Figure 9 illustrates hourly traffic data from the new Donora permanent count station (based on the *percentage* of daily traffic during each hour, not on absolute volumes). This chart shows a pattern of rising traffic volumes during the morning hours fol lowed by roughly level volumes throughout the day, with traffic beginning to fall after 6:00 P.M. This pattern is typical of beach resorts but very unusual at most other locations, which are typically dominated by peak "rush hours" during morning and late afternoon commuting periods. Table 7-B-9 shows additional daily and seasonal data from the new Donora count station.

These hourly, daily, and monthly percentages can be used to "adjust" occasional total traffic counts at other locations to depict their actual traffic conditions without the expense of adding more permanent count stations. Without this data, these adjustments would have to be made using hourly and seasonal data from locations further from Fort Myers Beach, resulting in less accurate assessments of local traffic. (Note, however, that these are *actual* traffic volumes, not the traffic demand that could be met if Estero Boulevard were widened to accommodate all potential peak season traffic.)

Times Square is the only location in Fort Myers Beach where substantial vehicular turn movements have been collected in recent years. The Lee County Department of Transportation conducted hourly counts in April 1997 (see Figure 10). Those counts show heavy movements onto the Matanzas Pass Sky Bridge from Estero Boulevard (600) and turning right from Fifth Street (360). During this count, inbound traffic from the Bridge split evenly into through traffic onto Estero Boulevard and right turns onto Fifth Street. The only significant left turn movement was northbound onto Fifth Street from Times Square (90) in the afternoon peak between 4:00 & 5:00 P.M. (during which time 570 pedestrians crossed at this point).

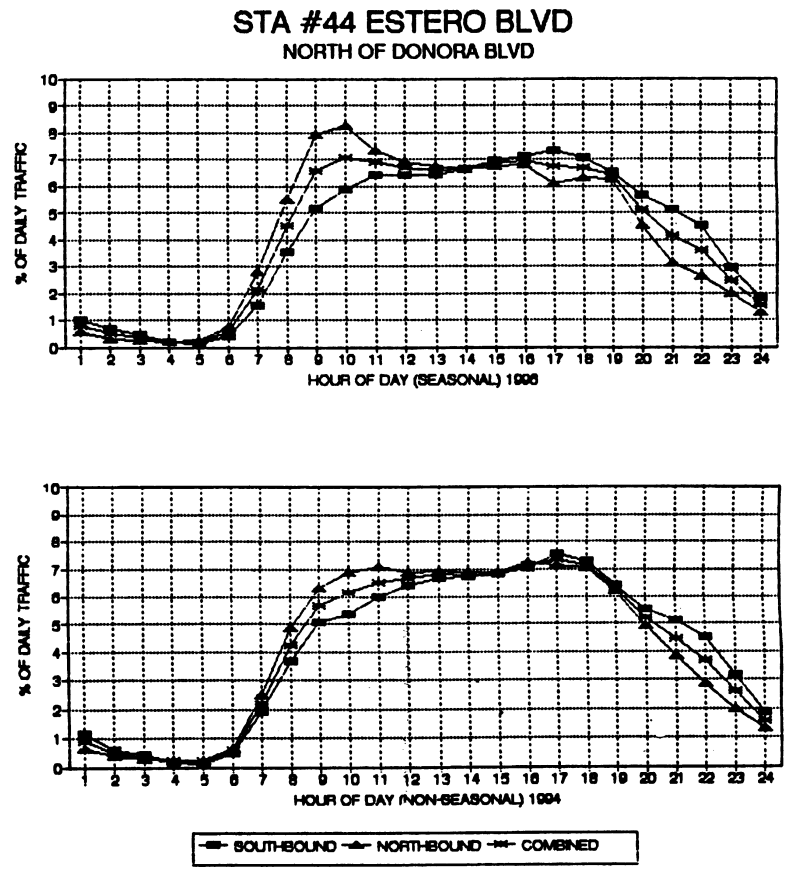


***Figure 9**, Hourly traffic patterns at the Estero/Donora count station*

Table 7-B-9 — Traffic Data from the Estero/Donora Count Station, 1995/96

Monthly ADT as % of Annual ADT		*Day of Week ADT as % of Annual ADT*		*Peak Flow Characteristics*	*Non-Season*	*Season*
October	93	Monday	97	*Peak flow between 7:00 A.M. and 9:00 A.M.*		
November	105	Tuesday	99	as a % of weekday traffic:	5%	6%
December	100	Wednesday	101	directional split:	43% SB	40% SB
January	107	Thursday	100		57% NB	60% NB
February	114	Friday	107			
March	116	Saturday	103	*Peak flow between 4:00 P.M. and 6:00 P.M.*		
April	114	Sunday	93	as a % of weekday traffic:	7%	7%
May	98			directional split:	51% SB	54% SB
June	91				49% NB	46% NB
July	91					
August	90					
September	81	*ADT=average daily traffic; SB=southbound; NB=northbound*				

Source: Lee County Department of Transportation annual traffic count report

Other than at Times Square there have not been any pedestrian counts in the Island. The most comprehensive counts to date were conducted in 1989 by Harland Bartholomew & Associates as part of their Pedestrian Mall Study. Counts were conducted in four different locations: at Times Square; San Carlos Boulevard and Fifth, Old San Carlos and Fifth; and Estero Boulevard at Crescent Street. The respective peak afternoon counts were 144, 85, 369, and 192 persons crossing the road in both directions.

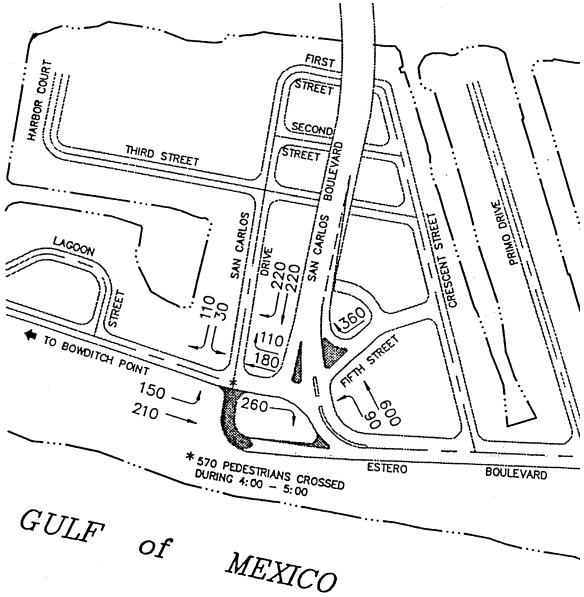


***Figure 10**, Peak-hour turn movement counts at Times Square, 1997*

Quantifying the "Level of Service" for Traffic on Estero Boulevard

Road systems are graded on their ability to meet a community's total desire for vehicular travel. The most common grading systems are fairly crude, given the typical need to evaluate hundreds of major road segments during peak-season and off-season, and rush-hour vs. off-hour. Common grading systems are described below, followed by a more thorough evaluation of congestion levels on Estero Boulevard.

***Figure 11**, Estero Boulevard, with crosswalk and sidewalk on Bay side*

A grade from A to F is typically assigned to all major road segments. Prior to 1985, levels of service were usually based on the ratio of actual "traffic volume" to a theoretical computation of the road's "capacity" (known as the volume-to-capacity ratio). If the actual traffic volume was equal to the road's capacity, the ratio was expressed as 1.0, which was defined as level-of-service (LOS) E. If the actual traffic was *less* than capacity, then the ratio was lower than 1.0 and a better grade was assigned to the road. Table 7-B-10 describes typical driving conditions under levels A through F, and equates them to volume-to-capacity (v/c) ratios using 1965 methods.

Table 7-B-10 — Generalized Levels of Service

Service Level	*Description of Traffic Conditions*	*Volume-to-Capacity Ratio*	*Average Travel Speed*
A	**Free flow** with individual users virtually unaffected by the presence of others in the traffic stream.	< 0.60	> 30 mph
B	**Stable flow** with a high degree of freedom to select speed and operating conditions but with some influence from other users.	0.61 to 0.70	24 to 29 mph
C	**Restricted flow** which remains stable but with significant interactions with others in the traffic stream; the general level of comfort and convenience declines noticeably at this level.	0.71 to 0.80	18 to 23 mph
D	**High-density flow** in which speed and freedom to maneuver are severely restricted and comfort and convenience have declined even though flow remains stable.	0.81 to 0.90	14 to 17 mph
E	**Unstable flow** at or near capacity levels with poor levels of comfort and convenience.	0.91 to 1.00	10 to 13 mph
F	**Forced flow** in which the amount of traffic approaching a point exceeds the amount that can be served, and lines form, characterized by stop-and-go waves, poor travel times, low comfort and convenience, and increased accident exposure.	> 1.00	< 10 mph

Source: Service level descriptions from ITE's Transportation Planning Handbook, 1992; volume-to-capacity ratios from the Sanibel Comprehensive Plan; average travel speeds for "Class II" arterial roads from Florida's Level of Service Standards and Guidelines Manual for Planning, April 1992.

With the revision of the influential *Highway Capacity Manual* in 1985, traffic engineers began to determine levels of service using methods that tried to simulate the experience of a entire trip, rather than evaluating the capacity of each short road segment. Since traffic congestion is usually noticeable as delays, particularly at intersections, the newer methodologies try to approximate the *average travel speeds* of motorists. Rather than measuring speeds directly, most of the new methodologies measure the number of traffic signals, or the average "stopped time" at traffic signals; unfortunately these methods are of little value at Fort Myers Beach where there is only one traffic signal. More suitable methodologies adjust the capacity based on the amount of on-street parking and pedestrian crossings. The last column in Table 7-B-11 shows one method of correlating average travel speeds with levels of service. These are average speeds for a trip of at least 1 to 2 miles and they include the time spent stopped for traffic signals; they are *not* the fastest speed on the least congested segment of the trip.

Discussions of "levels of service" on roads used to be the sole province of traffic planners and engineers. However, in 1985, when the state of Florida established the current framework for local government comprehensive plans, service levels moved into the mainstream of public policy debates. The new planning law requires all comprehensive plans to formally adopt levels of service for roads, and to declare a policy of refusing to issue any building permits or other approvals if those levels would not be met when the new construction would be completed. This requirement came to be known as "concurrency."

Almost overnight, service levels were transformed from useful generalizations into legislative mandates. Concurrency, elegant in the simplicity of its basic concept, has turned out to be extremely complex in practice, even for transportation professionals. The following sections will illustrate the difficulties in determining the LOS on Estero Boulevard, especially the most congested segment from Crescent to School Streets.

A complicating factor is caused by the resort character of Fort Myers Beach. Traffic flows don't have the typical "peaks" and "valleys" caused by commuter rush hours. Instead of a morning rush hour, traffic levels continue to rise until about 10:00 A.M. in the busiest season, or early afternoon in the off-season. Traffic levels then remain fairly constant until about 5:00 or 6:00 P.M. This condition appears as a "plateau" in a graph (see Figures 9, 12, and 13). This situation complicates an LOS analysis, which is usually based on "peak hour" conditions (normally defined as the afternoon commuter rush hour).

An analysis of traffic at Fort Myers Beach was conducted by consultants to the Lee County CRA in 1993 (*Traffic Volume and Capacity on Estero Island*, Florida Transportation Engineering, Inc., March 1993). They counted traffic across the Matanzas Pass Sky Bridge in December 1992 at 30,318 vehicles per day (in both directions). This total was adjusted to estimate the typical traffic volume during the peak season (36,005 vehicles per day, and 2,628 in the peak hour). The peak-hour count was divided by a road capacity of 2,610 for the Sky Bridge, for a volume-to-capacity ratio of 1.01 (which was reported without explanation as LOS E rather than LOS F).

However, this LOS computation is for the bridge itself. Although traffic is often at a standstill on the bridge during overloaded conditions, there is little evidence that those conditions result from any inadequacy of the bridge itself. In fact, the road capacity assigned to the bridge is much higher than the capacity of Estero Boulevard, even though both have the same number of lanes. The capacity is so high because there is no interference from intersecting streets, parking spaces, or pedestrians crossing the street. It is the congested conditions *beyond* the bridge that cause traffic to back up. Unfortunately, the 1993 study does not provide useful data for understanding the causes of traffic congestion at Fort Myers Beach.

Traffic volumes collected for the entire county are tabulated and published each year by Lee County DOT in a *Traffic Count Report*. (These traffic volumes are often used to select the "adjustment factors" for special studies.) The *Traffic Count Report* is also used to determine the LOS of all major roads in Lee County, which are published in another annual Lee County report entitled *Concurrency Management Inventory and Projections*.

These annual LOS tabulations illustrate some of the inherent problems with assigning service levels to every major road in a county. Even with Lee County's customized capacity levels for various types of roads, the LOS calculations vary widely (see a summary in Table 7-B-4). Causes include quirks in the annual counting process; the many conversions required to obtain peak-hour traffic counts; and changes in methodology. Between 1992 and 1996, Estero Boulevard north of School Street was rated first at LOS E, then B, then A, then F. For the first three years, the traffic volumes (after conversion to presumed peak-hour counts) were *below* the rated capacity of a two-lane arterial road in a beach area. In 1995, the capacity was reduced dramatically, resulting in LOS F conditions. Actual travel conditions on Estero Boulevard bore no similarity to the corresponding LOS descriptions in Table 7-B-11 until the capacity was reduced in 1995.

Table 7-B-11 — Summary of Concurrency Analysis for Estero Boulevard Between School and Center Streets

Year:	*Estimated Traffic Volume*	*Stated Road Capacity*	*v/c ratio*	*Level of Service*
1992	1,850	1,880	0.98	E
1993	1,588	1,880	0.84	B
1994	1,441	1,880	0.77	A
1995	1,826	1,316	1.39	F
1996	1,952	1,316	1.48	F

Source: Lee County Concurrency Management -- Inventory and Projections (annual reports by the Lee County Department of Community Development)

In response to the obvious inadequacy of these computations for Estero Boulevard, Lee County DOT commissioned a more thorough examination. Additional traffic counts made during March 1995 at Pescadora, Donora, Crescent, and at the Sky Bridge. These counts were compared to special DOT counts in January 1995 at Pescadora and Donora and to the ongoing DOT count program; all of the counts showed a consistent pattern of increasing volumes from Pescadora to the Sky Bridge.

Before converting the traffic volumes to LOS, the 1995 study made two adjustments. The first was the required step of converting the daily trip total into a peak-hour estimate. The second was to determine the actual the "capacity" of Estero Boulevard. The capacity of a typical two-lane undivided arterial road is about 2,000 cars per hour (total in both directions). Lee County has determined that the typical two-lane undivided arterial in beach areas has a capacity of 1,780 vehicles per hour (and 1,880 vehicles per hour for a divided arterial, which this study used for Estero Boulevard from Crescent Street north). However, the actual capacity of Estero Boulevard is restricted by many special factors as discussed early (such as parking and intersections). The study concluded that the Lee County capacities should be adjusted to 80% and 70% of those typical levels,

respectively. Table 7-B-12 reports this data and the resulting volume-to-capacity ratios. (Volume-to-capacity ratios of 1.02 and 1.39 were again reported as LOS E rather than F, without explanation.)

The most recent special study of Estero Boulevard was conducted by Lee County DOT during the recent debate over a potential swap of public and private lands. New traffic data was collected along Estero Boulevard during the first week of April 1997. The morning traffic peak occurred between 9:00 and 10:00 A.M. that week. The study reported:

> *During the afternoon hours, traffic flow breaks down to a forced flow condition. The demand for use of Estero Boulevard may be higher during the afternoon; however, there is no excess capacity. During the morning, there are fewer interruptions to traffic, such as pedestrian crossings and parking maneuvers, so the capacity of Estero Boulevard is higher.*

The 1997 study assigned a capacity of 1,240 vehicles per hour to Estero Boulevard. The traffic volumes and LOS calculations are summarized in Table 7-B-13.

Table 7-B-12 — Summary of Special LOS Analysis for Estero Boulevard, 1995

Location	*1995 Peak-Hour Traffic Volume*	*Lee County Road Capacity*	*Adjustment Factor*	*Estero Blvd. Capacity*	*v/c ratio*
N. of Pescadora	1,213	1,780	80%	1,424	0.85
S. of Donora	1,451	1,780	80%	1,424	1.02
S. of Crescent	1,824	1,880	70%	1,316	1.39

Source: Estero Boulevard Corridor Study, prepared by Florida Transportation Engineering Inc., as revised through July 1995

Table 7-B-13 — Summary of Traffic Volume Data Collected in April 1997

Location	*Daily Volume*	*Peak Direction*	*Directional Split*	*Peak-hour Volume*	*Generalized Capacity*	*v/c ratio*	*Level of Service*
N. of Donora	19,000	north	55%	1,400	1,240	1.13	F
N. of Virginia	23,100	even	55%	1,550	1,240	1.25	F
S. of Crescent	26,600	even	50%	1,650	1,240	1.33	F
N. of San Carlos	5,400	east	50%	360	1,240	0.29	C
S. of Bowditch	1,700	west	55%	150	1,240	0.12	C
Matanzas Bridge	-	-	-	2,000	2,610	0.77	B

Notes: *"LOS C is best level of service available for a two lane undivided street"*
"Estero Boulevard is treated as a 2 lane undivided collector due to large number of road side activities such as parking and side street intersections."
Source: *Virginia Avenue Beach -- Bowditch Point Traffic Impact Comparison, Lee County DOT, April 1997*

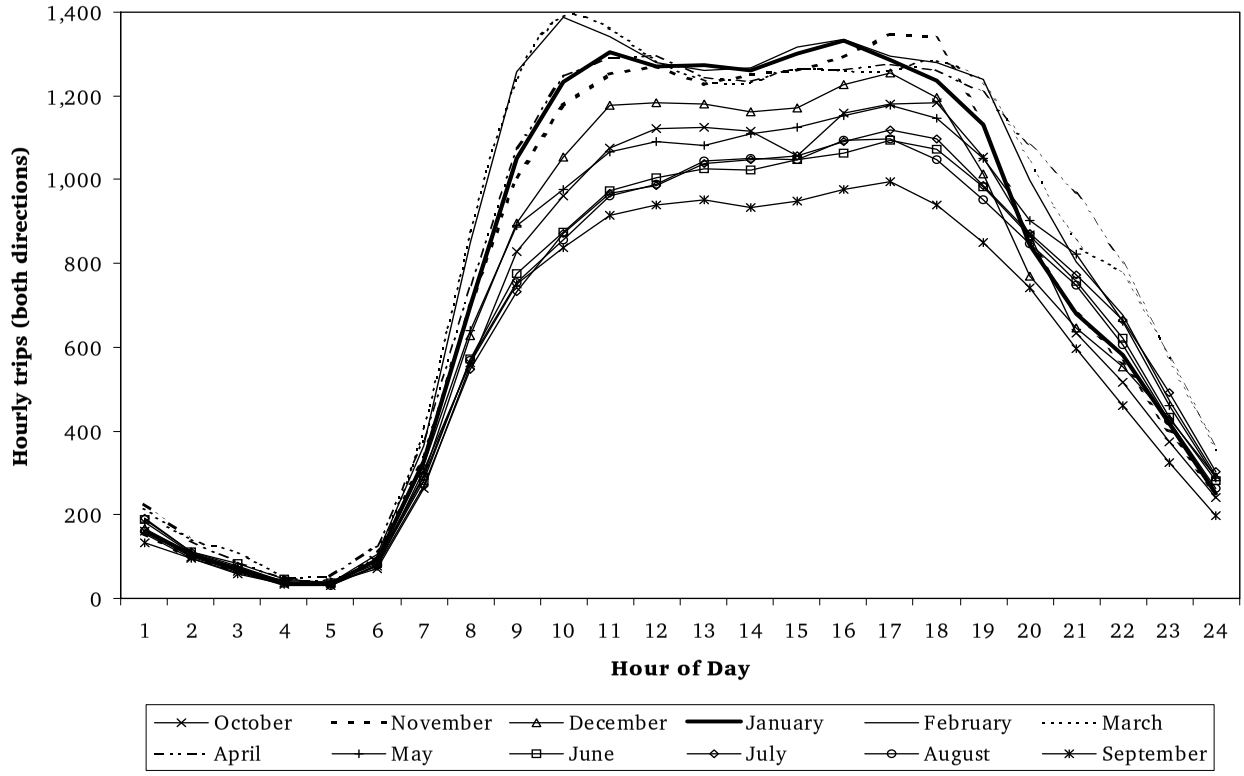


***Figure 12**, Hourly vehicle counts on Estero Boulevard at Donora from October 1995 through September 1996*

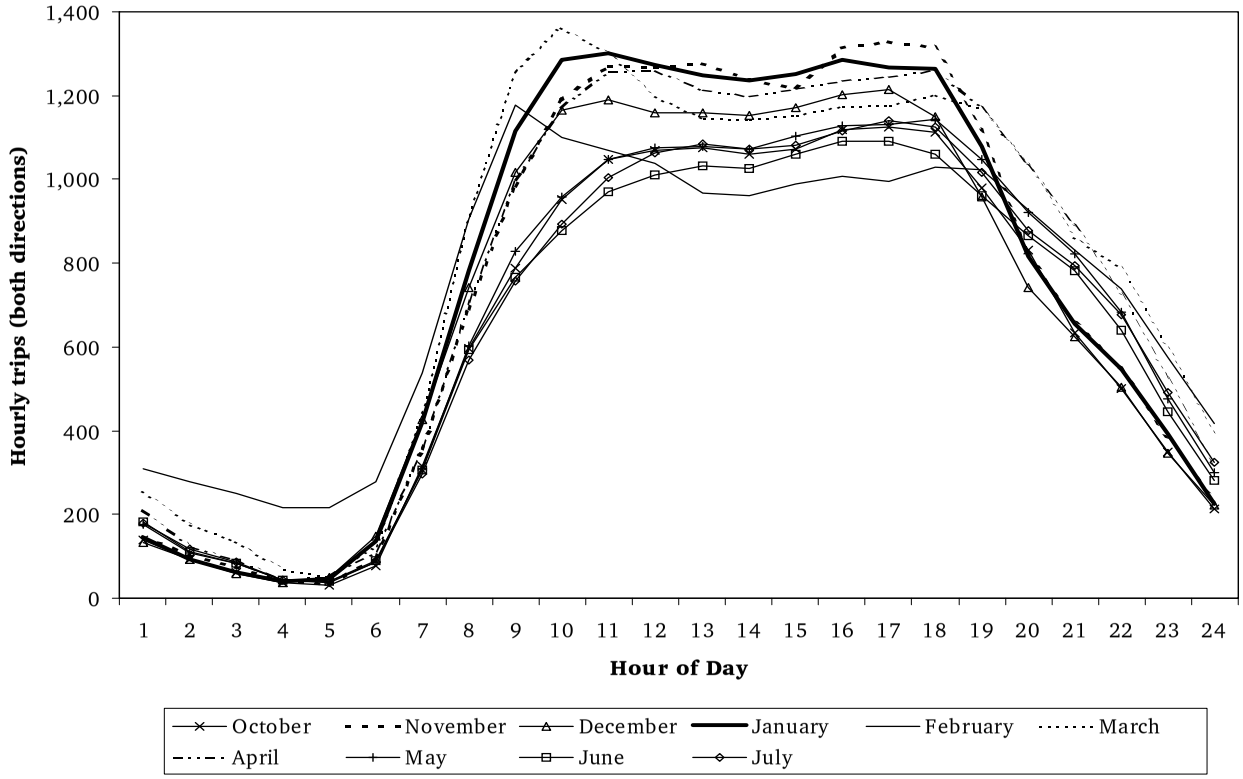


***Figure 13**, Hourly vehicle counts on Estero Boulevard at Donora from October 1996 through July 1997*

The counts used in this study are the most up-to-date available around Times Square following the completion of the CRA improvements there. However, the counts were taken for only one week, and after the end of the locally observed periods of heaviest congestion. Although the counts were adjusted in accordance with standard practice, they may not accurately reflect conditions at various times during the peak season.

