential uses, residential uses, and other supporting amendments. This section will not address how the proposed amendments are consistent with the Lee Plan; for that, see the Lee Plan Analysis on page 29.

NONRESIDENTIAL DEVELOPMENT & FAR

Lee Plan Goal 33 establishes the Southeast Lee County Community Plan Area. Currently, this goal limits the allowed uses in Southeast Lee County to agriculture, conservation, recreation, residential, and

resource extraction. One of the primary reasons for the proposed amendments was to allow nonresidential uses in Southeast Lee County to support job creation and general livability for residents in Southeast Lee County and the surrounding areas. **One of the first changes was to amend Goal 33 to generally allow all use types, but limit them to those compatible with the County's water resources and wildlife habitat in Southeast Lee.**

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors, in the development of privately owned land. ~~Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. A variety of uses may be permitted when developed in accordance with the goals, objectives, and policies in the Lee Plan, the Wellfield Protection Ordinance, Land Development Code, and other applicable environmental protection requirements.~~

To allow nonresidential uses, Policy 33.2.5 needed to be struck:

~~**POLICY 33.2.5:** Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.~~

The 300,000-square-foot limit was originally set in the 2010 amendments to the Lee Plan, which established the Southeast Lee County Community Plan Area following objections from the Florida Department of Community Affairs. Initially, the amendments did not include a cap on non-residential development. However, the state reviewing agency was concerned that the amendments lacked clear and predictable guidelines for the maximum intensity of nonresidential uses, especially regarding development rights transferred to the Mixed-Use Communities and TDR receiving areas outside the DR/GR area. Lee County then revised the amendments to introduce a 300,000-square-foot limit on nonresidential space in any Mixed-Use Community using TDR credits. No nonresidential development resulted from the Mixed-Use Communities amendments.

Nonresidential uses were later permitted in developments outside the Mixed-Use Communities in Southeast Lee. This change led to commercial development aligned with Policy 33.2.5. Specifically, WildBlue, Verdana Village, and Old Corkscrew Golf Club created 240,000 square feet of commercial development. However, two additional developments were approved through court decisions, via settlement agreements, outside the usual County public hearing process, allowing an additional 800,000 square feet of non-residential space within the Community Plan Area.

The Settlement Agreements created two problems for the Community Plan Area: a property rights issue, as no one else would be allowed to have nonresidential uses if the cap remained in place, and a traffic issue. Without an adequate amount of nonresidential uses in this area, residents will be forced to drive farther to access everyday goods, services, and jobs, resulting in even more traffic. This policy was established before most of the development in Southeast Lee, and no longer aligns with realistic future development conditions. 300,000 square feet of commercial space for the entirety of Southeast Lee

County is not feasible and results in a shortfall of approximately 1 million square feet of nonresidential space, even with the additional square footage associated with the Settlement Agreements¹. The current restriction acts as a market constraint that limits economic opportunities, increases vehicle trip lengths, and generally reduces the livability of this area of the county by preventing everyday essentials from being located near existing residential uses.

Instead of the commercial cap in Policy 33.2.5, the proposed amendments add Objective 33.4 to Goal 33 to provide the guiding policies for nonresidential uses in this area of the county.

OBJECTIVE 33.4: NONRESIDENTIAL USES. Livability in Southeast Lee County requires the allowance of nonresidential uses to provide employment opportunities and reduce the number and duration of vehicle trips. Due to the potential environmental impacts of certain nonresidential uses, limitations are required to protect the County's water resources and safeguard natural resources. Similar to residential development in Southeast Lee County, nonresidential development must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats while balancing the need for commercial, industrial, and office uses to support the existing and anticipated surrounding residential development.

POLICY 33.4.1: Commercial, light industrial, and office uses within the Southeast Lee County Community Plan Area must have a future land use designation of Preservation and Innovation or Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly- or privately-owned conservation lands, or strategic infrastructure connections to benefit the county's water resources.

POLICY 33.4.2: The County will create LDC requirements for nonresidential uses in the Southeast Lee County Community Plan Area.

POLICY 33.4.3: Nonresidential development in Southeast Lee County must demonstrate compliance with the established LDC requirements through a planned development and development agreement accepted by the County Attorney's Office.

POLICY 33.4.4: To preserve open space and ensure lower-intensity development, nonresidential development in Southeast Lee County may not exceed a Floor Area Ratio of 0.25.

The new Objective establishes the guiding principles for nonresidential development in Southeast Lee, with requirements very similar to those of the existing Environmental Enhancement and Preservation Community Overlay. Instead of trying to make an existing Future Land Use Category work in Southeast Lee County or creating a new overlay in Southeast Lee, **Policy 33.4.1 establishes that new Future Land Use Categories, Preservation and Innovation, and Conservation Community, are the only categories in which nonresidential uses, not currently allowed in the DR/GR, are appropriate.**

The new categories have also been added to Lee Plan Goal 1 as new policies. The Preservation and Innovation category is a new nonresidential category. Conservation Community is a new residential category that also permits limited nonresidential uses.

¹ Commercial study included in CPA2024-00002. The consultants estimated that 45 SQFT of nonresidential uses is needed to support every residential unit. The study estimated that there were 28,000 approved housing units in Southeast Lee as of May 2025, which would yield a need of 1.2 million SQFT of nonresidential space, without considering any additional units or any residential units in Lehigh Acres, which is adjacent to Southeast Lee.

POLICY 1.1.16: The **Preservation and Innovation** future land use category is connected to central utilities and located along arterial or major collector roadways in the Southeast Lee County Community Plan Area, with the intent of balancing ecological, hydrological, and wildlife preservation with employment and commercial needs within the County. Office, light industrial, and commercial uses are encouraged when designed to preserve or restore surrounding natural resources. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. Uses that have a significant impact on ground and surface water levels or quality, are known producers or users of noxious gases or chemicals, or have other detrimental impacts on the natural environment, as demonstrated by appropriate data and analysis and verified by the County, may not be permitted. This land use category does not permit general residential uses. Caretaker's residences and dormitory-type accommodations for employees or individuals associated with the business may be permitted as part of the Floor Area Ratio (FAR) calculation when accessory to a nonresidential use. Development in this category is limited to an FAR of 0.25 and is encouraged to promote a park-like aesthetic, with pedestrian connections, extensive green spaces, and minimal linear commercial centers. Applications for rezoning must follow the planned development rezoning process in accordance with the Land Development Code.

POLICY 1.4.8: The **Conservation Community** future land use category denotes areas of low-density, clustered residential and mixed-use development within the Southeast Lee County Community Plan Area. Development in this category must connect to a potable water and sanitary sewer system. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. The standard density is 1 unit per 10 acres, with a maximum density of 1.15 units per acre when the community is designed as a planned development in accordance with the Land Development Code. Development in this category is encouraged to promote a park-like aesthetic, with pedestrian connections and extensive green spaces. Nonresidential and multifamily uses may be allowed when developed alongside low-density residential uses. These uses are limited to a maximum total FAR of 0.15, based on the acreage allocated to non-residential and multi-family uses. A traditional Main Street design with vertically mixed buildings, adjacent to park space, is encouraged for developments that utilize the FAR allowance; standalone linear commercial development is discouraged.

Two major changes in the proposed amendments are the removal of specifics related to the planned development (PD) from the Lee Plan to the Land Development Code (LDC) and the inclusion of Floor Area Ratio (FAR) as a limiting factor on the intensity (i.e., size) of allowed nonresidential development. The Staff Report will address the move of PD requirements to the LDC as part of the discussion of the proposed changes to the residential development in Southeast Lee, where the changes are more apparent. Existing development will not be affected, as the requirements are very similar to those currently in place for the EEPKO. Existing development would be able to amend their existing PDs to comply with the new regulations or utilize their vested rights under new Goal 166. See discussion of this Goal on Page 18.

Four of the other Community Plan Areas reference an average or limitation on FAR in specific areas, but these are the first FARs to apply broadly to development in a Future Land Use Category within Lee County. FAR provides development predictability by establishing a parcel-specific development size, which is an important condition for comprehensive planning under the Florida Statutes. **FARs are a percentage of the total land area that dictates the total potential square footage of a development. This means they provide the maximum possible total building size without considering other development requirements.** For example, a 1-acre parcel with an allowed FAR of 1.0 would be permitted to develop up to 43,560 square feet. The Land Development Code requirements will further limit building size in order to accommodate parking, setbacks, buffers, open space, stormwater management, maximum building height, and conservation requirements. It is very unlikely that a project would be able to use the entire FAR allowance. Typically, in Lee County, suburban development has an FAR between 0.20 and 0.30, resulting in approximately 10,000 square feet of development per acre. Rural development typically has an FAR of 0.15 or below, resulting in between 5,000 and 10,000 square feet of development per acre. **The proposed 0.25 FAR puts the potential development in this area of the county right between typical rural and suburban development, which, along with the LDC site requirements for parking, buffers, open space, and stormwater management, will help support the conservation and preservation efforts in Southeast Lee.** Note that Preservation and Innovation and Conservation Community have been added to the definitions for Future Non-Urban Areas (Conservation Community) and Future Suburban Areas (Preservation and Innovation).

The new Preservation and Innovation category allows a maximum FAR of 0.25, meaning the total development size cannot exceed 25% of the site's total acreage. This category is intended to support nonresidential development, meaning office, light industrial, and commercial uses, which typically have a larger footprint than residential development. Southeast Lee County is still intended to protect and restore the county's water resources and wildlife habitat. **The FAR and the requirements in the Land Development Code work together to achieve this goal by directly controlling the size of individual developments and limiting the building footprint through the other development standards, yielding more open space for wildlife habitat and water recharge.** This approach avoids the issue with Policy 33.2.5, which sets a fixed limit on total nonresidential development square footage in the Community Plan Area.

The new Conservation Community category also allows a very low FAR for nonresidential and multifamily development, but only when developed alongside low-density residential development. The inclusion of these uses within predominantly single-family conservation communities is intended to provide amenities, jobs, and housing options beyond detached single-family homes, better supporting multi-generational neighborhoods and mixed-income housing in one area, thereby reducing vehicular trip lengths and conserving more open space, particularly when developed in vertically mixed structures. Allowing multifamily development, which could include townhouses, condos, quadplexes, or other residential development types that do not qualify for a non-commercial building permit, within the FAR limitations is intended to discourage conversion of these lands to Live Local projects, which may not need to meet all of the environmental requirements for Southeast Lee. By allowing the use outright, there is less incentive for developers to use Live Local instead of the county's standard allowances. **In this category, the allowable FAR for nonresidential and multifamily development is separate from the maximum of 1.15 units per acre in the residential portion of the development, but the combined maximum is 0.15 FAR, calculated based on the nonresidential and multifamily acreage.**

RESIDENTIAL DEVELOPMENT

Currently, in Southeast Lee, the maximum standard density is 1 unit per 10 acres in the DR/GR future land use category, and may be increased to 1.15 units per acre when the property is designated on Map 1-D as a special development area or an Environmental Enhancement and Preservation Community Overlay (EEPCO) Tier 1 property. The other EEPCO Tiers also allow density increases, but at a lesser rate. The Lee Plan does not currently provide clear guidance on how to change tiers or what separates one tier from another. Additionally, the existing overlays are overly complicated and confusing for property owners.

Objective 33.2 currently describes the Southeast Lee County overlays, even though it is entitled “Residential and Mixed-Use Development.” This Objective is significantly changed in the proposed amendments to house the Residential Use policies and to strike all existing overlay details in Policies 33.2.2, 33.2.3, and 33.2.4. The new Objective and supporting Policies are reproduced below.

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT.

Residential development in Southeast Lee County must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).

POLICY 33.2.1: Residential development exceeding 1 unit per 10 acres within the Southeast Lee County Community Plan Area must have a future land use designation of Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly or privately owned conservation lands, or strategic infrastructure connections to benefit the county's water and natural resources. Communities approved prior to DATE through a settlement agreement are exempt from this requirement under Lee Plan Chapter 13. Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.

POLICY 33.2.2: The County will create a program to allow a maximum density of 1.15 units per acre for the Conservation Community future land use category in the land development code to offset the costs of improving, preserving, and restoring regional surface and groundwater resources and wildlife habitat for state- and federally listed species.

POLICY 33.2.3: Density in the Southeast Lee County Community Plan Area may not exceed 1.15 units per acre, regardless of land use category, even when the strategies in the land development code are met.

POLICY 33.2.4: Existing acreage subdivisions, as indicated in the Lee Plan Map 1-D, should be protected from adverse external impacts through appropriate mitigation measures such as, but not limited to, site configuration, setbacks, density distribution, buffers, and/or general design.

The proposed changes convert the existing Environmental Enhancement and Preservation Community Overlays into the new Conservation Community Future Land Use Category. **The new category has been developed to align with the existing EEPCO**, the most widely used of these overlays. The creation of the new Future Land Use Categories and the removal of existing overlays streamline implementation and reduce the number of unnecessary or confusing overlays. The removal of the overlays and addition of the new Future Land Use Categories required map amendments in addition to the text amendments.

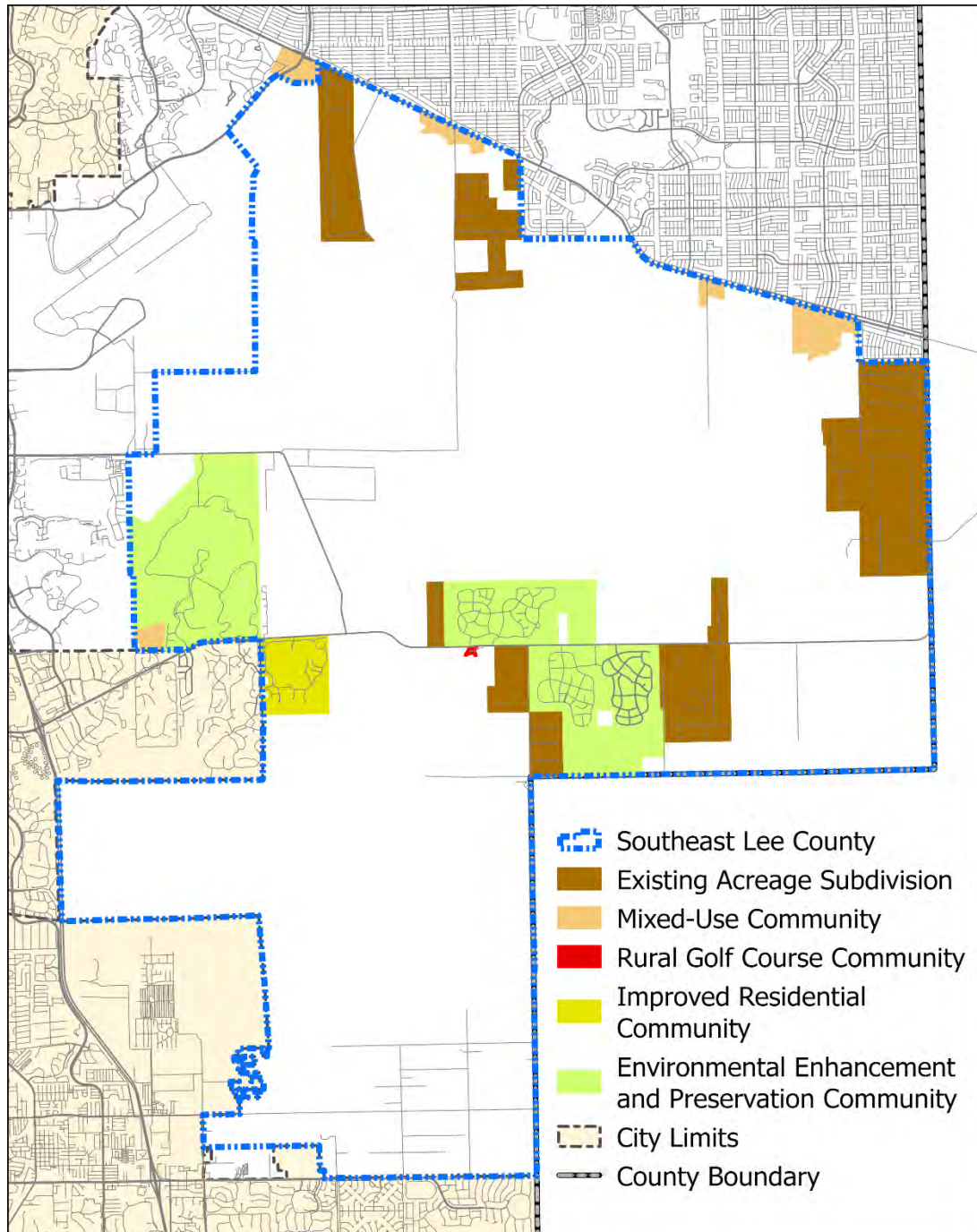


Figure 5: Existing Map 2-D, Southeast Lee Overlays

The Appendix maps and tables need to be updated to remove maps with existing overlays that have been condensed into the new categories, and to map areas with the new, most appropriate category. Figure 5 on page 15 shows the existing Map 2-D. The existing Acreage Subdivision and Rural Golf Course Community layers have been moved to Map 1-D, as shown in Figure 6 below. The Improved Residential Community and the Mixed-Use Community will be deleted and addressed in the property rights element, and the EEPKO overlay has been replaced with the Conservation Community land use category, as shown in Figure 7 below.

