

1. ACTION REQUESTED/PURPOSE: Conduct first public hearing regarding an ordinance amending Lee County Land Development Code (LDC) Chapter 34 (§ 34-934) to provide additional permitted uses within the Airport Operations Plan Development (AOPD) District; Direct the proposed ordinance to a second public hearing on May 24, 2005 at 5:05 p.m. in the Commission Chambers.

2. WHAT ACTION ACCOMPLISHES: Amends the LDC to provide additional development opportunities on Airport property consistent with the recent Lee Plan amendment and Airport Master Plan Update.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

5:05 #2

5. Meeting Date:

05-10-2005

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 125.66
- Ordinance
- Admin. Code
- Other

8. Request Initiated:

Commissioner _____
 Department County Attorney
 Division _____
 By: Dawn E. Perry-Lehnert
 Dawn E. Perry-Lehnert
 Assistant County Attorney

9. Background: The Lee Plan was recently amended to incorporate the Southwest Florida International Airport Master Plan into the Transportation Element. A codification of the Lee Plan provisions applicable to the Airport, including the Airport Layout Plan (Map 3F) and the Airport Development Summary (Table 5), is attached for reference.

The purpose of the proposed amendment is to include the additional uses in the AOPD zoning district contemplated by the recent Lee Plan Amendment. This plan amendment expanded the types of uses permitted to encompass a number of uses appropriate for non-aviation development on Airport Lands. Accordingly, the Lee Plan envisions development within the non-aviation areas that is to some degree dependent on Airport transportation to achieve success and economic viability.

(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<u>Smith</u>	Analyst	Risk	Grants	Mgr.	
				<u>Gene</u>	<u>RK 4/27</u>	<u>58 4/27 01</u>	<u>4/27/05</u>	<u>4/27/05</u>	<u>WBC</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 214
 4-27-05 MP
 8:30 am
 COUNTY ADMIN FORWARDED TO: 11
 4-25-05
 3pm

Blue Sheet #: 20050582
Page #: 2
Subject: AOPD LDC Amendment

The proposed amendment was considered by EROC on March 9, 2005. EROC sent the proposed regulations forward "to support the Airport".

LDCAC considered the proposed amendment on March 11, 2005 and agreed with the County staff's position, with one exception. LDCAC believes that golf courses would be appropriate at this location.

The proposed amendment was considered by the Local Planning Agency (LPA) on April 25, 2005. LPA found the amendments, as set forth in the attached proposed ordinance, consistent with the Lee Plan.

County staff recommends amending the LDC in accord with the proposed ordinance in order to provide viable opportunities for non-aviation development on Airport Lands, in accord with the Lee Plan.

Attachments:

1. Draft Ordinance.
2. Codification of Lee Plan provisions pertaining to the airport development.
3. FAIS Form

cc: Mary Gibbs, Director, DCD
Emily Underhill, Lee County Port Authority
William Horner, Lee County Port Authority
Bryan Kelner, Principal Planner, DCD
Nettie Richardson, Senior Planner, DCD
Matt Noble, DCD/Planning
Jeffrey Breeden, Reynolds, Smith and Hills, Inc.

ORDINANCE NO. 05-__

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE CHAPTER 34, ARTICLE VI, DIVISION 9, PERTAINING TO THE AIRPORT OPERATIONS PLANNED DEVELOPMENT (AOPD) DISTRICT (§34-934) TO ADD ADDITIONAL USES THAT MAY BE CONDUCTED ON PROPERTY DESIGNATED FOR PUBLIC AIRPORT DEVELOPMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 125.01(1)(h) authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code, which contains regulations applicable to the development of land in Lee County; and

WHEREAS, Goal 24 of the Lee County Comprehensive Land Use Plan (Lee Plan) mandates that the county maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts, yet function in a streamlined manner; and

WHEREAS, Lee Plan Policies 14.5.3, 24.1.9, 52.1.1 and 110.6.2 require county staff and private citizen committees to review existing development regulations to determine whether the regulations can be further fine tuned and streamlined in order meet the goals, objectives and policies of the Lee Plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida has adopted a comprehensive Land Development Code; and

WHEREAS, development of public airports, such as Page Field and Southwest Florida International Airport, must comply with the regulations set forth in the Land Development Code; and

WHEREAS, the Board adopted an amendment in September 2004 that serves to integrate the Southwest Florida International Airport Master Plan into the transportation element of the Lee County Comprehensive Plan; and

WHEREAS, the Southwest Florida International Airport is located in the Airport Lands land use category; and

WHEREAS, most of the Lee Plan provisions applicable to development within the Airport Lands category are found in Goal 32, Objectives 1.2 and 108.4 and the related polices, as well as Map 3F and Table 5; and

WHEREAS, the Land Development Code Advisory Committee has reviewed the proposed amendments to the Code and recommended approval; and

WHEREAS, the Executive Regulatory Oversight Committee reviewed the proposed amendments and expressed a desire to support the Port Authority's plans for development; and

WHEREAS, the Local Planning Agency reviewed the proposed amendments on April 25, 2005, and found them consistent with the Lee Plan provisions identified above.

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

SECTION ONE: AMENDMENT TO LDC CHAPTER 34

Lee County Land Development Code Chapter 34 is amended as follows with deleted text identified by strike through and new text identified by underlining.

Chapter 34

ZONING

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 9. PLANNED DEVELOPMENT DISTRICTS

Sec. 34-934. Use regulations table.

Use regulations for planned development districts are as follows:

[Note: For ease of review, only those uses and notes pertaining to the AOPD district have been reproduced here.]