An excellent source of data for analyzing actual travel conditions on Estero Boulevard is available from the new permanent count station near Donora Boulevard. Although these counts are just outside the area of heaviest congestion, they provide detailed counts taken every hour of every day during the year, in both directions. Thus no adjustments are required to convert "average daily" counts into the more useful peak-hour counts. Some hourly data from this station was reported in the most recent *Traffic Count Report* (as shown earlier in Figure 9). Additional hourly data was obtained from Lee County DOT and is reported below in a similar format (see Figure 12). This graph shows hourly travel patterns by month from October 1995 through September 1996. Although the actual volumes near Crescent Street might be about 25% to 30% higher (based on the DOT study cited above), the hourly and monthly patterns would be very similar.

September had the least traffic, averaging 950 vehicles per hour during the day (10:00 A.M. to 5:00 P.M.). The busiest months were January through April, which averaged 1285 vehicles per hour during the same period.

The months of February and March deserve particular attention because that is when traffic flow breaks down on an almost daily basis. The actual number of cars traveling through the congested portion of Estero Boulevard is about the same as for January and April; but actual conditions on the road can be dramatically different.

Travel patterns in February and March 1996 differed in that more cars traveled during the peak hour than any other months, and this peak hour occurred slightly earlier (before 10:00 A.M.). Flows during these peak hours reached 1,390 vehicles in 1996. When traffic flows reached these levels at Donora Boulevard, continuous vehicular travel became impossible due to congestion along Estero Boulevard between Times Square and the public library. "Forced flow" conditions then allowed less traffic to flow; lines of cars back up because more motorists wish to travel on Estero Boulevard than the road can handle.

It is not clear whether the number of cars wishing to use Estero Boulevard is simply higher in February and March, or whether the road's capacity is lower during those months because of exceptionally high levels of pedestrian activity, or motorists searching for parking, or some combination of reasons. Of interest, though, is that this level is close to the maximum peak hour traffic that Estero Boulevard could handle without excessive congestion according to the most recent Lee County DOT studies (1,316 or 1,424 vehicles per hour from Table 7-B-12, or 1,240 vehicles per hour from Table 7-B-13).

Complete traffic counts are not yet available for the 1996/97 season, but the comparable data is shown in Figure 13 (through July 1997). The patterns are quite similar to the previous year, with winter traffic volumes peaking around 10:00 A.M. However, in February 1997, traffic volumes fell considerably after that hour, with Estero Boulevard actually carrying less traffic throughout the day than it easily handles during the summer. Road work for the Times Square improvements was underway intermittently throughout the winter season, which may account for this poor performance. Further research into the conditions that cause the breakdown of traffic flow would help in assessing measures that might maintain reasonable flow, or in providing alternate mobility options.

ADEQUACY OF EVACUATION ROUTES

The Town of Fort Myers Beach has serious evacuation problems, being densely developed and located entirely on a bridged barrier island. Estero Island can be easily overtopped by tropical storm wash and by passing Gulf hurricanes. The last time the town was directly struck by a hurricane was in 1960 (Hurricane Donna). But even common tropical storms, such as Tropical Storm Keith in 1988, can block the flow of traffic on parts of Fort Myers Beach.

Southwest Florida is considered to be the second most hurricane vulnerable region in the country. This vulnerability results in part from the shallow off-shore waters which will allow extremely high tidal surges to develop under certain conditions. These surges can inundate the entire island and block evacuation routes. The Coastal Management Element of this plan examines the threat of hurricanes in more detail, including the location of emergency shelters and the problems created by so many other people trying to use the few available evacuation routes. The following discussion highlights the likely evacuation impacts on Estero Boulevard.

The expected population on Fort Myers Beach during the hurricane season is estimated to be about 10,100 people now, and 11,600 people at full build-out. Both totals include overnight guests in motels. Assuming that each two people evacuate in one vehicle, an evacuation would involve 5,050 cars (or 5,800 at build-out).

All evacuating vehicles must use Estero Boulevard. The Southwest Florida Regional Planning Council estimates its capacity during an evacuation at 943 vehicles per hour in the primary direction, or 1,660 per hour for both lanes with two-way traffic (830 per lane). Evacuating traffic can go south (exiting via Bonita Beach Road) or north to the mainland across San Carlos Island. At present, evacuation signs at Washington Avenue direct drivers to the south, and signs at Donora Boulevard direct drivers to the north. Figure 14 shows these points and the expected direction of evacuating traffic.

Once residents are ready to go, the quickest time to evacuate the island can be estimated by dividing the number of vehicles by the road capacity. For a one-way evacuation, the result would be 5.4 hours (5,050 / 943 = 5.4 hours). Using the two-way option, the time could drop as low as 3.1 hours.

The recent widening of San Carlos Boulevard to five lanes has improved that route for evacuation purposes. The widening of Bonita Beach Road that is nearing completion will also aid in an

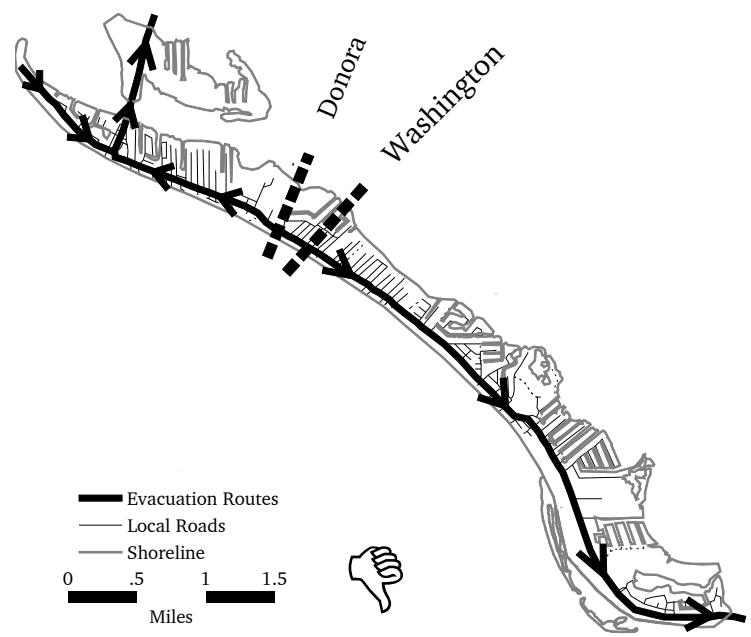


***Figure 14**, Direction of evacuation*

evacuation. Unfortunately, evacuation problems get even worse off the island because there will be significant traffic from other low-lying areas added to traffic from Fort Myers Beach. (See the Coastal Management Element for details.)

There are other evacuation problems that are unrelated to the theoretical capacity of the roads themselves. One is low-lying areas, especially in the south end of the island and along Hickory Boulevard, where early flooding may create "choke points" that would prematurely end an evacuation in that direction. This could be caused by inadequate drainage, where early rains would flood the road and make it impassable. Or it could be caused by the road being overtopped by an early storm surge. Roadway elevations and configurations should be evaluated, and remedial measures taken, to offset these threats. Remedial measures could include simple drainage improvements, or increasing the height of the road surface, depending on the problem and the location of nearby buildings. A detailed engineering analysis would be required to determine the complexity and cost of such improvements, since elevating the road surface even a small amount may require extensive changes to the swale system.

Several low points on evacuation routes have been identified from elevation contour maps for the barrier islands and from design drawings for the recent improvements to Bonita Beach Road. Estero Boulevard is low the entire distance from Lynn Hall Park to Bowditch Point, and also low at the following points: from the curve at Times Square to Crescent Street; between Mandalay Road and Gulf Island Drive; between Madera Road and Glenview Manor Drive; and between Albatross and Flamingo Streets. In each of these areas, the road surface appears to be less than 5 feet above sea level.

After Estero Boulevard crosses Big Carlos Pass to the south, there are no points where the road is less than 5 feet above sea level. Most of Hickory Boulevard is at least 6 feet high, although a few points are as low as 5.2 feet (near the entrance to Carl Johnson Park, and one point on Bonita Beach). Bonita Beach Road itself, after the recent reconstruction, rises slightly, with its lowest points at 6.25 feet. It rises rapidly beyond Imperial Shores Boulevard, with any flooding beyond that point more likely to be caused by heavy rainfall rather than a storm surge.

The elevation of San Carlos Boulevard cannot be determined from the elevation contour maps because of its recent total reconstruction. The Florida DOT has agreed to provide plans for the reconstruction which will allow a precise determination of its low points.

SCHOOL BUSES

In addition to Lee Tran trolleys and buses, Lee County School District buses also operate along Estero Boulevard. Despite their limited hours of operation, school buses can have a substantial impact on traffic flow on Estero Boulevard when they create a barrier to traffic flow in both directions at every school bus stop. (Florida law requires traffic in the opposite direction to also come to a full stop unless there is a 5-foot-wide median strip.)

Existing School Bus Patterns

School buses pick up and drop off students from kindergarten through 12th grade in three different shifts: 9th through 12th first, K through 5th next, and 6th through 8th graders last (see Table 7-B-14 for details). Fort Myers Beach Elementary School accommodates most K through 5th graders (presently 115 students); middle and high school students are transported off the island for classes. There is a total of 256 students (K-12) living at Fort Myers Beach and attending public schools.

The school system operates six buses, in pairs, to pick up students at all grade levels. These buses operate in the morning between 6:33 A.M. and 9:04 A.M., which does not coincide with high traffic volumes in the off-season (only 100 to 800 trips per hour, as shown earlier in Figure 9). During peak season, however, the late morning buses coincide with fairly heavy traffic (800 to 1,200 trips per hour between 8:00 A.M. and 9:00 A.M.).

Each afternoon, the same buses operate between 2:15 P.M. to 4:26 P.M. This period unfortunately conflicts with some of the heaviest traffic during and after the peak season (ranging from 900 to 1200 vehicles per hour during the earliest drop-offs and 1,000 to 1,300 toward the end).

Table 7-B-14 — School Trips, 1996/1997 School Year

Grade	*Number of Students*	*Bus Riders*	*Other Transportation*	*Bus Time*
K to 5:	125	99	26	7:26 - 7:45 A.M.
		51	74	2:15 - 2:33 P.M.
6 to 8:	60	35	25	8:43 - 9:04 A.M.
		29	31	4:10 - 4:26 P.M.
9 to 12:	71	68	3	6:33 - 6:50 A.M.
		0	71	2:29 - 2:39 P.M.

Source: Lee County School District, Transportation Department

The students' mode of transportation, as well as their pickup and drop-off time and location, contributes to transportation issues in the island. Currently there are 30 different school bus stops, each served by two buses on each route (illustrated in Figure 15). Although some of the school bus stops serve more than one grade level at different time of the day, there is only one location that is a pickup and drop-off point for all three grades (Estero Boulevard at Dakota Avenue). There are seven common stops between elementary school and high school buses, and six common stops between middle school and high school buses.

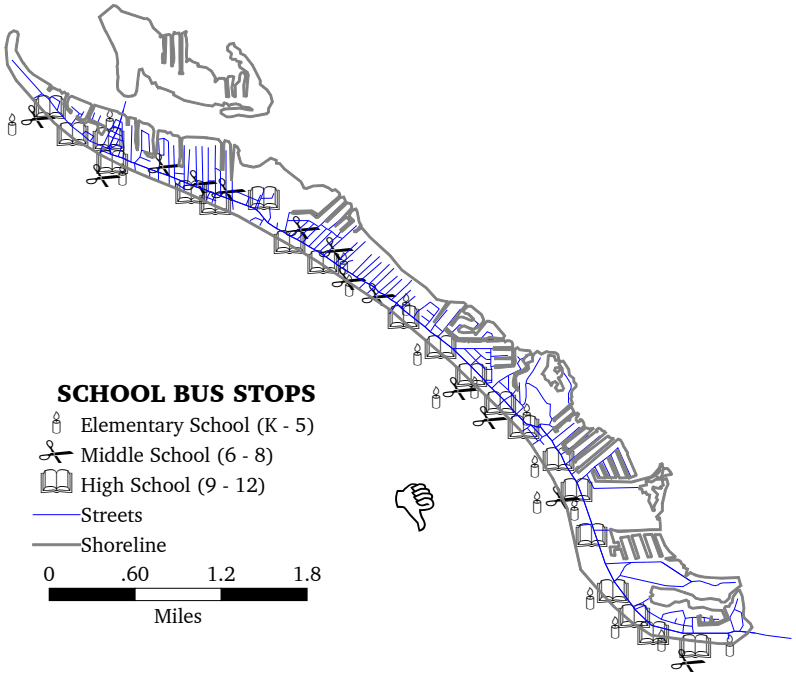


***Figure 15**, School bus stops*

Transportation Impacts of School Buses

From a traffic standpoint, students traveling considerable distances to school are better accommodated in school buses than in their parents' car (or their own). But some *negative* effects of school buses on traffic flow come from two sources:

- During pick-ups or drop-offs, school buses serve as moving traffic lights, hampering the flow of traffic. The current pattern is to have very frequent bus stops, rather than widely spaced stops, which worsens the problem.
- The Beach Elementary School is located in the area of highest traffic congestion. More than 80% of school children within a two-mile radius of this school ride school buses or their parents' car, rather than walking or bicycling to school. Traffic congestion is worsened by frequent bus stops along Estero Boulevard to pick up children who live this close. By making sidewalks and bike paths safer and more inviting, the number of extra stops can be reduced.

Similarly, parent-initiated car pools to off-island middle and high schools would be preferred over individual trips to and from school. There may also be some opportunity for a water shuttle system to transport some students. The only local precedent for water transportation is for students who live on Useppa Island, who use private boats plus a short walk to reach a school bus that takes them to Pine Island Elementary School.

HOW RESIDENTS TRAVEL TO WORK

Some data on how island residents travel to work is available from the 1990 Census. This data is called the "modal split," which is simply the division of trips based on the means of transportation chosen by island residents to their work destination. This data, based on a sample of every sixth household, is presented in Table 7-B-15.

Table 7-B-15 indicates that public transit was not used for work trips in 1990. With the trolley service now in place, some work trips are certainly being made by public transit, which will increase the "capture rate" in future surveys. Capture rate is a measure to assess how many single-occupant-vehicle (SOV) auto trips have been "captured" by public transit, reducing congestion or freeing up road capacity for another vehicle. Lee Tran has had substantial success in accommodating non-resident trips *to* Fort Myers Beach, and may be able to serve many work trips originating on Fort Myers Beach as well.

Only 30% of the island's permanent residents were reported as part of the work force in 1990, reflecting the sizable retiree population. The travel patterns of non-working residents and of non-residents contribute to the extreme seasonal fluctuations in traffic, as the make-up of the population at any given month affects the transportation choices that are made. Due to the importance of tourism in the economy and the impact of their means of transportation on the road network, the following section presents tourism data from in-depth surveys of visitors to Lee County.

Table 7-B-15 — Residents' Means of Getting to Work, 1990

Census Tract	*Description*	*Single-Occupant Vehicle*	*Car Pool*	*Public Transit*	*Walk*	*Other*
601	San Carlos Island & Estero Is. NW of Bayview Avenue	898	244	0	173	64
602	Estero Is. SE of Bayview Avenue	843	104	0	70	69

Source: 1990 U.S. Census, STF-3A Table P49

TRAFFIC CRASHES

Table 7-B-16 summarizes traffic crash data reported to LCDOT for the past three years. In 1996 Estero Boulevard was one of the top ten corridors in the county with the highest number of crashes per 1,000,000 vehicle miles traveled. Moped crash reports are listed separately beginning in 1996 to monitor their operation and safety on Estero Boulevard. The data indicates an increase in the number of injuries and fatalities compared to the previous years, with a noticeable decrease in the number of crashes involving bicycles.

Additional information is available in which traffic crash is referenced to a nearby intersection. This information is general due to the manner by which the data is compiled and entered into the County's database. Table 7-B-17 reports the locations with the highest number of reported crashes for comparison to previous years. These locations are mapped in Figure 16.

In-depth study would be required to investigate specific trends or patterns of crashes at these locations (such as type of vehicle involved, or type and severity of crash). This listing of problematic intersections emphasizes the importance of safety as a prerequisite for mobility and cost-efficient use of the transportation network.

Table 7-B-16 — Estero Boulevard Crash Data, 1994 to 1996

Year	*Auto*	*Bike*	*Pedestrian*	*Moped*	*Total*	*Injuries*	*Deaths*
1994	150	12	7	N/A	169	54	3
1995	107	6	6	N/A	119	33	6
1996	136	5	6	1	151	87	7

Source: LCDOT Crash Summaries

Table 7-B-17 — Estero Boulevard High Crash Locations, 1994 to 1996

Location	*1994*	*1995*	*1996*
Crescent/Estero	16	5	4
Palermo/Estero	10	2	9
Carolina/Estero	5	8	5
Mango/Estero	2	3	4

Source: LCDOT Crash Summaries

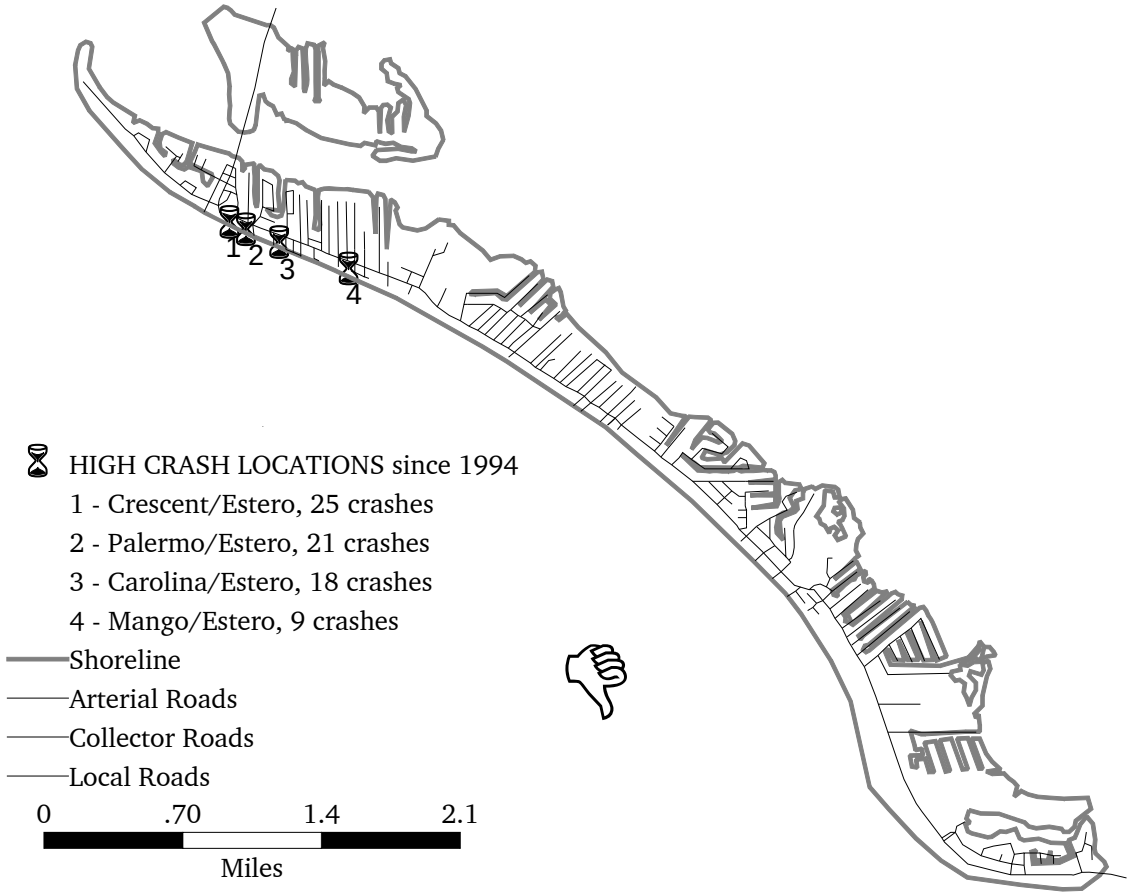


***Figure 16**, High crash locations*

UTILITIES ELEMENT

INTRODUCTION . . . . . 8 - 1

PURPOSE OF THIS ELEMENT . . . . . 8 - 1

WATER SUPPLY . . . . . 8 - 1
- **Existing and Projected Water Facility Needs . . . . . 8 - 3**
- **Bulk Water Agreement with Lee County . . . . . 8 - 5**
- **Traditional and Alternative Water Supply Sources 8 - 5**
- **Work Plan for Constructing New Supply Facilities . 8 - 6**
- **Water Conservation . . . . . 8 - 7**