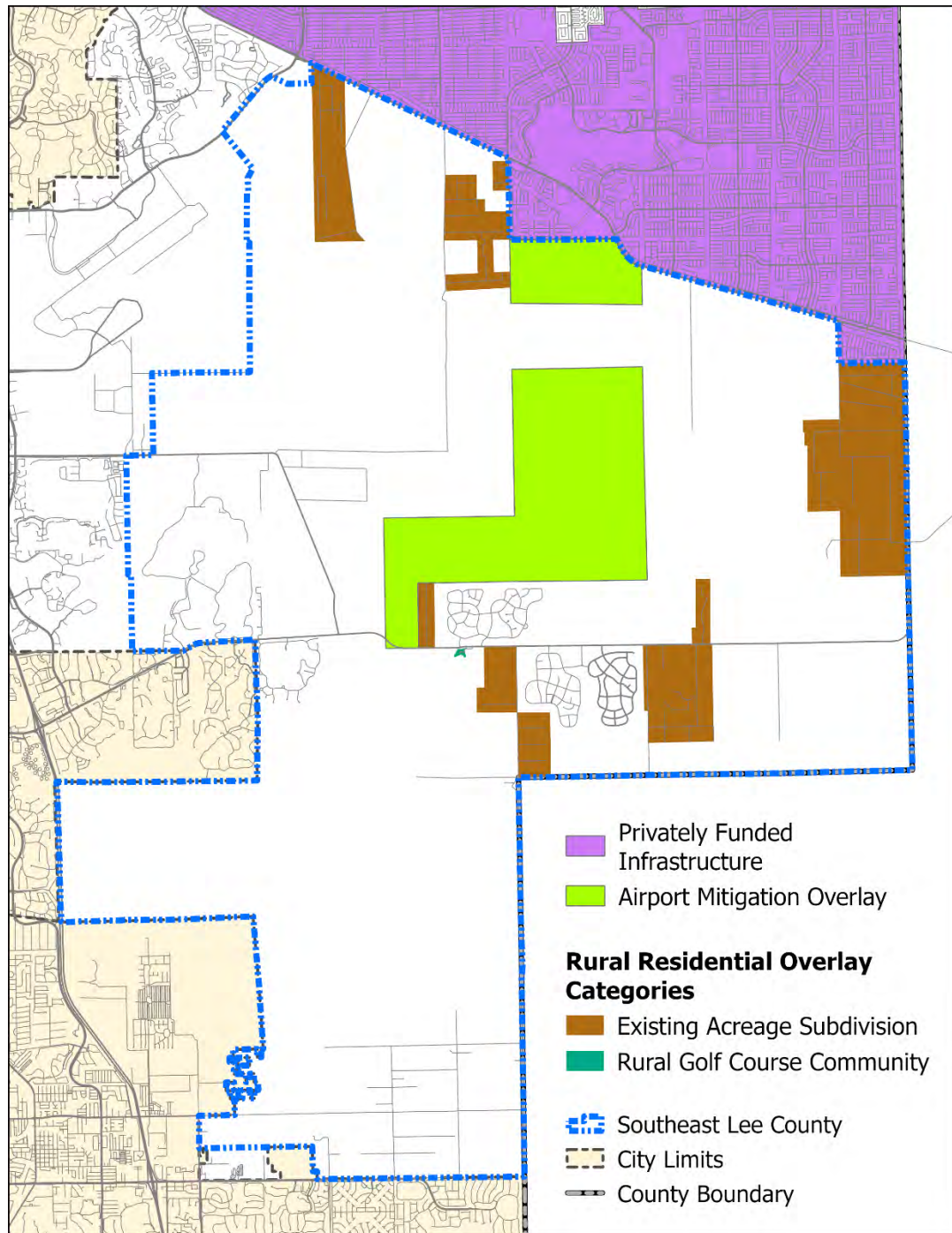


Figure 6: Proposed Map 1-D in Southeast Lee

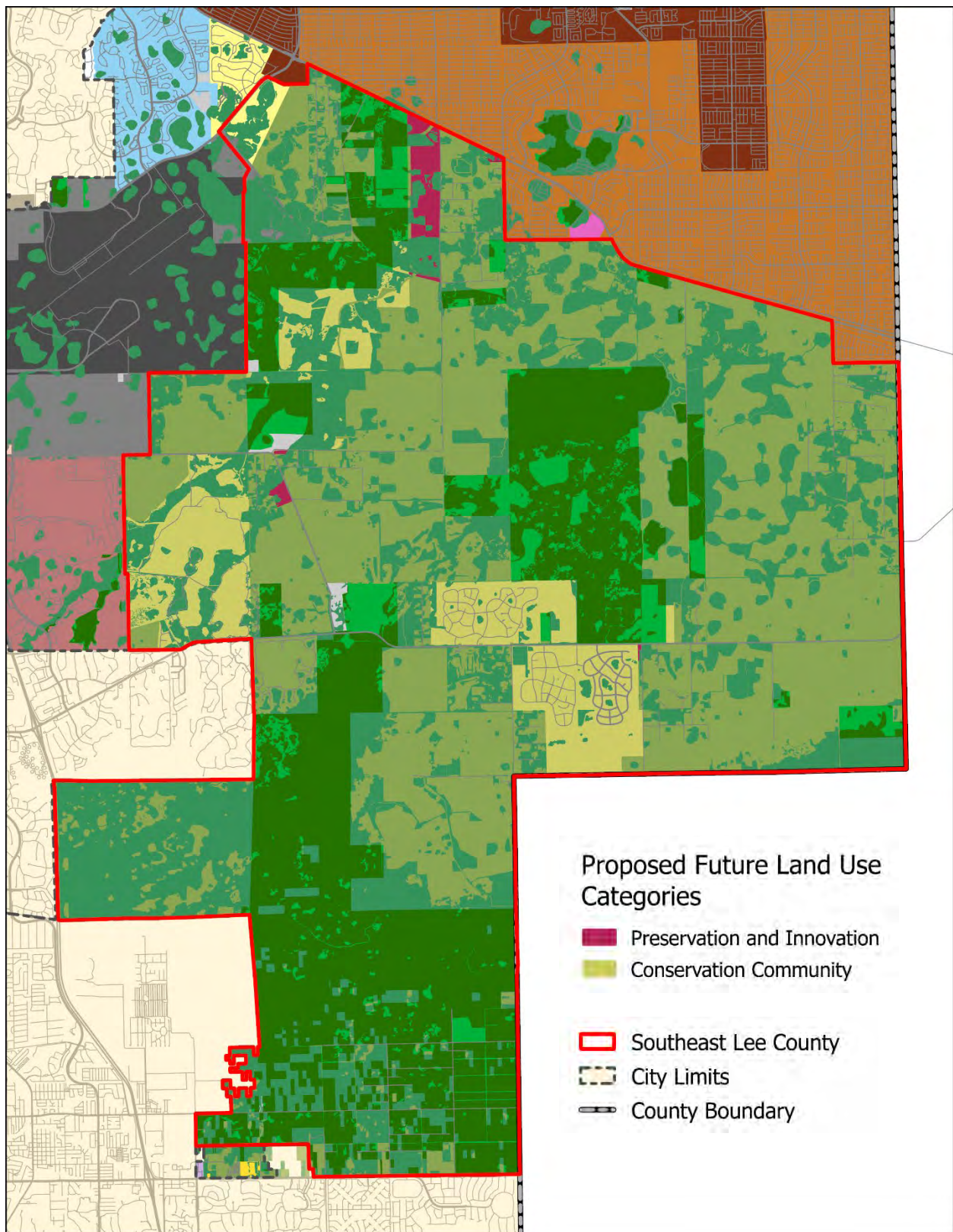


Figure 7: Future Land Use Map in Southeast Lee

The existing land use rights in areas where the county is changing the use category must be vested to ensure that the amendments do not violate F.S. 252.422 (SB 180) or impact the property owner's private property rights.

XII. Property Rights Element

GOAL 165: In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

GOAL 166: County-initiated amendments may be made from time to time to update the Lee Plan, Future Land Use Map, or other regulatory documents to further the County's long-term vision for development.

OBJECTIVE 166.1: In certain instances where a county-initiated map or text amendment to the Lee Plan, Land Development Code, or zoning map changes the allowances on a property, the previous density and use allowances may be utilized in lieu of the changes.

POLICY 166.1.1: Properties previously identified as Mixed Use Community, Improved Residential Community, or Rural Golf Course Community in the Southeast Lee County Community Plan area may choose to develop under the regulations in effect prior to DATE by ORDINANCE, including requirements to concentrate development rights through the Southeast Lee County TDU program.

POLICY 166.1.2: Properties in the Southeast Lee County Community Plan Area whose land use was changed from DR/GR to Preservation and Innovation future land use category may retain the use and density allowances effective prior to DATE of Ordinance, in lieu of the Preservation and Innovation allowances. However, in no instance shall the density exceed 1 unit per 10 acres.

The existing rights of these properties were added to the Private Property Rights Element of the Lee Plan. This element previously contained only the required language from the Florida Statutes, but has been amended to include two goals: the required language and new language regarding county-initiated amendments. This location seemed more appropriate than keeping these amendments in Goal 33, as the new Goal 166 broadly covers County-initiated amendments, making it a central place to house future changes directly related to private property rights.

The last major change related to Objective 33.2 was the removal of all planned development requirements for Southeast Lee County from the Lee Plan. Originally, the proposed amendments to Southeast Lee County were fully contained within the Lee Plan. However, this Lee Plan Amendment has a companion LDC amendment that moves all implementing requirements for development in the Southeast Lee County Community Plan Area from the Lee Plan to the LDC. The PD requirements will, appropriately, move to the Land Development Code. **The Lee Plan still establishes the long-term vision for Southeast Lee, including development caps and general policies related to environmental preservation, but the implementing**

language has been moved to a new article that specifically addresses development within the Southeast Lee County Community Plan Area in the Land Development Code. The Land Development Code amendments are in a separate companion amendment that will follow the required LDC amendment process.

SUPPORTING AMENDMENTS

The nonresidential and residential amendments in Southeast Lee County necessitated changes elsewhere in the Lee Plan. Most of the amendments in this section are cleanup related to the amendments described above, with three exceptions: Policies 1.1.10, 1.1.13, and 7.1.2, whose changes resulted from the process of creating the main amendments.

As stated in the nonresidential section above, a new nonresidential category was created instead of trying to make the existing future land use categories work in Southeast Lee. Originally, the amendments were going to use the Commercial and Tradeport categories with additional protections for Southeast Lee. Staff reviewed the description of those categories as part of the original effort to make them work in Southeast Lee, and realized that general amendments were needed to help clarify and update the descriptions.

POLICY 1.1.10: The **Commercial** future land use category is located in areas where infrastructure is planned or in place and residential uses are not expected or incompatible due to surrounding land uses, environmental constraints, or proximity to the Coastal High Hazard Area. ~~the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place. The Commercial category is intended to support all types of commercial uses and limited light industrial uses, excluding outdoor storage, retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. Any redesignation of land to the Commercial future land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. New developments~~Development in this category must connect to a potable water and sanitary sewer system.

The amendments to the Commercial future land use category simplify the description and remove the requirement of a planned development. Planned developments work well in areas with environmental constraints or unique circumstances, but they can complicate redevelopment. The Commercial category is intended to accommodate a variety of commercial uses and should align with conventional commercial zoning districts without requiring a PD for all development. The additional requirement of a planned development for all properties with a Commercial land use adds unnecessary steps to the development process.

The amendments to the Tradeport description specify that properties adjacent to Southwest Florida International Airport (RSW) or the Florida Strategic Intermodal System (freight highways) are best suited for this category, remove an outdated reference to Development of Regional Impact (DRIs), and clarify when commercial uses are permitted.

POLICY 1.1.13: The **Tradeport** future land use category includes areas of commercial and industrial lands adjacent to the Southwest Florida International Airport (RSW), the airport or other major transportation infrastructure such as Florida's Strategic Intermodal System (SIS). These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a ~~Development of Regional Impact (DRI) or~~ Planned Development rezoning. Stand-alone retail commercial uses are limited to 1 acre ~~out of~~ every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, ~~DRIs or~~ Planned Developments may also receive additional stand-alone retail acres at the rate of 1 additional acre ~~out of~~ every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow-ways, or occupied listed species habitat. Ancillary ~~retail~~ commercial uses related directly to the sale of products manufactured or services provided by the associated light industrial use are not considered stand-alone commercial in Tradeport ~~are allowed if they are part of a planned development.~~ Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category.

The changes to the Tradeport description clarify or update existing language; no substantive changes were made.

Similar to the change in the Commercial land use description, Policy 7.1.2 requires PDs for almost all industrial developments, including some within future land use categories that explicitly support industrial uses.

POLICY 7.1.2: Industrial development is encouraged through conventional zoning districts when the property is within the Industrial Development, Tradeport, and Industrial Interchange future land use categories or within a Future Urban Area, unless a Planned Development is specifically required by the Lee Plan or necessary to demonstrate compliance with Policy 5.1.5. ~~Industrial in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural~~

~~resources; and, provide necessary facilities and services where they are inadequate to serve the proposed use.~~

The proposed amendment to Policy 7.1.2 simplifies the policy and specifies that PDs are only necessary if specifically required by the Lee Plan or there are compatibility concerns with adjacent residential uses. The Land Development Code may need to be updated to ensure consistency with Planned Development requirements.

The remainder of the amendments directly relate to the Community Plan Area amendments for residential and nonresidential uses.

Policy 1.4.5 provides a description of the DR/GR future land use category. The proposed amendments clean up the language in #1 and remove the reference to the density increases in the Southeast Lee County Community Plan Area in #2.

POLICY 1.4.5: The **Density Reduction/Groundwater Resource (DR/GR)** future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas ~~also are~~ are also the most favorable locations for physical withdrawal of water from those aquifers.

1. ~~New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling. The impacts of proposed development on the historic surface and groundwater resources must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis must demonstrate that the proposed change will have no significant impacts on present or future water resources. Lee County's Department of Natural Resources will review and verify all proposed analyses, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a proposed development on the county's natural resources. the incorporation of increased storage capacity and the inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.~~
2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). ~~See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.~~
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category

without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

The amendments to #1 clarify the requirements and keep the language consistent throughout the Lee Plan, but do not change the modeling requirements. Removing the reference to Objectives in Goal 33 in #2 was necessary. Residential development exceeding 1 unit per 10 acres in Southeast Lee County will need to have a Conservation Community future land use. This section only applies to properties with DR/GR land use. DR/GR will no longer have density incentives, so this policy no longer applies.

Policy 33.1.7 mirrors the language in #1 above:

POLICY 33.1.7: Impacts of proposed ~~land disturbances~~development on surface and groundwater resources ~~will~~must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems within Southeast Lee County. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis will be proportionate to the proposed impacts and use integrated surface and groundwater models that utilizewith site-specific data. Lee County's Department of Natural Resources will review and verify all proposed analysis, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a proposed development on the county's natural resources. ~~to assess potential adverse impacts on water resources, and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.~~

Policy 1.6.10 establishes the residential overlays in Southeast Lee. The proposed amendments remove all overlays except the Existing Acreage Subdivisions and the Rural Golf Course Community. This change keeps this policy consistent with the amendments to Goal 33.

POLICY 1.6.10: Lee Plan Map 1-D, Special Treatment Areas, depicts areas of the county with specific requirements, including the following overlays: The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land:

1. "Existing Acreage Subdivisions:" Existing rural residential subdivisions that should be protected from adverse external impacts ~~such as natural resource extraction.~~
2. "Rural Golf Course Communities:" Potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development ~~and located in the Southeast DR/GR area.~~
3. ~~"Mixed-Use Communities:" Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies.~~
4. ~~"Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast DR/GR area that could be improved environmentally.~~

5. ~~“Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.~~

Similar to Policy 1.6.10, the amendments to Policies 33.1.2 and 33.1.3, and Objective 33.3 remove references to the deleted overlays.

POLICY 33.1.2: ~~The County will create development incentives to offset the cost of creating, preserving, or re-establishing natural systems in the Southeast Lee County Community Plan Area. The incentive programs may be updated from time to time based on the changing needs of this area of the county. The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.~~

POLICY 33.1.3: ~~Pursue acquisition (partial or full interest) of land via public investment, land swaps, conservation easements, or donation of critical lands within Southeast Lee County to augment preservation lands to improve, restore, or create water resources, natural ecosystems, and wildlife connections through a planned development, Development Agreement approved by the Board of County Commissioners, or other legally binding agreement accepted by the County Attorney’s Office, within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property’s potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.~~

Objective 33.3 currently houses the TDR program details in Southeast Lee. Many of these were directly related to the overlay in which a property was located. This objective has been updated to remove the overlay references that no longer apply and to create a new Flooding Mitigation Lands Program similar to the TDR program.

OBJECTIVE 33.3: SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR) LAND CONSERVATION PROGRAMS. ~~To protect water resources and natural habitat of Southeast Lee County, Lee County establishes the Southeast Lee County Transferable Development Rights (TDR) and Flooding Mitigation programs. may incorporate Southeast Lee County’s purchase and transfer of development rights programs into the LDC.~~

POLICY 33.3.1 The ~~new~~ programs ~~may~~ create incentives for property owners or ~~developers~~ within Southeast Lee County to transfer development rights associated with their sending parcels to receiving lands outside the planning community; ~~or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2.~~

POLICY 33.3.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
 - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
 - b. Up to two Southeast Lee County TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
 - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
 - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) ~~For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7 in the Priority Restoration Strategy (Map 1-D).~~
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. ~~In Mixed Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.~~
 - ~~b. In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.~~
 - ~~c. In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.~~
 - ~~d. In Environmental Enhancement and Preservation Properties within the Conservation Community Communities future land use category may redeem identified on Map 2-D, each Southeast Lee County TDU credits may be redeemed for a maximum of one dwelling unit per 10 acres using when the credits are from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using when credits are from wetland sending areas.~~
 - e. No more than 2,000 dwelling units may be placed on receiving parcels within the Southeast Lee County Community Plan Area identified in subsections a. through d. above using the Southeast Lee County TDR program.
 - f. Properties outside of the Southeast Lee County Community Plan area with In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed Southeast Lee County TDUs

for up to two dwelling units an acre. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.

3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.

POLICY 33.3.3: The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program.

POLICY 33.3.4: Southeast Lee County Flooding Mitigation Lands Program allows developers to purchase property in the Southeast Lee County Community Plan Area identified for county mitigation projects in exchange for development approvals. Purchased property must be approved and dedicated to the county. The Flooding Mitigation Lands Program will be allocated per the following:

1. For projects within the Southeast Lee County Community Plan Area, incentives will be provided per the thresholds described in the LDC.
2. For projects outside of the Southeast Lee County Community Plan Area:
 - a. Additional density may be applied to the receiving site at a rate of 2 units per acre of purchased and transferred land. The maximum density may not exceed the Bonus Density allowances of the land use category.
 - b. Open space at a 1-acre for every 5 acres of purchased and transferred land. No more than 25% of the required open space may be offset by this allowance.

The new Policy 33.3.4 facilitates a Public-Private Partnership for Flooding Mitigation Projects in Southeast Lee County by permitting private developers to purchase specific lands needed for county flooding projects and transfer them to the applicable entity in exchange for development credits. These parcels will be identified as “Public Acquisition” in a future update of Map 1-D, but they are already identified in the Department of Natural Resources’ CREW Project Area map. Additionally, the policy's second part might allow properties outside Southeast Lee County to gain development credits for the acquisition of these lands within Southeast Lee. The intent is to help the County acquire property essential to flooding mitigation projects in exchange for development incentives.

Objective 2.3 provides the required findings for Future Land Use Map Amendments. The proposed language clarifies the existing requirements, adds the new categories to Policy 2.3.2, removes the finding requirements, and removes Policy 2.3.3, which no longer applies.

OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply, such as ~~Lehigh Acres~~, as described in Policy

54.1.9, and all land in the Southeast Lee County Community Plan Area or the DR/GR land use category.) Map amendments for these areas will be subject to a special review by the staff of Lee County. This review will to analyze the potential impact of the land change on the proposed land uses to and determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land uses change would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas within the Southeast Lee County Community Plan Area to a district other than Preservation and Innovation, Conservation Community, Wetlands, Conservation Lands, or Public Facilities will be discouraged by the County. south of SR 82 east of I 75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the County. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. supply data and analysis specifically addressing urban sprawl.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them.

POLICY 2.3.3: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.

The proposed change to remove numbers 1 through 4 as required findings for map amendments in Southeast Lee reduces redundant policies. #1 and #2 state that properties would need to verify the availability of irrigation and domestic water resources. The LDC standards for all residential and nonresidential development in Southeast Lee require new development to connect to the central water and sewer system and to minimize irrigation needs. #3 states that all land use changes require data and analysis to ensure the proposed change will not adversely affect water quality or water resources. This is already a requirement in the proposed Policies 1.1.16, 1.4.5, 33.1.7, 33.2.1, and 33.4.1. #4 addresses urban sprawl. Lee Plan Goal 1 and Objective 2.1 already include language about containing and addressing urban sprawl. **The inclusion of these requirements in Policy 2.3.2 is unnecessary, as they are already required in other areas of the Lee Plan.**

Policy 6.1.2 is a supporting policy for Goal 6, which addresses all commercial development within the county. This is the second amendment to this policy this year. Previously, the policy included multiple bullet points that specified the areas to which it applied. The proposed amendment removes the bullet related to Southeast Lee County and changes the language to exempt only areas where the community plans specifically allow more intense commercial uses.

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial, ~~except that unless the Lee Plan specifically provides otherwise.:~~

- ~~• Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.~~

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

As part of the proposed amendments, staff evaluated the boundaries of the Southeast Lee County Community Plan Area in response to one of the privately initiated amendment requests (CPA2025-00009) and input from one of the County Departments regarding property along Bonita Beach Road within Lee County's jurisdiction.

The proposed map amendments include a slight contraction of the Southeast Lee County Community Plan Area along Bonita Beach Road, south of the Kehl Canal, and a portion of a property along Daniels Parkway. These areas do not share the same water characteristics as the rest of Southeast Lee County and, therefore, should not be subject to the same requirements. The proposed contraction areas have been coordinated and confirmed with Lee County's Department of Natural Resources. The proposed contraction area has no impact on Table 1(b), as the Planning District, which is used for data tracking, will not change with the proposed contraction.

The last text amendments add definitions to the Glossary to support the other amendments and to fill existing gaps.

COMMERCIAL DEVELOPMENT -- A use involving, in whole or in part, the sale of merchandise, materials, or services. Commercial development may include retail, wholesaling, personal services, temporary accommodations, office, or other uses that involve the transfer or sale of goods or services.

MINOR – Commercial development that ~~provides for the sale of convenience goods and services and~~ contains less than 30,000 square feet of gross floor area.

NEIGHBORHOOD – Commercial development that ~~provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and~~ has a gross floor area range of 30,000 to 100,000 square feet.

COMMUNITY – Commercial development that ~~provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and~~ has a gross floor area range of 100,000 to 400,000 square feet.

REGIONAL – Commercial development that ~~provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and~~ has a gross floor area range of 400,000 to 1 million square feet.

DISCOURAGED – To dissuade or attempt to dissuade from doing something, but not to prohibit outright; an unwanted action, not a prohibited one.

ENCOURAGED – A wanted action, but not the only action that may be acceptable.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community, Conservation Community, and Density Reduction/Groundwater Resource.

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Preservation and Innovation, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and the New Community within the Gateway/Airport Planning Community.

INDUSTRIAL DEVELOPMENT – A business use or activity involving manufacturing, fabrication, assembly, warehousing, and/or storage.

INDUSTRIAL, HEAVY – Manufacturing, resource refinement or extraction, other enterprises with significant external effects, or enterprises that pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. The location of a use does not indicate whether it is considered heavy industrial. Heavy Industrial uses can be inside or outside a building.

INDUSTRIAL, LIGHT – A use that involves the manufacturing, production, processing, fabrication, testing, assembly, treatment, repair, packaging, or warehousing of finished products within a building, without a noticeable amount of noise, dust, odor, smoke, glare, or vibrations.

The proposed changes to commercial development remove specific uses from the list of commercial development types, but retain the size limitations currently in place. The previous definitions of commercial development across different types have essentially identified only retail uses; however, commercial development encompasses a wide range of uses, as the new definition covers.

Throughout the Lee Plan, there are policies that use the terminology “encourage” and “discourage,” but until now, those terms have not been explicitly defined. The definitions encompass the current accepted use of the terms. This is not a change from the current interpretation; it is codifying the accepted practice.

The Lee Plan also lists “Light Industrial” as a permitted use in numerous Future Land Use Categories, but does not currently specify which industrial uses qualify as light industrial. The proposed amendment defines industrial uses and then divides them into Light and Heavy Industrial to provide clear guidance on which uses are appropriate in specific locations.

The proposed Glossary amendments may necessitate additional amendments to the Land Development Code to ensure consistency. Staff will include those with future LDC amendments.

All amendments, including those to the maps and tables in the appendix, are located in Attachment 1. All of these amendments support the text amendments described herein. Analysis of their consistency with the Lee Plan is provided in the Lee Plan Analysis section of this Staff Report.

LEE PLAN ANALYSIS

The comprehensive plan applies to all land use decisions within unincorporated Lee County. Where goals, objectives, standards, or policies of particular elements conflict, those conflicts will be resolved based on an analysis of the Lee Plan as a whole. The Lee Plan analysis included in this staff report outlines the proposed amendments in relation to the most applicable Lee Plan goals, objectives, and policies to determine their appropriateness.

Lee Plan Chapter 2, Part b, contains the county’s Community Planning Goals within the Future Land Use Element. **Goal 17**, Community Planning, establishes the Community Plan Areas and their requirements. **Objective 17.1** states that community plans address specific conditions and long-term visions unique to that area of the county. This objective is supported by three policies. **Policy 17.1.1** states that the county will “Coordinate community plans with County-wide and regional plans with respect to population accommodation, transportation, employment, economic development, and infrastructure needs in an effort to avoid inconsistencies.” The proposed amendments support a coordinated effort between the county, private developers, the public, and conservation groups to balance development pressure and changing conditions with conservation and preservation goals in Southeast Lee.

As mentioned in the Background section of this report, the last major update to Southeast Lee County was the addition of the EEPCO in 2015. Since that update, development in Southeast Lee County has changed significantly, with the development of Kingston (settlement agreement), which added 10,000 new residential units, and the Alico Extension, which connects Corkscrew Road to State Road 82 and

Sunshine Blvd, a major connector in Lehigh that is anticipated to connect to State Road 80 in the future. Properties along the Alico Extension that previously did not connect to the county's major road network now have a front-row seat to a controlled-access major connector road. **The proposed amendments provide updated development parameters to accommodate the approved infrastructure, residential development, and environmental concerns in Southeast Lee, consistent with Policies 17.1.1 and 17.1.2.**

One of the major changes in the proposed amendments is moving the PD requirements out of the Lee Plan and into the Land Development Code. **Policy 17.1.3** states, "Community plans should consist of long term objectives and policies that are not regulatory in nature. If needed, land development regulations may be adopted to implement the community plan." **The transfer of the development requirements for Southeast Lee County from the Lee Plan to the LDC is consistent with Policy 17.1.3.**

The existing Policy 17.2.1 states, "Each community plan area boundary must be rationally related to the condition(s) identified in the individual community plan." The proposed map amendments to the Southeast Lee County Community Plan Area Boundary are consistent with **Policy 17.2.1**, as the areas being removed from Southeast Lee County do not share the same hydrological characteristics as the remainder of the plan area. The Kehl Canal blocks the surface water connection between properties along Bonita Beach Road and the Imperial River Watershed and CREW Wildlife Management Area. The portion of the property on Daniels Parkway that the amendments propose removing from Southeast Lee County is located in the Six Mile/Estero River watershed, a different watershed than the remainder of Southeast Lee; additionally, its proximity to Southwest Florida International Airport (RSW) further distinguishes that land from the rest of the Community Plan Area. **These properties are not rationally related to the conditions identified in the Southeast Lee County Community Plan Area; therefore, the proposed contraction of the Southeast Lee County Community Plan Area is consistent with Policy 17.2.1.**

Objective 17.3 provides guidance on Public Input for comprehensive plan amendments within a community plan area. As described in the Public Outreach and Department Collaboration and the Procedural Requirements sections of this staff report, **the amendments have met all public outreach requirements of the Florida Statutes, Lee Plan, and the County's Administrative Code.**

Lee Plan Goal 33 contains the Southeast Lee County Community Plan Area's Objectives and Policies that guide development in this area of the county. Goal 33 states:

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment.

The proposed amendments will continue to protect Southeast Lee County's water resources and wildlife habitat through strict development guidelines. The Conservation Community land use category, intended for residential and subordinate nonresidential uses, retained the EEPKO requirements, including, but not limited to, open space, habitat restoration, and hydrological connections. The Preservation and Innovation category requirements were also derived directly from the EEPKO requirements, with input from the County's Department of Natural Resources, Utilities Department, and Department of

Transportation, to ensure that new nonresidential uses couldn't negatively impact the County's water quality, infrastructure, or wildlife areas. **The new Future Land Use Categories are not inconsistent with the intent of Goal 33.**

The Dover-Kohl Study heavily influenced the creation of Goal 33, Restoration Tiers, and existing overlays in Southeast Lee. The study was intended to study Southeast Lee County to determine a way to limit population, which was a requirement of State Statutes at the time, discourage mining, and protect the County's water resources and wildlife habitat (i.e., Panther Habitat). The study stated that compact, mixed-use communities should be the standard in DR/GR. This idea influenced the creation of the existing residential overlays. The proposed Conservation Communities Future Land Use Category will replace the EEPCO and continue the idea of compact, mixed-use communities by requiring a large percentage of open space with clustered, low-density development, while also allowing a very small amount of nonresidential and multifamily via the permitted FAR. The deletion of the existing overlays does not detract from Goal 33's consistency with the Dover-Kohl recommendations, as both new land use categories draw direct inspiration from the existing overlays. **The changes to the Southeast Lee County Overlays are consistent with the Dover-Kohl recommendations and the intent of Goal 33.**

Objective 33.1 states that the County will "Protect and restore natural resources within Southeast Lee County including, but not limited to, surface and ground water, wetlands, and wildlife habitat." This objective is supported by eight policies related to water, habitat, and other natural resources. The proposed amendments do not substantively change any of these requirements. Residential and nonresidential projects within the Southeast Lee County Community Plan Area will need to preserve, restore, or create areas for water resources, wildlife habitat, wetlands, and flowway connections. Additionally, development the new Conservation Community and Preservation and Innovation categories will need to connect to public utilities, including reuse if it becomes available, which will also help protect the county's water resources in the area. **The proposed amendments are not inconsistent with Objective 33.1 or the intent of any of its policies.**

Lee Plan Goal 2 provides direction on Growth Management. The overarching Goal states that the County will provide an "economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources." In addition to the proposed Alico Extension project, the Kingston development will be constructing water and sewer infrastructure along Corkscrew Road to extend Lee County Utilities. The proposed county-initiated map amendments to incorporate the new land use categories into the Future Land Use Map will change the future land use categories of properties that have submitted map amendment applications to the appropriate new category and incorporate them into the Lee County Utilities Service Area Maps. All of the privately initiated map amendments have provided service availability letters from the applicable service providers. The proposed map amendments include a couple of properties that have not submitted an application. These amendments either fix an existing inconsistency between the zoning and future land use category or incorporate property along the new Alico Extension. All of the properties have, or will have upon development, access to public water and sewer infrastructure with adequate capacity to serve, public roads, EMS, and fire protection. **Per the letters of no objection attached to the staff report, no county departments have raised any concerns regarding the capacity to serve the properties associated with the proposed map amendments, consistent with Lee Plan Goal 2.**

Policy 2.3.2 includes four required findings for Future Land Use Map Amendments in DR/GR:

1. *Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
2. *Identify potential irrigation and domestic water sources, consistent with the regional water supply plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *Supply data and analysis specifically addressing urban sprawl.*

As previously stated, county water and sewer connections will be required for all development in Southeast Lee. The proposed text amendments will ensure that irrigation sources will not negatively impact the county's water resources. **The proposed map amendments are consistent with #1 and #2.** All properties included in the map changes that are not currently developed will require a planned development rezone, in which the applicant must demonstrate that the proposed uses and development will not cause significant harm to present or future water resources. The new land use categories have been designed to minimize the impact of development on water resources and the environment. **The proposed map amendments are consistent with #3.** All the proposed map amendments are on existing or proposed major roads, will be required to connect to public utilities, and are located between existing developments, meaning they will fill in gaps between existing sprawl. **The proposed map amendments are not creating urban sprawl, consistent with #4.**

Two of the proposed map amendments are located along State Road 82, adjacent to Lehigh Acres. Both of those amendments are proposed as Preservation and Innovation, which supports nonresidential uses. The Lehigh Acres Commercial Land Use Study, written by Spikowski Planning Associates, dated May 1996, states,

About 2% of the land in Lehigh Acres currently has commercial zoning, far less than the typical 5% commercial allocation for an entire community. Even if all of this zoned land were actually available and usable for commercial development, it would provide only enough space for about 38% of the build-out population of Lehigh Acres. An even greater problem, though, is that much of the remaining commercially zoned land suffers from serious flaws. Two of these flaws are:

- *Premature platting of excellent commercial sites into single-family lots, which were sold off to individual buyers, many with deed restrictions against commercial uses.*
- *Provision of commercial land as shallow commercial strips, sold off into individual parcels in the same manner as single-family lots.*

The County has been trying to alleviate the shortage of commercial space in Lehigh for decades. As the Spikowski study states, two major flaws are the lack of appropriate locations for commercial development due to scattered residential development along major thoroughfares and the lack of adequately sized parcels to support it. Southeast Lee County has both of these in very close proximity to Lehigh. Another Lehigh Acres study, entitled "Lehigh Acres Comprehensive Planning Study," dated 2009, estimated the total number of parcels in Lehigh at 125,855, covering approximately 96 square miles, with a deficit of commercial land at 558 acres and industrial land at 444 acres. **While the proposed amendments would**

not be located within the Lehigh Acres Community Plan Area, the proposed map amendments to support nonresidential uses along State Road 82 and Daniels Parkway directly support the Lehigh Acres Community Plan Area Objectives 25.1 and 25.3, and Policies 25.3.2 and 25.4.1.

A portion of Southeast Lee County is subject to the Everglades West Coast Basin Management Action Plan (BMAP). Under state statute FS 163.3177, as amended by HB 1379 in 2023, local governments must consider how to extend utilities to residential development exceeding one (1) unit per acre in a BMAP. The proposed text amendments allow for a maximum of 1.15 units per acre, but require all new residential and nonresidential development to connect to public utilities. **The proposed incorporation of the properties associated with the privately-initiated amendments into the LCU Future Water Service Area (Map 4-A) and LCU Future Sewer Service Area (Map 4-B) is consistent with state statutes regarding utility expansion within a BMAP and Lee Plan Objective 4.1.**

Goals 53, Potable Water Infrastructure, and 56, Sanitary Sewer Infrastructure, state:

GOAL 53: POTABLE WATER INFRASTRUCTURE. *Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.*

GOAL 56: SANITARY SEWER INFRASTRUCTURE. *In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.*

Each developer would be financially responsible for extending the line outside of where the line is already proposed for expansion or connecting to the line when it becomes available. **Policy 53.1.1** states that the LCU service area is illustrated in Map 4-A, and **Policy 56.1.1** states that sewer service areas are indicated on Map 4-B. **Lee County Utilities provided a letter of no objection to the proposed amendments on DATE. All of the individual developments will need to show capacity availability at the time of rezone and Development Order.**

Lee Plan Goal 123 contains the County's goals for Resource Protection. This goal states,

GOAL 123: RESOURCE PROTECTION. *Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

Development in both new land use categories requires preservation, creation, or restoration of upland, wetland, and wildlife habitats, **consistent with Policies 123.1.1, 123.1.5, 123.1.7, 123.2.4, 123.2.7, 123.2.8, 123.2.15, 123.3.1, and 123.4.3.** Both new districts also incorporate the creation of Wildfire Mitigation plans with their planned developments, **consistent with Policy 123.1.8.** The amendments to Policy 1.4.5 and 33.1.7 maintain the existing requirements for water modeling for all changes in land use categories. Policy 33.1.3, as amended, expands conservation measures to public and private entities, **consistent with Policy 123.1.2.** The Conservation Community designation maintains the required open space and environmental requirements that the existing EEPKO uses. Preservation and Innovation allows nonresidential uses only when an applicant can demonstrate the proposed use category will not harm the environment, provide adequate open space, and preserve and restore habitat, **consistent with Policy 123.2.2. The proposed text amendments are consistent with the broad goal of Goal 123.**

Lee Plan **Goal 124** contains the County's goals for Wetlands. This goal states,

GOAL 124: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

The proposed changes do not impact the regulations for wetlands as they apply to State Permits or general development standards in the County; however, the proposed amendments do strengthen them in Southeast Lee, particularly as they relate to nonresidential uses, which are not currently allowed based on the existing 300,000 square foot limitation for commercial uses. Currently, nonresidential uses throughout the county have no incentives to maintain wetlands on a property. The proposed Land Development Code amendments, which implement the Preservation and Innovation land use category, require that all connected wetlands be protected and conserved as part of the required open space. **The proposed amendments are consistent with Goal 124 and Objective 124.1.**

Lee Plan **Goals 125** and **126** contain the County's goals related to Water Quality and Water Resources. The proposed amendments have been extensively reviewed by Lee County's Departments of Natural Resources and Utilities to ensure adequate protection of the County's water resources for utility purposes and natural resources for general water quality and flow. The new density incentives in the Land Development Code for Conservation Community and the standard requirements for Preservation and Innovation increase the stormwater requirement to a 100-year, 24-hour event. This exceeds the standard stormwater requirement and should provide additional stormwater capacity in these developments. The proposed amendments still require water quality and quantity analysis during the development stages and long-term monitoring after development, **consistent with Goal 125, Objective 125.1, and Policies 125.1.1, 125.1.2, and 125.1.3.** As stated previously, all potential development resulting from these amendments will also be required to connect to central utilities, **consistent with 125.1.5.** The proposed Preservation and Innovation category limits uses to those that can demonstrate they will not adversely affect the County's water resources or water quality, with confirmation from the Department of Natural Resources prior to development, **consistent with Objective 126.1 and its supporting policies.**

Lee Plan **Objective 126.2** states that the County will promote Florida-Friendly Landscaping. The proposed amendments for residential development carry over the requirement for native landscaping from the EEPKO and provide an incentive for drip irrigation to minimize water use and ensure the longevity of the landscaping. Because the nonresidential requirements are new and apply to a use that is not currently allowed, the LDC standards require native landscaping and drip irrigation for all nonresidential developments. Both amendments are **consistent with Policies 126.2.1 and 126.2.3.**

Lee Plan **Chapter 11** is the Economic Element. One of the major reasons for the proposed text amendments was to support the development of nonresidential uses in Southeast Lee County to support employment opportunities and amenities for residents in Southeast Lee County and the surrounding communities. **Goal 158** states that the County will, "Achieve and maintain a diversified and stable economy by providing a positive business climate that assures maximum employments." There are very few places left in the county with parcels large enough to support business and industrial parks, particularly in close proximity to RSW, SR 82, and the adjacent counties. The proposed amendments help

foster a diversified economy by allowing nonresidential uses in Southeast Lee, **consistent with Goal 158, Objective 158.2, and policy 158.2.1 and 158.2.2.**

Objective 158.3 states that the County will “Ensure businesses have access to infrastructure and services needed to be competitive in a global economy.” This Objective is supported by four policies relating to transportation infrastructure, economic development related to the Port Authority, the State’s Strategic Intermodal System (SIS), and expansion of communication technology. The proposed amendments allow for nonresidential uses along arterial and collector roads, including SR 82 and Interstate 75, which are part of the SIS. Additionally, Southeast Lee County is adjacent to RSW, making it a natural expansion for airport-related businesses. **The proposed amendments allow nonresidential uses in an area of the County that currently cannot have any additional nonresidential uses and are therefore consistent with Objective 158.3 and Policies 158.3.1, 158.3.2, and 158.3.3.** New development along these corridors will help to expand access to broadband communications and infrastructure, **consistent with Policy 158.3.4.**

Lee Plan Chapter 12 contained the Property Rights Element. The proposed amendments add language to this element, but the existing language is important to consider. The existing element is reproduced below.