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes and Regulations	AOPD
Accessory uses and structures	Note(1), 23-1171 et.seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P
Administrative offices	Note (1)	P
Aircraft landing facilities, private	34-1231 et seq.	P
Airport operations facilities		P
Animals: Clinic or kennel Control center (including Humane Society) Keeping and breeding of Class I or II animals (df)	34-1321 et seq. Class 34-1291 et seq.	<u>P</u>
ATM (automatic teller machine)		P
Automobile service station		P
Banks and financial establishments (34-622(c)(3)): Group I Group II		P P
Bar or cocktail lounge	34-1261 et seq.	P (18)
Business services (34-622(c)(5)): Group I Group II		P P
Bus station/depot	34-1381 et. seq.	P
Car wash		P
Cleaning and maintenance services (34-622(c)(7))		P
Cold storage, pre-cooling, warehouse and processing plant		P
Communication facility, wireless	34, 1441 et seq. Note (22)	Refer to 34-1441 et seq. for regulations
Computer and data processing services		P
Consumption on premises	34-1261 et seq.	P (18)

Contractors and builders (34-622(c)(9)), all groups	34-1352, 34-3001 et seq.	-- <u>P</u>
Convenience food and beverage store		-- <u>P</u>
Department store		--
Drive-through facility for any permitted use		-- <u>P</u>
Drugstore, pharmacy		-- <u>P</u>
Entrance gates and gatehouse	34-1741 et seq.	P
Emergency operations center		-- <u>P</u>
EMS, fire or sheriff's station		P
Essential services	Note(1) 34-1611 et seq., 34-1741 et seq.	P
Essential services facilities (34-622(c)(13)): Group I	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	P(13)
Group II	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	P(13)
Group III	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	--
Excavation: Mining	34-1651, 34-1671 et seq.	--
Water retention	34-1651	P
Oil or gas	34-1651	--
Fences, walls	Note (1), 34-1741 et seq.	P
Food and beverage services, limited	Note (1)	-- <u>P (18)</u>
Food stores (34-622(c)(16)): Group I		--
Group II		--
Freight and cargo handling establishments (34-622(c)(17)):		P(12)
Gasoline dispensing system, special		P
Gift and souvenir shop		-- <u>P(18)</u>
Golf course		--

Golf driving range		--
Government maintenance facility		P
Health care facilities (34-622(c)(20)):		
Group I	Note (28)	--
Group II	Note (28)	--
Group III		P
Group IV	Note (28)	--
Heliport or helistop		P
Hobby, toy and game shops (34-622(c)(21))		-- <u>P(18)</u>
Hotel/motel		-- <u>P</u>
Household and office furnishings (34-622(c)(22)), all groups		--
Insurance companies (34-622(c)(23))		-- <u>P</u>
Laundry or dry cleaning (34-622(c)(24)):		
Group I		-- <u>P</u>
Group II		-- <u>P</u>

Manufacturing of:		
Apparel products (34-622(c)(1))	Note(5)	-- P
Chemical and allied products (34-622(c)(6))		
Group I	Note (5)	-- P
Group II	Note (5)	-- P
Electrical machinery and equipment (34-622(c)(11))	Note (5)	-- P
Fabricated metal products (34-622(c)(14))		
Group I	Note (5)	-- P
Group II	Note (5)	-- P
Group III	Note (5)	--
Food and kindred products (34-622(c)(15))		
Group I	Note (5)	--
Group II	Note (5)	--
Group III	Note (5)	-- P
Furniture and fixtures (34-622(c)(18))	Note (5)	-- P
Leather products (34-622(c)(25))		
Group I	Note (5)	--
Group II	Note (5)	-- P
Lumber and wood products (34-622(c)(26))		
Groups I, III, IV, V, VI	Note (5)	--
Group II	Note (5)	-- P
Machinery (34-622(c)(27)), all groups	Note (5)	-- P
Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	-- P
Novelties, jewelry, toys and signs (34-622(c)(29), all groups	Note (5)	-- P
Paper and allied products (34-622(c)(31))		
Group I	Note (5)	--
Group II	Note (5)	-- P
Group III	Note (5)	-- P
Rubber and plastic products (34-622(c)(44))		
Group I	Note (5)	--
Group II	Note (5)	-- P
Stone, clay, glass and concrete products (34-622(c)(48))		
Group I	Note (5)	-- P
Group II	Note (5)	--
Group III	Note (5)	--
Group IV	Note (5)	--
Transportation equipment (34-622(c)(52))		
Group I	Note (5)	P
Group II	Note (5)	--

Medical office		-- <u>P</u>
Mini-warehouse		-- <u>P</u>
Nightclubs	34-1261 et. seq.	P (18)
Nonstore retailers (34-622(c)(30)) all groups		-- <u>P</u>
Parcel and express services		-- <u>P</u>
Parks (34-622(c)(32)): Group I Group II		P --
Parking lot: Accessory Commercial Garage, public parking Temporary	34-2022	P -- -- <u>P</u> P
Personal services (34-622(c)(33)): Group I Group II Group III Group IV	34-3021	P(18) -- -- --
Pharmacy		-- <u>P</u>
Place of worship	Note (28), 34-2051 et seq.,	P
Post office		-- <u>P</u>
Processing and warehousing		P
Recreation facilities Commercial (34-622(c)(38)) Group I Group II Group III Group IV Personal Private-onsite Private off-site	Note (1) Note (1) Note (3)	-- <u>P(18)</u> -- -- <u>P(18)</u> -- -- -- --
Rental or leasing establishment (34-622(c)(29)): Group I Group II Group III Group IV	34-1352, 34-3001 et seq. 34-1201 et seq., 34-1352 34-1352, 34-3001 et seq. 34-1201 et seq., 34-1352, 34- 3001 et seq.	 P P

Research and development laboratories (34-622(c)(41)): Group I Group II Group III Group IV		-- <u>P</u> -- P
Restaurant, fast food		P(18)
Restaurants (34-622(c)(43)) Groups I and II Group III Group IV		P P --
Retail and wholesales, when clearly incidental and subordinate to a permitted principal use on the same premises		-- <u>P</u>
Schools: Commercial (34-622(c)(45)) Noncommercial	34-2381 Note (28), 34-2381	<u>P(38)</u> --
Self service fuel pumps	Note (24)	-- <u>P</u>
Signs in accordance with chapter 30	Note (1)	P
Specialty retail shops (34-622(c)(47)) Group I Group II Group III Group IV		P(18) P(18) -- --
Storage: Indoor only Storage, open Large-scale storage of noxious or hazardous material (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (1) 34-3001 et seq., Note (5), 34-3001 et seq. Note (5), 34-3001 et seq.	P P P(16)
Transportation services (34-622(c)(53)): Group I Group II Group III Group IV		-- P P -- <u>P</u>
Truck stop, trucking terminal		-- <u>P</u>

Vehicle and equipment dealers (34-622(c)(55)): Groups I, II and III Group IV Group V	34-1352 34-1352 34-1352	-- -- P(25)
Warehouse: Mini-warehouse Private Public Cold storage only		-- P P P P

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (3) If not shown on the aster concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the director's discretion, or as a planned development amendment after approval of the aster concept plan.
- (5) If the use or activity does not conform to the criteria set forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
- (12) Serving air transportation or improving intermodal capabilities.
- (13) Permitted only where clearly related to highway interchange, airports, sea or river ports, or wholesale marts.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (18) Permitted only when contained within the principle airport terminal facility.
- (22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441 et seq.
- (24) Two pumps are permissible as an accessory use to business to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (25) For aircraft sales only.
- (28) Not permitted in Airport Noise Zone 3.
- (38) Aviation related school only.
- (39) Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.