SEWER SERVICE . . . . . 8 - 8
- **Existing and Forecasted Sewer Service Needs . . . . 8 - 8**
- **Performance of Existing Facilities . . . . . 8 - 8**
- **Expansion Needs . . . . . 8 - 9**

SOLID WASTE . . . . . 8 - 9
- **Solid Waste Collection at Fort Myers Beach . . . . . 8 - 9**
- **Landfill Operations . . . . . 8 - 10**
- **Resource Recovery Plant . . . . . 8 - 10**
- **Recycling Program . . . . . 8 - 11**
- **Fees . . . . . 8 - 11**
- **Hazardous Waste . . . . . 8 - 12**
- **Existing and Forecasted Solid Waste Needs . . . . 8 - 12**
- **Expansion Needs . . . . . 8 - 14**

UTILITIES AND CONCURRENCY . . . . . 8 - 14

GOALS - OBJECTIVES - POLICIES . . . . . 8 - 15
- **OBJECTIVE 8-A RELATIONS WITH UTILITIES . . 8 - 15**
- **OBJECTIVE 8-B LEVELS OF SERVICE . . . . . 8 - 16**
- **OBJECTIVE 8-C WATER CONSERVATION . . . . . 8 - 17**
- **OBJECTIVE 8-D SOLID WASTE . . . . . 8 - 17**

APPENDIX: INFLUENCE OF LEGISLATION . . . . . 8 - 19

UTILITIES ELEMENT

INTRODUCTION

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

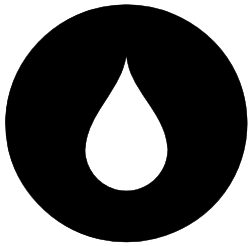
- ***Bulk water*** is provided by Lee County Utilities, a branch of Lee County government;
- ***Sewer service*** is provided directly to town residents and businesses by Lee County Utilities; and
- ***Solid waste,*** with pickup by investor-owned companies operating under a franchise from the Lee County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

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

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

PURPOSE OF THIS ELEMENT

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



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

WATER SUPPLY

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

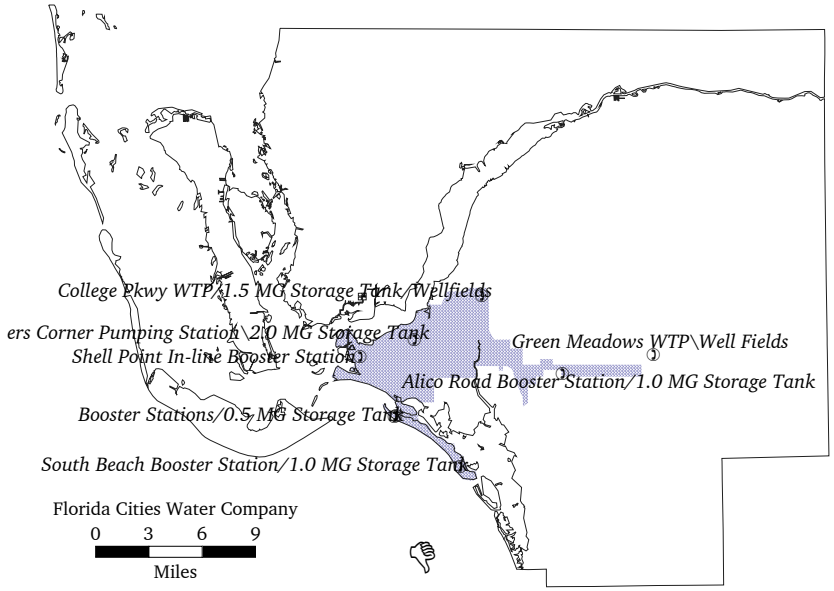


***Figure 1**, Former Florida Cities' south franchise boundaries & location of facilities*

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

Lee County Utilities in 2001 acquired Florida Cities' two water treatment plants in the South Fort Myers area, which had supplied the following data about their operation. The Green Meadows Water Treatment Plant and College Parkway Treatment Plan, and their accompanying well fields, served this area. These plants had permitted and plant design capacities of 9,000,000 gallons per day (Green Meadows) and 1,500,000 gallons per day (College Parkway). These plants served approximately 16,000 water customers and an estimated population of about 56,000 (at an average of 3½ persons per connection). Land uses served are primarily residential and some commercial. Florida Cities estimated that 3,000 of these customers and 10,500 of the population were located within the town's limits. (The number of customers is less than the total number of dwelling units because a majority of dwellings within the town are multi-family units, which share a water meter and are considered as "one customer.")

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

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

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

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

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

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

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

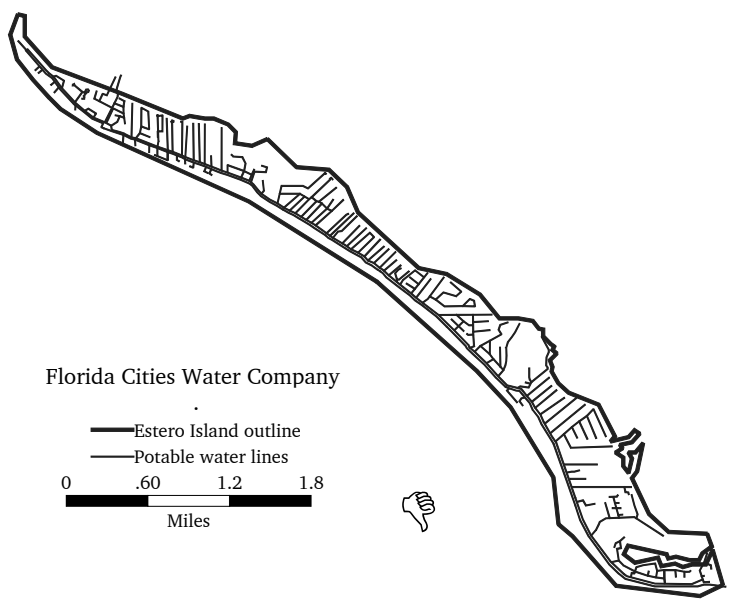


***Figure 2**, Potable water lines on Estero Island*

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

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

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

Table 8-2
Current Levels of Service for Potable Water

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

Existing and Projected Water Facility Needs

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

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

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

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

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

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

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

Bulk Water Agreement with Lee County

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

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

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

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

Traditional and Alternative Water Supply Sources

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

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

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

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

Work Plan for Constructing New Water Supply Facilities

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

- Identify population and water demands for a planning period from 2007 to 2030 with focus on the planning period from 2007 to 2017.
- Identify existing and planned potable and reclaimed water facilities that will be utilized to meet the projected demand to 2017.
- Identify sources of raw water required to meet the projected demand.
- Identify planned potable water supply and reclaimed water projects required to meet projected demands and specify when they must be developed and how they will be funded.
- Demonstrate that the proposed water supply development projects are feasible with respect to facility capacity and consumptive use permitting.
- Describe Lee County Utilities' efforts in developing alternative water supplies.

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

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

TABLE 6
CAPITAL IMPROVEMENT PROJECTS

10 YEAR WATER SUPPLY DEVELOPMENT PROJECTS

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

ALTERNATIVE WATER RESOURCE PROJECTS

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

Water Conservation

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

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

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

- *Permanent Irrigation Ordinance:* Lee County has imposed an ordinance restricting landscape irrigation to the hours of 5:00 PM to 9:00 AM two days per week (Ordinance No. 05-10). This ordinance is more restrictive than rules of the South Florida Water Management District.
- *Rain Sensors Required:* The Land Development Code requires rain sensors on new irrigation systems (§ 10-154(7)m).
- *Xeriscape Requirements:* The Land Development Code requires xeriscape principles for all required landscaping (§ 10-421(b). Xeriscape principles conserve water through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas.
- *Leak Detection Program:* Lee County Utilities has an unaccounted-for water and leak detection program. The latest available data indicate that "unaccounted for" water losses are only 6.22% (calendar year 2006).
- *Water Conservation Education:* Lee County TV airs daily information on water conservation, addressing many ways that water customers can conserve. The Lee County Utilities web site contains several pages devoted to water conservation (start at www.lee-county.com/utilities/). The annual Consumer Confidence Report directs customers to the web site for conservation information. Water conservation posters and pamphlets are placed in schools, libraries, and county offices. About 20 water conservation presentations are made to third-grade students each year, and 4-5 water conservation presentations are made to civic organization throughout Lee County.

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

SEWER SERVICE

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

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

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

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

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

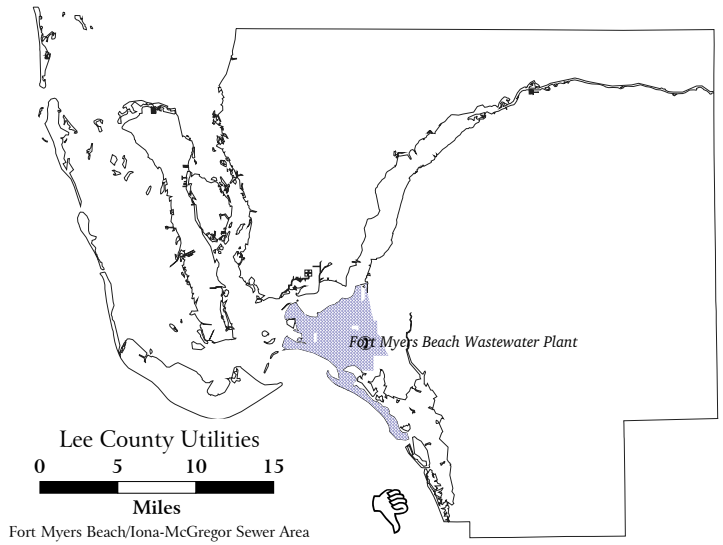


***Figure 3**, Sewer service area and wastewater plant*

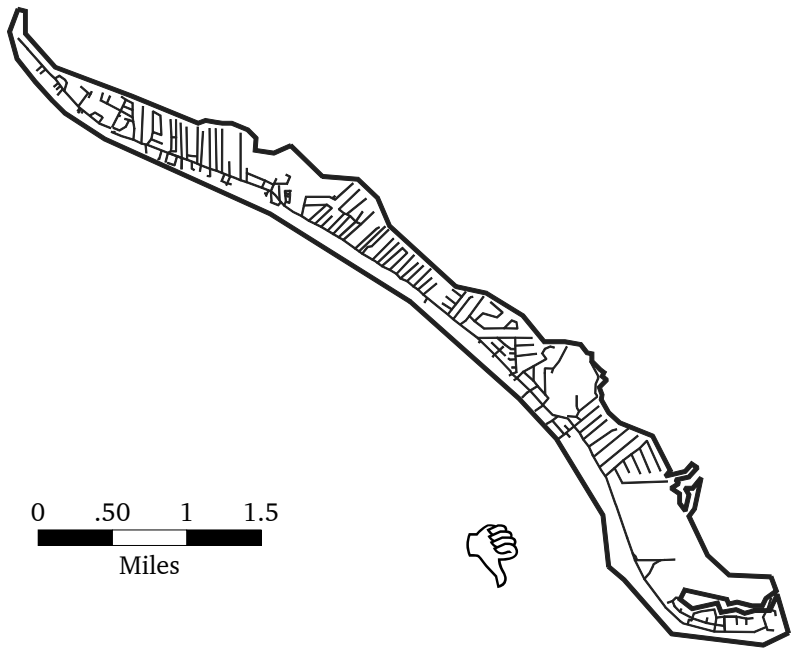


***Figure 4**, Sanitary sewer lines on Estero Island*

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

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

As with potable water supply, a proportional capacity can be calculated to reflect the town's share of the larger service area of Lee County Utilities. This capacity identifies the percentage of actual wastewater flows and of wastewater treatment plant *capacity* used by the town and by the remainder of the service area. It is based on the peak number of customers within each location, compared to the peak month's average daily sewer demand and the total capacity of the treatment plant. (As with potable water, the proportional capacity may be somewhat misleading since demand may be greater in one location one day and less on another day.) Table 8-4 reports the proportional capacity available to Fort Myers Beach.

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

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

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

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

Table 8-5
Current Levels of Service for Sewer Service

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

Existing and Forecasted Sewer Service Needs

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

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

Table 8-6 displays the forecasted sanitary sewer demand for the Town of Fort Myers Beach for the two planning periods of this comprehensive plan. Assuming a growth of 411 dwelling units by the end of the first five-year planning timeframe in 2003, additional forecasted sanitary sewerage demand will be approximately 71,925 gallons per day using the 175-gallons-per-day standard. At buildout, an additional 617 dwelling units are forecasted to require an additional 107,975 gallons per day of sanitary sewerage treatment capacity. These additional demands are only a small portion of the available capacity of the waste-water treatment plant (6,000,000 gallons available minus 3,436,000 gallons used during the busiest period).

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

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

Source: See Future Land Use Element for permit forecasts

Performance of Existing Facilities

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

Expansion Needs

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

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

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

SOLID WASTE

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

Solid Waste Collection at Fort Myers Beach

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

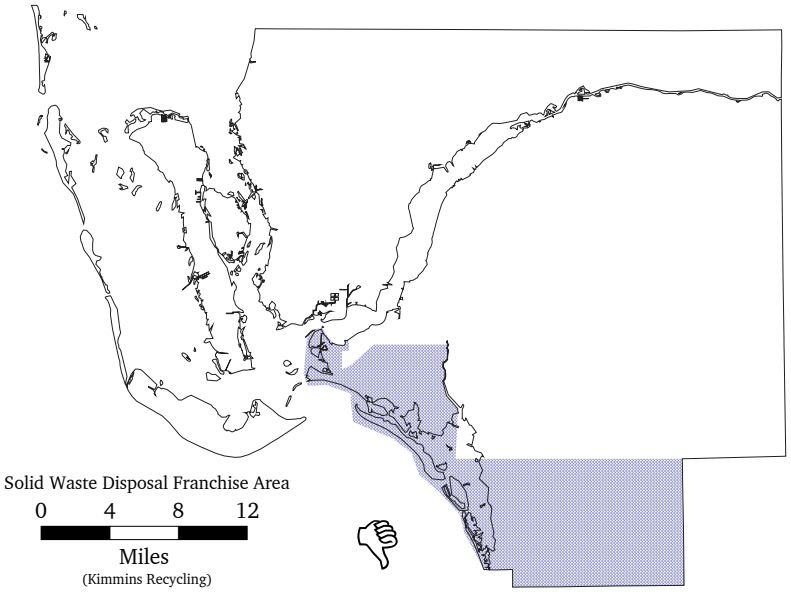


***Figure 5**, Solid waste disposal franchise area*

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

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

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

Landfill Operations

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

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

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

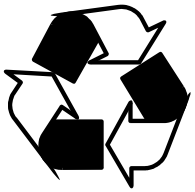
Resource Recovery Plant

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

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

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

Recycling Program



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

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

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

Fees

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

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

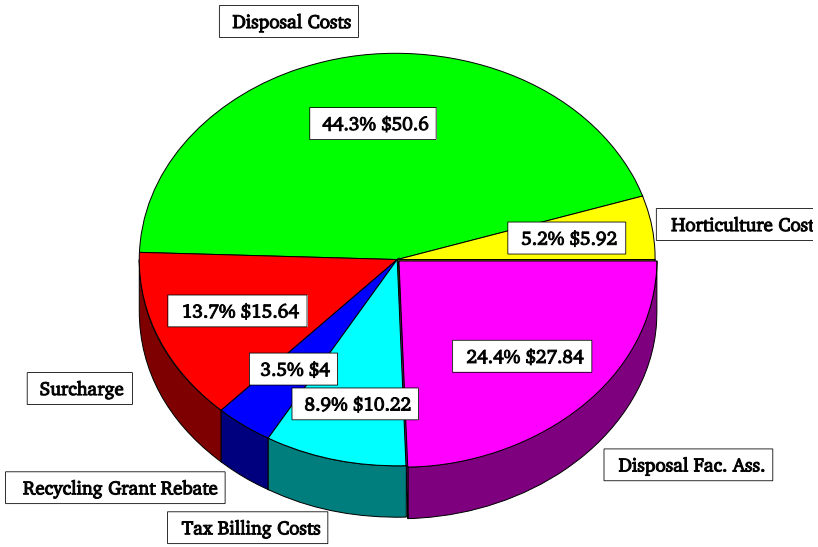


***Figure 6**, Annual residential solid waste rates FY 1996-97 (source, Lee County Solid Waste Rates: FY 96/97, 1996)*

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

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

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

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

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

Hazardous Waste

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

Existing and Forecasted Solid Waste Needs

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

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

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

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

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

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

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

"MSBU" means Municipal Services Benefit Unit.

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

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

Sources:
— Dwelling units count for 1990: compilation of STF1A data for Census Tract 601, BG 3-7 plus Census Tract 602, BG 1-6
— Dwelling unit estimates for 1996, 2003, 2020: Future Land Use Element
— Effective population estimated as follows: Peak population = [(total dwelling units x 38.2% dwelling units occupied by permanent residents) + (total dwelling units x 61.8% x .33 allowing for 4 months out of year 100% dwelling units occupied)] x 2.03 persons per household
— Solid waste forecasts: based on standard of 7 pounds per person per day

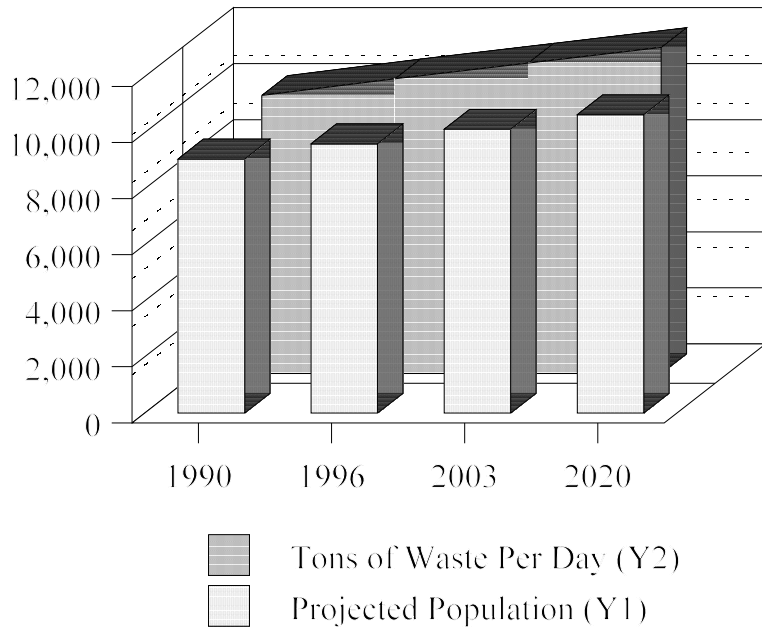


***Figure 7**, Tons of waste and population growth*

Expansion Needs

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

UTILITIES AND CONCURRENCY

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

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

GOALS - OBJECTIVES - POLICIES

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

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

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

POLICY 8-A-1 Mandatory customer connections to water and sewer utilities shall continue to be the policy of the Town of Fort Myers Beach.

POLICY 8-A-2 When considering improvements to utility systems, utility companies should expect involvement by the town in evaluating alternatives and seeking the best interests of utility customers and other people and resources affected by those decisions.

POLICY 8-A-3 The town shall seek a significant role in policy matters concerning Lee County Utilities' sewer service, based on the town's dual roles as a major user of this service and its location directly downstream of any effluent discharges into tidal waters.

POLICY 8-A-4 The town's potable water supply distribution system is supplied by Lee County Utilities under terms set forth in a bulk water agreement approved in August 2001. Lee County Utilities has a long-term expansion plan that details existing and proposed uses of traditional and alternative water supply sources, in accordance with SFWMD's Lower West Coast Water Supply Plan Update (July 2006). Lee County Utilities' expansion plan, the Water Supply Facilities Work Plan, was last updated in July 2008 and is incorporated herein by reference.

POLICY 8-A-5 The town shares a common interest with Lee County government in ensuring that potable water supplies will be sufficient to meet future demands. The town will coordinate with Lee County on an ongoing basis on the following matters:

1. Analyzing peak season demands and providing sufficient allocations of water.
2. Using consistent population projections and level-of-service standards.
3. Conserving water by adopting a conservation rate structure (see Policy 8-C-6).
4. Implementing a leak detection program and replacing obsolete portions of the water supply system.

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

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

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

ii. **for sanitary sewer service:** available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).

iii. **for solid waste disposal service:** the ability to collect and manage 7 pounds of municipal solid waste per person per day.

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

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

i. development orders or building permits will be issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or

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

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

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

POLICY 8-C-1 The town shall, by resolution, encourage Lee County Utilities to expand its facilities and agreements for recycling treated wastewater for reuse as irrigation water; deep-well injection of surplus wastewater should be limited to emergency use only.

POLICY 8-C-2 The town shall consult with the South Florida Water Management District to obtain suggestions on regulations to conserve water before adopting such regulations.

POLICY 8-C-3 The town will use drought-tolerant vegetation, xeriscape techniques, recycled water, or other available methods for landscaping publicly owned lands, and encourages private landowners to do the same to reduce usage of potable water for irrigation purposes.

POLICY 8-C-4 The town will continue to require, through its building codes, the use of water-saving plumbing fixtures in all new development and redevelopment.

POLICY 8-C-5 The town will support public educational programs that encourage water conservation practices.

POLICY 8-C-6 The town should consider implementing a strong conservation rate program where large water users pay a higher rate per gallon than is charged to frugal users.

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

POLICY 8-D-1 The town will ensure the routine collection of residential and commercial wastes; special collections of bulky items; separate curbside and bulk collection of recyclable materials; and separate collection of yard wastes and construction debris.

POLICY 8-D-2 The town will continue its participation in Lee County's program of recycling, incineration, and disposal of solid wastes.

POLICY 8-D-3 The town will seek to expand the current program to collect recyclables from motels and other tourist lodgings, and to collect and recycle additional materials.