In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision making:

- 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.*
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.*
- 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.*
- 4. The right of a property owner to dispose of his or her property through sale or gift*

The proposed amendments do not impede a property owner’s ability to physically possess and control their property interests. The proposed amendments expand the potential uses of property, subject to approval of a Future Land Use Map Amendment, which may provide some additional uses and allowances for property owners in Southeast Lee. The amendments also include existing provisions to protect single-family, large-lot subdivisions. Additionally, new language has been added to this section to grant vested rights to existing developments in Southeast Lee County that have changed Future Land Use Category or Overlay with the proposed amendments. The amendments will not affect a property owner’s right to privacy or to exclude others from their property, nor will they affect a property owner’s right to dispose of their property. **The proposed amendments do not conflict with the requirements of Chapter 12.**

CONCLUSIONS

Staff has reviewed the proposed amendments and provides the following conclusions:

- The proposed amendments provide updated development parameters to accommodate the approved infrastructure, residential development, and environmental concerns in Southeast Lee County.
- No county departments have raised any concerns regarding the capacity to serve the properties associated with the proposed map amendments, consistent with Lee Plan Goal 2.
- Staff held numerous meetings with applicants, the public, and County departments to solicit feedback on the proposed amendments.
- The proposed amendments provide adequate protection for the County's water resources and wildlife habitat.
- The proposed amendments are consistent with the BoCC direction from April 1, 2025, and April 21, 2026.
- None of the amendments are in conflict with Senate Bill 180, as they expand use allowances and existing property rights are formally vested.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***adopt*** the proposed amendment as shown in Attachment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 27, 2026

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a detailed presentation of the proposed text and map amendments, addressing planning rationale, impacts, and consistency with the Lee Plan.

Members of the LPA first thanked staff for the effort that went into the proposed amendments and then inquired about the intent of some terminology, clarification on the need for a Development Agreement in addition to Planned Developments, clarification on the applicability of Conservation Communities in other places in the County, and some recommended additions to Goal 165.

Thirteen members of the public spoke on the proposed amendments. One additional member of the public submitted a comment card but chose not to speak. Comments included concern regarding the speed at which the amendments were made, the implications of the proposed amendments on water quality, additional requests from the privately-initiated amendments' applicants, acknowledgement of staff's efforts, changing conditions in Southeast Lee requiring these amendments, additional FAR allowances for industrial development, the positive impact of the proposed amendments on the Lehigh Acres Community, the positive impact of adding nonresidential uses to reduce trip and add jobs, concern over wildlife habitat, concern about density incentives, the changing statutory requirements for comprehensive planning, the general compatibility of the amendments with the natural resources in Southeast Lee, concern that the new allowances will create more development demand, and concern that these amendments will start to apply to other places in the County.

LPA then asked staff additional questions in response to the public comments and their own understanding of the amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) ***transmit CPA2026-00004***, remove additional areas of the Daniels Tradeport property from Southeast Lee, include the Freeman property, clarify the terms "adequate protection" and "alongside", and add language to Goal 165. The motion passed 4 to 0.

DUSTIN GARDNER	_____ AYE
DAWN RUSSELL	_____ ABSENT
JENNIFER SAPEN	_____ AYE
DON SCHROTENBOER	_____ AYE
STAN STOUDE	_____ AYE
HENRY ZUBA	_____ ABSENT
VACANT SEAT	_____ -

C. **RESPONSE TO LPA MOTION**

This section addresses the additional items the LPA added to their motion.

1. **Daniels Tradeport to be fully removed from Southeast Lee.** The LPA recommended that the Daniels Tradeport Property (CPA2025-00009) be removed from the Southeast Lee County planning area.

The Daniels Tradeport property has an existing mix of Tradeport and Wetlands future land uses and was originally located entirely within the Southeast Lee Community Plan Area. The first version of the Southeast Lee contraction removed approximately 163.23 acres of the subject property from Southeast Lee, leaving 5.6 acres within Southeast Lee, essentially maintaining the Southeast Lee boundary along the Estero River Watershed. The LPA requested that the remainder of the Tradeport portion of the property be removed from Southeast Lee.

According to Policy 17.2.1, the community plan area boundary must be rationally related to the conditions of the community plan area. The Southeast Lee Community Plan Area is comprised of the Estero River and Imperial River Watersheds, which have defined the planning area boundaries in the past.² Community Plan Area boundaries may be defined by more than environmental characteristics. Future Land Use Map designations, property ownership, site access, and legal considerations such as existing property rights are also important factors in determining the rational connection of a property to a Community Plan Area.

The lands targeted for removal in the LPA motion are currently designated as Tradeport land within the Southeast Lee County Community Plan Area. These lands are situated within the 10,000-foot hazardous wildlife buffer outlined in Policy 47.2.5 and are directly at the runway's

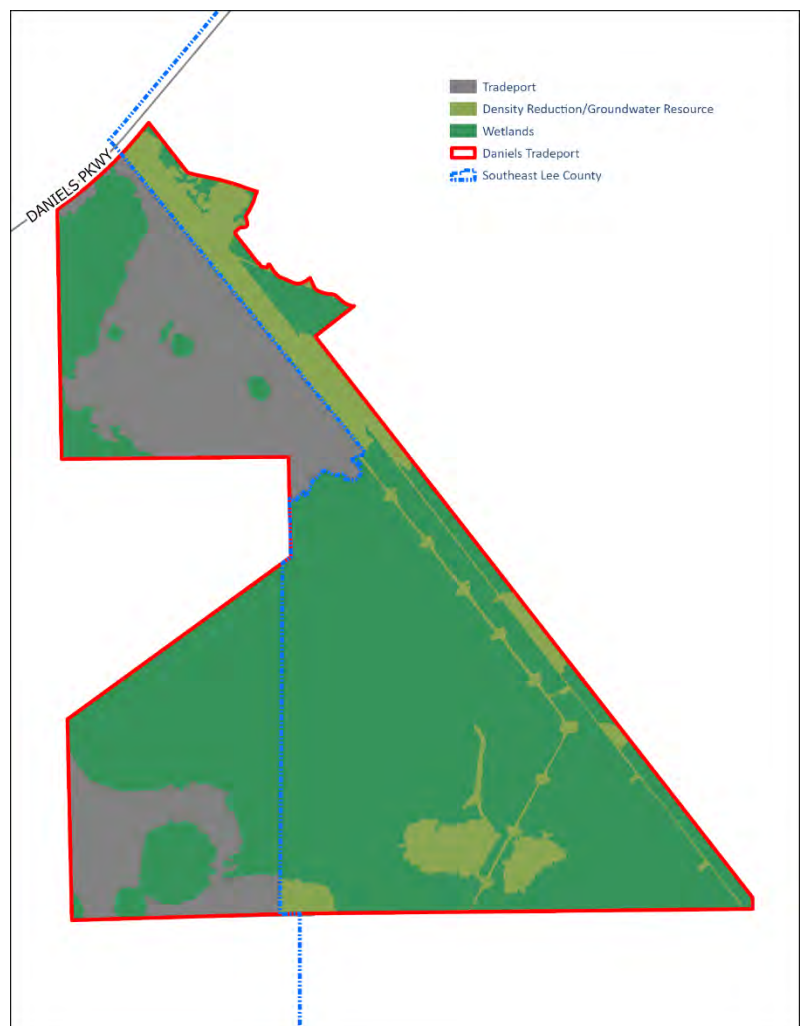


Figure 8: Proposed Daniels Tradeport & Southeast Lee Boundary

² CPA2016-00007, Timber Creek; CPA2021-00017/CPA2021-00018, Daniels Parkway South

end. They are also owned by the same entity as other lands staff has recommended removing from Southeast Lee County, based on only the watershed boundary considerations.

Given the practical implications of splitting developable portions of the property across Community Plan Areas and the legal concerns of having conflicting land use regulations rendering a portion of the proper unusable, staff agrees with the LPA motion and recommends revising the Community Plan Area boundary along the jurisdictional wetland line to ensure the lands most likely to be developed are subject to uniform development requirements, consistent with the LPA recommendation, as shown in Figure 8. The relatively small area of developable land within the Estero River Watershed can be addressed through the design of the proposed development and the required water management permit (ERP).

Staff supports the LPA recommendation to remove the Tradeport portion of the subject property from the Southeast Lee Community Plan Area.

2. Inclusion of the Freeman Property (CPA2025-00011) as Preservation and Innovation

At the hearing, the applicant requested that the LPA include the Freeman 82 property in the proposed amendments in the motion to recommend transmittal. The property was included in one of the original drafts of the proposed amendments for nonresidential uses, based on its comprehensive plan amendment application. Staff removed the property from the proposed amendments after the applicants expressed interest in a different type of development than what was originally proposed in their application.

Following the hearing, staff reviewed the data previously provided for CPA2025-00011 and requested a narrative from the applicant to confirm that anticipated development would be consistent with the proposed future land use category. The applicant is proposing a mixture of nonresidential uses, connections to Lee County Utilities for both potable water and sanitary sewer services, and preservation of a large contiguous wetland area in the southern portion of the Property. Including the Future Land Use Map amendment for the Freeman 82 property would not approve the proposed development. Approval of the proposed development would require continued review through the Planned Development rezoning process in order to demonstrate consistency with the Preservation and Innovation future land use category and the remainder of the Lee Plan.

Staff supports the inclusion of this property in the proposed amendments as Preservation and Innovation, as shown in the updated Future Land Use Map changes that are included in Attachment 1.

3. Clarification of Terms: “alongside” and “adequate protection”

The proposed language for Policy 1.4.8 specifies that nonresidential and multifamily uses may be permitted when they are developed alongside low-density residential uses. The intent with this statement was to allow these uses when they are purposefully developed in the same Planned Development (PD) as the low-density residential areas. The updated language is shown in the policy below:

POLICY 1.4.8: The Conservation Community future land use category denotes areas of low-density, clustered residential and mixed-use development within the Southeast Lee

County Community Plan Area. Development in this category must connect to a potable water and sanitary sewer system. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. The standard density is 1 unit per 10 acres, with a maximum density of 1.15 units per acre when the community is designed as a planned development in accordance with the Land Development Code. Development in this category is encouraged to promote a park-like aesthetic, with pedestrian connections and extensive green spaces. Nonresidential and multifamily uses may be allowed when developed alongside within the same planned development as low-density residential uses. These uses are limited to a maximum total FAR of 0.15, based on the acreage allocated to non-residential and multi-family uses. A traditional Main Street design with vertically mixed buildings, adjacent to park space, is encouraged for developments that utilize the FAR allowance; standalone linear commercial development is discouraged.

Staff recommends changing the proposed language to clarify the intent as represented above.

The second term the LPA suggested clarifying was "adequate protection"; this phrase does not appear in the proposed amendments and was included only in the staff presentation. Many policies in the new Southeast Lee amendments, the proposed and existing requirements for conversion from DR/GR future land use, and other elements of the Lee Plan require the protection of the County's natural resources. No policy can fully protect all natural systems and habitats; however, the proposed amendments provide checks and balances to protect the County's natural resources and wildlife habitats to the greatest extent possible through policies related to required hydrological modeling, analysis of the impacts of specific uses, required preservation areas, and very low-density, low-intensity development.

No changes required relating to "adequate protections."

4. Goal 165

The LPA suggested expanding the language in #4 of Goal 165 to include other legal conveyances of property that are not sales or gifts. The existing language was derived from the required language in the state statute. The statute required every jurisdiction to include the private property rights element and the required language; however, jurisdictions may elaborate on or add to the required language in the statute.

GOAL 165: In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision-making:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- c. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale, ~~or gift,~~ or other legal conveyance.

Staff supports adding the proposed language to broaden the statement to apply to all legal transfer of land and finds no conflict with the inclusion in state law.

D. ADDITIONAL CHANGES

This section of the staff report addresses additional changes needed to the proposed amendments that have been identified since the staff report for the LPA was published. All changes in this section were discussed during the LPA hearing. ***Staff supports the changes included in this section.***

1. Clarification that DR/GR uses are not required to meet the requirements of the new future land use categories

The Conservation Community and Preservation and Innovation categories were intended for residential and nonresidential uses that are not currently allowed in the DR/GR within Southeast Lee County. Development that is consistent with the DR/GR future land use category, such as resource extraction or other uses identified in Policy 2.1.3, may continue to be developed within the DR/GR, consistent with the Lee Plan. To clarify that, new language has been added to the respective policies based on feedback gained from the public. Both of these changes were discussed by staff at the LPA hearing.

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Residential development in Southeast Lee County in a land use category other than DR/GR and exceeding 1 unit per 10 acres must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats. ~~Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).~~

OBJECTIVE 33.4: NONRESIDENTIAL USES. Livability in Southeast Lee County requires the allowance of nonresidential uses in addition to the uses allowed in the DR/GR to provide employment opportunities and reduce the number and duration of vehicle trips. Due to the potential environmental impacts of certain nonresidential uses, limitations are required to protect the County's water resources and safeguard natural resources. Similar to residential development in Southeast Lee County, nonresidential development must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats while balancing the need for commercial, industrial, and office uses to support the existing and anticipated surrounding residential development.

In addition, staff also proposes editing Objective 33.2 to strike the word strategic, as it does not add definable value to the statement.

2. Table 1(a) Note 13

Table 1(a), Note 13, references Southeast Lee policies that will no longer exist if the proposed amendments are adopted. In the table, Note 13 appears as a DR/GR footnote. The proposed amendments previously included a new Note 20 that clarifies how density is calculated in the new Conservation Community land use category. The revised amendments will reuse footnote 13 for

Conservation Community instead of Note 20 and remove the existing language containing outdated Goal 33 references. An excerpt of the table with the proposed revisions is shown below.

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
<u>Conservation Community</u> ¹³	<u>No Minimum</u>	<u>1.15</u>	<u>No Bonus</u>
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus

¹³~~See Objectives 33.2 and 33.3 for potential density adjustments. The maximum density in the Conservation Community future land use category is 1.15, inclusive of wetlands located within project boundaries (see Policies 1.4.8 and 33.2.2).~~

E. STAFF RECOMMENDATION

Staff recommends that the BoCC ***transmit*** the proposed amendment as provided in the revised Attachment 1, according to the edits above.

ATTACHMENT 1

➤ Text Amendments

➤ Map Amendments

- **Map 1-A: Existing Future Land Use Map**
- **Map 1-A: Proposed Future Land Use Map**
- **Map 1-D: Existing Special Treatment Areas**
- **Map 1-D: Proposed Special Treatment Areas**
- **Map 2-A: Community Planning Areas**
- **Map 2-D: Southeast DR/GR Residential Overlay**
- **Map 4-A: LCU Future Water Service Area**
- **Map 4-B: LCU Future Sewer Service Area**

➤ Table Amendments

- **Table 1(a) Summary of Residential Densities**

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POLICY 1.1.10: The **Commercial** future land use category is located in areas where infrastructure is planned or in place and residential uses are not expected or incompatible due to surrounding land uses, environmental constraints, or proximity to the Coastal High Hazard Area. ~~the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place.~~ The Commercial category is intended to support all types of commercial uses and limited light industrial uses, excluding outdoor storage, retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. ~~Any redesignation of land to the Commercial future land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. New developments~~ Development in this category must connect to a potable water and sanitary sewer system.