[Balance of table and notes remains unchanged.]

SECTION TWO: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION THREE: SEVERABILITY

It is the Board of County Commissioner’s intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

SECTION FOUR: CODIFICATION AND SCRIVENER’S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word “ordinance” can be changed to “section”, “article” or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Administrator, County Manager or his designee, without the need for a public hearing.

SECTION FIVE: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the application for such project is complete and found sufficient before the effective date hereof.

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

ROBERT P. JANES
DOUGLAS ST. CERNY
RAY JUDAH
TAMMY HALL
JOHN E. ALBION

DULY PASSED AND ADOPTED THIS day of _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Dawn E. Perry-Lehnert
Office of County Attorney

VISION STATEMENT:

10. Gateway/Airport - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport Density Reduction/Groundwater Resource (primarily the anticipated airport expansion areas), Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, mixed-use community in 2020. The population of this community is anticipated to grow from 1,500 permanent residents in 1996 to approximately 8,000 in 2020 and is expected to have fewer than 1,000 units remaining to be built in the year 2020. The Gateway/Airport community will continue to have an average seasonal resident influx for the Lee County area with an expected 2020 functional population of 10,000.

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by 2020. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest Florida International Airport Proposed Development Schedule (Table 5) and all other Lee Plan provisions.

The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses.

FUTURE LAND USE ELEMENT:

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2020. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.

POLICY 1.2.1: Airport lands include the Southwest Florida International Airport's existing facility and projected growth areas through the year 2020. These areas will include airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

All development on Airport lands must be consistent with Map 3F and Table 5. Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020. If the airport master planning process precipitates a substantive change to the Airport Layout Plan (Map 3F), then the Port Authority must amend Map 3F prior to obtaining local development approval.

The non-aviation related development areas have been depicted on the approved Airport Layout Plan sheet (Map 3F). These uses will be constructed upon Airport lands with long term leases. All development within the non-aviation land use areas will be subject to mitigation requirements for

wetland impacts. Mitigation of wetland impacts will be in accordance with the U.S. Army Corps of Engineers and South Florida Water Management District requirements. To the greatest extent reasonably possible, development of non-aviation land use areas must avoid wetland impacts. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Lee County Land Development Code.

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east 1/2 of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area.

POLICY 1.2.3: Airport Noise Zones are subject to varying levels of airport-related noise; see Policy 1.7.1 for details of these overlay zones.

POLICY 1.2.4: The Airport AOPD zoning resolution must be amended before any non-aviation related uses can be developed at the Southwest Florida International Airport. The intensity of the proposed aviation and non-aviation land uses must be consistent with Lee Plan Table 5.

POLICY 1.2.5: Map 3F, as currently incorporated into the Lee Plan includes transportation improvements that exceed those shown on the balance of the Transportation Map Series maps. The direct access improvements to I-75

depicted on Map 3F, which are being pursued by the Port Authority to benefit the midfield terminal, include an interchange at I-75 and grade separation at Treeline Avenue/Ben Hill Griffin Parkway. These future improvements are the Port Authority's desired access to the airport. The Port Authority will be responsible for achieving consistency between Map 3F and the balance of the Transportation Map Series concerning access to I-75. The Port Authority will serve as the lead agency for achieving direct access to I-75.

POLICY 1.2.6: Any future airport expansion or development of aviation related or non-aviation related uses will provide appropriate buffer areas, as determined by Lee County, for the protection of groundwater resources in the Southeast and Northeast quadrants of the airport property.

POLICY 1.2.7: Future non-aviation areas depicted on the Airport Layout Plan (Map 3F) will be developed, to the greatest extent possible, only within existing upland areas. Impacts to wetlands in the future non-aviation areas will be minimized by site design, whenever possible, in compliance with the Lee County Land Development Code. Development within the future non-aviation area, as designated on Map 3F, is limited to a total of 100 acres. Development of additional acreage will require prior Lee Plan amendment approval.

OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

POLICY 1.7.1: The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

Airport Noise Zone 1 has no noise related restrictions.

Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction so long as such replacement would be otherwise allowed by this code.

Airport Noise Zone 3 does not permit any residential units, churches,

libraries, schools, hospitals, correctional institutions, or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction so long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 00-22, 02-02)

POLICY 1.7.11: The Airport Mitigation Lands Overlay (Map 3M) depicts lands owned by Lee County that were acquired for the purpose of mitigating environmental impacts attributable to development of the Southwest Florida International Airport. Activities performed in these areas must be in accordance with state and federal permitting agency requirements. This Overlay is intended solely as an informational tool designed to identify the location of the lands and the purpose for which the land was acquired. The Overlay does not restrict the use of the land in and of itself. Use of these lands will be determined by permit requirements. In all cases, the use of this land will be consistent with the underlying Future Land Use category.

GOAL 31: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS, AND ROADS. Develop and maintain a coordinated system of railways, aviation, ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

OBJECTIVE 31.1: EXPANDED PORT AUTHORITY. By 2005 the county will investigate the possible expansion of the current role of the Lee County Port Authority to deal with all issues over which it has statutory authority. (Amended by Ordinance No. 99-15)

POLICY 31.1.1: The county will assess any potential involvement by the Lee County Port Authority in the siting of future proposed natural gas pipelines. (Amended and Relocated by Ordinance No. 99-15)

POLICY 31.1.2: The county will coordinate with the Lee County Airports Special Management Committee on recommended expansion of the Port Authority's role in order to further integrate the county's different modes of transportation. (Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 31.2: FUTURE LAND USES. The county will encourage the location of suitable commerce movement support facilities such as warehouses, cargo handling facilities, and transfer points at areas appropriately designated on the Future Land Use Map. (Amended by Ordinance No. 99-15)

POLICY 31.2.1: The following interchange areas are appropriate examples of truck terminal transfer points: Luckett Road, Daniels Parkway, and Alico Road. (Amended by Ordinance No. 99-15)

POLICY 31.2.2: Residential and commercial development proposals within the vicinity of existing or proposed commodity movement facilities must demonstrate land use compatibility with these uses during the rezoning process and propose mitigation measures for adverse impacts. (Amended by Ordinance No. 99-15)