POLICY 8-D-4 The town will consider an ordinance requiring mandatory recycling of solid waste if voluntary participation does not achieve standards set by state or regional agencies.

POLICY 8-D-5 The town will evaluate methods of improving the cost-effectiveness of solid waste collection, and may consider franchising the collection process independently of Lee County.

POLICY 8-D-6 The town will cooperate with Lee County in implementing programs to decrease the volume of solid waste requiring landfilling (e.g. source separation of material which can be reused, recycled, or disposed of in another manner). The town shall also support and assist in programs to reduce roadside litter and illegal dumping, such as Keep Lee County Beautiful's annual coastal cleanups.

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

APPENDIX: INFLUENCE OF LEGISLATION

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

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

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

State requirements pertaining to the management of water resources and the regulation of consumptive water use have been adopted by regional water management districts pursuant to Chapter 40D-2, *Florida Administrative Code*. The purpose of Chapter 40D-2 is to implement the provisions of Part II of Chapter 373, *Florida Statutes*, and the State of Florida Water Policy. Additional rules relating to water use are found in Chapter 40D-3, entitled "Regulation of Wells"' Chapter 40D-8, entitled "Water Levels and Rates of Flow"; and, Chapter 40D-21, entitled "Water Shortage."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER MANAGEMENT ELEMENT

INTRODUCTION . . . . . 9 - 1

REGULATORY ISSUES . . . . . 9 - 2

LOCAL STORMWATER PROBLEMS . . . . . 9 - 3

PLANNING OPTIONS . . . . . 9 - 4
Coastal Flooding . . . . . 9 - 4
Stormwater Flooding . . . . . 9 - 4
Stormwater Quality . . . . . 9 - 6

DESIRABLE COURSES OF ACTION . . . . . 9 - 7

STORMWATER UTILITY . . . . . 9 - 9

GOALS - OBJECTIVES - POLICIES . . . . . 9 - 11
OBJECTIVE 9-A CONTAMINATION . . . . . 9 - 11
OBJECTIVE 9-B RECHARGE . . . . . 9 - 11
OBJECTIVE 9-C EROSION . . . . . 9 - 12
OBJECTIVE 9-D LEVELS OF SERVICE . . . . . 9 - 12
OBJECTIVE 9-E PRELIMINARY DRAINAGE STUDY . . . 9 - 13
OBJECTIVE 9-F STORMWATER MASTER PLAN . . . . . 9 - 13

STORMWATER MANAGEMENT ELEMENT

INTRODUCTION

Coastal communities like Fort Myers Beach must respond to flooding that arises from two different sources. One source is unrelated to rainfall and stormwater; it occurs when the Gulf of Mexico and Estero Bay rise to unusual heights due to strong onshore winds. Often this type of flooding occurs without rainfall. In contrast to flooding caused by water flowing *up onto* the island, flooding caused by stormwater (the second source) results from a conveyance system which is inadequate to get excess water *off* of the island and into the Gulf or Bay. Most barrier islands have intrinsically good drainage because their narrow width provides short drainage pathways, and also have highly pervious sandy soils. However, the overall drainage process can be stymied because of low relief and slope, with the simple result that there is no place for the water to flow. It is also aggravated by development which has reduced the natural drainage functions.

Disregarding water quality concerns for the moment, typical solutions to stormwater flooding attempt to move larger volumes of stormwater runoff away from roads and buildings at a faster rate, or to store it until a later time when the system can accept flow without flooding. For existing development, this is accomplished by increasing the size of drainage pipes, eliminating obstructions, and cleaning or enlarging ditches.

Unfortunately, these same improved stormwater conveyances will also allow rising water in *from* the Gulf at a faster rate. At the community level, the only effective technical remedy to rising flood water is to dike the island and install one-way valves on the outfalls — an impractical solution for an island of this size. There are however, community activities which can remedy some of the damage. For example, adding dunes to the Gulf side (with pedestrian walk-overs) would provide a form of energy dissipation for onshore waves. Rising water would still flood the island from the Bay side, but wave damage would be reduced. Raising the roads and buildings would also reduce damage and hazards when flooding does occur.

In some respects, stormwater *quality* issues stand in stark contrast to the causes and solutions to stormwater *flooding*. Flood control efforts are designed to prevent stormwater flooding from abnormal storms, such as extreme rainfall that occurs only once every 5, 10, or 25 years. Because of the infrequent nature of these storms, they are of little consequence in stormwater quality. The water quality concern is about pollution carried in numerous small storms. Generally, the west coast of Florida experiences about 100 “storm events” annually. Of these, more than 90 percent produce less than one inch of rainfall. Stormwater treatment technology therefore is geared to treat the runoff from up to a one-inch rainfall, thus providing treatment for 90 percent of the events.

Whereas part of the solution to flooding is to move stormwater as quickly as possible to the Gulf or Bay, several forms of stormwater treatment rely on *slowing* the movement of water to allow solids and metals to settle out, or storing it in depressions and allowing it to soak into the ground. For example, grassed swales provide good treatment for small storms where the depth of water in the swale is small and flow is slowed by vegetation. (After bigger storms, the swales fill up and vegetation becomes less effective in slowing the flow of water.)

The term Best Management Practices (BMP) is used to describe techniques for stormwater management. Structural BMPs are physical devices intended to control the quantity and/or quality of stormwater. A stormwater pond is one example of a structural control. Other BMPs are categorized as source controls, which are designed to control the problem at the source and minimize the need for structural controls. For example, reducing the amount of impervious area results in less runoff. This results in more room in the drainage system for the remaining runoff and results in less water that needs to be treated. Source controls are often the only alternative for built-out communities with little room to install structural controls.

The susceptibility of a community to flooding or water quality problems due to stormwater can be measured by assessing the level of service (LOS) available. For flooding issues, a LOS can be expressed in terms of the degree of roadway flooding and/or the extent of first floor flooding for a given hypothetical storm event. For example, for some communities, a "C" level of roadway service is defined as no more than six inches of water on evacuation routes during the largest one-day rain event expected every 25 years. A 25-year recurring storm means a storm has 1/25 of a chance of occurring during a given year. The current Lee County Comprehensive Plan stormwater management LOS is that *designated evacuation routes shall not be flooded for more than 24 hours by rainfall from a "25-year, 3 day" storm,* and . . . *new development (except widening of existing roads) shall hold excess stormwater to match the predevelopment discharge rates for a "25-year, 3-day storm."* (Note that the definition applies only to flooding which results from rainfall and not to flooding from rising water.)

LOS definitions vary considerably by community. In 1993, a task force consisting of DEP and representatives from each of the water management districts jointly published a recommended set of criteria (*Report to Plan Oversight Committee Stormwater Level of Service Conventions Committee*) for flooding LOS. These recommendations defined level "C" as *standard flood protection*, which means evacuation routes and arterial roadways must be passable during a 100-year flood event, and collector roadways must be passable during a 25-year event.

The same task force also developed standards for water quality. Compared to a flooding LOS, the concept of a water quality LOS is new in the state of Florida. The water quality ranking system promotes land use controls, followed by structural treatment measures, and penalizes untreated discharge from urban areas.

Although this comprehensive plan is not required to have a water quality LOS that must be met to avoid building moratoriums, *new* stormwater discharges must meet standards to be specified in this plan. Available options include adopting the state water quality standards in Chapter 62-25 FAC (formerly 17-25) or adopting those found in Chapter 62-40 (formerly 17-40). The latter standard is ill-defined but much broader, in effect requiring that stormwater be "retained" on-site until it seeps into the ground (instead of "detaining" stormwater for a period and then discharging it in a controlled manner). Stormwater "retention" is highly desirable when sufficient land is available, but it is very difficult to achieve when redeveloping.

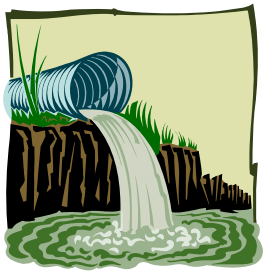
REGULATORY ISSUES

The stormwater management policies in the Fort Myers Beach comprehensive plan will be influenced by a variety of federal, state, and regional regulations. For our immediate purposes, the most direct involvement is through Chapter 163.3177(6)(c) of the *Florida Statutes* and Rule 9J-5.011 of the *Florida Administrative Code*. These require that the local comprehensive plan have an element establishing broad and long-term policy guidance for implementing stormwater management throughout the town. Specific management techniques are not contained in these regulations; but through the formal review process, state and regional agencies will ensure that the policies are coordinated

with surface water management policy contained in a variety of other plans. The Appendix contains a complete summary of other federal, state, regional and local objectives for management of stormwater and its potential impact on the town of Fort Myers Beach, including the impending implementation of the National Pollutant Discharge Elimination System (NPDES) process.

LOCAL STORMWATER PROBLEMS

While there appears to be very little water quality data collected within the town's corporate boundaries, the regional evaluations for Charlotte Harbor (including Matlacha Pass) provided by Florida Department of Environmental Protection (DEP) are applicable. DEP's 1994 biennial report stated: *"The predominant pollution problems are associated with development: bacteria from accelerated urban runoff through canals[,] and sediments from construction . . . ."*



Water quality in urban canals tends to be poor for a variety of reasons. First, urbanization introduces higher pollutant loads from stormwater runoff. Lawn care adds nutrients, pesticides, herbicides and fungicides to the land, some of which will be broadcast directly into the canals during application, or indirectly carried as stormwater runoff. Stormwater runoff also washes off roadway pollution into the canal systems. Roads collect oil, anti-freeze, brake fluids, petroleum products, brake and tire dust, and combustion products. These residues contain high levels of toxic metals and organic compounds, many of which are attached to solids. In the absence of a stormwater treatment facility for settling and removal, these solids and attached pollutants are washed directly into the Gulf and canal systems. In other cases where the drainage is routed through unvegetated areas such as beaches, high rates of runoff will cause erosion which compounds the problem.

Other impacts from urbanization include direct and indirect discharges of wastes, both domestic and industrial. Septic tanks drainfields contribute pollutants through groundwater seepage into the canals. Local contractors have reported that many discharges still remain from Estero Island homes and businesses despite central sewer service. Because many of these canals are dead-end, circulation is poor and pollutants tend to accumulate in the water column and in the sediments, adversely affecting the flora and fauna with the canal system. Fish kills, increased tissue levels of toxic compounds in fish and shellfish, and reduced productivity and diversity all result from degraded water quality. While there are regulations against causing pollution through direct, or indirect discharges, there are no federal, state, or regional requirements to sample the ambient waters for pollution except when such monitoring is included as a permit condition. Sampling and monitoring of existing conditions must generally be initiated at the local level. In the future, however some monitoring will be required of the town by the stormwater NPDES permit.

The major impediment to better flood control on Estero Island is the lack of available land for structural improvements in the older, northern third of the island where Estero Boulevard frequently floods. Improving flood control in this portion of the island must consider solutions for both coastal flooding due to rising water and for better control of stormwater runoff. For many areas, drainage simply flows overland to the beach, bay or nearest canal. The existing drainage system is largely undocumented, and some facilities are partially buried or otherwise poorly maintained. In the absence of increased maintenance, the performance of the remaining structures will diminish or cease due to siltation. The best opportunity for drainage improvement may consist of identifying and maintaining the existing system, coupled with land-use controls for redevelopment. For improve-

ments to the stormwater quality, source controls should be emphasized and structural controls incorporated wherever possible during retrofits.

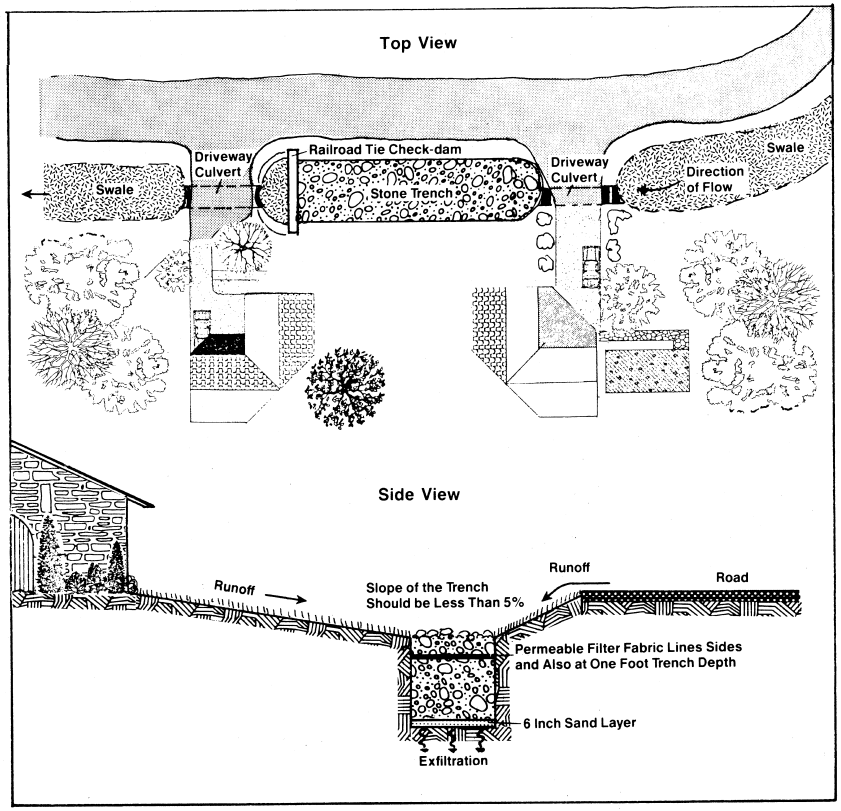
Conditions improve to the south, where drainage facilities are more abundant and better maintained. Properly maintained, these facilities have a life expectancy of 20-50 years. The commercial and multi-family residential developments constructed after the mid 1980s were built to meet the SFWMD requirement that the rate of runoff after development be no greater than before development (for the highest 3-day rainfall total expected every 25 years). Thus, in cases where the development occurred over undisturbed lands, the rate of runoff is equal to the natural rate of runoff.

PLANNING OPTIONS

Coastal Flooding — There are only a few options to reduce the frequency and severity of road and structural flooding resulting from rising water, and they are best addressed during redevelopment. Technical options include installation of flapper-valves on discharge pipe outfalls located above high tide, raising roadways and structures, berming, and flood-proofing structures. While berming is effective at keeping the rising water out, some mechanism (usually pumps) would be required to remove water from within the bermed enclave during heavy storms, and raising of roadways often trades dry evacuation routes for flooded structures. The most cost-effective strategy is to design, build, and redevelop in a manner that will minimize the damage of coastal flooding.

Stormwater Flooding — The performance of the neglected existing drainage facilities could be improved by routine maintenance. Pipes and outfalls should be located, and cleaned. Swales on private property provide some on-site storage and reduce the amount of stormwater that must flow through the conveyance system (see Figure 1). Swales also provide water quality treatment and can recharge the surficial aquifer as additional benefits. In the north of the island, it is likely that many pipes are undersized due to the need to drain increased impervious area which has been added over time. The extent of improvement that can be achieved can be determined with mapping and master planning the drainage of the north end of the island.

***Figure 1**, Residential swale/trench design*



There are a variety of structural techniques for improving stormwater management on small parcels. One is the use of porous pavement, where runoff from a building's roof and heavily used portions of a parking lots flows onto a porous asphalt layer in a less-used portion of the parking lot. The runoff flows through the pores in the asphalt into an underground reservoir of small stones, and then gradually infiltrates into the surrounding soil; it never runs into roadside drainage swales or tidal waters. Figure 2 shows a cross-section of a porous parking lot

Porous pavement is very effective in removing pollutants from stormwater. However, it is less effective when the water table is close to the surface, and probably shouldn't be used along the beach where sand would be regularly blown onto the porous pavement.

Porous pavement can be very cost-effective in commercial areas where soil and other conditions are suitable. While the asphalt itself is more expensive than conventional pavement, porous pavement eliminates the need for stormwater drainage, conveyance, and treatment.

Regular maintenance of porous pavement is essential. Vacuum sweeping and/or jet hosing is needed quarterly to maintain porosity. Field data from actual installations indicate that this routine maintenance is frequently not followed. As a result, a survey of porous pavement installations in Maryland showed that 75% of the systems were partially or totally clogged within five years. The oldest operating porous pavement installations were about ten years old. (Similar failure rates were noted for infiltration facilities, discussed later, that did not have adequate pre-treatment of stormwater.)

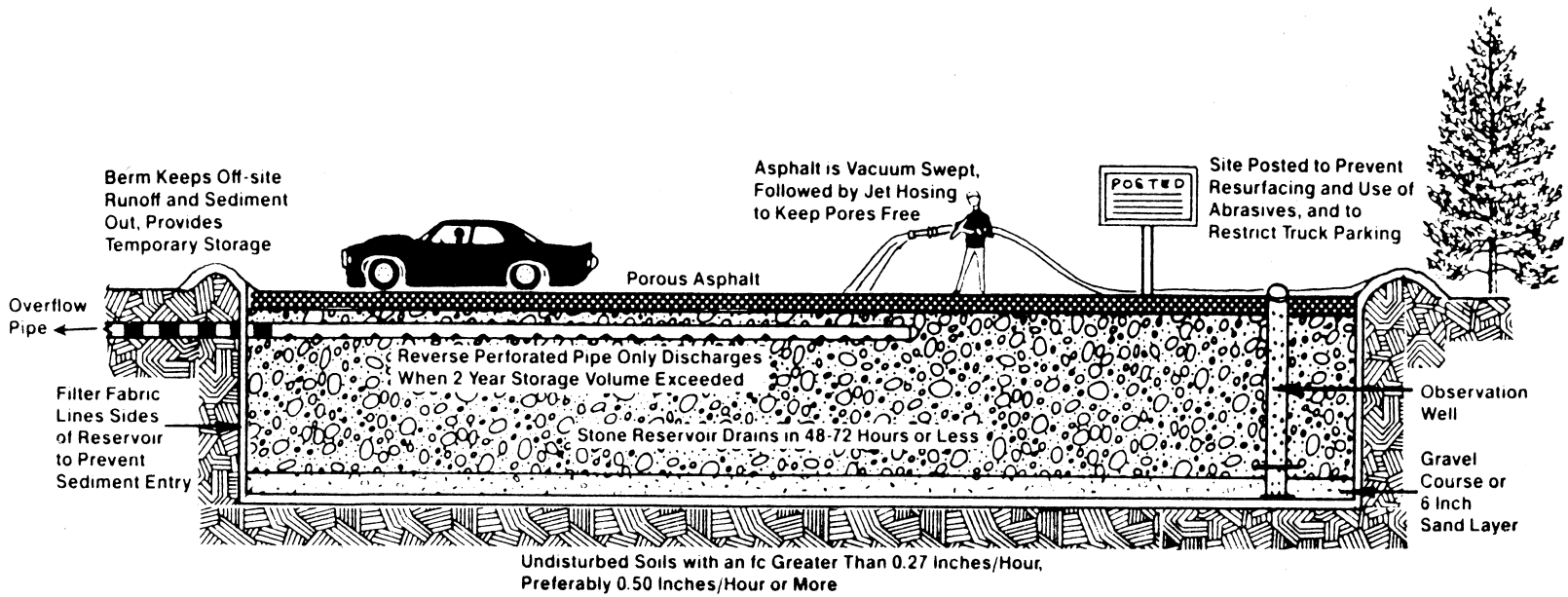


***Figure 2**, Schematic design of a porous pavement system*

Further investigation of the feasibility of porous pavement at Fort Myers Beach is warranted. This would include assessing if the high failure rates in Maryland can be alleviated by better design, inspection, sediment control, and maintenance practices. Also, actual field tests at Fort Myers Beach, with follow-up inspections, would be highly desirable.

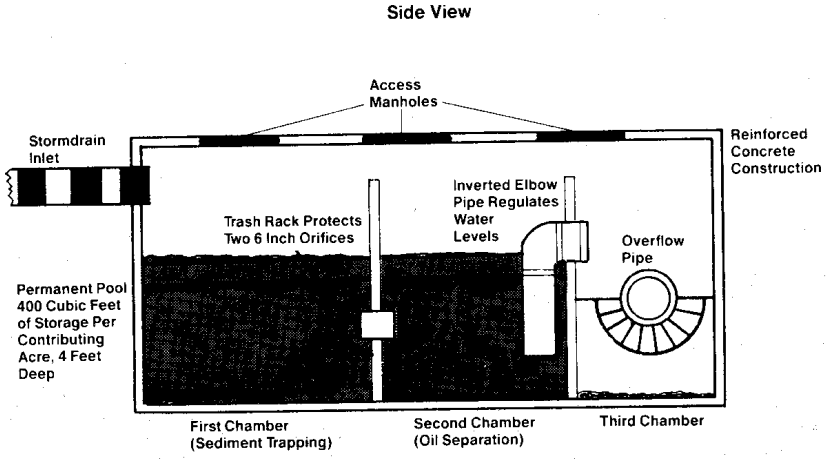
Minimizing impervious area is always a good strategy for both quantity and quality concerns. Another strategy, raising roadways, may improve the roadway flooding LOS, but potentially at the cost of additional off-road flooding of nearby buildings. Despite these limitations, strategies which can effectively minimize impervious area and maximize infiltration will reduce the flooding potential and water quality problems.

Infiltration and exfiltration facilities are also popular in retrofit conditions where useable space is limited. Infiltration trenches are rock-filled ditches which receive stormwater at the top. Exfiltration trenches are similar in design, but stormwater is introduced into the interior of the trench via a pipe which runs through the middle of the trench. (The current improvements to Estero Boulevard include several exfiltration trenches that were installed below the road's pavement between Times Square and the Lani Kai.) Both devices have limited life expectancies unless some form of pretreatment is provided. Application on Estero Island may be further limited by a high water table, which is reported to be at 1.0 foot above sea level with roadway elevations averaging about 3.0-5.0 ft above sea level. For proper operation of this type of facility, a minimum of 2 to 4 feet is recommended below the *bottom* of the trench to seasonal high water. Since the road surface, road bed, and depth of the trench all consume vertical space, exfiltration trenches may not be effective in some locations along Estero Boulevard.