- **Simplifies description: Streamlines the Commercial future land use category.**
- **Removes PD requirement: Eliminates mandatory planned developments for commercial projects in the Commercial future land use category.**
- **Accelerates approvals: Removes unnecessary steps to speed up redevelopment.**

POLICY 1.1.13: The **Tradeport** future land use category includes areas of commercial and industrial lands adjacent to the Southwest Florida International Airport (RSW), the airport or other major transportation infrastructure such as Florida's Strategic Intermodal System (SIS). These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a ~~Development of Regional Impact (DRI) or Planned Development~~ rezoning. Stand-alone retail commercial uses are limited to 1 acre ~~out of~~ every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, ~~DRIs or Planned Developments~~ may also receive additional stand-alone retail acres at the rate of 1 additional acre ~~out of~~ every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow-ways, or occupied listed species habitat. Ancillary retail commercial uses related directly to the sale of products manufactured or services provided by the associated light industrial use are not considered stand-alone commercial

ATTACHMENT 1: Proposed Lee Plan Amendments

~~in Tradeport are allowed if they are part of a planned development. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category.~~

- Specifies relation to RSW airport, not airports generally, and freight highways.
 - Removes outdated requirements: Deletes obsolete references to Developments of Regional Impact (DRIs).
 - Clarifies land use: Explicitly defines when commercial activities are allowed.
-

POLICY 1.1.16: The **Preservation and Innovation** future land use category is connected to central utilities and located along arterial or major collector roadways in the Southeast Lee County Community Plan Area, with the intent of balancing ecological, hydrological, and wildlife preservation with employment and commercial needs within the County. Office, light industrial, and commercial uses are encouraged when designed to preserve or restore surrounding natural resources. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. Uses that have a significant impact on ground and surface water levels or quality, are known producers or users of noxious gases or chemicals, or have other detrimental impacts on the natural environment, as demonstrated by appropriate data and analysis and verified by the County, may not be permitted. This land use category does not permit general residential uses. Caretaker's residences and dormitory-type accommodations for employees or individuals associated with the business may be permitted as part of the Floor Area Ratio (FAR) calculation when accessory to a nonresidential use. Development in this category is limited to an FAR of 0.25 and is encouraged to promote a park-like aesthetic, with pedestrian connections, extensive green spaces, and minimal linear commercial centers. Applications for rezoning must follow the planned development rezoning process in accordance with the Land Development Code.

- New land use category that allows nonresidential uses.
-

POLICY 1.4.5: The **Density Reduction/Groundwater Resource (DR/GR)** future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas ~~also are~~ are also the most favorable locations for physical withdrawal of water from those aquifers.

1. ~~New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling. The impacts of proposed development on the historic surface and groundwater resources must be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis must demonstrate that the proposed change will have no significant impacts on present or future water resources. Lee County's Department of Natural Resources will review and verify all proposed analyses, which may include an integrated surface and groundwater hydrologic model. The intent of the analysis is to demonstrate the impact of a~~

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~~proposed development on the county's natural resources. the incorporation of increased storage capacity and the inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.~~

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.
 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.
- Clarifies requirements and standardizes language across the Lee Plan without altering existing requirements.
 - Removes reference to Objectives within Goal 33 which no longer apply.

POLICY 1.4.8: The Conservation Community future land use category denotes areas of low-density, clustered residential and mixed-use development within the Southeast Lee County Community Plan Area. Development in this category must connect to a potable water and sanitary sewer system. This category requires a large percentage of open space and the restoration of environmentally sensitive lands to protect the County's water resources and Southeast Lee County's natural resources. The standard density is 1 unit per 10 acres, with a maximum density of 1.15 units per acre when the community is designed as a planned development in accordance with the Land Development Code. Development in this category is encouraged to promote a park-like aesthetic, with pedestrian connections and extensive green spaces. Nonresidential and multifamily uses may be allowed when developed alongside within the same planned development as low-density residential uses. These uses are limited to a maximum total FAR of 0.15, based on the acreage allocated to non-residential and multi-family uses. A traditional Main Street design with vertically mixed buildings, adjacent to park space, is encouraged for developments that utilize the FAR allowance; standalone linear commercial development is discouraged.

- New residential land use category for Southeast Lee, modeled after the EEPKO.
- Added clarification following the LPA hearing to clarify what was meant by "alongside", as requested in the LPA recommendation.

ATTACHMENT 1: Proposed Lee Plan Amendments

POLICY 1.6.10: Lee Plan Map 1-D, Special Treatment Areas, depicts areas of the county with specific requirements, including the following overlays: The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land:

1. "Existing Acreage Subdivisions:" Existing rural residential subdivisions that should be protected from adverse external impacts ~~such as natural resource extraction.~~
2. "Rural Golf Course Communities:" Potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and ~~located in the Southeast DR/GR area.~~
3. ~~"Mixed-Use Communities:" Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies.~~
4. ~~"Improved Residential Communities:" Property with existing residential approvals that are inconsistent with the Southeast DR/GR area that could be improved environmentally.~~
5. ~~"Environmental Enhancement and Preservation Communities:" Properties adjacent to Corkscrew and Alieo Roads that have the potential to improve and restore important regional hydrological and wildlife connections.~~

- Edits related to the inclusion of the new future land use categories and deletion or relocation of existing overlays.

OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply, such as (Lehigh Acres, as described in Policy 54.1.9, and all land in the Southeast Lee County Community Plan Area or the DR/GR land use category.) Map amendments for these areas will be subject to a special review by the staff of Lee County. This review will to analyze the potential impact of the land change on the proposed land uses to and determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land-uses change would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas within the Southeast Lee County Community Plan Area to a district other than Preservation and Innovation, Conservation Community, Wetlands, Conservation Lands, or Public Facilities will be discouraged by the County. south of SR-82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use

ATTACHMENT 1: Proposed Lee Plan Amendments

~~will be discouraged by the County. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:~~

- ~~1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,~~
- ~~2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,~~
- ~~3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,~~
- ~~4. supply data and analysis specifically addressing urban sprawl.~~

~~During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them.~~

~~**POLICY 2.3.3:** Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.~~

- **Standardizes Lee Plan language:** Clarifies requirements and updates text for consistency across the Lee Plan without altering requirements.
- **Removes outdated incentives:** Eliminates DR/GR density incentives and requires a Conservation Community designation for residential development in Southeast Lee County.

~~**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial, except that unless the Lee Plan specifically provides otherwise.~~

- ~~• Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.~~

~~Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so~~

ATTACHMENT 1: Proposed Lee Plan Amendments

that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

- Removes outdated references.

POLICY 7.1.2: Industrial development is encouraged through conventional zoning districts when the property is within the Industrial Development, Tradeport, and Industrial Interchange future land use categories or within a Future Urban Area, unless a Planned Development is specifically required by the Lee Plan or necessary to demonstrate compliance with Policy 5.1.5. Industrial in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary facilities and services where they are inadequate to serve the proposed use.

- The proposed amendment to Policy 7.1.2 simplifies the policy and specifies that PDs are only necessary if specifically required by the Lee Plan or there are compatibility concerns with adjacent residential uses.

GOAL 33: SOUTHEAST LEE COUNTY. Protect Southeast Lee County's natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors, in the development of privately owned land. Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County's environment. A variety of uses may be permitted when developed in accordance with the goals, objectives, and policies in the Lee Plan, the Wellfield Protection Ordinance, Land Development Code, and other applicable environmental protection requirements.

- Expands the allowed uses in Southeast Lee.

ATTACHMENT 1: Proposed Lee Plan Amendments

POLICY 33.1.2: ~~The County will create development incentives to offset the cost of creating, preserving, or re-establishing natural systems in the Southeast Lee County Community Plan Area. The incentive programs may be updated from time to time based on the changing needs of this area of the county. The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1 D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.~~

POLICY 33.1.3: ~~Pursue acquisition (partial or full interest) of land via public investment, land swaps, conservation easements, or donation of critical lands within Southeast Lee County to augment preservation lands to improve, restore, or create water resources, natural ecosystems, and wildlife connections through a planned development. Development Agreement approved by the Board of County Commissioners, or other legally binding agreement accepted by the County Attorney's Office, within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.~~

- Remove references to deleted overlays.

POLICY 33.1.6: ~~On existing farmland, the County will offer incentives to encourage the continuation of agricultural operations. Incentives will include the ability to concentrate all existing development rights while farming continues on the remainder of the tract; and, the ability to sever and sell all development rights while farming continues on the entire tract. Other incentives may be provided to agricultural operations that implement and maintain best management practices. Continued agricultural use may be a desirable long-term use even within land designated on the Priority Restoration Strategy Overlay as potentially eligible for protection (see Policy 9.1.7).~~

POLICY 33.1.7: ~~Impacts of proposed land disturbancesdevelopment on surface and groundwater resources willmust be analyzed using hydrologic modeling to assess potential adverse impacts to upstream and downstream lands, current and future water resources, and natural systems within Southeast Lee County. This analysis will occur during the rezoning application process or development order application review, if rezoning is not required. The analysis will be~~

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~~proportionate to the proposed impacts and use integrated surface and groundwater models that utilize with site-specific data. Lee County's Department of Natural Resources will review and verify all models to evaluate their design and outputs, ensuring the protection of the county's natural resources. to assess potential adverse impacts on water resources, and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.~~

POLICY 33.1.8: The County supports a comprehensive and coordinated effort to manage water resources in a manner that ~~includes the protection and restoration of~~ protects and restores natural systems within Southeast Lee County.

- Clarifies requirements and standardizes language across the Lee Plan without altering existing modeling requirements.
- Remove references to deleted overlays.

OBJECTIVE 33.2: RESIDENTIAL AND MIXED-USE DEVELOPMENT. ~~Residential development in Southeast Lee County in a land use category other than DR/GR and exceeding 1 unit per 10 acres must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed-Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).~~

- Added language to clarify that residential densities of 1 unit per 10 acres can still be achieved within the DR/GR future land use category.

POLICY 33.2.1: Residential development exceeding 1 unit per 10 acres within the Southeast Lee Community Plan Area must have a future land use designation of Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly or privately owned conservation lands, or strategic infrastructure connections to benefit the county's water and natural resources. Communities approved prior to DATE through a settlement agreement are exempt from this requirement under Lee Plan Chapter 13. Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.

POLICY 33.2.2: The County will create a program to allow a maximum density of 1.15 units per acre for the Conservation Community future land use category in the land development code to offset the costs of improving, preserving, and restoring regional surface and groundwater resources and wildlife habitat for state- and federally listed species.

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POLICY 33.2.3: Density in the Southeast Lee County Community Plan Area may not exceed 1.15 units per acre, regardless of land use category, even when the strategies in the land development code are met.

POLICY 33.2.4: Existing acreage subdivisions, as indicated in the Lee Plan Map 1-D, should be protected from adverse external impacts through appropriate mitigation measures such as, but not limited to, site configuration, setbacks, density distribution, buffers, and/or general design.

- This section is repurposed to reference residential development.

POLICY 33.2.2: Map 2-D identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

- ~~1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR-sending areas within Southeast Lee County as provided in Objective 33.3.~~
 - ~~a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community when TDUs are used.~~
 - ~~b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.~~
 - ~~c. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided it does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 2-D.~~
 - ~~d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.~~
- ~~2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area may sum allowable dwelling units for entire property. The resulting allowable dwelling units may be allocated across the project regardless of the underlying future land use category, provided:~~

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- a. ~~The project is developed as a Planned Development, and~~
 - b. ~~The project maintains 60% open space.~~
3. ~~Central water and wastewater services are required to develop a Mixed-Use Community.~~

~~**POLICY 33.2.3:** Properties within Southeast Lee County that have existing approvals for residential development inconsistent with the current DR/GR or Wetlands density requirements, may have a negative impact on surface and sub-surface water resources, impact habitat, and may encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts, additional densities may be granted if strict criteria improving the adverse impacts are followed.~~

- 1. ~~These properties may be designated on Map 2-D as "Improved Residential Communities," provided they meet all of the following requirements:~~
 - a. ~~Abut lands designated as future urban areas;~~
 - b. ~~Adjacent to and eligible for public water and sewer services;~~
 - c. ~~Can provide two direct accesses to an arterial roadway, and;~~
 - d. ~~Is not already designated on Lee Plan Map 2-D as an Existing Acreage Subdivision or a Mixed-Use Community.~~
- 2. ~~In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:~~
 - a. ~~Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in Southeast Lee County than the existing development approvals.~~
 - b. ~~Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.~~
 - c. ~~Active and passive recreational amenities.~~
 - d. ~~Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following.~~
 - (1) ~~Lower irrigation demand.~~
 - (2) ~~Eliminates private irrigation wells~~
 - (3) ~~Protects Public wells by meeting or exceeding the requirements of the Well-Field Protection Ordinance.~~
 - (4) ~~Uses Florida-Friendly Landscaping with low irrigation requirements in common elements.~~
 - (5) ~~Connects to public water and sewer service, and must connect to reuse water when available.~~
 - (6) ~~Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.~~
 - (7) ~~Designed to accommodate existing or historic flow ways.~~
 - e. ~~Includes an enhanced lake management plan, that addresses at a minimum the following issues:~~
 - (1) ~~Best management practices for fertilizers and pesticides~~
 - (2) ~~Erosion control and bank stabilization~~
 - (3) ~~Lake maintenance requirements~~

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(4) Public well field protection

f. ~~Indigenous Management Plans must address human-wildlife coexistence.~~

3. ~~Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:~~
- ~~a. 2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.~~
 - ~~b. 2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.~~
 - ~~c. 1.5 dwelling units for every additional acre of onsite property put under a conservation easement.~~
 - ~~d. 1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the planned development rezoning process.~~
 - ~~e. 2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.~~
 - ~~f. 2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flow way identified in the Lee Plan.~~
 - ~~g. 1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the County to extinguish density on other Southeast DR/GR parcels.~~
 - ~~h. 1 dwelling unit for every \$8,500 the applicant provides to the County to construct a planned large mammal roadway crossing in the Southeast DR/GR area.~~

~~The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future "Improved Residential Communities" proposed to be added to Map 2-D must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria g. or h. are used to account for the increased density.~~

POLICY 33.2.4: ~~Lands that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These lands, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and commercial uses may be granted if the project is found consistent with and demonstrates through a planned development rezoning the following:~~

1. ~~These lands are within the "Environmental Enhancement and Preservation Communities" Overlay as designated on Map 2-D of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities Overlay must be consistent with the criteria below:~~

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- ~~Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and~~
 - ~~Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the Overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,~~
 - ~~Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.~~
2. ~~The property is rezoned to a planned development that meets the following:~~
- a. ~~Planned development must include a minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following:~~
 - 1. ~~Restore and accommodate existing and historic regional flow ways where they currently or previously existed;~~
 - 2. ~~Restore and accommodate existing and historic groundwater levels;~~
 - 3. ~~Restore and preserve wetlands;~~
 - 4. ~~Restore and preserve indigenous upland habitats;~~
 - 5. ~~Provide critical wildlife connections to adjacent conservation areas; and~~
 - 6. ~~Provide 100-foot buffer along Corkscrew Road East of Alico Road.~~
 - b. ~~Includes an enhanced lake management plan, that:~~
 - 1. ~~Applies best management practices for fertilizers and pesticides;~~
 - 2. ~~Provides erosion control and bank stabilization; and~~
 - 3. ~~Establishes lake maintenance requirements.~~
 - c. ~~Develop a site specific ecological and hydrological restoration plan which includes at a minimum the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long term monitoring and maintenance.~~
 - d. ~~Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres a CDD or a master home owners association must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the planned development, prior to issuance of certificate of compliance (CC) for first local development order.~~
 - e. ~~Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.~~
 - f. ~~Indigenous management plans must address human wildlife coexistence.~~
 - g. ~~Uses Florida Friendly Landscaping with low irrigation requirements in common elements.~~
 - h. ~~The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to discharge of stormwater from the development into the County's MS4 system directly or indirectly.~~

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- ~~i. Irrigation and fertilizers (or other chemicals) for agricultural purposes must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.~~
 - ~~j. Protects public wells through compliance with the requirements of the Well Field Protection Ordinance.~~
 - ~~k. Each planned development within the Overlay will be required to mitigate the traffic impacts of the planned development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code (AC) 13-16. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right-of-way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a planned development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any development order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.~~
 - ~~l. Connect to public water and sewer service. Connect to reuse water if available at time of development order approval.~~
 - ~~m. Obtain written verification as to adequate public services for the planned development, from the sheriff, EMS, fire district, and Lee County School District.~~
 - ~~n. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.~~
- ~~3. In recognition of the preservation, enhancement, and protection of regional flow ways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through planned developments meeting the criteria and requirements outlined above as follows:~~
- ~~a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.~~
 - ~~b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.~~
 - ~~c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.~~
 - ~~d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lakes).~~
 - ~~e. Additional dwelling units may be approved in the planned development by using any combination of the following:~~

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- ~~1) Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 33.3.2.~~
- ~~2) Provide all of the following as part of the planned development for a density increase of up to 15%:
 - ~~i. A minimum of 65% open space, not including previously mined lakes; and~~
 - ~~ii. Significant regional hydrological connections that further Lee County's flood mitigation and flow-way restoration efforts by providing:
 - ~~a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off site flow ways (to be considered site related improvements); and~~
 - ~~b. Enhanced on-site surface water storage and flood attenuation.~~~~~~
- ~~4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:
 - ~~a. The project is a minimum of 2,000 acres;~~
 - ~~b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;~~
 - ~~c. Wetlands may not be impacted by the commercial development area;~~
 - ~~d. The project will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;~~
 - ~~e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on site), or any other use that is not compatible with protecting Southeast Lee County's environment;~~
 - ~~f. Commercial development within the 6 month, 1 year, 5 year, or 10 year travel zones of the Wellfield Protection Ordinance must provide a total of 1½ inches of treatment, ½ inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County's nearest production well(s) and the commercial development; and~~
 - ~~g. The human-wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.~~~~

- Requirements of the overlays will remain requirements of the new Conservation Communities, but will be located in the Land Development Code. See attachment 2.

~~**POLICY 33.2.5:** Commercial uses may only be permitted if incorporated into a Mixed Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.~~

- Removes the commercial cap.

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OBJECTIVE 33.3: ~~SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR)~~LAND CONSERVATION PROGRAMS. To protect water resources and natural habitat of Southeast Lee County, Lee County establishes the Southeast Lee County Transferable Development Rights (TDR) and Flooding Mitigation programs. ~~may incorporate Southeast Lee County's purchase and transfer of development rights programs into the LDC.~~

POLICY 33.3.1 The new programs ~~may~~ create incentives for property owners or developers within Southeast Lee County to transfer development rights associated with their sending parcels to receiving lands outside the planning community, ~~or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2.~~

POLICY 33.3.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
 - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
 - b. Up to two Southeast Lee County TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII.
 - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
 - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
 - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) ~~For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7 in the Priority Restoration Strategy (Map 1-D).~~
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. ~~In Mixed Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.~~
 - ~~b. In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.~~
 - ~~c. In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed-and-breakfast bedrooms.~~
 - ~~d. In Environmental Enhancement and Preservation Properties within the Conservation Community Communities future land use category may redeem identified on Map 2-D,~~

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~~each Southeast Lee County TDU credits may be redeemed for a maximum of one dwelling unit per 10 acres using when the credits are from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using when credits are from wetland sending areas.~~

- ~~eb. No more than 2,000 dwelling units may be placed on receiving parcels within the Southeast Lee County Community Plan Area identified in subsections a. through d. above using the Southeast Lee County TDR program.~~
- ~~fc. Properties outside of the Southeast Lee County Community Plan area with In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed Southeast Lee County TDUs for up to two dwelling units an acre. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.~~

3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.