POLICY 31.2.3: The county will develop a study of possible additional warehousing, cargo handling facilities, and transfer points that may be needed for viable commerce movement, and recommend the undertaking of these projects to such entities as the Horizon Council, Industrial Development Authority and the Lee County Port Authority. (Amended by Ordinance No. 99-15)

OBJECTIVE 31.3: AGENCY COORDINATION. The county will require port operators to obtain all required permits and leases prior to the construction of new

or improved port facilities; construction and operation of the facilities will be performed in close cooperation with the appropriate federal, state, and local agencies including but not limited to the U.S. Army Corps of Engineers, Department of Environmental Protection, Metropolitan Planning Organization and the Florida Department of Transportation to ensure that access routes to ports are properly integrated with other means of transportation. (Amended by Ordinance No. 99-15)

POLICY 31.3.1: Private ports, in cooperation with the U.S. Coast Guard and the state, will be prepared to contain spills of petroleum and other toxic materials. Petroleum ports will have containment devices on site. The adequacy of proposed containment measures will be evaluated during the rezoning or development-of-regional-impact process. (Amended by Ordinance No. 99-15)

POLICY 31.3.2: The county will encourage Seminole Gulf Railway Corporation or other rail providers, as appropriate, to provide rail access to the ports where feasible. (Amended by Ordinance No. 99-15)

POLICY 31.3.3: The county will encourage private investors to develop and use rail freight facilities by encouraging construction of connecting rail tracks in a manner consistent with this plan, and seeking the necessary funding to maintain and improve Lee County's rail link. (Amended and Relocated by Ordinance No. 99-15)

POLICY 31.3.4: The county will encourage discussions between the Florida High Speed Rail Commission and appropriate local groups in regards to the location of a high speed rail train in the county in a manner consistent with this plan. (Amended and Relocated by Ordinance No. 99-15)

POLICY 31.3.5: The county will prepare a coordinated intermodal transportation management program for surface and water transportation. (Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 31.4: COORDINATION OF ELEMENTS. Port operators will be required to abide by all relevant parts of the Lee Plan in the construction and operation of the ports, especially the Future Land Use, Conservation and Coastal Management, and Transportation elements. (Amended by Ordinance No. 98-09, 99-15)

POLICY 31.4.1: Adverse structural and non-structural impacts upon natural resources from port facilities will be mitigated, and natural resources will be preserved and protected. These issues will be evaluated during the rezoning and development-of-regional-impact processes. (Amended by Ordinance No. 99-15)

POLICY 31.4.2: In order to protect ports and related facilities from the encroachment of incompatible land uses, development proposals (including but not limited to residential and commercial uses within the vicinity of existing or proposed ports and railways and related facilities) must demonstrate land use compatibility with these uses and propose mitigation measures for any adverse impacts during the rezoning and development-of-regional-impact processes. (Amended by Ordinance No. 99-15)

TRANSPORTATION ELEMENT:

GOAL 32: COORDINATED SYSTEM OF AVIATION FACILITIES. *Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost-effective, and efficient movement of commerce consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)*

OBJECTIVE 32.1: ECONOMIC GROWTH. The capacity and long term development of the Southwest Florida International Airport will be expanded in compliance with Map 3F and Table 5 to aid in the diversification of the county's economic growth. Specific project implementation and approval of the proposed development will be coordinated through the annual Capital Improvement Program process and be consistent with the Airport Layout Plan (Map 3F). These expansions will be funded through user fees, airline contributions, and other funding sources not involving general county tax dollars. The Port Authority will strive to minimize impacts to surrounding land uses while maintaining a safe and efficient facility for airport operations.

POLICY 32.1.1: The Port Authority will coordinate the implementation of scheduled infrastructure and facility improvements for the Southwest Florida International Airport consistent with the approved Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5).

POLICY 32.1.2: The development potential of Southwest Florida International Airport will continue to be increased by the acquisition of additional land for runway/taxiway/environmental mitigation use, in accordance with the Port Authority's Capital Improvement Program. (Amended by Ordinance No. 98-09, 99-15)

POLICY 32.1.3: The Port Authority will continue to expand existing and proposed aviation facilities such as the terminal building, airport aprons, cargo facilities, roadways and parking in order to meet the forecasted demand.

POLICY 32.1.4: The Port Authority has continued to investigate commercial and industrial potentials at Page Field and at Southwest Florida International Airport through market surveys and the solicitation and receipt of acceptable proposals for land lease at fair market value as well as efforts to cultivate appropriate public/private partnerships in pursuing these potentials. (Amended by Ordinance No. 98-09)

POLICY 32.1.5: The Port Authority will capitalize on its Port of Entry and Foreign Trade Zone status to encourage economic diversification. This will

be accomplished by actively: (1) seeking to increase international commerce movement; (2) implementing an international marketing program designed to increase tourist activity; (3) continuing planning efforts to ensure availability of adequate airport facilities to accommodate increases in international air traffic; and, (4) pursuing development of international corporate activity.

POLICY 32.1.6: The Port Authority will maintain guidelines for the location, development, and operation of private aviation facilities that would add to Lee County's overall tax base. (Amended by Ordinance No. 99-15)

POLICY 32.1.7: The Port Authority will plan to accommodate growth at the existing facilities and provide for the development of future aviation facilities as warranted. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 32.2: DEVELOPMENT COMPATIBILITY. The county and Port Authority will evaluate development proposals for property located within the vicinity of existing aviation facilities to ensure compatibility, to preclude obstructions to aircraft operations, and to protect airport capacities. (Amended by Ordinance No. 99-15)

POLICY 32.2.1: The Port Authority will coordinate efforts with aviation and other transportation interests at the Southwest Florida International Airport to establish multi-modal transfer facilities.

POLICY 32.2.2: The county will coordinate with the Port Authority to ensure that regulations in the Lee County Land Development Code restrict land uses in areas covered by the Airport Noise Zones (ANZ) to those uses that are compatible with the operation of the airport. (Amended by Ordinance No. 99-15)

POLICY 32.2.3: Future updates of the Page Field and Southwest Florida International Airport Master Plans will monitor and incorporate development of non-aviation uses at the airports and suggest aviation-related uses as appropriate.