Stormwater Quality — There are several other options available to improve the quality of stormwater runoff:

- Street sweeping or vacuuming is an effective source control to remove sand and floatables (besides making the streets look clean).
- Vegetated swales are also attractive and provide treatment.
- Vegetated buffer strips work in a similar fashion by slowing the rate of flow and allowing the solids to settle. However, being of fixed width, buffer strips are more sensitive to the velocity of runoff and therefore are recommended only for small structures.
- Catch basins could be replaced with "water quality inlets" (baffled concrete tanks for solids and oil separation). As with porous pavement, regular vacuuming and maintenance must be provided to maintain optimal removal rates. A cross-section view of a water quality inlet is provided in Figure 3.

***Figure 3**, Schematic design of a water quality inlet*



Because of existing development on the island, there are limited options for large-scale water quality treatment facilities. There are however, numerous other options available to improve water quality including both structural and source controls which can be evaluated and potentially incorporated into redevelopment plans or master planning efforts. Other examples include:

- minimize or reduce use of lawn chemicals in swales and along a buffer bordering the canals;
- establishing oil recycling facility to reduce illegal dumping of used oil;
- establish a program to locate and eliminate other unwanted or illicit discharges;
- discourage or prohibit discarding of lawn clippings in canals;
- institute a routine inspection/maintenance program for any remaining septic tanks;
- institute leash laws and pet clean-up requirements,
- establish limits on impervious areas and encourage permeable alternatives to impervious surfaces (e.g., wood decks instead of concrete patios etc.);
- encourage the use of slow-release fertilizers;
- encourage natural lawn care instead of chemical control;
- sand filters / enhanced sand filters (similar in function to infiltration trenches, but shallower and with greater surface area).

The advantages and disadvantages of various structural controls are summarized in Table 9-1. (The cross-section diagrams in this element were taken from the same source as Table 9-1 or from *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*, Metropolitan Washington Council of Governments, 1987.)

DESIRABLE COURSES OF ACTION

One task which should be completed by the Town of Fort Myers Beach in the near future is mapping the existing drainage facilities within the town. The mapping should include a description of relic systems (for example, filled swales) that are no longer structurally intact or functioning. The cost of this effort could be reduced greatly with the assistance of knowledgeable volunteers to locate and map the structures and facilities. Professional surveyors would then determine the exact height and capacity of the system.

From the data gathered, an evaluation of the stormwater system's response to a design storm (either SFWMD or a locally derived standard) should be completed under existing conditions and under conditions of a fully maintained and operational system. Depending on the results, a limited-area stormwater master plan should be considered to evaluate options available to achieve the desired level of service for stormwater.

Through the master planning process, the feasibility of drainage options can be evaluated, and the potential for increasing groundwater recharge can be evaluated. For example, it may be that increasing pipe size will have little or no effect because there is insufficient slope in certain areas, and pumps may be the only alternative for improvements.

The stormwater planning process could be phased to priority areas of the island since such an effort is expensive. A complete master plan for the northern third of the island alone might cost $100,000 to $200,000.

Planning for water quality improvements is cost-effectively completed at the same time as the master planning process, although many aspects of source control can be implemented in the absence of the master plan. For example, street sweeping, minimizing herbicide/pesticide use near canals, and establish-

Table 9-1
Comparison of Stormwater Best Management Practices

URBAN BMP OPTIONS	Reliability for Pollutant Removal	Longevity*	Applicability to Most Developments	Regional Concerns	Environmental Concerns	Comparative Costs	Special Considerations
Extended Dry Detention Ponds	Moderate, but not always reliable	20+ years, but frequent clogging and short detention common	Widely applicable	Very few	Possible stream warming and habitat destruction	Lowest cost alternative in size range.	Recommended with design improvements and with the use of micropools and wetlands.
Wet Detention Ponds	Moderate to High	20+ years	Widely applicable	Arid and high ET regions	Possible stream warming, trophic shifts, habitat destruction, safety hazards	Moderate to high compared to conventional stormwater detention	Recommended, with careful site evaluation
Stormwater Wetlands	Moderate to High	20+ years	Space may be limiting	Arid and high ET regions; short growing season	Stream warming, natural wetland alteration	Marginally higher than wet ponds	Recommended
Multiple Pond Systems	Moderate to High; Redundancy increases reliability	20+ years	Many pond options	Arid regions	Selection of appropriate pond option minimizes overall environmental impact.	Most expensive pond option	Recommended
Infiltration Trenches	Presumed moderate	50% failure rate in 5 years	Highly restricted (soils, groundwater, slope, area, sediment input)	Arid and cold regions; sole-source aquifers	Slight risk of groundwater contamination.	Cost-effective on smaller. Rehab costs can be considerable.	Recommended with pretreatment and geotechnical evaluation.
Infiltration Basins	Presumed moderate if working	60-100% failure in 5 years	Highly restricted (see infiltration trench)	Arid and cold regions; sole-source aquifers	Slight risk of groundwater contamination.	Construction cost moderate, but rehab costs high.	Not widely recommended until longevity is improved.
Porous Pavement	High (if working)	75% failure in 5 years	Extremely restricted (traffic, soils, groundwater, slope, area, sediment input)	Cold climate; wind erosion; sole--source aquifers.	Possible ground water impacts; uncontrolled runoff.	Cost-effective compared to conventional asphalt when working properly	Recommended in highly restricted applications with careful construction and effective maintenance
Sand Filters	Moderate to High	20+ years	Applicable (for smaller developments)	Few restrictions	Minor.	Comparatively high construction costs and frequent maintenance.	Recommended, with local demonstration
Grassed Swales	Low to Moderate, but unreliable	20+ years	Low density development and roads	Arid and cold regions	Minor.	Low compared to curb and gutter.	Recommended, with checkdams, as one element of a BMP system.
Vegetated Filter Strips	Unreliable in Urban Setting	Unknown, but may be limited	Restricted to low density areas	Arid and cold regions	Minor.	Low.	Recommended as one element of a BMP system.
Water Quality Inlets	Presumed low	20+ years	small (<2 acres), highly impervious catchments	Few	Resuspension of hydrocarbon loadings. Disposal of hydrocarbon and toxic residuals.	High, compared to trenches and sand filters.	Not currently recommended as a primary BMP option.

* Based on current designs and prevailing maintenance practices.
Source: *A Current Assessment of Urban Best Management Practices, Techniques for Reducing Non-Point Source Pollution in the Coastal Zone*. Metropolitan Washington Council of Governments, 1992.

ing a recycling facility on the island do not impact drainage and can be done independently of a drainage master plan. However, if water quality inlets are used as a means to improve stormwater quality, the flow catchment areas must be incorporated into the placement of the inlets. In most cases, this will be more easily evaluated during a master planning process. As in the case of the drainage goals, all water quality goals should acknowledge the existing constraints to large-scale or regional solutions.

The town should begin to develop a strategy for water quality monitoring in accordance with the commitments made in the NPDES Part 2 application. Although most NPDES requirements should be met through joint programs with Lee County, the town could address its special problems by testing the metal content in canal bottom sediments. This is a cost-effective way to screen for pollutant sources, particularly contaminated urban runoff. The monitoring program would also incorporate visual inspections of exposed outfalls during dry weather when flow is not anticipated. Inexpensive field test kits can be used to assess whether the unexpected flow (if found) is likely to be a wastewater or commercial/industrial source. The results, when coupled with the drainage facilities mapping, can be used to isolate potential sources. Periodic re-testing should be considered (e.g., 3-5 years). A history of sediment results could be used to assess the success of other water quality management strategies.

Grant funds are often available for innovative projects to improve stormwater quality. The town has begun to seek funding for retrofit projects such as installing porous paving in parking lots that are being redeveloped. A request for a $120,000 federal grant is pending before the South Florida Ecosystem Restoration Task Force. Such grants often require a 50% match; this match could be satisfied by the town's stormwater mapping or water quality monitoring programs as described above, or might be met by those initiating the redevelopment activity, or might be met by receiving credit for the previous replacement of asphalt by pervious pavement at Times Square.

Some drainage problems can be addressed through regulatory means. For instance, swimming pools are sometimes emptied directly onto the beach. This can damage sea turtle nests (violating Chapter 370.12, *F.S.*) or cause serious erosion, and may even violate a general prohibition against the discharge of toxic substances contained in Chapter 17-302.500 of the *Florida Administrative Code* because of high levels of chlorine and other chemicals in pool water. At the federal level, the discharge of swimming pool water is recognized as a potential problem in the NPDES permitting process; the presence of chlorine in a stormwater discharge is considered an indicator of an "illicit connection" to the drainage system.

If environmental agencies will not require such discharges to be eliminated, the town could do so itself by ordinance. In those locations where roadside swales have the capacity to accept swimming pool water, it could be discharged there instead of onto the beach. Alternatively, it could be discharged directly into the sewer system, which has ample treatment capacity (although some limits might be required during the peak season).

Funding for master planning, capital improvement projects, or maintenance of existing stormwater facilities can be from general revenue, or gas taxes in some cases, or through a dedicated source such as a stormwater utility as discussed in the next section.

STORMWATER UTILITY

The establishment of the new town government provides certain opportunities that are available to all independent municipalities. One such entity that the town may create is called a "stormwater utility," which provides a specific service, in some ways like a utility that provides drinking water or sewer service. Most of the rain that falls should be treated through an organized drainage

system of ditches and pipes that collects, treats, and disposes stormwater runoff. To remain effective, this stormwater system has to be maintained by someone.

In most new developments, a homeowners' association is required to maintain whatever parts of the system are built by the original developer (such as the lakes or shallow "detention" areas). The local government typically maintains other parts of the system, such as ditches and underground pipes that run along the public road system.

When this drainage system also provides drainage for the road itself, this maintenance can be paid for with gasoline taxes. Unfortunately, funding for all other types of stormwater maintenance and improvements has to compete with all other needed government services. The unfortunate result is often neglect. Without a properly maintained drainage system, the quality of stormwater goes down, resulting in higher levels of pollution in the "receiving waters" such as Estero Bay. When a proper drainage system was never installed at all, as is the case with many parts of Fort Myers Beach, pollutant levels in runoff can be very high. Many communities allow such conditions to continue, either through lack of knowledge or a shortage of funds to analyze and improve their situation.

As the problems created by improper stormwater management have become better known, many communities are creating a stormwater utility, a branch of city or county government whose sole purpose is stormwater management. Its funds usually come from a separate fee that is charged to owners of developed property, based on a share of the benefit each will receive from the utility. These fees cannot be used for any other purposes. The base fee is often around $3 per month for a typical home. A fee of this level covers stormwater planning, routine maintenance, and minor improvements to the system. The fee is frequently listed on the water and sewer bill (which is obviously more difficult at Fort Myers Beach since the town doesn't bill for either service).

Monthly billing avoids a large annual payment at tax bill time, and ensures the prompt and regular payments that the public gives to utility companies as a result of their blunt enforcement method—the service shut-off. (Other enforcement methods such as liens can also be used, but their administrative costs are very high relative to the small billing amount.)

The decision to create a stormwater utility can be made at any time, but most often just after certain events have taken place. These include the community accepting that all water pollution cannot be blamed on outsiders, and beginning to understand the nature of their own sources of pollution and the range of potential solutions. Fort Myers Beach is a logical candidate for a stormwater utility because there is a broad awareness of the increasing levels of pollution in the canals and in Estero Bay, along with a strong sentiment towards cleaning up pollution generally. The missing link for citizens to accept a stormwater utility fee is a full understanding of how current practices on Estero Island are contributing to a share of that pollution and what kinds of steps can be taken to improve the quality of stormwater runoff.

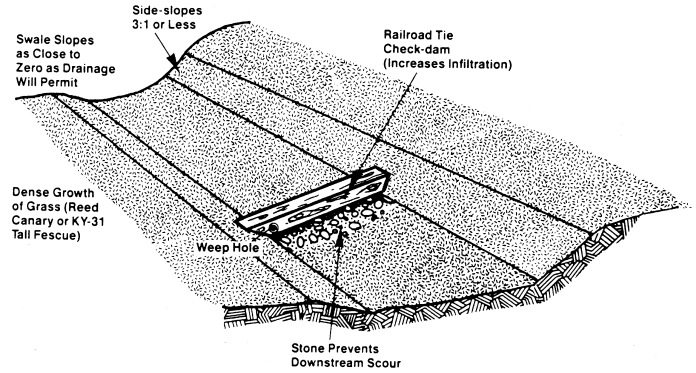


***Figure 4**, Enhanced grassed swale*

GOALS - OBJECTIVES - POLICIES

Based on the analysis of stormwater management problems and solutions in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

GOAL 9: To provide optimal flood protection and improved stormwater quality within the constraints imposed by location and existing land-use patterns.

OBJECTIVE 9-A CONTAMINATION — Reduce the level of contamination that occurs as rainfall flows toward tidal waters.

POLICY 9-A-1 Establish, fund, and implement a program to monitor the environmental impacts of stormwater runoff. This monitoring plan shall be designed to ensure that data collected will be useful in leading the town toward pollution-reducing strategies. If appropriate, this program may incorporate any monitoring requirements under the National Pollution Discharge Elimination System.

POLICY 9-A-2 Implement sound management practices to reduce contaminant levels in stormwater, such as:

i. storm drain stenciling to increase public understanding of the water quality impacts of careless drainage practices;
ii. cooperation with Lee County in providing recycling sites for used oil, batteries, unwanted household hazardous wastes, and other recyclable bulk materials;
iii. routine sweeping or vacuuming of streets and parking lots; or
iv. improved litter control in public places.

POLICY 9-A-3 Seek available grant funding and other potential revenue sources to retrofit the existing drainage pattern in redevelopment areas to reduce stormwater contamination.

OBJECTIVE 9-B RECHARGE — Increase groundwater recharge rates by reducing stormwater runoff.

POLICY 9-B-1 Create land development regulations that respond to the town's situation where existing development often was not designed to attenuate stormwater runoff.

POLICY 9-B-2 These regulations shall require improved handling of stormwater when property undergoes major redevelopment through techniques such as:

i. limitations on impervious coverage to improve existing conditions (and meet standards for new development where feasible); and
ii. encouragement of pervious pavement techniques through partial credits against impervious ratios (provided that ongoing maintenance will ensure its continued effectiveness).

POLICY 9-B-3 These regulations shall provide appropriate allowances where imposition of the highest level of stormwater management would hinder other important public policies such as maintaining the pedestrian character of public places or the historic character of designated districts.

OBJECTIVE 9-C EROSION — Reduce erosion caused by stormwater runoff.

POLICY 9-C-1 Reduce erosion from new discharges through techniques such as:

i. discouraging or prohibiting construction of swales that will not be vegetated;
ii. establishing maximum allowable discharge velocities for design storm(s) for new construction and redevelopment; and
iii. prohibiting discharge of stormwater onto beaches.

POLICY 9-C-2 Improve the management of existing conveyances through techniques such as:

i. prohibiting the use of herbicides in vegetated conveyances; and
ii. re-establishing vegetation in barren conveyances.

POLICY 9-C-3 Establish the following priorities for the discharge of swimming pool water, in order to minimize erosion and protect the quality of receiving waters and sea turtle nesting habitat:

i. discharge to roadside swales;
ii. discharge into the public sewer system (within any limits established by Lee County Utilities); and
iii. discharge directly to tidal waters only under extreme conditions and in conformance with all federal, state, and local regulations.

OBJECTIVE 9-D LEVELS OF SERVICE — Maintain interim levels of service for flood protection.

POLICY 9-D-1 Until replaced following the evaluation described under Objective 9-F, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

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

POLICY 9-D-2 The town will enforce these levels of service under the concurrency requirements of Florida law by requiring one of the following before issuance of development permits:

i. development orders or building permits will be issued subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or
ii. at the time development orders or building permits are issued, the necessary facilities and services are guaranteed to be in

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

POLICY 9-D-3 Identify by 1999 any emergency shelters and portions of evacuation routes subject to flooding during coastal flooding of 4.0, 5.0, and 6.0 feet above mean sea level.

POLICY 9-D-4 Identify options to improve flood-prone emergency shelters and evacuation routes, including but not limited to:

i. raising the elevation of low-lying roads;
ii. berming/diking/elevating shelter facilities; and
iii. installing flap-valves on stormwater discharges where appropriate.

POLICY 9-D-5 The quality of water to be discharged from new surface water management systems is and shall remain subject to state and regional permitting programs that determine compliance with state water quality standards. Stormwater management systems in new private and public developments (excluding improvements to existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, *F.A.C.* New developments shall be designed to avoid increased flooding of surrounding areas.

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

POLICY 9-E-1 Undertake a thorough effort to map all existing drainage facilities, including modern stormwater management systems, roadside swales, and remnants of systems that may no longer function. Use citizen volunteers to reduce the cost of this effort.

POLICY 9-E-2 Identify significant existing drainage problem areas through logs of citizen complaints and a public outreach effort.

POLICY 9-E-3 Identify any existing facilities that need immediate repair or replacement.

POLICY 9-E-4 Identify any partially submerged stormwater outfalls that could be retrofitted with grates to prevent manatees from entering the drainage system.

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

POLICY 9-F-1 This evaluation shall determine the nature of potential improvements to the existing stormwater system to improve drainage and to reduce the level of contaminants running off into tidal waters.

POLICY 9-F-2 This evaluation shall include studies and/or models as needed to determine the capacity of existing facilities if they were fully maintained.

POLICY 9-F-3 This evaluation shall also be based on the initial results of the monitoring program, the inventory of existing facilities, the potential

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

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

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

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

STORMWATER MANAGEMENT APPENDIX FEDERAL, STATE, REGIONAL & LOCAL OBJECTIVES

Federal - The major objectives for EPA related to stormwater are included in the 1987 amendments to the Clean Water Act, and promulgated as regulations in the November 16, 1990, Federal Register. EPA has issued a National Pollutant Discharge Elimination System (NPDES) permit to Lee County and its co-applicants, with common and separate requirements for each municipality. The major objectives of the stormwater NPDES program pertinent to the Town of Fort Myers Beach are:

- eliminate non-stormwater discharges to the storm sewer system; and
- reduce pollutants discharged from municipal separate storm sewer systems (MS4s) to the maximum extent practicable (MEP).

Non-stormwater discharges, referred to as illicit connections or illegal dumping, are expressly prohibited from discharging to the storm sewer system, and a condition of the stormwater permit addresses the detection and removal of illicit connections.

Reducing pollutants to the MEP standards is not defined in the regulations. The permit conditions, which incorporate parts of the original application, completely define MEP. These conditions require the implementation of many different pollution reduction programs rather than impose numeric discharge limitations. Program elements that have been identified for municipalities include some or all of the following:

- Ordinances
- Toxic Materials Handling
- Maintenance
- Litter Control
- Monitoring
- Intergov. Agreements
- Street Sweeping
- Construction
- Public Education
- Stenciling Inlets
- Solid Waste Programs
- Illicit Connection Removal
- Stormwater Planning
- Road Repair

One of the program elements which is required as a permit condition is some form of water quality monitoring. The purposes of the monitoring are varied: to provide more detailed seasonal information for the estimation of pollutant loading from stormwater outfalls; to provide ambient sampling to show water quality improvements resulting from the implementation of the permit programs; and to provide information on the performance of best management practices.

State - Although there are many state regulatory agencies, the objectives of the State Water Resource Implementation Rule (Rule 62-40, *F.A.C.*) are the most pertinent because of the linkage to the development of local comprehensive plans. The State Water Policy is provided for the stated purpose of the management of the waters of the state "to conserve and protect the natural resources and scenic beauty" and to "realize the full beneficial use" of these resources. The intent of the Rule is to clarify the policies of Chapters 187, 373 and 403, FS, and to provide guidance to the Department of Environmental Protection and water management districts in the development of programs, rules, and plans.

First, §62-40.110, Declaration and Intent, requires that local governments consider the State Water Resource Implementation Rule in the development of comprehensive plans. This means that in the preparation of goals, objectives, and policies for the protection or enhancement of surface water quality, the provisions of the State Water Resource Implementation Rule must be considered. §62-40.432 provides specific surface water protec-

tion and management goals and guidelines. The first subsection defines five goals for surface water management:

- protect, preserve and restore the quality, quantity and environmental values of water resources;
- maintain the pre-development characteristics of a site; reduce channel erosion, pollution, siltation, sedimentation and flooding; reduce stormwater pollutant loadings to preserve/restore beneficial uses; to reduce freshwater losses by encouraging reuse; to improve stormwater recharge; to maintain estuarine salinity; and to address stormwater management on a watershed basis;
- eliminate the discharge of stormwater that has not been adequately treated and to minimize adverse impacts of such stormwater;
- reduce unacceptable pollutant loadings from older stormwater management systems (constructed before 1982); and
- develop comprehensive watershed management plans to prevent flooding and water quality problems as well as to improve existing conditions.

§62-40-432(3) describes the roles of the state, water management district, and local government in relationship to the State Comprehensive Plan, the Local Government Comprehensive Planning and Land Development Act, and the SWIM (Surface Water Improvement and Management) program. Issues which are to be considered for the issuance of surface water permits are identified in §62-40.432(4), and minimum stormwater treatment performance standards are identified in §62-40.432(5). Of particular interest regarding performance standards, the rule states that stormwater management systems must be designed to achieve at least 95 percent reduction of the average annual load of pollutants in Outstanding Florida Waters such as Estero Bay. These minimum standards may be modified based upon a basin-specific plan to achieve pollution loading reduction goals set by the water management districts.

Regional - On a regional basis, the South Florida Water Management District (SFWMD) is responsible for the protection and preservation of the areas water resources. Chapter 373, *Florida Statutes*, provides the enabling legislation under which the Water Management Districts operate. Mandates from Chapter 373 related to water quality include:

- cooperate with DEP in the collection of data;
- establish minimum flows and levels for ground and surface waters; and
- establish surface water improvement and management plans and programs to protect and restore water quality, habitat, recreation, and commercial uses of priority water bodies; and provide assistance to local governments to establish programs to address water quality and habitat issues.

All changes to surface water drainage within the Town of Fort Myers Beach will be regulated on the regional level by SFWMD regulations found in 40E-40 and 40E-41 FAC.

Local - In accordance with Chapter 163, *Florida Statutes*, Lee County adopted a comprehensive plan in 1989 which has been amended several times before becoming the interim comprehensive plan for Fort Myers Beach. The current plan has been examined for policies that should be retained in the new comprehensive plan.