- Updates the TDU program based on the changes to the overlays.
-

POLICY 33.3.4: Southeast Lee County Flooding Mitigation Lands Program allows developers to purchase property in the Southeast Lee County Community Plan Area identified for strategic county hazard mitigation projects in exchange for development approvals. Purchased property must be approved and dedicated to the county. The Flooding Mitigation Lands Program will be allocated per the following:

1. For projects within the Southeast Lee County Community Plan Area, incentives will be provided per the thresholds described in the LDC.
2. For projects outside of the Southeast Lee County Community Plan Area:
 - a. Additional density may be applied to the receiving site at a rate of 2 units per acre of purchased and transferred land. The maximum density may not exceed the Bonus Density allowances of the land use category.
 - b. Open space at a 1-acre for every 5 acres of purchased and transferred land. No more than 25% of the required open space may be offset by this allowance.

- Adds new land-swap options to assist in County projects for flooding mitigation.

OBJECTIVE 33.4: NONRESIDENTIAL USES. Livability in Southeast Lee County requires the allowance of nonresidential uses ~~in addition to the uses allowed in the DR/GR~~ to provide employment opportunities and reduce the number and duration of vehicle trips. Due to the potential environmental impacts of certain nonresidential uses, limitations are required to protect the County's water resources and safeguard natural resources. Similar to residential development in Southeast Lee County, nonresidential development must create, improve, preserve, and/or restore strategic surface and groundwater resources and indigenous wildlife habitats while balancing the need for commercial, industrial, and office uses to support the existing and anticipated surrounding residential development.

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POLICY 33.4.1: Commercial, light industrial, and office uses within the Southeast Lee County Community Plan Area must have a future land use designation of Preservation and Innovation or Conservation Community and provide hydrological connections to regional watersheds, wildlife habitat connections to publicly- or privately-owned conservation lands, or strategic infrastructure connections to benefit the county's water resources.

POLICY 33.4.2: The County will create LDC requirements for nonresidential uses in the Southeast Lee County Community Plan Area.

POLICY 33.4.3: Nonresidential development in Southeast Lee County must demonstrate compliance with the established LDC requirements through a planned development and development agreement accepted by the County Attorney's Office.

POLICY 33.4.4: To preserve open space and ensure lower-intensity development, nonresidential development in Southeast Lee County may not exceed a Floor Area Ratio of 0.25.

- Adds new nonresidential development section.
- The specific development requirements will be in the Land Development Code. See attachment 2
- Added language to clarify that nonresidential development that is consistent with the DR/GR future land use category, such as aggregate mining, or other uses identified in Policy 2.1.3 may be developed within the DR/GR future land use category.

XII. Property Rights Element

GOAL 165: In accordance with §163.3177(6)(i), Fla. Stat., the following rights will be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale, ~~or~~ gift, or other legal conveyance.

GOAL 166: County-initiated amendments may be made from time to time to update the Lee Plan, Future Land Use Map, or other regulatory documents to further the County's long-term vision for development.

OBJECTIVE 166.1: In certain instances where a county-initiated map or text amendment to the Lee Plan, Land Development Code, or zoning map changes the allowances on a property, the previous density and use allowances may be utilized in lieu of the changes.

POLICY 166.1.1: Properties previously identified as Mixed Use Community and Rural Golf Community in the Southeast Lee County Community Plan area may choose to develop under the regulations in effect prior to DATE by ORDINANCE, including requirements to concentrate development rights through the Southeast Lee County TDU program.

POLICY 166.1.2: Properties in the Southeast Lee County Community Plan Area whose land use was changed from DR/GR to Preservation and Innovation future land use category

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may retain the use and density allowances effective prior to DATE of Ordinance, in lieu of the Preservation and Innovation allowances. However, in no instance shall the density exceed 1 unit per 10 acres.

- Adds language to the Property Rights Element to vest properties whose future land use has changed in these amendments.
 - Added language to Goal 165 following the LPA hearing based on the LPA recommendation.
-

XIV. Glossary

COMMERCIAL DEVELOPMENT -- A use involving, in whole or in part, the sale of merchandise, materials, or services. Commercial development may include retail, wholesaling, personal services, temporary accommodations, recreation, office, or other uses that involve the transfer or sale of goods or services.

MINOR – ~~Commercial development that provides for the sale of convenience goods and services and contains less than 30,000 square feet of gross floor area.~~

NEIGHBORHOOD – ~~Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.~~

COMMUNITY – ~~Commercial development that provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.~~

REGIONAL – ~~Commercial development that provides some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings) and has a gross floor area range of 400,000 to 1 million square feet.~~

DISCOURAGED – To dissuade or attempt to dissuade from doing something, but not to prohibit outright; an unwanted action, not a prohibited one.

ENCOURAGED – A wanted action, but not the only action that may be acceptable.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community, Conservation Community, and Density Reduction/Groundwater Resource.

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Innovation and Preservation, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and the New Community within the Gateway/Airport Planning Community.

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INDUSTRIAL DEVELOPMENT – A business use or activity involving manufacturing, fabrication, assembly, warehousing, and/or storage.

INDUSTRIAL, HEAVY – Manufacturing, resource refinement or extraction, other enterprises with significant external effects, or enterprises that pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. The location of a use does not indicate whether it is considered heavy industrial. Heavy Industrial uses can be inside or outside a building.

INDUSTRIAL, LIGHT – A use that involves the manufacturing, production, processing, fabrication, testing, assembly, treatment, repair, packaging, or warehousing of finished products within a building, without a noticeable amount of noise, dust, odor, smoke, glare, or vibrations.

- Broadens commercial definitions: Expands the definition of commercial development beyond retail while keeping existing size restrictions intact.
 - Formally defines the terms "encourage" and "discourage" to match current practices.
 - Defines industrial use and separates industrial activities into clear "Light" and "Heavy" categories to clarify existing Lee Plan policies.
 - Land Development Code definitions may need future amendments to ensure consistency.
-

ATTACHMENT 1: Proposed Lee Plan Amendments

APPENDIX A: Maps

Map 1-A: Future Land Use Map

- Amend 5 properties from DR/GR and Wetlands to Conservation Community and Wetlands
- Amend 5 properties from DR/GR and Wetlands to Preservation & Innovation and Wetlands
- Amend 2 properties from DR/GR and Wetlands to Outlying Suburban and Wetlands
- Modified Wetland/Tradeport future land use category boundaries for 1 property based on a formal jurisdictional wetlands determination

Map 1-D: Special Treatment Areas

- Remove 'Priority Restoration Strategy Overlay'
- Add Existing Acreage Subdivision (Previously identified on Map 2-A)
- Add Rural Golf Course Community (Previously identified on Map 2-A)

Map 2-A: Community Planning Areas

- Modify the boundary of Southeast Lee County near the northwest and southwest corners of the planning area.

Map 2-D: Southeast DR/GR Residential Overlay

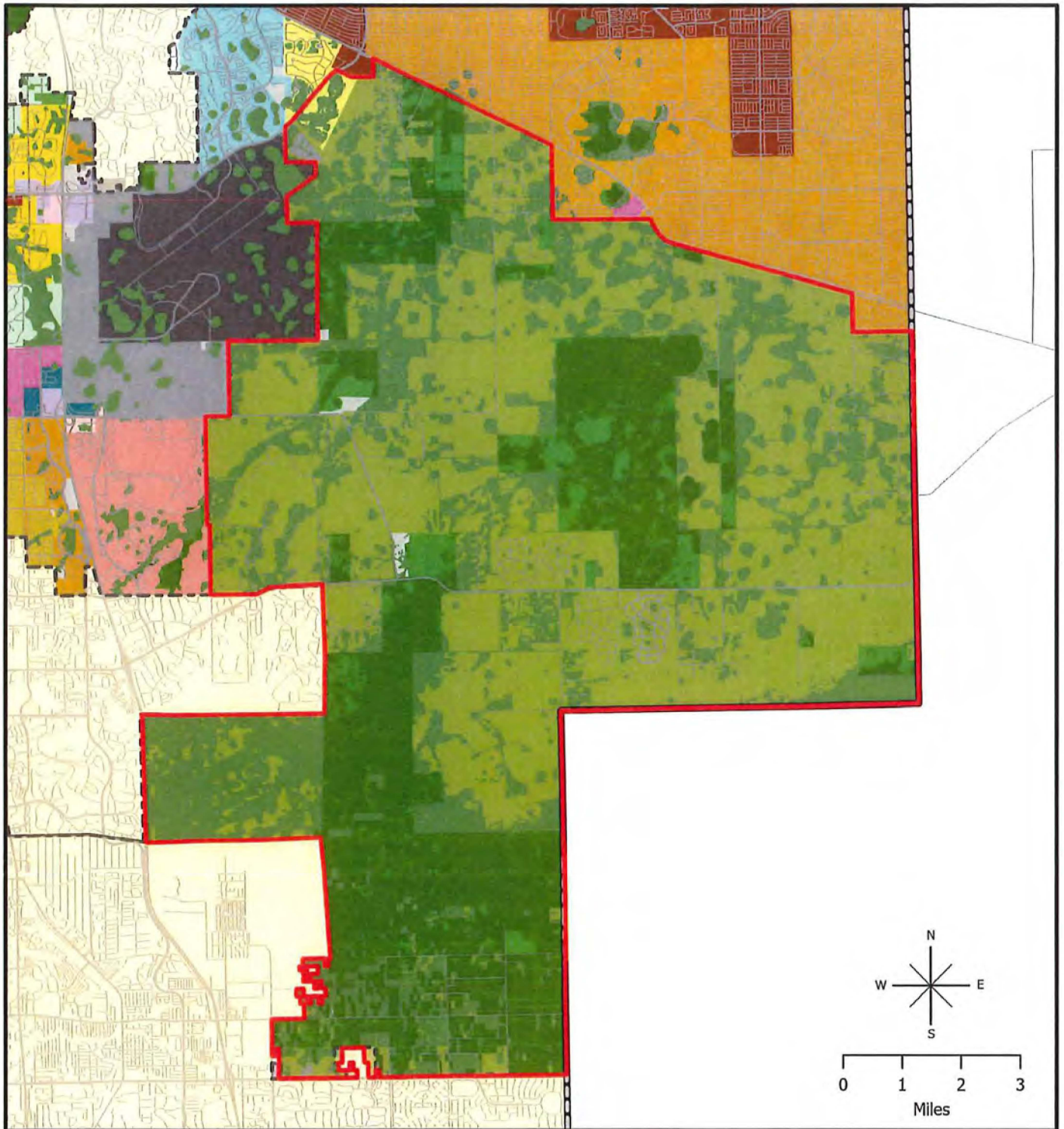
- Relocate Existing Acreage Subdivision to Map 1-D
- Delete Mixed Use Communities
- Relocate Rural Golf Course Community to Map 1-D
- Delete Improved Residential Community
- Delete Environmental Enhancement and Preservation Community Overlay (Properties to be designated as Conservation Community on the Future Land Use Map)
- Delete Map 2-D

Map 4-A:

- Update LCU Future Water Service Areas to include 9 additional properties

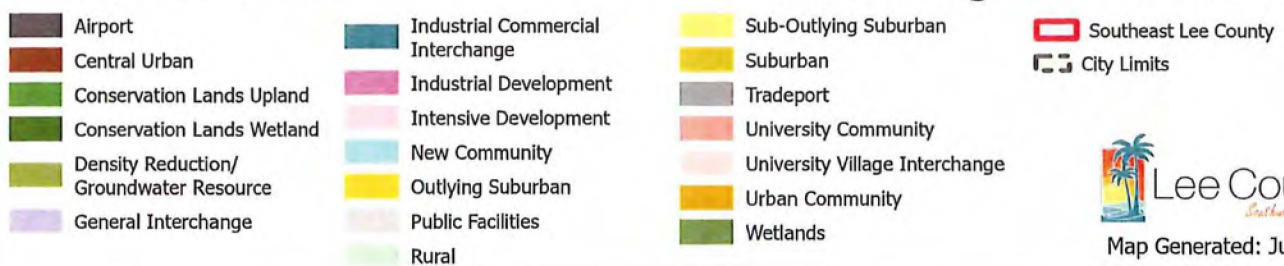
Map 4-B:

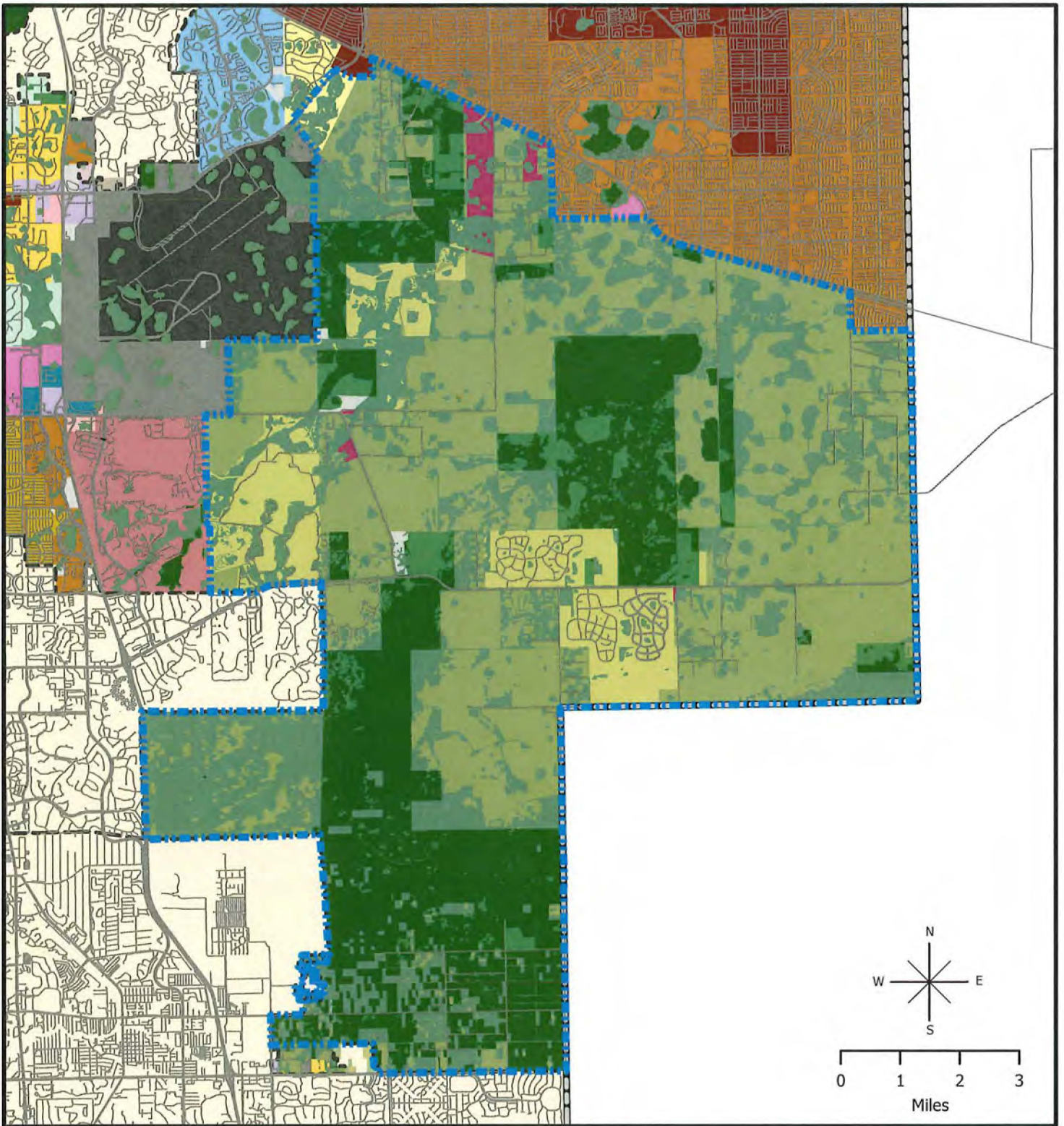
- Update LCU Future Sewer Service Areas to include 11 additional properties



CPA2026-00004

Existing Future Land Use





CPA2026-00004

Proposed Future Land Use

Existing Future Land Use Categories

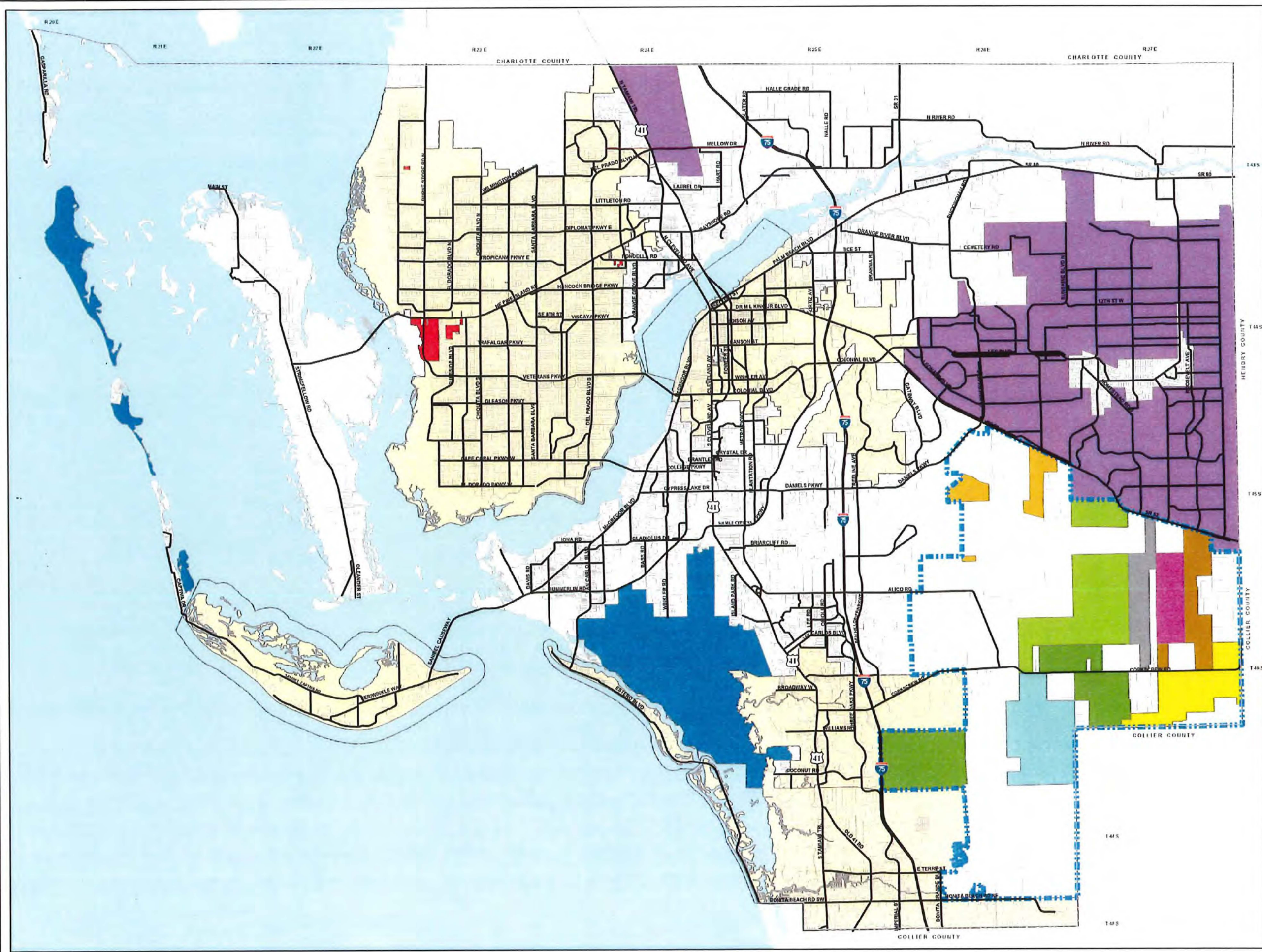
Airport	General Interchange	Outlying Suburban	Tradeport
Central Urban	Industrial Commercial Interchange	Public Facilities	University Community
Conservation Lands Upland	Industrial Development	Rural	University Village Interchange
Conservation Lands Wetland	Intensive Development	Sub-Outlying Suburban	Urban Community
Density Reduction/ Groundwater Resource	New Community	Suburban	Wetlands