POLICY 32.2.4: To the greatest extent possible, future airport master plans will retain the long term aviation expansion capability and capacity at both Page Field Airport and the Southwest Florida International Airport. (Amended by Ordinance No. 99-15)

POLICY 32.2.5: The County will utilize the approved Airport Master Plan and FAR Part 150 Study, including updates, as a basis to amend the comprehensive land use plan and the land development code to prohibit development that is incompatible with the Southwest Florida International

Airport and to ensure future economic enhancement consistent with Objective 31.2. Future updates of the Southwest Florida International Airport Master Plan that precipitate substantive changes to the Airport Layout Plan (Map 3F) will require a Lee Plan Amendment prior to local permitting approval. In accordance with FAA requirements, the Southwest Florida International Airport Master Plan and corresponding Airport Layout Plan (Map 3F) will be comprehensively updated at least once every 5 to 8 years.

OBJECTIVE 32.3: FUTURE DEMANDS. Continually evaluate the projected demands for public aviation facilities and ensure their adequate provision.

POLICY 32.3.1: The Port Authority Executive Director will coordinate all expansion plans contained in approved airport master plans with the Federal Aviation Administration and the Florida Department of Transportation to ensure that projects of interest to the Port Authority are included in the federal and state funding programs. (Amended by Ordinance No. 99-15)

POLICY 32.3.2: The appropriate costs for expansion as depicted in the approved Port Authority CIP will continue to be coordinated with the Capital Improvements element. (Amended by Ordinance No. 99-15)

POLICY 32.3.3: Maximum use of airport facilities should be ensured before developing expansions or new facilities.

POLICY 32.3.4: The proposed development schedule for the Southwest Florida International Airport through the year 2020 is depicted in Table 5 of the Lee Plan. This Table includes both aviation and non-aviation related development. If the FAA/FDOT mandate navigational improvements (NAVAIDS) or require improvements related to Airport security or safety at Southwest Florida International Airport, then the Port Authority may pursue installation of the improvement even though the improvement is not specifically identified in Table 5. However, the Port Authority must obtain all appropriate approvals and permits prior to installation, including approval from Lee County. If these improvements precipitate a substantive change to either Table 5 or Map 3F, then the Port Authority must pursue a Lee Plan amendment incorporating the changes in the next available amendment cycle.

OBJECTIVE 32.4: ACCESS. The Southwest Florida International Airport is an intermodal facility of significant value to the regional, state and federal transportation systems. Protecting this resource requires the provision of adequate landside and airside capacity. (Amended by Ordinance No. 99-15)

POLICY 32.4.1: The County and Port Authority will coordinate aviation facility expansion and demand consistent with the Airport Layout Plan,

through the County's annual Capital Improvement Program in conjunction with regular briefings by Port Authority staff to County staff.

POLICY 32.4.2: The county and Port Authority recognize that the access from Interstate 75 to the Southwest Florida International Airport is designated as a priority intermodal connector in the National Highway Plan and Florida Intrastate Highway System Plan, and will work with the MPO, FDOT and the Federal Highway Administration to ensure that this access receives funding and is developed compatibly with the intermodal access needs of the region. (Amended by Ordinance No. 99-15)

POLICY 32.4.3: The Port Authority will coordinate surface transportation planning for Page Field and the Southwest Florida International Airport with the county Department of Transportation and the Florida Department of Transportation to ensure adequate access to the airports. (Amended by Ordinance No. 98-09, 99-15)

POLICY 32.4.4: The County and Port Authority recognize the significance and value of the Southwest Florida International Airport. The Lee County Port Authority will aggressively pursue Federal and State funding for access roadway improvements as identified on the Airport Layout Plan.

POLICY 32.4.5: Development of non-aviation related uses on airport property will be required to meet concurrency standards set forth in the Lee County Land Development Code.

OBJECTIVE 32.5: COORDINATED COMMERCE MOVEMENT. The Port Authority will provide facilities that are economically feasible and compatible with adjacent land uses, environmental standards and public safety, and that also meet the needs of commerce movement enterprises and facilities. (Amended by Ordinance No. 99-15)

POLICY 32.5.1: The Port Authority will continue to coordinate plans for existing and proposed aviation facilities with appropriate transportation agencies such as the Federal Aviation Administration, Metropolitan Planning Organization, the Florida Department of Transportation, and the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, 99-15)

POLICY 32.5.2: The county will monitor roads leading to Page Field and the Southwest Florida International Airport in order to facilitate efficient and convenient access for airport users. (Amended by Ordinance No. 99-15)

POLICY 32.5.3: The county will coordinate with private investors by reviewing plans and otherwise providing technical assistance in the development of aviation facilities in Lee County to ensure land use, airspace,

and environmental compatibility. (Amended by Ordinance No. 99-15)

POLICY 32.5.4: The county will consider land use compatibility when reviewing development proposals within the vicinity of existing or proposed aviation facilities. (Amended by Ordinance No. 99-15)

POLICY 32.5.5: Locations adjacent to or near aviation facilities are identified in the Future Land Use Map as suitable for commerce movement support facilities such as warehouses, cargo handling facilities, and other transfer points, and will be periodically reviewed and updated. (Amended by Ordinance No. 98-09)

POLICY 32.5.6: The Port Authority will encourage cargo and freight development at the Southwest Florida International Airport by implementing domestic and international cargo marketing programs and by expanding airport facilities, as needed, in order to accommodate large domestic and international cargo carries. (Amended by Ordinance No. 99-15)

POLICY 32.5.7: The County will protect existing and proposed aviation facilities from the encroachment of incompatible land uses by updating the Future Land Use Map as needed to achieve consistency with revisions to the respective FAR Part 150 Studies (if applicable), and Airport Layout Plans for Southwest Florida International Airport and Page Field, as proposed by the Port Authority.

POLICY 32.5.8: The county will encourage the provision of warehouses, cargo handling facilities, and freight transfer points at aviation facilities needed for the movement of commerce by local industries, trade, and commercial enterprises. (Amended by Ordinance No. 99-15)

OBJECTIVE 32.6: AGENCY COORDINATION. Ensure that existing and future air system needs can be met safely and with a minimum of land use conflict by coordinating aviation facility plans with appropriate federal, state, regional, and local review and permitting agencies. (Amended by Ordinance No. 99-15)

POLICY 32.6.1: The Port Authority will coordinate and obtain approval for airport development from the County through the annual capital improvement planning and programming process; local permitting process; Airport Master Plan Update process; and, the Lee Plan amendment process to ensure compatibility with other County programs. The Port Authority will provide Lee County copies of the annual capital improvement plan or other similar document for the Southwest Florida International Airport. Additional specific coordination requirements are contained in Objective 108.4 and subsequent policies.