RECREATION ELEMENT

INTRODUCTION . . . . . 10 - 1

THE VISION FOR RECREATION, OPEN SPACE, AND CULTURE . 10 - 2

RECREATIONAL FACILITIES NEAR FORT MYERS BEACH . . . . . 10 - 3
- *Lover's Key/Carl Johnson State Recreation Area* . . . . . *10 - 3*
- *Bunche Beach* . . . . . *10 - 4*
- *San Carlos Island Waterfront* . . . . . *10 - 4*
- *Matanzas Harbor* . . . . . *10 - 5*
- *Mound Key State Archeological Site* . . . . . *10 - 5*
- *Estero Bay Aquatic Preserve* . . . . . *10 - 5*
- *Estero Bay State Buffer Preserve* . . . . . *10 - 6*

RECREATIONAL FACILITIES WITHIN FORT MYERS BEACH . . . . 10 - 7
- *Bowditch Point Regional Park* . . . . . *10 - 7*
- *Lynn Hall Memorial Park and Fort Myers Beach Pier* . . . . . *10 - 8*
- *Beach and Bay Access Points* . . . . . *10 - 9*
- *Bay Oaks Recreation Center* . . . . . *10 - 10*
- *Playworks* . . . . . *10 - 11*
- *Fort Myers Beach Public Library* . . . . . *10 - 11*
- *Matanzas Pass Preserve* . . . . . *10 - 12*
- *Little Estero Island Critical Wildlife Area* . . . . . *10 - 13*
- *Bay Beach Golf Course and Tennis Club* . . . . . *10 - 13*
- *Other Private Recreational Facilities* . . . . . *10 - 14*
- *Recreational Boating* . . . . . *10 - 14*

SUMMARY OF EXISTING RECREATIONAL FACILITIES . . . . . 10 - 14

OPPORTUNITIES FOR THE FUTURE . . . . . 10 - 16
- *Public Swimming Pool* . . . . . *10 - 16*
- *The Long Estate* . . . . . *10 - 17*
- *Live Theater/Local Playhouse* . . . . . *10 - 17*
- *"Postage Stamp" Neighborhood Spaces* . . . . . *10 - 17*
- *"Oasis" Parks* . . . . . *10 - 18*
- *Dog Walk Area* . . . . . *10 - 18*
- *Other Potential Facilities* . . . . . *10 - 18*

PARK CLASSIFICATIONS AND STANDARDS . . . . . 10 - 18
- *Current and Projected Future Recreation Needs* . . . . . *10 - 18*

FUNDING ISSUES . . . . . 10 - 21
- *Impact Fees* . . . . . *10 - 21*
- *Tourist Taxes* . . . . . *10 - 21*
- *Operations and Maintenance* . . . . . *10 - 21*
- *Provision of Open Space During the Development Process* . . . . . *10 - 22*

GOALS - OBJECTIVES - POLICIES . . . . . 10 - 23
- OBJECTIVE 10-A NATURAL RESOURCES . . . . . 10 - 23
- OBJECTIVE 10-B BOWDITCH POINT PARK . . . . . 10 - 23
- OBJECTIVE 10-C DOWNTOWN AS A RECREATION HUB . . . . . 10 - 24
- OBJECTIVE 10-D COMMUNITY RECREATION . . . . . 10 - 25
- OBJECTIVE 10-E NATURAL PRESERVES . . . . . 10 - 25
- OBJECTIVE 10-F CULTURAL FACILITIES AND PROGRAMS . . . . . 10 - 26
- OBJECTIVE 10-G PUBLIC ACCESS . . . . . 10 - 26
- OBJECTIVE 10-H NEIGHBORHOOD PARKS . . . . . 10 - 26
- OBJECTIVE 10-I IMPLEMENTATION . . . . . 10 - 27

RECREATION ELEMENT

INTRODUCTION

The Recreation Element of this comprehensive plan sets the direction for the recreation, open space, and cultural issues at Fort Myers Beach. This element evaluates public and private recreational facilities that are now available and others that could be provided, with the goal of ensuring that these facilities are available to local residents and visitors.

Estero Island is part of a much larger natural system of barrier islands and bays. This system draws visitors from around the world, and then retains as residents those who prize these amenities. The beaches and related ecosystems are fragile and in need of conservation and preservation. The town's challenge is to strike a balance among the sometimes competing needs of people and the natural systems, and to develop strategies to ensure that these precious resources can sustain their ecological and recreational viability indefinitely.

The policies in this element reinforce those of the Conservation and Coastal Management Elements which promote a coordinated effort among the public sector, citizen interest groups, and the private sector to work toward that balance. This element integrates tourism with the town's recreational amenities and promotes responsible stewardship of those areas.

The vision for the future of the Town of Fort Myers Beach is a result of the beautiful natural surroundings of beaches and dunes, wildlife habitat, historic and archaeological sites, boating opportunities, and places for people to come together for recreation, visiting, dining, and shopping within the park-like setting of the entire island. The Community Design Element describes how the town can ensure that the physical components of the community (natural areas, open spaces, buildings, streets, paths) can work together to achieve a coherent whole, reinforcing and enhancing its small-town character and as a place where permanent residents coexist comfortably with tourism. Policies emphasize walkability, promote streets as the neighborhood realm, plan for interconnected foot paths throughout the island, and improve linkages to the town's natural resources and active recreation areas. These linkages and "people-gathering places" become part of the town's system of recreation, open space, and cultural amenities.

An immediate challenge resulting from the town's incorporation is sorting out the responsibility (and cost) for operating and maintaining the county-owned recreational facilities within the town. Strategies for coordinating limited resources and identifying new funding sources are needed to address operational needs, as well as for acquiring and/or developing additional amenities.

***Figure 1**, Aerial view from the north end of Estero Island, with Bowditch Point Regional Park in the foreground* (photo courtesy Mohsen Salehi)

THE VISION FOR RECREATION, OPEN SPACE, AND CULTURE

The overall vision for the future of Fort Myers Beach was provided in the introduction to this plan, describing how today's citizens would like Estero Island to look and function in the future. In this element, the vision, as it pertains to recreation and cultural aspects, is refined from input from the two community wide workshops: "Designing Our Town" held on January 31 and February 1, 1997 and "Enhancing our Resources" on March 22, 1997.

In the following section, the vision is expanded to create a picture of how Fort Myers Beach *could be* as a result of concerted efforts by all involved. Specific observations of places and activities are followed by an expansive view of the park-like qualities of living on a beautiful barrier island, where recreational resources are integrated with daily life:

> *"The natural features at Fort Myers Beach remain its primary yet most sensitive assets. The degradation of water quality in Estero Bay has finally been reversed. The mooring area is well-managed, clean, inviting to boating visitors, and now a welcome part of the community. Clear and well-maintained channels, passes, and private canals allow the movement of a wide range of recreational and commercial vessels, operating safely in relation to one another and respecting the fragile nature of the surrounding environment and marine life.*
>
> *"The beaches are clean and regularly replenished with sand, and sand dunes have returned, all as a result of forward thinking programs which have established long term mechanisms for funding and maintenance. The remaining mangroves and wetlands are healthy, with disturbed areas now fully restored. Little Estero Island and the Matanzas Pass Preserve, through careful management and planning, contribute to the ecological integrity of the area, provide a rich experience for the visitor, and are enjoyed by many residents on daily walks. The Preserve is accessible to children walking from their classrooms or neighborhoods, by bicycle through an island-wide network of bicycle paths, or by canoe or kayak.*
>
> *"The Estero Island Historic Society continues to operate its Historic Cottage & Nature Center at the entrance to the Preserve. Guided interpretive walks and classroom and research experiences are offered along the trails and boardwalks to the fishing pier and observation deck. Guided tours using canoes and kayaks have overtaken the popularity of noisy jet-skis.*
>
> *"Through a similar community effort, the town has refurbished the Long Estate, one of the first homesteads on Estero Island, built in 1906 on a significant site of the Calusa Indians. Now known as the "Mound House," it has become an anchor for tours of Estero Bay's ecological treasures and archaeological sites. Mound Key, considered the spiritual home of the Calusa empire, has proven to be a rich resource for archaeological research; town residents form a core of volunteers that allows for careful study and documentation for the international archaeological community.*
>
> *"A carefully planned and interconnected system of pedestrian and bicycle paths, tram shuttles from off-site parking areas, trolley routes, and water taxi system, enables visitors, residents, and school children to reach all the recreational destinations on Estero Island and move easily from one to another. Beach-going residents and visitors select their preference of quiet beaches at Bowditch Point or lively beaches near Lynn Hall Memorial Park. The lively pedestrian scene at Times Square is fueled by those who have been swimming, strolling on the beach, or enjoying the pier, and is especially popular just before sunset. Just steps away, they enjoy the outdoor cafes, shops, and special entertainment events.*

"The short blocks to the north along Old San Carlos Boulevard now have wide sidewalks, street trees, and mid-day shade provided by overhangs from the new shops and restaurants. At the north end, folks reach Marina Plaza, another "people-gathering place" that is the hub of activity for a fleet of excursion boats, dinner cruises, charter fishing and party boats, and water shuttles.

"At the south end of Estero Island, residents enjoy additional tennis courts, an oasis of green in the form of the Bay Beach golf course, and a new "Central Green" plaza area that is the focus of the renovated Villa Santini Plaza. Trolley transfers here link islanders to Carl Johnson Park and the Lover's Key/Carl Johnson State Recreation Area.

"The Town of Fort Myers Beach, through the dedicated efforts of the community, has become a living park, existing for the comfort, safety, and quality of life of its residents and the peaceful enjoyment of its visitors:

- *"An ecologically sensitive park where visitors have learned to enjoy the unique natural amenities;*
- *"An archaeologically significant park where people come to learn about the prehistoric natives of this area;*
- *"An historic and livable park where residents are proud of the community's heritage and place;*
- *"A family friendly park where parents and children are equally nurtured;*
- *"A semitropical island beach park where all ages enjoy the clean and safe waterfront;*
- *"A wildlife preserve park where recreation is educational;*
- *"A tranquil resort park where visitors relax in the warm island ambiance and atmosphere;*
- *"A vital community park where retired and working citizens share in a positive spirit of volunteerism;*
- *"A nature-awareness park which imparts a new consciousness about our responsibility for protecting the natural environment;*
- *"An economically sustainable park which protects and promotes its commercial interests;*
- *"A precious and uniquely diverse park where citizens work hard to assure that future generations will have the opportunity to enjoy its magic and tranquillity; and*
- *"A progressive town park where a partnership with the past provides the focus for the future."*

RECREATIONAL FACILITIES NEAR FORT MYERS BEACH

The following sections provide a description of existing public and private recreation sites and facilities, open spaces, and cultural facilities available to the public. Described first are those areas immediately surrounding Estero Island which are not within the jurisdiction of the Town of Fort Myers Beach. These include the parks on Lovers Key; Bunche Beach (located north across San Carlos Bay); the San Carlos Island waterfront; Matanzas Harbor; Mound Key State Archaeological Site; and the Estero Bay Aquatic Preserve and Buffer Preserve.

Lover's Key/Carl Johnson State Recreation Area

Carl Johnson Park is located just south of Estero Island, across Big Carlos Pass. It is a regional park developed by Lee County on 278 acres of land, with 3,600 feet of Gulf beach. Current facilities include a two-lane boat ramp, parking spaces, restrooms, and a tram that connects the parking lot to the beach (see Figure 2). This park is easily accessible via by trolley, car, or boat.

Carl Johnson Park has been combined with the Lovers Key State Recreation Area, with 434 acres and 8,000 feet of beach, to form the Lover's Key/Carl Johnson State Recreation Area. Lee County and the state are currently developing a 3-phase, $4 million

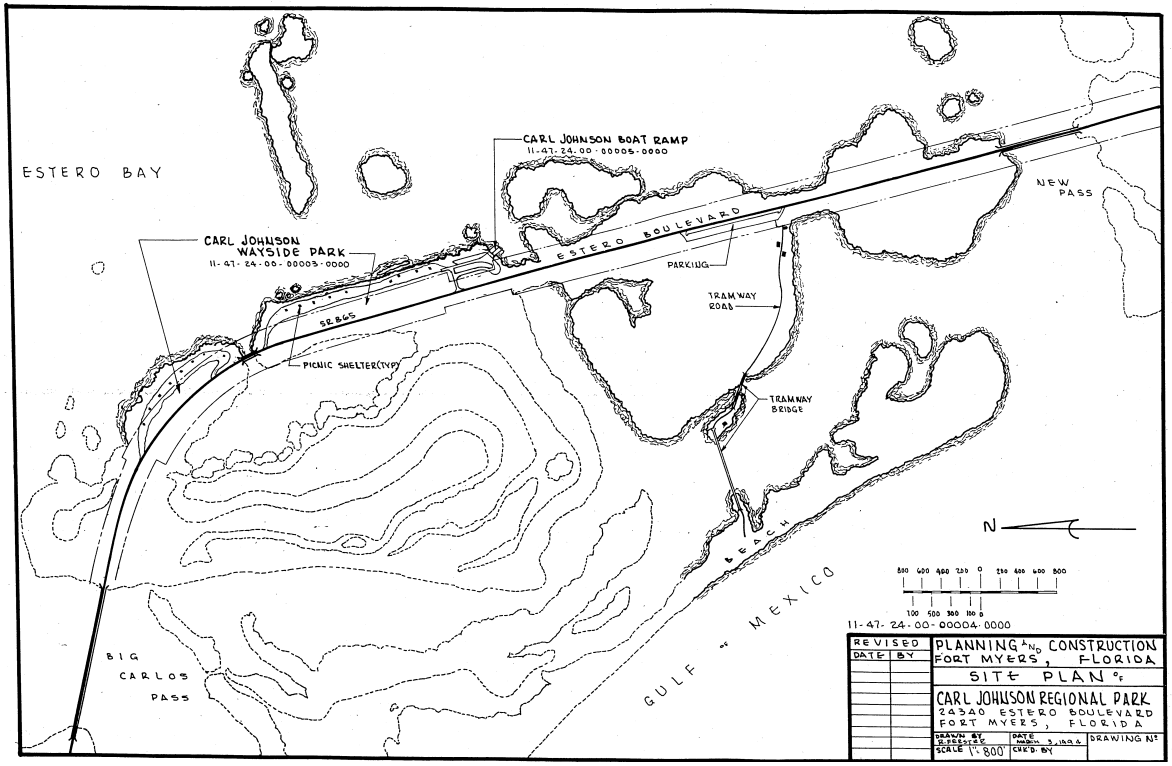


***Figure 2**, Carl Johnson Park*

improvement program that links the two parks. Phase 1 has just been completed, providing a new entrance road, parking area, and park manager's residence. Phase 2 is under construction in 1998 and is adding more parking, a pedestrian bridge to link the park with the trolley stop, and an additional manager's residence. Phase 3 will provide the final parking improvements.

Bunche Beach

At Bunche Beach, on the north side of San Carlos Bay directly across from Bowditch Point, Lee County owns a small park site with 300 feet of beach. The surrounding land and beach is privately owned, and is currently under consideration for purchase by both Lee County and the state of Florida. The Town of Fort Myers Beach has supported the purchase of additional beach and upland area there as an alternate choice for day-visitor beach goers when peak-season traffic renders Estero Island inaccessible.

San Carlos Island Waterfront

The San Carlos Island waterfront area, located across Matanzas Harbor from Fort Myers Beach, is a working waterfront with an active shrimp industry and related industrial uses. The waterfront is the third largest seafood landing in Florida and supports a $55 million per year industry. The San Carlos Island CRA, a part of the Lee County CRA, has been working to keep the industry strong. A local non-profit organization, the Ostego Bay Foundation, conducts marine research and public educational efforts, including guided tours of the working waterfront. Another recreational and educational component of the San Carlos Island waterfront is the county-owned Trico Property (formerly known as the Murphy Oil site) which is being developed as a waterfront park and sites for the Florida Marine Institute and a future facility for the Ostego Bay Foundation.

The recreational potential of the San Carlos Island waterfront can be realized through close coordination among the town, the San Carlos Island CRA, Lee County, and local businesses. An important component would be a water transportation link between San Carlos Island and related points of interest on Estero Island. These issues are discussed in the Transportation and Coastal Management elements of this plan.

Matanzas Harbor

Matanzas Harbor is located between Estero Island and San Carlos Island. It is popular with recreational boaters because it is safely protected from strong winds and has access to marinas, restaurants, and other businesses on Estero Island. The harbor provides one of the few well-protected anchorages between Key West and Tampa for overnight and live-aboard use; there are often 40 to 70 vessels anchored there at a time. Concerns associated with this anchorage are marine sanitation, derelict vessels, and navigational conflicts. Properly planned and managed, use of this anchorage could be an asset to the recreational system surrounding the town. (The town's municipal jurisdiction extends out 1,000 from Estero Island, encompassing this anchorage but not reaching San Carlos Island.)

Recreational users of Matanzas Harbor often compete with the industrial users based on San Carlos Island. The advantages of a coordinated master plan for Matanzas Harbor have been discussed in the Coastal Management Element of this plan. In cooperation with Lee County, the town has been pursuing grants to develop a master plan. Among the many issues to be addressed are the several recreational uses of the harbor including pleasure boats, personal watercraft, and cruise ships, and the untapped potential of the harbor for a water taxi system.

A Southwest Florida Regional Harbor Board has been formed to mediate some of the conflicts faced by those using public anchorages. The Town of Fort Myers Beach has signed a "memorandum of agreement" that pledges to use anchorage standards developed by the harbor board "while suspending contradictory standards for the life of th[e] agreement." While the harbor board's standards address several operational issues and some potential nuisances that may occur, they are not a substitute for a coordinated master plan for Matanzas Harbor.

There are several other harbor issues with recreational impacts on Fort Myers Beach. Small cruise ships have operated out of Matanzas Harbor, creating some conflicts with other boat traffic using the channel and with the shrimp fleet which sometimes anchors 4 to 5 vessels deep on the north side of the federal channel. High-speed use of personal watercraft in the harbor is dangerous to users and other vessels. The addition of municipal docks could provide a land base for a water shuttle system that could relieve some parking and traffic problems on Estero Boulevard and supplement the trolley system.

Mound Key State Archeological Site

Mound Key State Archeological Site is a state-owned park on Mound Key, an island near the mouth of the Estero River. The park consists of 149 acres of Mound Key (not the entire island). Its most convenient access is by water from Fort Myers Beach. The indigenous people of southwest Florida, the Calusa Indians, has a ceremonial center here at the time of arrival by Europeans in the early 16th century. The Calusa lived a hunter-fisher-gatherer lifestyle and were skilled artisans and creators of highly developed religious and ceremonial objects. With further archaeological study, Mound Key will become better known to the international archaeological and historical community and also be a fascinating learning destination. It is open to the public but accessible only by boat, and should prove to be a valuable component of a eco/heritage tourism experience.

Estero Bay Aquatic Preserve

The Town of Fort Myers Beach adjoins the Estero Bay Aquatic Preserve, which includes submerged land and associated water that consists of 9,834 acres from the Skybridge to Bonita Beach Road (see Figure 3). This preserve is "set aside forever... for the benefit of future generations" (Section 258.36, FS). The Florida Department of Environmental Protection has jurisdiction over the aquatic preserve and the adjoining buffer preserve. With the town's boundaries extending 1,000 feet into the preserve, there are opportunities to implement measures to meet the town's environmental and tourism objectives.

Visitor surveys verify that people come to this area because of the clean environment, beautiful beaches, and nature-based tourism opportunities. Within the Aquatic Preserve are several rookery islands that are of special interest for their environmental functions and for researchers and photographers, along with Mound Key and great fishing opportunities. The enduring challenge is providing opportunities for people to experience the area's treasures without damaging delicate natural systems.

Recreational use of the Aquatic Preserve (including the mooring area, recreational boating, personal watercraft, and tour boats) has the potential to damage these systems. The town's recently adopted vessel control and water safety ordinance regulates vessel speed to slow or idle in all waters within 500 feet of the shoreline, 100 feet of the pier and bridges, and other locations with posted signs. However, there are many additional areas within the Aquatic Preserve where boats cause continuing problems, such as damaging seagrass beds with propellers or chasing birds from rookery islands.

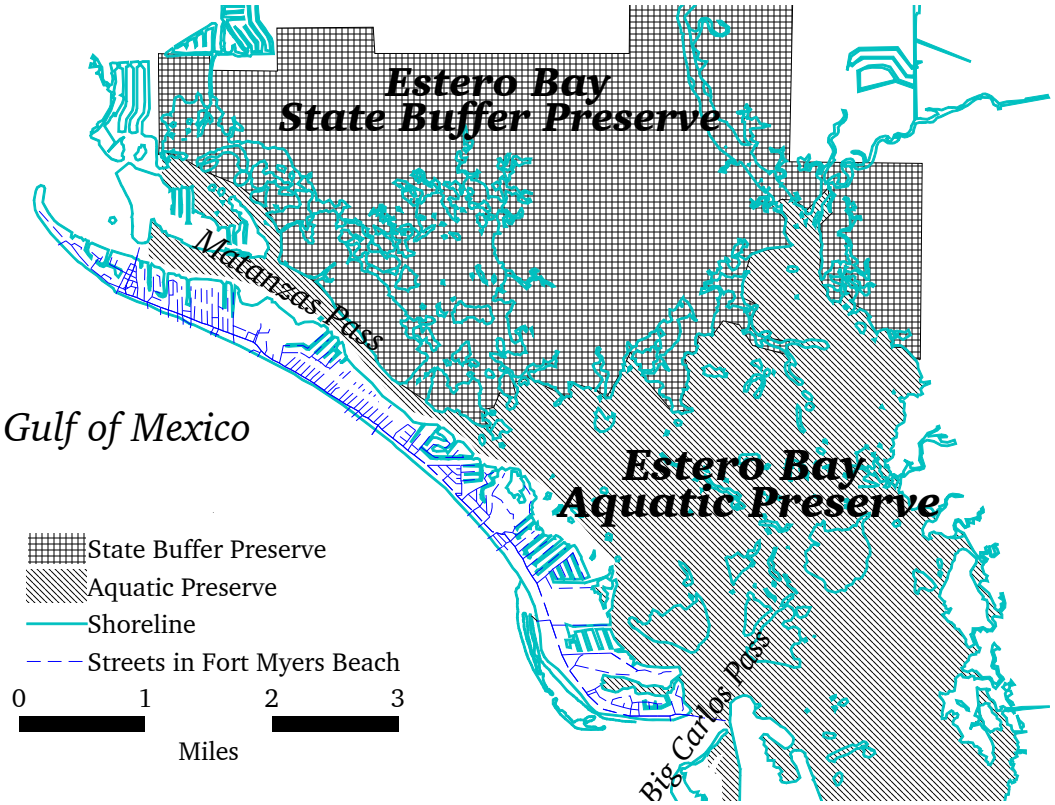


***Figure 3**, Estero Bay Aquatic Preserve and State Buffer Preserve*

Further education could advise boaters against these practices. Seminars and informational brochures could be provided to tour boats operators and individual boat owners and renters to help them understand and respect the regulations. In the community workshops held during the preparation of this plan, participants suggested forming a task force to coordinate and reconcile efforts of the numerous citizen/volunteer organizations, provide education, make recommendations to the town, and formulate needed legislation.