Proposed Future Land Use Categories

Preservation and Innovation	Conservation Community	Southeast Lee County	City Limits
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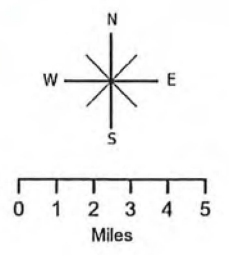
Map Generated: July 2026



SPECIAL TREATMENT AREAS Current

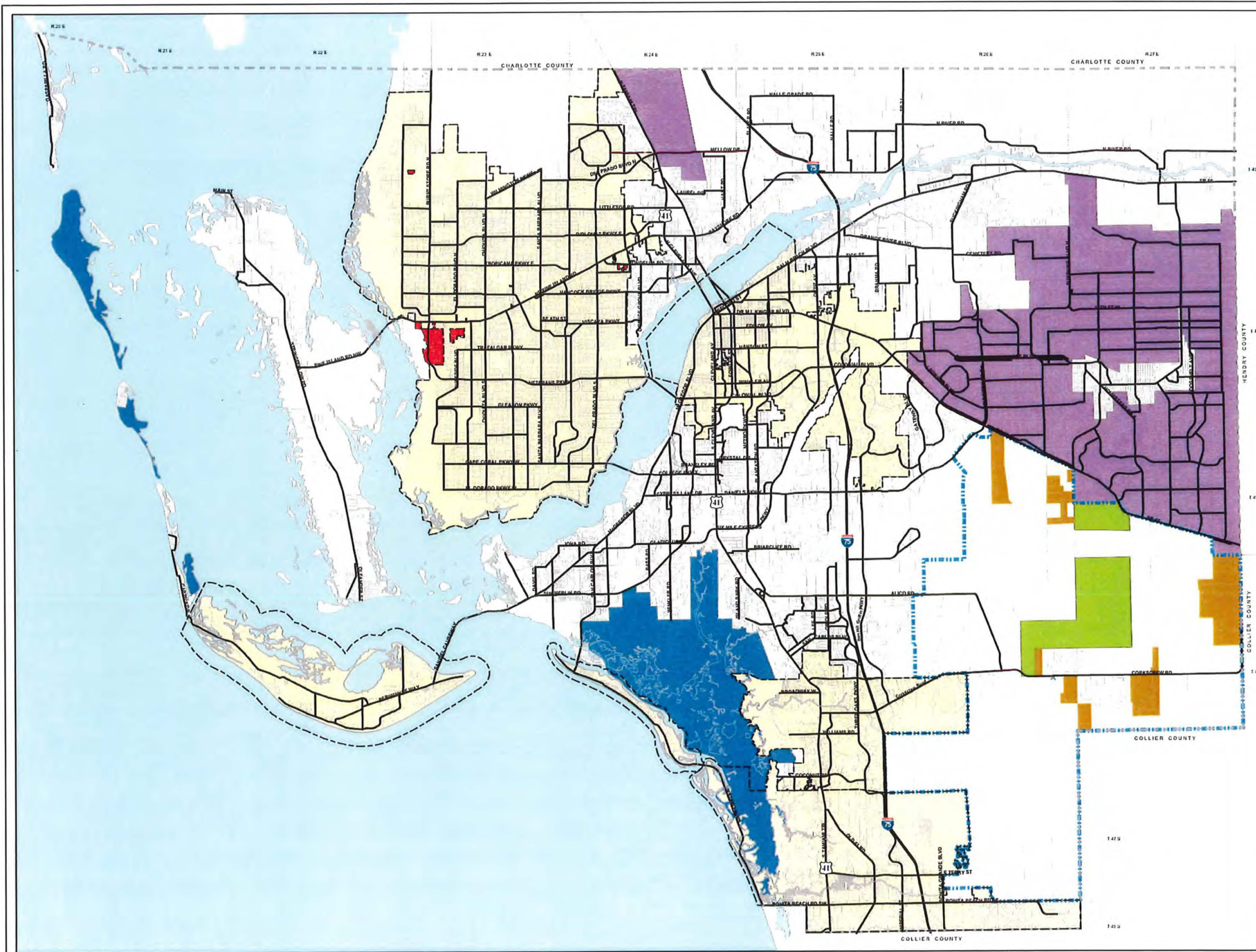
- Urban Reserve
Ord. No. 89-02, 93-25, 18-18
- Privately Funded Infrastructure
Ord. No. 89-02, 93-25, 18-18
- Public Acquisition
Ord. No. 89-02, 93-25, 18-18
- Airport Mitigation Overlay
Ord. No. 04-16, 19-05
See Objective 33.1
- Tier 1 (highest priority)
- Tier 2
- Tier 3
- Tier 4
- Tier 5
- Tier 6
- Tier 7
Ord. No. 10-19
- City Limits
- Southeast Lee County

CPA2026-00004



Map Generated: November 2021
City limits current to date of map generation

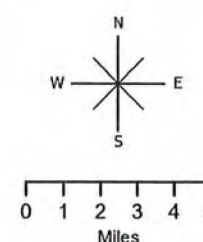
Lee Plan Map 1-D



SPECIAL TREATMENT AREAS PROPOSED

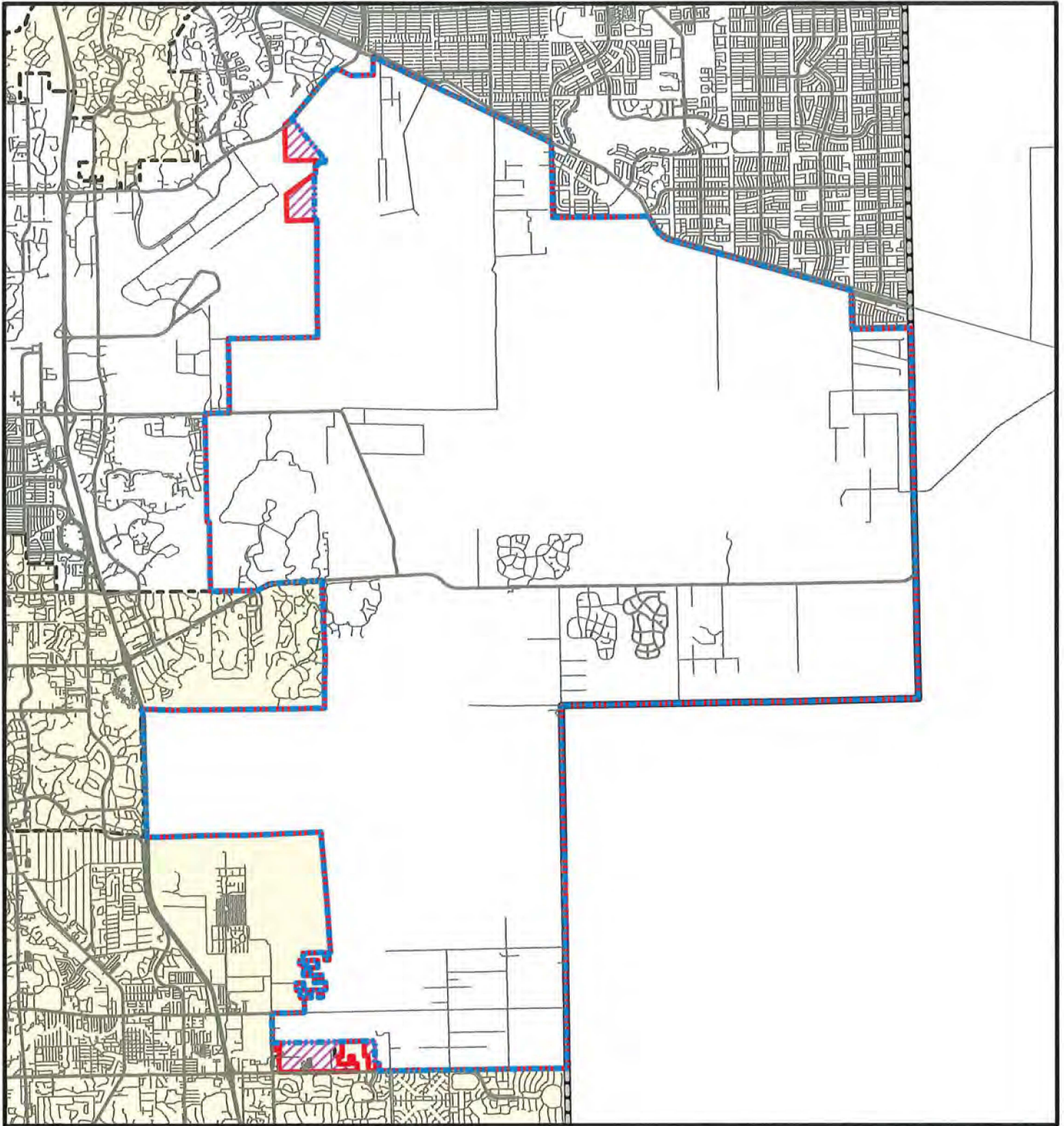
- Urban Reserve
Ord. No. 89-02, 93-25, 18-18
- Privately Funded Infrastructure
Ord. No. 89-02, 93-25, 18-18
- Public Acquisition
Ord. No. 89-02, 93-25, 18-18
- Airport Mitigation Overlay
Ord. No. 04-16, 19-05
- Rural Residential Overlay
- Existing Acreage Subd.
Rural Golf Course Community
Ord. No. 10-19, 10-21, 10-43, 12-24, 14-21, 15-13, 15-14, 17-06, 17-23, 17-24, 19-24
- City Limits
- Southeast Lee County

CPA2026-00004



Map Generated: July 2026
City limits current to date of map generation

Lee Plan Map 1-D



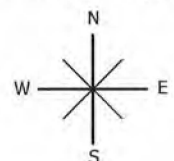
CPA2026-00004

Community Planning Areas

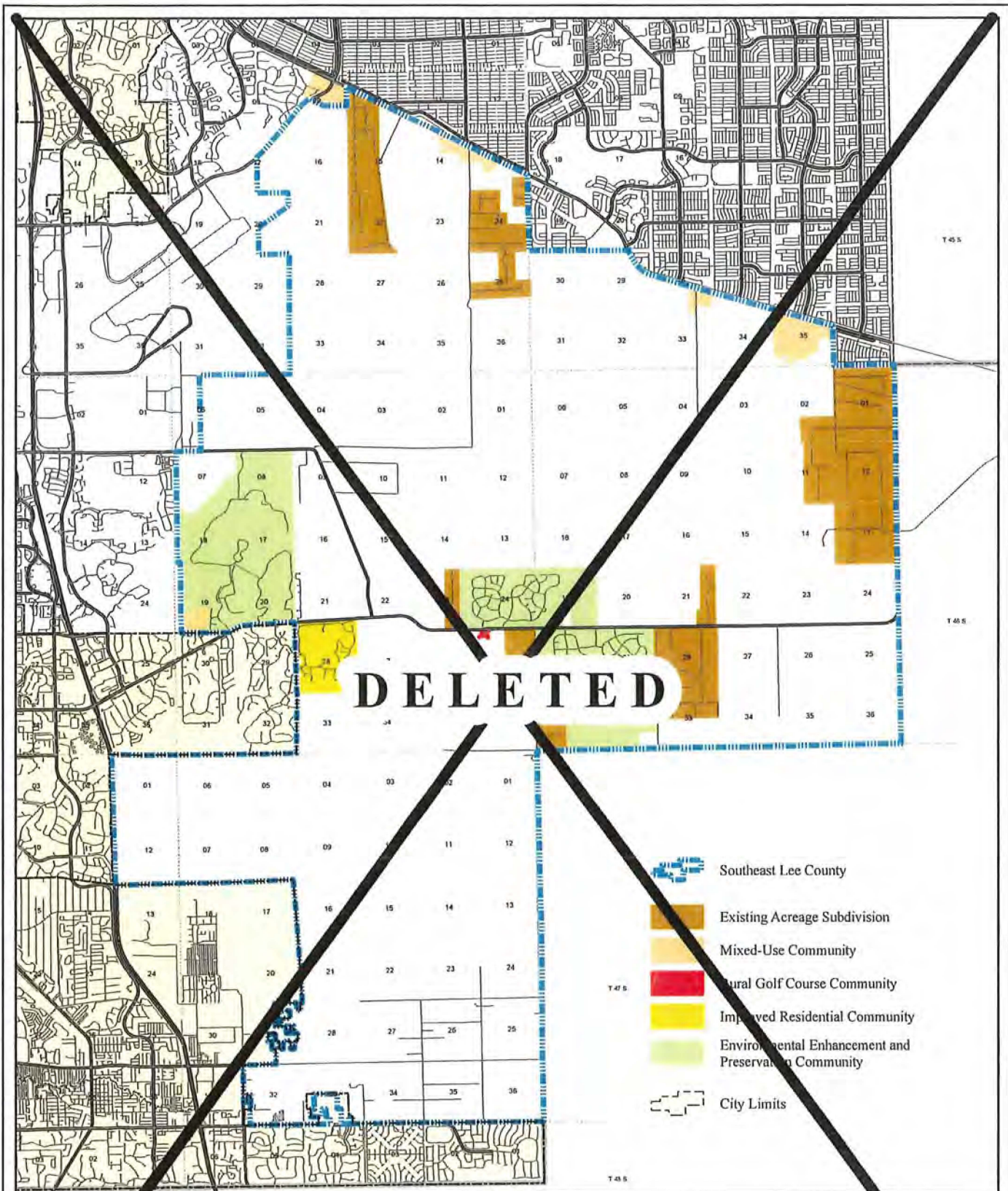


Map Generated: August 2026

- City Limits
- Area to be removed
- Southeast Lee County
- Southeast Lee County

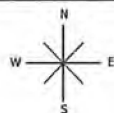


0 1 2 3
Miles



Map Generated: July 2026
City Limits current to date of map generation

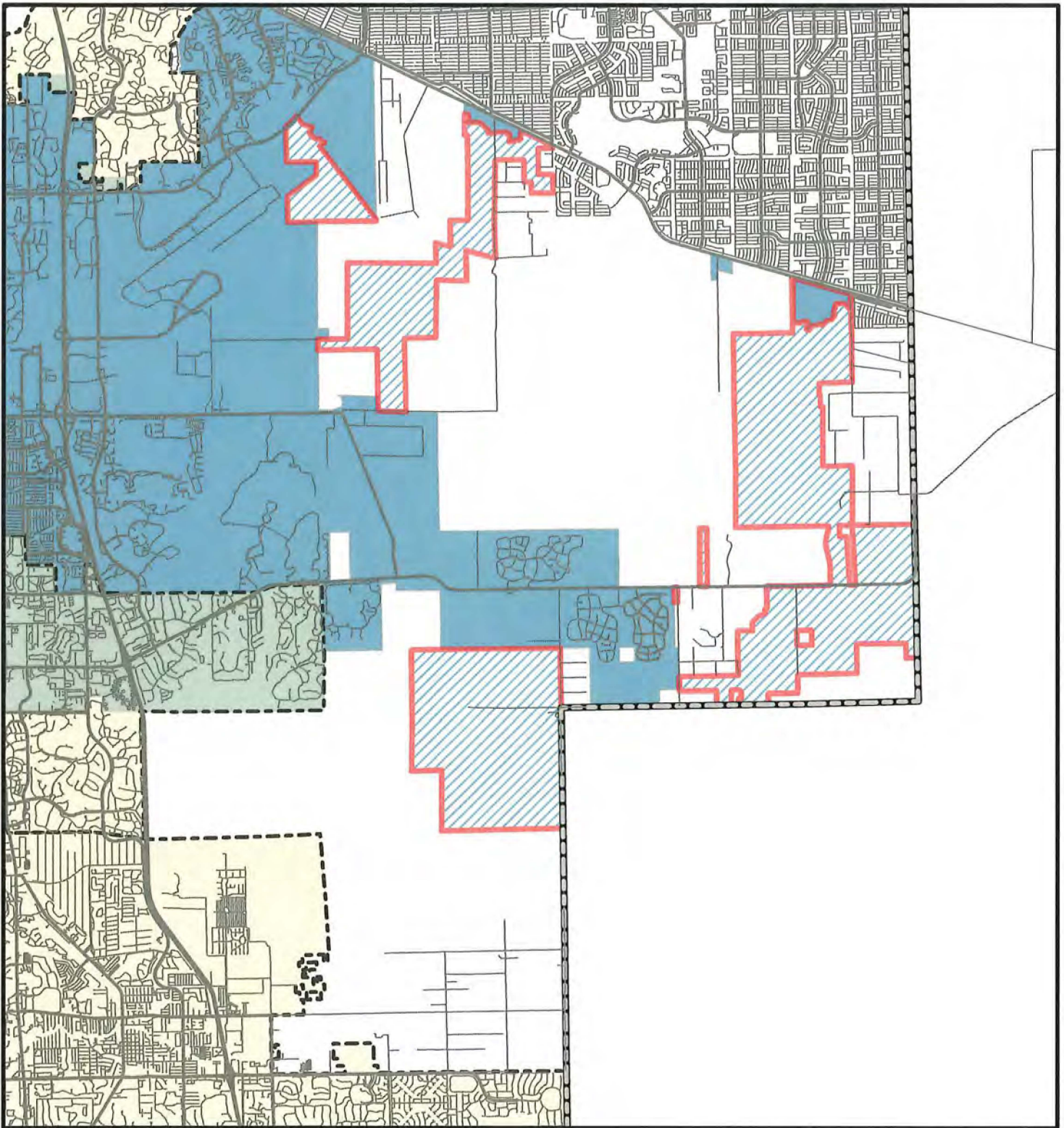
C.D. No. 10-19, 10-21, 10-43, 12-24, 14-21, 15-13, 15-14,
17-06, 17-23, 17-24, 19-24