POLICY 32.6.2: While airport facilities will be operated in conformance with applicable state and federal regulations, the Port Authority will strive to ensure that Lee County environmental and other regulations are also implemented to the greatest extent possible. (Amended by Ordinance No. 99-15)

POLICY 32.6.3: The Port Authority will develop plans for aviation in the county that are consistent with the Continuing Florida Aviation System Planning Process and the National Plan of Integrated Airport Systems. (Amended by Ordinance No. 99-15)

POLICY 32.6.4: The safety of aircraft operators, aircraft passengers, and persons on the ground will guide the Port Authority in the operation of county airports, and hazardous wildlife attractants on or near the airports will be avoided. (Amended by Ordinance No. 99-15)

POLICY 32.6.5: The county will maintain the tall structure permitting process to ensure that proponents of potential structural hazards to aviation coordinate with the Port Authority and the Federal Aviation Administration to properly place, mark and light potential obstructions as necessary. (Amended by Ordinance No. 99-15)

POLICY 32.6.6: The county will not approve of a temporary or permanent structure found to be a potential obstruction unless the proponent of the structure agrees to comply with Port Authority and Federal Aviation Administration stipulations regarding notices, structure placement, marking, and lighting. (Amended by Ordinance No. 99-15)

OBJECTIVE 32.7: COORDINATION OF ELEMENTS. Coordinate the expansion of existing airport and the proposed siting of any new airports with the Future Land Use and Conservation and Coastal Management elements. (Amended by Ordinance No. 99-15)

POLICY 32.7.1: The use of existing and proposed aviation facilities will be promoted by the Port Authority consistent with the Future Land Use and Conservation and Coastal Management elements of the Lee Plan. (Amended by Ordinance No. 99-15)

POLICY 32.7.2: Ensure that adverse structural and non-structural impacts of aviation facilities upon natural resources and wildlife are mitigated consistent with FAA policies and procedures and in coordination with federal, state, regional and local environmental agencies. (Amended by Ordinance No. 99-15)

POLICY 32.7.3: The Port Authority will abide by all other relevant parts of

this comprehensive plan in the construction and operation of the airport, especially the Future Land Use, Conservation and Coastal Management, and Transportation elements. (Amended by Ordinance by No. 98-09, Amended and Relocated by Ordinance No. 99-15)

INTERGOVERNMENTAL COORDINATION ELEMENT:

GOAL 108: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 108.4: COORDINATION OF AIRPORT DEVELOPMENT AND IMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT WITH ALL PERMITTING AGENCIES. The Port Authority will coordinate with Lee County, the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, Federal Aviation Administration, and the Florida Department of Transportation to ensure that the development of the Southwest Florida International Airport is consistent with the Lee Plan.

POLICY 108.4.1: Port Authority staff will ensure that Lee County staff is directly involved in the review and approval process related to the ongoing update of the Airport Master Plan. This mandatory inter-agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code.

POLICY 108.4.2: The Port Authority will submit and County staff will review and provide comments regarding the following:

- (1) Scope and content of ongoing updates to the Airport Master Plan pursued in accordance with Federal Aviation Administration Advisory Circular 150/5070-6A and the Florida Department of Transportation Guidebook for Airport Master Planning.
- (2) Consistency of proposed amendments to the Airport Master Plan and resulting Airport Layout Plan (Map 3F) with the Lee Plan, Land Development Code (LDC) and local zoning approvals.
- (3) Compatibility and compliance of Individual CIP projects with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
- (4) Proposed Lee Plan Amendments necessary to support revisions to the Airport Layout Plan (Map 3F), the Southwest Florida International Airport Proposed Development Schedule

(Table 5), the Airport Master Plan, or CIP project list.

POLICY 108.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary.

POLICY 108.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and input regarding consistency with the Lee Plan and County regulations.

POLICY 108.4.5: The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization. This includes the incorporation of improvements into the Financially Feasible Transportation Plan (Map 3A) and the Lee County Metropolitan Planning Organization Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, State, and Federal transportation agencies to identify and obtain funding for access improvements to the airport.

GLOSSARY:

AIRPORT (PUBLIC USE). Is defined as an area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purpose. Airport Facilities (Commercial or General Aviation) typically include areas for shelter, servicing, or repair of aircraft, or for receiving and discharging passengers or cargo, and areas used for access to airport facilities or buildings.

AIRPORT LAYOUT PLAN. A map of existing and proposed airport property, facilities and development that is created as a result of the Airport Master Planning process. The Airport Layout Plan for Southwest Florida International Airport is adopted as Map 3F.

AIRPORT MASTER PLAN. A plan of development applicable to an airport that is prepared and approved in accordance with FAA Advisory Circular 150/5070-6A and FDOT Guidebook for Airport Master Planning. By design, the Airport Master Plan process is ongoing and allows an airport to address operational and development needs as they arise. The overall development scheme or concept is depicted in the Airport Layout Plan.

AIRPORT SUPPORT LAND USES. Airport Support land uses include land uses that provide support facilities to other airport operations, including the air traffic control tower, aircraft rescue and firefighting, airport maintenance, airport utilities, rental car service and storage, fuel farms, aircraft maintenance areas, airline in-flight catering kitchens, airport police department gun range, airport auto repair facility, and Port Authority training facility.

AVIATION RELATED INDUSTRY. Aviation-Related Industry land uses include manufacturing, fabrication, or assembly activities relating to aviation. Examples of Aviation-Related Industry uses include fuel storage and transfer facilities, aircraft parts/instrument manufacture, facilities for processing large air cargo shipments, and warehousing.

AVIATION RELATED LAND USES. Aviation related land uses are necessary for the safe operation of the airport. These uses include: all uses necessary to support airfield operations such as runway and taxiway safety areas, runway approaches, taxiways and taxiway exits, areas where NAVAIDS will be located, and areas within the building restriction lines and the runway protection zones; all facilities associated with Airline Passenger Terminal areas and Air Cargo areas, including the Federal Inspection Station/customs, aircraft aprons, and terminal-auto parking areas, cargo buildings and truck ramps for transshipping cargo between air and ground transportation; all uses associated with General Aviation operations, including aircraft aprons, fixed base operator offices and hangars, and auto parking areas. This term also includes all Airport Support and Aviation-Related Industry.