Estero Bay State Buffer Preserve

The Estero Bay State Buffer Preserve currently consists of 5,500 acres on the north side of Estero Bay, beginning at San Carlos Boulevard (south of Bayside Estates) and extending to the east of Hendry Creek (see Figure 3). The preserve is part of a larger area being considered for state purchase, through the conservation and Recreational Lands Project (CARL) for a total of 16,000 acres comprised of wetland and other natural communities that adjoin Estero Bay, including mangrove swamps and other saltwater marshes and salt flats.

Bear footprints and a small archaeological site have recently been discovered there. Public access to the preserve is from a cul-de-sac at the end of Winkler Road, with access for hiking and nature walks.

Even though the areas described in the previous section are not primarily within the jurisdiction of the town, they contribute to a comprehensive system of recreational opportunities. Planning for the long term sustainability and appropriate use of the town's resource areas necessarily includes close coordination and cooperation with the entities responsible for the management of these areas, particularly around issues of safety, accessibility, conservation, education, and enforcement. These include Lee County, the Southwest Florida Regional Planning Council, City of Sanibel, South Florida Water Management District, Florida Department of Environmental Protection, U.S. Environmental Protection Agency (as pertains to the Charlotte Harbor Estuary which flows into Estero Bay), the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Florida Game and Fresh Water Fish Commission, U.S. Coast Guard, and Lee County Port Authority.

One mechanism to achieve this coordination is through the new Agency on Bay Management, a non-regulatory advisory body consisting of representatives from a broad range of interest groups, local governments, regulatory agencies and the private sector. As a more local supplement to this effort, the town has established a Marine Resources Task Force consisting of community and agency representatives. This Task Force will coordinate information and make recommendations to the town on environmental and recreational matters.

RECREATIONAL FACILITIES WITHIN FORT MYERS BEACH

The following areas within the jurisdiction of the town provide opportunities for outdoor recreation and education. Future proposed improvements are also discussed where applicable.

Bowditch Point Regional Park

Bowditch Point Park is located on about 17 acres at the northernmost end of Estero Island (see Figure 4). It is owned by Lee County and operated as a regional park, with picnic facilities, walking trails, changing facilities, and a trolley turnaround area. The park extends between the Bay and the Gulf beach and includes 1,850 feet of sandy beach, plus dunes, coastal hammock, and some upland areas. The park offers a quieter, more remote beach experience than the active Lynn Hall Memorial Park near Times Square.

Bowditch Point serves as an important stopping resting point for migratory birds, a parallel location to Point Ybel on Sanibel

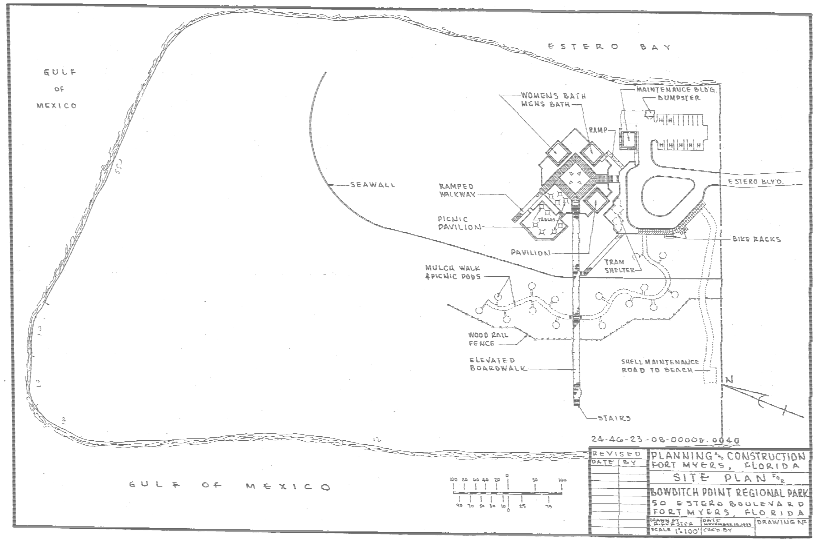


***Figure 4**, Bowditch Point Regional Park*

which is one of the prime birding spots in southwest Florida. Removal of Australian pines at the north end of the park would improve the habitat for migratory birds and provide better opportunities for wildlife and environmental awareness.

Lee County is about to add 78 metered parking spaces at Bowditch Point. Until now, the few parking spaces there were reserved for maintenance staffers and handicapped visitors. This has resulted in relatively low usage, as the planned off-site parking lot was never constructed. While the addition of on-site parking will increase the accessibility of the park to visitors, it does not address the fundamental problem of traffic congestion during the peak season, which is the biggest barrier to peak-season accessibility. It is a priority of the town to encourage peak-season visitors to leave their cars on the mainland, or park once after arriving, and walk or use the trolley or other means to reach their various destinations. Improving the visitor experience not only improves the livability of the town but also provides tangible benefits to the county in terms of revenues from tourism and sales. In this context, the town and county should increase their cooperative efforts to provide more frequent and free trolley service and add water taxi or water shuttle service.

Providing public docks on the Bay side of Bowditch Point is a key element to making this facility more easily available to the public. (At present, it is actually illegal for boaters to land on the Bay side of this park.) At the request of the town, the county has prepared a preliminary design for a public dock on the Bay side.

In the future the county may want to turn over operational responsibility for the park to the town for internal budgetary reasons. The town needs to evaluate the costs and benefits of such a transfer. It is reasonable to assume that the county would retain some authority over park access policies, since it is a regional park that was purchased to serve visitors from the entire county and beyond.

Lynn Hall Memorial Park and Fort Myers Beach Pier

Lynn Hall Memorial Park is located adjacent to Times Square and the 584-foot fishing pier. It consists of 5 acres of land between Estero Boulevard and the Gulf, with 600 feet of beach. Lynn Hall Park is owned and operated by Lee County as a regional park, and provides restrooms, changing areas, picnic tables, and 120 metered parking spaces (see Figure 5). The park also houses a temporary sheriff's substation.

The CRA's Core Area Master Plan envisions the addition of beach volleyball courts and performance pavilion, although parking is so scarce that neither project has been implemented to date. Both would expand the town's recreation and entertainment resources and better link Lynn Hall Park with the newly revitalized Times Square pedestrian plaza. The county has informally agreed that if replacement parking were to be made available in the immediate area, the Lynn Hall parking area could be removed to create these recreation areas as well as to provide the opportunity to re-establish the dune line and native plantings.

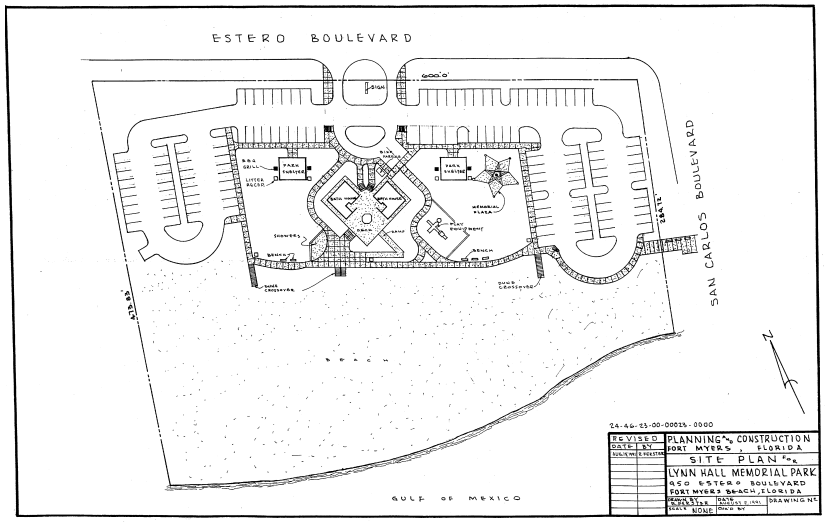


***Figure 5**, Lynn Hall Memorial Park*

Under the CRA plan, Lynn Hall Park would serve as the "anchor" at the beach end of Old San Carlos Boulevard as a revitalized pedestrian-oriented street, with a new "Marina Plaza" as the anchor at the Bay side. This concept expands the public space from the bay to the beach and would physically link the town's most active recreation areas and public spaces.

The Community Design Element promotes implementation of the Marina Plaza concept through a public/private partnership. Marina Plaza is proposed as a public gathering place near Snug Harbor where cruise ships anchor and boaters use a popular marina. It would provide an additional downtown gathering place and a close-by common area for downtown residents. Another opportunity for expanded public space is the town's right-of-way under the Skybridge, where there is a pier and metered parking lot. Incorporated into the Marina Plaza, it would provide a key area for improvement including public docks for water transportation, all close to the activities near Times Square.

Beach and Bay Access Points

Lynn Hall Park is popular with day visitors because of its supply of parking and proximity to beach-oriented dining and shopping. But the real resource is the entire length of the Gulf beaches. Since most property on the island doesn't have direct access to the Gulf, the series of beach access points are important for all other island residents and visitors. There are 46 water access points within the town, 36 of them leading directly to the beach. The other 10 provide access to the Bay side of the island. However, the south end of the island has no public access whatever, endangering the public's enjoyment of Little Estero Island. One or more sites should be purchased to provide beach access and a few parking spaces to serve the south end. Figure 6 illustrates the location of the water access points; more information on their exact location is provided in the Coastal Management Element. Other than at the two parks, these access

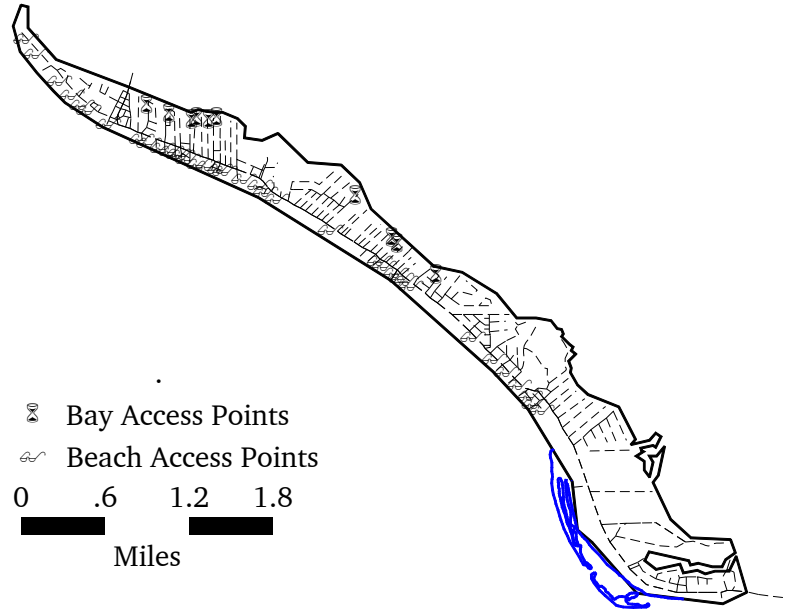


***Figure 6**, Water access points*

points vary in size from 5 to 50 feet wide, making some suitable for parking and others only for pedestrian or bicycle use. A few accesses are still blocked by encroachments or false "private property" signs that the town needs to remove.

None of the Bay access points contain a fully equipped ramp for launching boats. However, public ramps are available at Lover's Key/Carl Johnson State Recreation Area Park and at Punta Rassa. The Coastal Management Element addresses boat ramps more thoroughly.

Pending improvements to the Matanzas Pass Preserve will include a canoe/kayak landing area near the existing observation area overlooking Estero Bay. This would allow access by boat into areas too sensitive for motor craft use and be an important component of a nature trails system. Two of the Bay access points also have the potential for launching canoes or kayaks.

As noted throughout the previous discussion, access *to the island* from the water has significant potential but is now limited to those owning private boats and able to use private docks or the existing marinas. A water shuttle system or water taxis could provide another means for people without boats to visit the island and/or move from one destination to the other. This movement would be recreational in itself and would not add to the traffic congestion on Estero Boulevard. The Transportation Element discusses this topic and proposes public policy to make it possible.

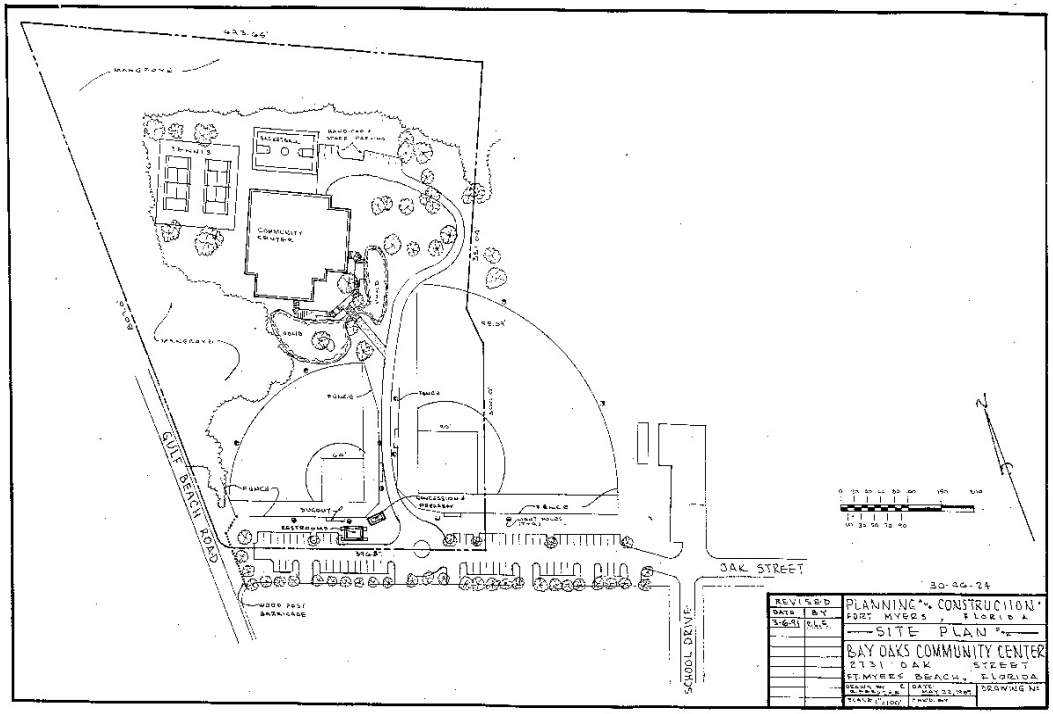


***Figure 7**, Bay Oaks Park*

Bay Oaks Recreation Center

Bay Oaks Recreation Center is at the heart of a complex of civic activities that includes a library, school, nature preserve, and soon a public swimming pool. Bay Oaks itself is a county-operated community park. It is located on 7 acres behind the Beach Elementary School and contains 2 baseball fields, 2 tennis courts, outdoor basketball courts, picnic tables, and play equipment (see Figure 7). It also has a large multipurpose gym with basketball courts, a large meeting room, and smaller rooms. Programs include a daily after-school program, a teen program, open adult basketball and volleyball hours, adult and children's classes, as well as league basketball, softball, and soccer. There are also a variety of special event programs such as summer camp, an annual Halloween party, and dances.

Bay Oaks Recreation Center is now 10 years old and houses one of Lee County's most successful recreational operations; it is heavily used year-around. Its staff and programs have created a center that is a major asset to Fort Myers Beach. Lee County, however, does not wish to continue operating this type of facility in an incorporated area, since its operational funds are now generated mainly from taxes on the unincorporated area. Responsibility for operation of the facility will be turned over to the town. However, because Bay Oaks serves more than just town residents, the county and the town are negotiating an acceptable funding formula. For the 1997/98 fiscal year, they are each paying one-half the cost. A county-town citizens' committee will be evaluating who is using the facilities and recommending a funding split for future years.

Increased user fees are often mentioned as a source of additional revenue to help offset operational costs; however, this is more difficult than commonly assumed. In 1993 Lee County estimated their operations and maintenance costs for Bay Oaks at $281,000; in that year, user fees amounted to less than 10% of the costs ($10,000 from summer camp; $5,150 from recreation classes; and $12,350 from the after-school program). Even if income from user fees were doubled, they would remain a small portion of the total cost of operating a community park.

Playworks

Between Bay Oaks Park and the elementary schools sits the Playworks, a wood construction children's play system with forts, slides, climbing areas, and surrounding benches for adult supervision and visiting. It was constructed by a "hands-on" volunteer project of the entire community, sponsored by the PTA. Playworks provides an active play area for children that serves the school and the entire community and stands as an example of the energetic, cooperative spirit found at Fort Myers Beach.

Fort Myers Beach Public Library

The Fort Myers Beach Public Library is another treasured facility on the Island. It is supported by its own library district and operates independently from the county library system. The library is located in an attractive new facility in the "heart of the island" civic area and is actively used by all age groups. It has comprehensive collections and programs and is open to the public.

Matanzas Pass Preserve

The Matanzas Pass Preserve provides a significant wildlife habitat on its 56 acres, and has one of the few remaining mangrove fringes on Estero Island. The Preserve is located at the end of Bay Road in the area where the Fort Myers Beach Library, Bay Oaks Recreation Center, the future site of the town's new swimming pool, and Fort Myers Beach Elementary School cluster to create a "heart of the island" for community activities. The preserve contains boardwalks and paths for public access (see Figure 8) and areas for viewing Matanzas Pass and the Estero Bay Aquatic Preserve.

The Matanzas Pass Preserve, originally a part of the Martha Redd Estate, was purchased by John Dunning, a nature photographer and Beach resident, to save it from development. Later acquired by the Nature Conservancy through donation and sale, the property was finally donated to Lee County in 1994. Subsequently, an additional acre was acquired from the school board to accommodate the location of the historic cottage, moved from its original beachfront location on Mango Street and renovated to become the town's historic museum and an interpretive center for the Matanzas Pass Preserve. In 1997 the county improved the end of Bay Road, adding a shell driveway, parking lot, and drainage for the cottage and entrance to the preserve.

***Figure 8**, Boardwalk at Matanzas Pass Preserve*

Management and improvements to the site are being guided by the Matanzas Pass Preserve Restoration Plan and implemented as a partnership between the county and the non-profit support organization, Friends of the Matanzas Pass Preserve. Their first priority was to remove the exotic vegetation and replenish the site with native vegetation. The next priority is to repair the existing boardwalks, refurbish trails, build new boardwalks, and continue implementing the vegetation restoration plan. Future plans include providing a canoe/kayak access point and adding a fishing pier/observation deck.

The site is intended for passive recreation, education, research, and wildlife relocation. Programming is intended to educate visitors and promote an understanding of Florida's ecosystem. Recreational activities include walking, fishing, picnicking at the existing neighboring facilities at Bay Oaks Recreation Center, guided interpretive walks, and canoe/kayak "eco-tours" of the Pass and Estero Bay.

The Preserve is owned and operated by Lee County as a part of the community park system. As in the case of Bay Oaks Recreation Center, responsibility for its operation and maintenance may become the shared responsibility of the town, the county, and the all-volunteer Friends of the Matanzas Pass Preserve.

Little Estero Island Critical Wildlife Area

The Little Estero Island Critical Wildlife Area, located further south on the Island across from the Villa Santini Plaza, is a system of tidal passes and emerging islands. This beautiful and dynamic area extends for about a mile south of the Holiday Inn and includes about 150 acres of dunes and lagoons that have formed over time from the tidal accretion of sand. It contains rare coastal dune scrub habitat and is home to nesting and over-wintering birds and a variety of flora.

Because it originated as an island rather than accretion to upland property, Little Estero Island is owned by the state and managed by the Department of Environmental Protection. The Florida Game and Fresh Water Fish Commission (FGFWFC) has designated Little Estero Island as a Critical Wildlife Area (CWA) for the purpose of protecting wildlife from human disturbance during critical periods. Little Estero Island is becoming nationally known for its pristine beauty and abundant wildlife and is enjoyed by residents and visitors and attracts many nature photographers.

The Conservation Element of this plan promotes the town's stewardship role for this area and proposes measures to enhance the public enjoyment of this resource, including designation of pedestrian trails and dune walkovers, adding information and interpretive signage, producing brochures, and conducting seminars to encourage proper use. Key to these recommendations is the formation of a volunteer task force to promote and oversee stewardship of the area. Funding for implementation of educational programs such as interpretive signage is available from the FGFWFC. Maintenance of the area has been shared between Lee County and the FGFWFC.

Bay Beach Golf Course and Tennis Club

The Bay Beach Golf Course, located at the south end of the Island and a part of the Bay Beach development, is private but open to the public. Its exact configuration will be adjusted through the years as certain portions are developed in accordance with a master plan over which the town has little control. The portions that will never be developed will be shown on the future land use map as a permanent recreation area.

The Bay Beach Tennis Club, another part of the Bay Beach development, is also private but has been open to the public. Its future is uncertain, however, as its location is also approved for future development. Whether this facility would be relocated onto undevelopable land within Bay Beach is not known. Many users of this facility have encouraged the town to acquire this property to preserve the tennis club for public use. Unfortu-

nately the cost to purchase the site may reflect its vested development rights rather than the land's normal market value.