0 1 2 3 4 5
Miles

SOUTHEAST DR/GR RESIDENTIAL OVERLAY

Lee Plan Map 2-A



CPA2026-00004

Future Water Service Areas



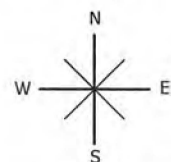
Lee County
Southwest Florida

Map Generated: August 2026

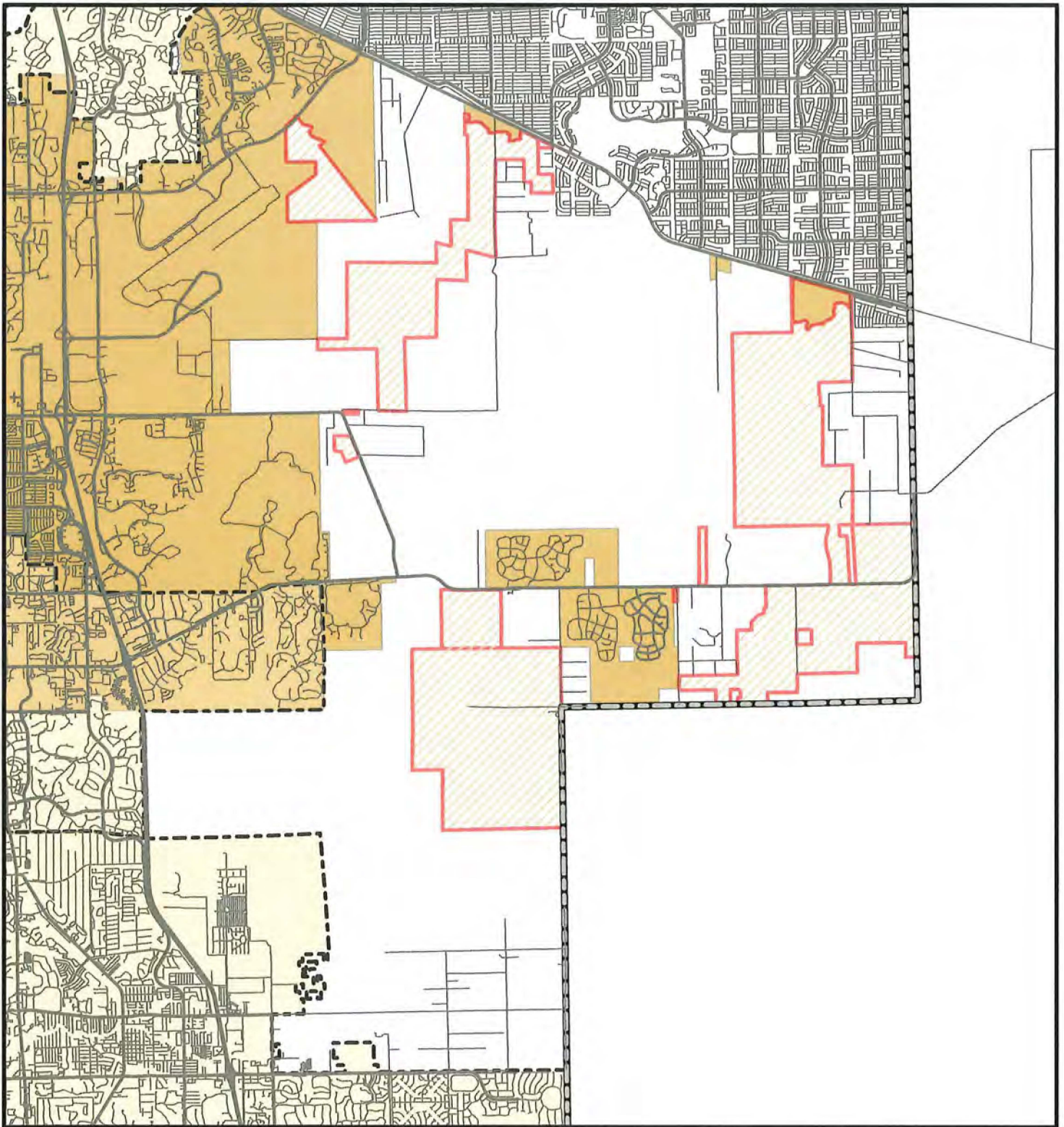
 City Limits

 Proposed Future Water Service Areas

 Existing Future Water Service Areas



0 1 2 3
Miles

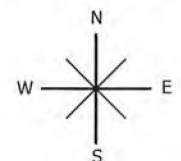


CPA2026-00004

Future Sanitary Sewer Service Areas



-  City Limits
-  Proposed Future Sewer Service Areas
-  Existing Future Sewer Service Areas



0 1 2 3
Miles

Map Generated: August 2026

ATTACHMENT 1: Proposed Lee Plan Amendments

APPENDIX B: Tables

Table 1(a): Summary of Residential Densities

- Add Conservation Community future land use category and corresponding allowable densities.
- Add Preservation and Innovation future land use category and corresponding allowable densities.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
<u>Conservation Community¹³</u>	<u>No Minimum</u>	<u>1.15</u>	<u>No Bonus</u>
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/10 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹See the glossary in Chapter XII for the full definition of “density”.
- ²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in the LDC, Chapter 2.
- ⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 du/acre must “acquire” the density above 3 du/acre utilizing Greater Pine Island TDUs (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.
- ⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷A maximum density of 1 du/5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned developments or development orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- ⁹The overall average density for the University Village sub-district must not exceed 2.5 du/acre.
- ¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- ¹¹The overall number of residential dwelling units is limited to 271 units in the DRMUWD future land use category.
- ¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Map 5-A.
- ¹³~~See Objectives 33.2 and 33.3 for potential density adjustments. The maximum density in the Conservation Community future land use category is 1.15, inclusive of wetlands located within project boundaries (see Policies 1.4.8 and 33.2.2).~~
- ¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- ¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- ¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- ¹⁷The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.
- ¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved (see Policy 1.4.7 and LDC, Chapter 33).
- ¹⁹The maximum density in the New Community future land use category is limited to 1 du/1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

Sec. ##-1750 Applicability

The provisions of this article apply to all development within Southeast Lee County to ensure that development creates, preserves, or restores surface and groundwater resources and other natural systems, consistent with Lee Plan Goal 16.

Sec. ##-1752 Community Meetings

1. *Applications requiring review.* The owner(s), applicant(s), or other registered agent(s) applying for the following application types must hold one (1) public information session in Southeast Lee County. The information sessions may be offered virtually or in person. In-person meetings may be held within a five-mile radius of the subject property or at any location within the Community Plan Area, but must be within Lee County. Virtual meetings must be available to the public, allow public participation, and include a video feed so the public can see the proposed plans. Audio-only virtual meetings are not permitted. This session must be publicly advertised and held before the application is deemed sufficient. Public meetings are required for zoning actions requiring a public hearing.
2. *Meeting requirements.* The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The applicant will determine the meeting location. Meetings may, but are not required to, be conducted before non-County-formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project, including, but not limited to, a proposed site plan, for any interested citizens. After this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

Sec. ##-1753 Deviations and Variances

Deviations and Variances for any of the requirements in this article must meet the County approval criteria for variances set forth in Section 34-145(b). No deviations or variances may be granted to Sec ##-1754.1, Sec ##-1754.2, or Sec ##-1755.

Sec. ##-1754 -- Residential Development.

Residential development exceeding 1 unit per 10 acres in the Conservation Communities future land use category may only be approved when the proposed development meets the requirements of this section and Lee Plan Goal 16. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

1. **Density Incentives.** Density is determined based on the incentives provided in the planned development.
 - a. One (1) dwelling unit per one (1) acre will be approved through the planned development when the proposed development includes seven (7) of the strategies in LDC Sec ##-1755.2, with at least one strategy from each category.
 - b. One (1) unit per two (2) acres shall be approved when the proposed development includes five (5) of the strategies in LDC Sec ##-1755.2, with no more than 2 strategies from any one category.
 - c. One (1) unit per three (3) acres shall be approved when the proposed development includes three (3) of the strategies in LDC Sec ##-1755.2, with strategies from at least 2 categories.
 - d. Additional dwelling units may be approved in the planned development by using any combination of the following:
 - i. Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 16.3.2.
 - ii. Provide all of the following as part of the planned development for a density increase of 5% per strategy, except when noted otherwise, for a maximum increase of up to 15%:
 1. A minimum of 65% open space, not including previously mined lakes or existing conservation easements; and
 2. Additional strategies from subsection 2, below.
 3. Two (2) dwelling units for every acre of offsite property identified in Lee Plan Map 1-D, acquired for Lee County Natural Resources water quality or flood mitigation projects.
2. **Improvement Categories and Mitigation Strategies:**
 - a. Flooding Mitigation and Aquifer Recharge:
 - i. Create, preserve, or restore flowways to reduce flooding and increase water recharge in the area. Such flowway projects that offer regional benefits may be completed off-site with approval from Lee County's Department of Natural Resources. A flowway is a broad, shallow, and slow-moving sheet flow of water. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.
 - ii. A stormwater management system designed to accommodate a 100-year, 72-hour storm event.
 - b. Minimize the Need for Irrigation:
 - i. Landscaping utilizes drip irrigation and 100% drought-tolerant native plantings throughout the development and limits the use of turfgrass within all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

- ii. Centralized irrigation system that meets the Water Conservation Ordinance and prohibits the construction of individual irrigation wells on residential lots. The development's irrigation must utilize stormwater ponds and, if necessary, be resupplied from an alternative aquifer or a blend of multiple aquifers to reduce demand on aquifers used by adjacent County or private wells.
 - iii. Extend, connect to, and utilize reuse water for 100% of the development's irrigation needs.
 - c. Wildlife:
 - i. Create, preserve, or restore wildlife connections to adjacent conservation areas.
 - ii. Provided wildlife connection(s) must be a minimum of 300 feet wide and designed to allow mammals to traverse the project property and connect to adjacent conservation areas.
 - iii. Create designated mammal crossings for roadways to promote the movement of wildlife within and through the development. Crossing designs should include exclusion and wing/funnel fencing designed for the target species, including below-ground apron fencing for burrowing species, and long enough to prevent wildlife from bypassing the crossing.
 - iv. Create, preserve, or restore habitat with plant species that support foraging within primary and secondary panther habitat.
 - d. Wetlands and Native Habitat:
 - i. All wetlands are preserved and restored.
 - ii. Create, preserve, or restore upland habitat. Upland habitat must comprise a minimum of 40% of the required open space and have an average minimum width of 40 feet.
 - e. Wildfire Prevention:
 - i. Create a wildfire prevention plan per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.
 - ii. Bury all utilities to prevent potential arcing or sparking
- 3. **Planned Development Requirements.** Properties within the Conservation Communities Future Land Use Category must be rezoned to a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.
 - a. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
 - b. A minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following, when applicable:
 - i. Restore and accommodate existing and historic regional flowways where they currently or previously existed;
 - ii. Restore and accommodate existing and historic groundwater levels;
 - iii. Restore and preserve wetlands;
 - iv. Restore and preserve indigenous upland habitats;

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

- v. Provide critical wildlife connections to adjacent conservation areas; and
- vi. Provide a 100-foot buffer along Corkscrew Road.
- c. Includes an enhanced lake management plan that:
 - i. Applies best management practices for fertilizers and pesticides;
 - ii. Provides erosion control and bank stabilization; and
 - iii. Establishes lake maintenance requirements.
- d. A site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long-term monitoring and maintenance.
- e. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity.
- f. Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes or existing conservation easements to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third-party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from the first development order approval. For sites with previously approved mines, the existing recorded conservation easements may not contribute more than 25% of the required minimum.
- g. Indigenous management plans must address human-wildlife coexistence.
- h. Uses Florida-Friendly Landscaping with low irrigation requirements in common elements. The Development Order must demonstrate that all landscaping uses drip irrigation, features drought-tolerant native plants, and limits turfgrass in all common areas to no more than 30%. Drip irrigation must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.
- i. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- j. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), the applicable fire district, and Lee County Schools regarding the availability of sufficient public services for the proposed development.
- k. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.

Sec. ##-1755 Nonresidential Development

Nonresidential development in the **Preservation and Innovation** and **Conservation Community** land use categories may only be approved when the proposed development meets the requirements of this section and Lee Plan Goal 16. The County may require a Development Agreement or other legally binding agreement, approved by the County Attorney's Office, to ensure the long-term maintenance, timing, or other factors related to the construction or function of these developments.

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

1. **Planned Development Requirements.** Non-residential uses may be permitted in Southeast Lee County through a planned development that includes the following, in addition to any requirements set forth in LDC Chapter 34, Article IV.
 - a. Connections to public water and sewer services. Development must also connect to public reuse infrastructure if available at the time of the development order.
 - b. Demonstrates through data and analysis that the planned development will not result in significant detrimental impacts on present or future water resources. Proposed uses may not pollute, degrade, or overconsume surface and groundwater resources, or engage in any other activity that Lee County's Department of Natural Resources determines to be incompatible with protecting Southeast Lee County's environment. Overconsumption is defined as water use exceeding 1.2 million gallons per acre per year, based on the developable area.
 - c. Nonresidential development within the 6-month, 1-year, 5-year, or 10-year travel zones as defined in the Wellfield Protection Ordinance must:
 - i. Meet or exceed SFWMD's nutrient removal standards for Outstanding Florida Waters (OFW).
 - ii. Conform to the most restrictive wellfield protection zone found on-site.
 - iii. Provide monitoring well(s) located between Lee County's nearest production well(s) and the nonresidential development.
 - d. Provides a minimum of 40% open space, which may consist of buffers, wetlands, indigenous uplands, and wildlife crossings. Stormwater systems may contribute up to 25% of the open space requirement. A project may provide off-site mitigation by acquiring and transferring to Lee County Natural Resources property acceptable to the county, specifically properties depicted on Map 1-D, for an open space credit of up to 25%.
 - e. Properties along Corkscrew Road must provide a 100-foot-wide buffer along the Corkscrew Road right-of-way.
 - f. Develop a site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water narrative, replanting plan, habitat restoration plan, success criteria, and a mechanism for long-term monitoring and maintenance.
 - g. Develop an indigenous management plan addressing human-wildlife coexistence, including, but not limited to, wildlife-resistant refuse containers, wildlife corridor management, and native habitat restoration.
 - h. All connected wetlands and regional historic flowways must be restored or preserved. The flowway must distribute water across a broad front, allowing water to move naturally across the landscape while filtering nutrients and supporting native ecosystems.
 - i. Internal landscaping and buffers must create or restore indigenous upland habitat as part of the required open space.
 - j. Landscaping must utilize drip irrigation, use drought-tolerant native plants, and limit the use of turfgrass within all common areas to no more than 30%. Drip irrigation

ATTACHMENT 2: DRAFT LDC Amendments for Southeast Lee County

must have a minimum application efficiency of 95%, a distribution uniformity of 90%, and utilize sustainable management practices.

- k. Stormwater management system must be designed for a 100-year, 72-hour storm event and include an enhanced lake management plan that establishes surface and groundwater monitoring and maintenance plans, applies best management practices for fertilizers and pesticides, and provides erosion control and bank stabilization.
- l. All electrical utilities within the site must be buried within dedicated public utility easements.
- m. Development along SR 82 and the Alico Extension must demonstrate safe pedestrian connectivity across the right-of-way within the extended pedestrian shed from the site.
- n. Internal circulation and a proportionate fair share of the required transportation network improvements in accordance with Administrative Code (AC) 13-16.
- o. Obtain written confirmation from the Lee County Sheriff's Office, Public Safety (EMS), and the applicable fire district regarding the availability of sufficient public services for the proposed development.
- p. Create a wildfire prevention plan per the Public Safety requirements, including but not limited to access points for wildfire response, prescribed burn schedule, or separation measures for spread mitigation.

Sec. 34-2175. Height limitations for special areas and Lee Plan land use categories.

The following areas have special maximum height limitations applicable to all conventional and planned development districts:

- (a) *no proposed changes*
- (b) *Lee Plan land use categories.* Except as otherwise provided herein, maximum building height is established by future land use category as follows:

TABLE 34-2175(b) MAXIMUM BUILDING HEIGHT BY FUTURE LAND USE CATEGORY		
Future Land Use Category	Notes	Maximum Building Height
Destination Resort Mixed Use Water Dependent		Per Lee Plan
Intensive Development		135 feet
Central Urban		
Urban Community		95 feet
Airport Lands	Note (1)	45 feet
Tradeport	Note (1)	
University Community	Note (1)	
University Village Interchange	Note (1)	
Commercial		75 feet
General Commercial Interchange		
General Interchange		
Industrial Commercial Interchange		

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Industrial Development		45 feet
Industrial Interchange		
<u>Conservation Community</u>	<u>Note (1)</u>	
Density Reduction/Groundwater Resource		
Open Lands		
Outer Islands		
Outlying Suburban	Note (2)	
<u>Preservation and Innovation</u>	<u>Note (2)</u>	
Public Facilities		
Rural	Note (2)	
Rural Community Preserve		
Sub-outlying Suburban	Note (2)	
Suburban	Note (2)	
Notes: (1) With the consent of the Lee County Port Authority, the Board of County Commissioners may approve building heights up to 95 feet. (2) Buildings may be as tall as 75 feet when the applicant demonstrates through a zoning action that the additional height is required to preserve environmentally sensitive land, secure areas of native vegetation and wildlife habitat, or preserve historical, archaeological or scenic resources.		