FUTURE URBAN AREAS. Those categories on the Future Land Use Map that are designated for urban activities: Intensive Development, Central Urban, Urban Community,

Suburban, Outlying Suburban, Industrial Development, Public Facilities, Airport, Tradeport, Industrial Interchange, General Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, Mixed Use Interchange, University Community, and New Community.

NAVAID - AIR NAVIGATION FACILITY. A facility designed for use as an aid to air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio direction-finding, or for radio or other electronic communication, and any other structure or mechanism having a similar purpose for guiding and controlling flight in the air or the landing or takeoff of aircraft.

NON-AVIATION RELATED USES. This phrase refers to the commercial and industrial land uses identified on the Airport Layout Plan (Map 3F) and Table 5. Non-aviation related uses are typically developed in non-aviation settings. Non-aviation uses may be enhanced by proximity to an airport, but these uses are not dependent on access to an airport. These uses could be developed in other locations within the County. Non-aviation related uses will be established on Airport lands through lease agreements with the Port Authority. The areas identified to accommodate these non-aviation uses are not necessary to support the primary aviation facilities comprising the Southwest Florida International Airport. Use of Airport lands for non-aviation use is intended to provide a revenue stream that may be used to enhance airport operations. Though located on airport property, the establishment of non-aviation uses is not necessary for the continued function of the primary aviation facilities associated with the Airport.

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT PROPOSED DEVELOPMENT SCHEDULE (TABLE 5). This Table depicts the proposed development schedule for the Southwest Florida International Airport through the year 2020.

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE**

NAME OF ORDINANCE: Airport AOPD Amendment

I. DESCRIPTION OF ORDINANCE

A. Statement of Purpose

Amend LDC to provide additional development opportunities on airport property consistent with the recent Lee Plan amendment and Airport Master Plan Update.

B. Narrative Summary of Ordinance (Several Sentence Summary)

An Ordinance amending Lee County Land Development Code Chapter 34, Article VI, Division 9, pertaining to the Airport Operations Planned Development (AOPD) District (§34-934) to add additional uses that may be conducted on Airport property.

C. Principal Division(s) or Department(s) Affected (List)

N/A

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT**

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:
AIRPORT AOPD AMENDMENT**

II. Fiscal Impact on County Agencies/County Funds.

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	<u>1st Year \$'s</u>		<u>2nd Year \$'s</u>	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe	N/A		N/A	
Operating	N/A		N/A	
Capital Outlay	N/A		N/A	
Total	N/A		N/A	

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? See Below

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered?

See Below

E. Give a brief narrative analysis of the information contained in II. A through D, above.

The Airport has requested amending the Lee County Land Development Code to allow additional uses of Airport property. The attached chart reflects additional uses. Lee County staff does not recommend the proposed uses that are highlighted in gray.

[Note: For ease of review, only those uses and notes pertaining to the AOPD district have been reproduced here. The grace scale highlight identifies uses proposed by the Port Authority, which are opposed by County Staff.]

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes and Regulations	AOPD (Staff position)	AOPD (Airport request)
Accessory uses and structures	Note(1), 23-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106	P	P
Administrative offices	Note (1)	P	P
Aircraft landing facilities, private	34-1231 et seq.	P	P
Airport operations facilities		P	P
Animals: Clinic or kennel Control center (including Humane Society) Keeping and breeding of Class I or Class II animals (dj)	34-1321 et seq. 34-1291 et seq.	P	P
ATM (automatic teller machine)		P	P
Automobile service station		P	P
Banks and financial establishments (34-622(c)(3)): Group I Group II		P --P	P --P
Bar or cocktail lounge	34-1261 et seq.	P	P
Business services (34-622(c)(5)): Group I Group II		--P --P	--P --P
Bus station/depot	34-1381 et. seq.	P	P
Car wash		--P	--P
Cleaning and maintenance services (34-622(c)(7))		--P	--P
Cold storage, pre-cooling, warehouse and processing plant		--P	--P
Communication facility, wireless	34-1441 et seq. Note (22)	Refer to 34-1241 et seq. for regulations	P (39)

Computer and data processing services		-- <u>P</u>	-- <u>P</u>
Consumption on premises	34-1261 et seq.	P	P
Contractors and builders (34-622(c)(9)), all groups	34-1352, 34-3001 et seq.	-- <u>P</u>	-- <u>P</u>
Convenience food and beverage store		-- <u>P</u>	-- <u>P</u>
Department store		--	-- <u>P</u>
Drive-through facility for any permitted use		-- <u>P</u>	-- <u>P</u>
Drugstore, pharmacy		-- <u>P</u>	-- <u>P</u>
Entrance gates and gatehouse	34-1741 et seq.	P	P
Emergency operations center		-- <u>P</u>	-- <u>P</u>
EMS, fire or sheriff's station		P	P
Essential services	Note(1) 34-1611 et seq., 34-1741 et seq.	P	P
Essential services facilities (34-622(c)(13)): Group I	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	P(13)	P(13)
Group II	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	P(13)	P(13)
Group III	Note (1), 34-1611 et seq., 34-1741 et. seq., 34-2141 et seq.	--	--
Excavation: Mining	34-1651, 34-1671 et seq.	--	--
Water retention	34-1651	P	P
Oil or gas	34-1651	--	--
Fences, walls	Note (1), 34-1741 et seq.	P	P
Food and beverage services, limited	Note (1)	-- <u>P</u>	-- <u>P</u>
Food stores (34-622(c)(16)): Group I		--	-- <u>P</u>
Group II		--	-- <u>P</u>

Freight and cargo handling establishments (34-622(c)(17)):		P(12)	P(12)
Gasoline dispensing system, special		P	P
Gift and souvenir shop		- P(18)	- P
Golf course		-	- P
Golf driving range		-	- P
Government maintenance facility		P	P
Health care facilities (34-622(c)(20)):			
Group I	Note (28)	--	--
Group II	Note (28)	--	--
Group III		P	P
Group IV	Note (28)	--	--
Heliport or helistop		P	P
Hobby, toy and game shops (34-622(c)(21))		- P(18)	- P
Hotel/motel		-- P	-- P
Household and office furnishings (34-622(c)(22)) all groups		-	- P
Insurance companies (34-622(c)(23))		-- P	-- P
Laundry or dry cleaning (34-622(c)(24)):			
Group I		- P	- P
Group II		-- P	-- P

Manufacturing of:			
Apparel products (34-622(c)(1))	Note(5)	-- P	-- P
Chemical and allied products (34-622(c)(6))			
Group I	Note (5)	-- P	-- P
Group II	Note (5)	-- P	-- P
Electrical machinery and equipment (34-622(c)(11))	Note (5)	-- P	-- P
Fabricated metal products (34-622(c)(14))			
Group I	Note (5)	-- P	-- P
Group II	Note (5)	-- P	-- P
Group III	Note (5)	--	--
Food and kindred products (34-622(c)(15))			
Group I	Note (5)	--	--
Group II	Note (5)	--	--
Group III	Note (5)	-- P	-- P
Furniture and fixtures (34-622(c)(18))	Note (5)	-- P	-- P
Leather products (34-622(c)(25))			
Group I	Note (5)	■	■
Group II	Note (5)	-- P	-- P
Lumber and wood products (34-622(c)(26))			
Groups I, III, IV, V, VI	Note (5)	--	--
Group II	Note (5)	-- P	-- P
Machinery (34-622(c)(27)), all groups	Note (5)	-- P	-- P
Measuring, analyzing and controlling instruments (34-622(c)(28))	Note (5)	-- P	-- P
Novelties, jewelry, toys and signs (34-622(c)(29), all groups	Note (5)	-- P	-- P
Paper and allied products (34-622(c)(31))			
Group I	Note (5)	--	--
Group II	Note (5)	-- P	-- P
Group III	Note (5)	-- P	-- P
Rubber and plastic products (34-622(c)(44))			
Group I	Note (5)	--	--
Group II	Note (5)	-- P	-- P
Stone, clay, glass and concrete products (34-622(c)(48))			
Group I	Note (5)	-- P	-- P
Group II	Note (5)	--	--
Group III	Note (5)	--	--
Group IV	Note (5)	--	--
Transportation equipment (34-622(c)(52))			
Group I	Note (5)	P	P

Medical office		-- P	-- P
Mini-warehouse		-- P	-- P
Nightclubs	34-1261 et. seq.	P	P
Nonsmoke retailers (34-622(c)(30)) all groups		--	-- P
Parcel and express services		-- P	-- P
Parks (34-622(c)(32)): Group I Group II		P --	P --
Parking lot: Accessory Commercial Garage, public parking Temporary	34-2022	P -- -- P P	P -- -- P P
Personal services (34-622(c)(33)): Group I Group II Group III Group IV	34-3021	P(18) -- -- --	P(18) -- -- --
Pharmacy		-- P	-- P
Place of worship	Note (28), 34-2051 et seq.,	P	P
Post office		-- P	-- P
Processing and warehousing		P	P
Recreation facilities Commercial (34-622(c)(38)): Group I Group II Group III Group IV Personal Private-on-site Private-off-site	Note (1) Note (1) Note (3)	-- P(18) -- P(18) -- -- -- -- --	-- P(18) -- P(18) -- -- -- -- --
Rental or leasing establishment (34-622(c)(29)): Group I Group II Group III Group IV	34-1352, 34-3001 et seq. 34-1201 et seq., 34-1352 34-1352, 34-3001 et seq. 34-1201 et seq., 34-1352, 34-3001 et seq.	 P P	 P P

Research and development laboratories (34-622(c)(41)): Group I Group II Group III Group IV		-- -- <u>P</u> -- P	-- -- <u>P</u> -- P
Restaurant (as food)		P(18)	P
Restaurants (34-622(c)(43)): Group I and II Group III Group IV		P P P -- <u>P</u>	P P P -- <u>P</u>
Retail and wholes sales, when clearly incidental and subordinate to a permitted principal use on the same premises		-- <u>P</u>	-- <u>P</u>
Schools: Commercial (34-622(c)(45)) Noncommercial	34-2381 Note (28), 34-2381	<u>P(38)</u> --	<u>P(38)</u> --
Self service fuel pumps	Note (24)	-- <u>P</u>	-- <u>P</u>
Signs in accordance with chapter 30	Note (1)	P	P
Specialty retail shops (34-622(c)(47)): Group I Group II Group III Group IV		P(18) P(18) -- --	P(18) P(18) -- --
Storage: Indoor only Storage, open Large-scale storage of noxious or hazardous material (flammable, toxic, explosive, corrosive, etc.), including liquid petroleum, fractions and distillates thereof, and fuel gases	Note (1) 34-3001 et seq., Note (5), 34-3001 et seq. Note (5), 34-3001 et seq.	P P P(16)	P P P(16)
Transportation services (34-622(c)(53)): Group I Group II Group III Group IV		-- P P -- <u>P</u>	-- P P -- <u>P</u>
Truck stop, trucking terminal		-- <u>P</u>	-- <u>P</u>

Vehicle and equipment dealers (34-622(c)(55)): Groups I, II and III Group IV Group V	34-1352 34-1352 34-1352	-- -- <u>P(25)</u>	 <u>P(25)</u>
Warehouse: Mini-warehouse Private Public Cold storage only		-- <u>P</u> <u>P</u> <u>P</u> <u>P</u>	-- <u>P</u> <u>P</u> <u>P</u> <u>P</u>

Notes:

- (1) If use or structure is customarily accessory to an approved permitted use it does not need to be shown on the master concept plan.
- (3) If not shown on the aster concept plan, but included in the approved list of enumerated uses, this use may be approved administratively, at the director's discretion, or as a planned development amendment after approval of the aster concept plan.
- (5) If the use or activity does not conform to the criteria set forth in section 34-938, then it is subject to the setback requirements set forth in sections 34-935(b)(4) and 34-2441 et seq.
- (12) Serving air transportation or improving intermodal capabilities.
- (13) Permitted only where clearly related to highway interchange, airports, sea or river ports, ro wholesale marts.
- (16) Limited to airplane fuels or other approved fuel storage terminals.
- (18) Permitted only when contained within the ~~principle~~ airport terminal facility.
- (22) Wireless communication facilities must be listed on the approved schedule of uses for the planned development; however, approval of a specific facility must be in accordance with section 34-1441 et seq.
- (24) Two pumps are permissible as an accessory use to business to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (25) For aircraft sales only.
- (28) Not permitted in Airport Noise Zone 3.
- (38) Aviation related school only.
- (39) Wireless communication facilities required by the Federal Aviation Administration and Florida Department of Transportation may be administratively approved, if it is a necessary safety component related to the physical aviation activity.

[Balance of table and notes remains unchanged.]