Other Private Recreational Facilities

There are other private recreational facilities that are open to the public. There are three public marinas on the Island: Moss Marine, Mid Island Marina, and Fish Tale Marina located toward the south end of the Island. A fourth, Island Bay Marina at the end of Delmar Avenue, provides very limited services. See Figure 9 for their locations.

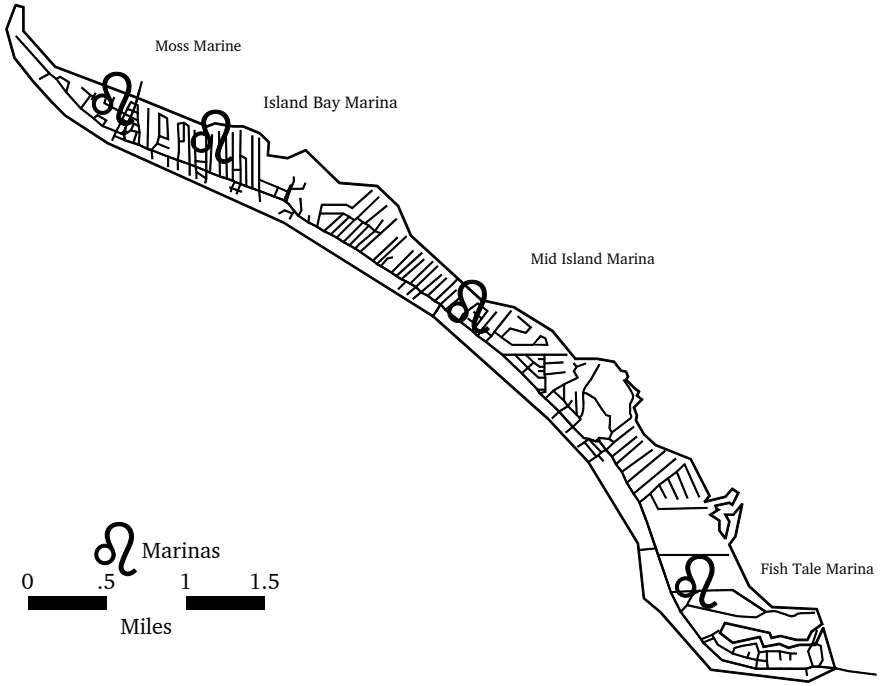
The beaches above the mean high tide line that are not in designated parks are actually private property, although almost no development is allowed there and public use is a longstanding practice. Recreational vehicle camping is available on the beach and Bay side at the Red Coconut RV Resort. Considerable open space, protected by law from future development, exists on the island in the form of wetlands, dunes, and common open space provided in private development. Many private developments provide recreational facilities for their residents and guests only, such as swimming pools and tennis courts.

Recreational Boating

Every part of Fort Myers Beach is near the water. The perimeter of the island is 15 miles around, and there are 10 additional miles of saltwater canals. The Matanzas Pass channel is a major recreational amenity that connects Bay side residents and the canals to Estero Bay and the Gulf of Mexico. The southerly part of this channel is in the Estero Bay Aquatic Preserve; most of it is not.

Boating is a major recreational activity for residents and visitors, with great opportunities for off-shore and Bay fishing, diving, water skiing, and nature watching. The current manatee idle-speed zones in Matanzas Pass are somewhat of an impediment to boaters, but Fort Myers Beach residents still have much quicker access to the most highly prized boating locations than the majority of Lee County residents. Boating issues are discussed more thoroughly in the Coastal Management Element.

***Figure 9**, Existing marinas*



SUMMARY OF EXISTING RECREATIONAL FACILITIES

Table 10-1 summarizes the town's existing public recreation sites, followed by Table 10-2 with a similar listing of private recreation sites and open spaces that are available to the public. Each table lists the major usage and facilities that are available.

Table 10-1 — Major Public Recreational Facilities			
Name and Classification	*Type of Use*	*Facilities*	*Size*
Bowditch Point Park (Lee County Regional Park)	Resource-based (beach, hiking, picnicking)	limited parking, changing, restrooms, picnic tables (metered parking lot to be added '98/99)	17 acres 1,850 feet of beach
Lynn Hall Memorial Park and Pier (Lee County Regional Park)	Resource- and activity-based (beach, swimming, picnicking, fishing on pier, volleyball)	metered parking lot, changing and restroom facilities, picnic tables	5 acres 600 feet of beach 584-foot pier
Bay Oaks Community Center and Park (Lee County Community Park being transferred to the Town of Fort Myers Beach)	Activity-based	Recreation Center with multipurpose gym, 2 ballfields, 2 tennis courts, outdoor basketball, picnic, play equipment	7 acres 17,600 s.f. building
Playworks	Active children's play area	wood construction children's play equipment complex	less than 1 acre
Matanzas Pass Preserve (Lee County Preserve)	Resource-based	wildlife preserve with boardwalks; observation deck; historic museum; interpretive center	56 acres
Little Estero Island Critical Wildlife Area (Florida Department of Environmental Protection)	Resource-based	beach, dune, and lagoon area — no facilities	about 150 acres
Estero Bay Aquatic Preserve (portions) (Florida Department of Environmental Protection)	Resource-based	submerged land and associated waters — no facilities	The town's boundaries extend 1,000 feet from the shoreline into the aquatic preserve.
Times Square Pedestrian Plaza (Town of Fort Myers Beach)	Activity-based	Landscaped pedestrian plaza with decorative pavers, street furniture — accommodates outdoor dining	n/a
Beach Accesses (Lee County facilities)	Access to bay and beaches	improved for pedestrian use and for parking at the wider beach access points; signage and banners provided	varies from 5 to 50 feet in width

Table 10-2 — Major Private Recreational Facilities That Are Open to the Public

Name of Facility	*Description*
Bay Beach Golf Course	18-hole golf course located in the Bay Beach development at the south end of the Island, private but open to the public.
Bay Beach Tennis Club	4 tennis courts located in the Bay Beach development at the south end of the Island, private but open to the public.
Moss Marine	Active marina with 39 wet slips, 150 dry slips, located on the Bay side at the end of Old San Carlos in the downtown area.
Mid Island Marina	Active marina with 63 wet slips, 100 dry slips, located mid-island on the Bay side.
Fish Tale Marina	Active marina with 48 wet slips, 240 dry slips, located on the Bay side at the south end of the Island, immediately behind Villa Santini Plaza.
Beaches above mean high tide line (privately owned but commonly used by the public)	Private property beach extends the 7-mile length of the Island above mean high tide line (except for that portion noted above that is in a public park).

OPPORTUNITIES FOR THE FUTURE

From the previous discussion it is clear that Fort Myers Beach is well endowed with recreational facilities. However, many desirable facilities are lacking. The following sections discuss some of the additional facilities that are frequently discussed or proposed here to stimulate community discussion.

Public Swimming Pool

After many years of effort, local residents have obtained a commitment by Lee County to build a community swimming pool. A 25-meter pool will be built on about 2 acres of land across Oak Lane from Bay Oaks (between Gulf Beach Road and School Street). The county is in the process of acquiring the land from multiple owners, at an estimated cost of $760,000. Funds for design and permitting of the pool ($200,000) are budgeted in Fiscal Year 97/98, with construction valued at $1,295,000 expected the following year. Some construction funds will be borrowed against future impact fee collections (see later discussion).

The county's decision to build the pool was contingent on the town's agreement to operate and maintain it. An interlocal agreement to that effect was signed in late 1996 by both parties. The town's volunteer "Build-a-Pool" Committee has committed to the Town Council to be responsible for raising the funds for the ongoing operation and maintenance of the pool. Sources of funds will be concessions, special events and fund raisers, and user fees.

However, this will be a major undertaking. Costs for operation, maintenance, and staffing were estimated by the county several years ago to be about $80,000 per year, not including repairs and upkeep. That figure assumed the use of entry-level staff or contract employees who would not receive benefits typical of regular municipal employees. By contrast, the county now reports an average annual cost of $125,000 for its five existing

public swimming pools (including operation, maintenance, and staff).

In a 1993 analysis, the county reported is average annual cost for the five pools at $165,000 each. At that time only 6.5% of expenses were being recovered by user fees; a staff analysis suggested the maximum additional potential from user fees to be only 3% more. If the pool committee is unable to raise the necessary funds each year, the town will have to subsidize its operation.

The Long Estate

The town wishes to purchase the Long Estate or "Mound House," one of the first homesteads on Estero Island. The home was built in 1906 on a significant Calusa Indian site; it now sits on a three-acre property at the end of Connecticut Street. A $1,030,000 grant has been obtained from the Florida Communities Trust for this purchase. The Estero Island Historic Society is working with the town to plan for this facility. In its role as the "Fort Myers Beach Cultural and Environmental Learning Center," the Mound House would be a center for the promotion of "eco/heritage tourism" and could anchor a proposed "eco/archo trail" linking important sites such as Mound Key and Matanzas Pass Preserve with other cultural sites in the region such as Demere Key in Pine Island Sound and the Koreshan State Historic Site on the Estero River. A key element in this linkage would be docks for a water shuttle and tour boats.

This facility would be managed by an independent foundation, which would provide a museum, gardens, ecological tours, and archaeological research. It would also provide a historical teaching facility and provide cultural events such as a Calusa Festival.

Live Theater/Local Playhouse

Often noted as missing in the cultural life of the town is a live theater or local playhouse. Although in the past there was a little theater group, one does not exist now. Live theater is often a well-loved community amenity and popular with visitors as well. Should such an effort be undertaken in the community, it could be initiated at Bay Oaks or one of the churches with stages. This would allow a local theater company to grow without a major expenditure for an auditorium. Another alternative would be for another amateur or professional company now performing in Lee County to offer some productions at Fort Myers Beach.

"Postage Stamp" Neighborhood Spaces

Since most neighborhoods at Fort Myers Beach are fully developed, one way to create small neighborhood visiting spaces or children's play areas is through the "hidden paths" concept. This concept emerged from public workshops and is described in the Community Design Element. It would create a system of pedestrian and bicycle pathways throughout the island, parallel to but on the Bay side of Estero Boulevard. A local foundation or land trust could identify and acquire existing vacant lots or easements to gradually build the network. These parcels could be transferred back to the town for long-term maintenance.

As a part of this concept, occasional "postage stamp" size areas could be created to function as resting areas for bicyclists or walkers. They may be no larger than a typical residential lot of 50' by 100', and as small as a wide place in the path network, perhaps 20' by 20'. This could be a project of an immediate neighborhood, since some neighborhoods may find a small park to be intrusive. In the same manner as described in Objective 3-B of the Community Design Element, neighborhoods wishing to improve their public spaces as civic projects could, upon their request to the town, receive technical assistance and guidelines for creating leisure or play spaces as well as for tree planting, lighting, and maintenance. The neighborhood, town, and local

foundation could work together to identify and acquire an appropriate site consistent with the hidden path network in that area. The town would provide technical assistance to the neighborhood to plan and raise funds for appropriate improvements and neighborhood stewardship of the leisure or play space. The town may be willing to assume long-term maintenance responsibility for the space as a part of the hidden path network.

"Oasis" Parks

Members of the community have also suggested creating "oasis" areas at strategic points along Estero Boulevard — at trolley stops, selected beach access points, or other logical points of intersection for pedestrians, bicyclists and motorists. Policy 1-A-3 of the Community Design Element provides for the development of a sidewalk and streetscape plan for all of Estero Boulevard, scaled to people rather than high speed traffic and which, among other things, is intended to build upon the park-like ambiance of the Island and particularly to improve the pedestrian experience. Some of the "oasis" parks could be as simple as a shaded trolley stop with benches, landscaping, bike racks, water fountain; others could be located in areas where it is appropriate to have a mix of public improvements and small commercial facilities such as a coffee shop or news stand. The sidewalk and streetscape plan proposed in the Community Design Element could identify specific locations, size, design/use criteria, and provide estimated costs and recommend phasing for the creation of "oasis" parks.

Newton Estate

The town has an opportunity to purchase the homestead of James and Eleanor Newton, located immediately southeast of Strandview Avenue with 200 feet of frontage on Estero Boulevard and on the Gulf of Mexico. This site has tremendous potential as an "oasis park" while also serving many complementary functions at a single location:

- Public ownership would allow this property to serve as a rest stop and interpretive facility accessible to those walking on the beach. Although there are numerous beach access points, at this part of the island none of them provide more than the most minimal public facilities (usually just physical access, and in some case parking spaces).
- This property would also serve as a stopping point on the "Great Calusa Blueway," a paddling trail being developed by Lee County. This trail will ultimately run 50 miles from the Imperial River to Boca Grande and is expected to become part of the statewide Florida Greenways and Trails System. The Great Calusa Blueway runs along the bay side of Fort Myers Beach through Matanzas Pass, which is only 1/4-mile from this site with easy access via Mid-Island Marina. This paddling trail provides another link among the environmental, cultural, and historical points of interest that can be experienced by residents and visitors.
- As the Estero Boulevard streetscape plan is implemented through the coming decade, more people will be walking and bicycling the length of Estero Boulevard. This property would serve as a rest stop and point of interest for those traveling along the boulevard.
- This site would provide an additional beach park for the town with simple facilities such as restrooms, picnic areas, trails, and meeting rooms.
- Public ownership can guarantee the preservation of a historic cottage on this site, avoid redevelopment of the site for higher-intensity purposes, and provide a beachfront habitat that will reduce the unacceptably high number of failed sea turtle nesting attempts that have occurred in recent years at this location.

Dog Walk Area

Most beach and preserve areas are off-limits to dogs (either on or off-leash) to keep these areas clean and to avoid disturbing beachgoers and wildlife. Many residents, while supporting these protective measures, have expressed a desire for the town to take a positive approach to the current "no dogs allowed" policy by designating safe places, away from traffic, where dogs are al-

lowed on leash or under voice control. Such areas would support enforcement of current restrictions against dogs by providing an appropriate alternative, while also providing a place for pets and their owners to socialize.

Other Potential Facilities

Additional facilities or programs that have been suggested by community members as being needed in the community include:

- More emphasis on inter-generational activities;
- Facilities for in-line skating and skateboarding;
- More community meeting rooms;
- Shuffleboard facilities; and
- Additional tennis courts.

PARK CLASSIFICATIONS AND STANDARDS

Current and Projected Future Recreation Needs

This section evaluates the adequacy of existing recreational facilities, expected demand for enlargement, and the community's vision for additional facilities. The resulting recreation standards are tailored for Fort Myers Beach, with an emphasis on improving recreational and cultural experiences of residents and visitors. Potential improvements to existing facilities have been discussed in previous sections and are summarized in Table 10-3, with recreational facilities classified by type.

In 1990, only 9% of the permanent residents were under 18 years of age, and 34% were over 65 years of age (see Figure 10). The permanent population of Fort Myers Beach is relatively stable and is expected to grow by less than 15% at build-out, adding only 805 more permanent residents (see forecasts in the Future Land use Element). With the strong array of recreational facilities in place, the town has determined that the current level of recreational facilities is adequate to serve the projected population of 6,844 permanent residents.

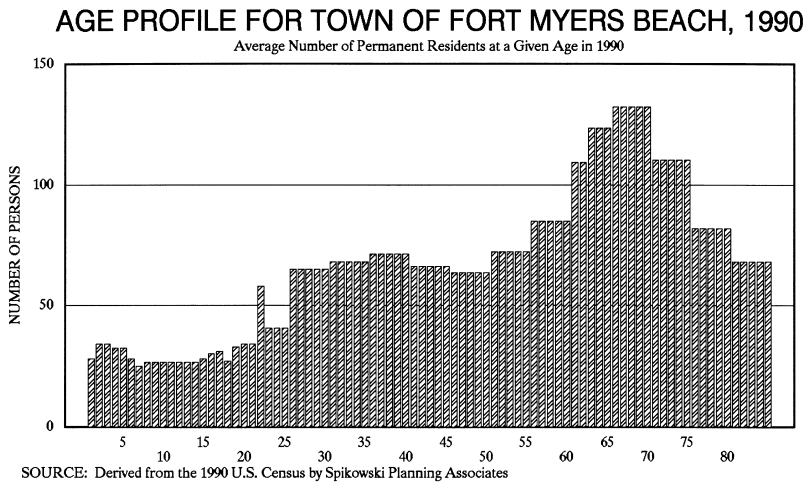


***Figure 10**, Age data on Fort Myers Beach permanent residents in 1990*

By contrast, the number of visitors may increase. Hotel and motel construction is on the increase at Fort Myers Beach; they will strain the overloaded transportation system, but can be accommodated by the recreational system. Efforts of the Tourist Development Council are spurring summer tourism, allowing more visitors to use the same number of motel rooms. Likewise, summer visitors can use the existing recreational facilities without requiring any expansions. The town is fortunate to have two regional parks, two preserves, extensive beaches, plus a major state park (just to the south). While it is the responsibility of the county to provide regional parks to serve this broader population, the town is committed to stewardship of the regional parks and ensuring that all the pieces form an integrated park system that serves the permanent, seasonal, and tourist populations.

New facilities proposed in this element would fill gaps in the current system, either by park type or location, and are not needed to maintain the numeric "level of service" defined in Policy 10-D-3.

Table 10-3 — Proposed Recreation Standards With Analysis of Future Needs

Type	*Definition*	*Standard*	*Future Need*
"Postage-stamp" Neighborhood Park	Rest and visiting area along the "hidden path" network or small children's play area to serve immediate neighborhood.	Criteria and guidelines to be developed as a part of the "hidden path" and residential streets program which provides guidelines and technical assistance to neighborhoods.	Need would be based upon specific requests from individual neighborhoods.
Oasis Park	Resting places for pedestrians and bicyclists at trolley stops and other strategic locations along Estero Boulevard	Specifications and locations to be determined through a Estero Boulevard streetscape plan.	To be assessed in Estero Blvd. streetscape plan, and implemented as feasible.
Dog Walk	Area set aside specifically for dog walking.	To be geographically distributed; size and regulations to be determined.	Need to be confirmed by community survey.
Public Pedestrian Plazas	Integration of public and private commercial space, designed to encourage pedestrian activity and community interaction.	Standards as described in the Community Design Element: Times Square, Marina Plaza, and "Central Green" at Santini Plaza.	Marina Plaza and Central Green to be developed as public/private partnerships.
Community Recreation Complex	Centrally located recreation complex primarily used for active indoor and outdoor recreation and for educational and social purposes.	One centrally located complex with 2 ballfields, 2 tennis courts, basketball courts, play equipment; area for soccer, indoor multipurpose gym and community meeting room; 25-meter swimming pool.	Existing facility is adequate for anticipated needs, except for addition of swimming pool.
Preserve	Natural resource area for conservation and passive recreation, with emphasis on resource oriented activities.	One wildlife preserve on beach side -- beach and coastal dune scrub habitat. One wildlife preserve on Bay side -- mangrove fringe and related upland.	Little Estero Island CWA (150 ac) and Matanzas Pass Preserve (56 ac) already exist on the only two remaining natural sites.
Regional Park	Draw users from entire region because of special amenities or use (such as beaches).	*n/a* (Lee County sets standards for regional parks)	Fort Myers Beach is fortunate to have two regional parks, Bowditch Point Park and Lynn Hall Park
Water Access	Provide walkways to the beach or bay (sometimes with parking spaces).	Continue to provide well-maintained access to beaches, bays, and navigable waters, and are geographically distributed throughout the island.	Attempt to acquire one or more beach access points at the southern end of the island.

FUNDING ISSUES

Specific costs of recreational facilities have been provided previously when reliable figures were available. The following sections address potential sources of funds.

Impact Fees

Even after incorporation, the Town of Fort Myers Beach remains a part of Lee County's park impact fee program. In order to obtain a building permit for a new home or motel room (but not most other commercial uses), property owners must pay a share of the cost of building parks to keep up with growth. The current rate for a single-family home is $619 for community parks plus $253 for regional parks.

Proceeds from these impact fees may be used for capital improvements to parks, but can never be used to operate and maintain parks. (Additional funds for parks in tourist areas are provided by the 3% tax on tourist lodgings; unlike impact fees, those funds may be used for operations and maintenance as well. However, at present they are not being used to purchase land for parks.)

Regional park impact fees are collected and spent without regard to the location of the new home being permitted. Regional parks are by definition designed to serve the entire county, and their sites are chosen based on the natural resources they possess. For this reason Fort Myers Beach, despite its small population, has two regional parks (with a third just to the south on Black Island).

Community park impacts fees, however, are spent within the same district where they are collected. Fort Myers Beach is part of Lee County's community park district #4, which extends eastward to Interstate 75 between Fort Myers and Bonita Springs. The new swimming pool is being built with impact fees from all of district #4, which effectively reduces that fund to zero through the year 2001. Clearly, no additional impact fee funds will be available to the town for many years, given the competition for these funds by all other communities in the impact fee district.

Tourist Taxes

Lee County currently maintains the Gulf and Bay access points in the same manner as Lynn Hall Park and Bowditch Point Park. Much of the maintenance is funded by tourist tax revenues, which are distributed by the Tourist Development Council. The tourist tax is 3% of the rental fee for lodgings rented for period of less than six months (charged in addition to the 6% state sales tax). One-third of the 3% fee is dedicated to a fund that is used for beach and shoreline improvements and maintenance.

Revenue from metered parking is considered by the county and the TDC as a user fee that is used entirely for maintenance of that facility. The tourist tax is then used to pay any remaining costs, based on the logic that tourists aren't the only beach users and shouldn't pay for all maintenance. This concept governs the maintenance of Lynn Hall Park, Bowman's Beach on Sanibel, and potentially the new parking lot at Bowditch Point.

If the town were to accept responsibility for the operation and maintenance of the beach parks and accesses, it may wish to pursue a somewhat different approach to the user fee concept, enabling meter revenues to be used for broader (but still related) purposes, such as community recreation facilities or mass transit that would act to relieve some of the peak season traffic congestion caused by beach users.

Operations and Maintenance

Although the operating budget of the Lee County Division of Parks and Recreation is supplemented by tourist taxes and user fees, it is mainly funded through a special taxing district (MSTU) that is paid only in the unincorporated area. Consequently the county does not wish to operate or maintain community parks in

incorporated areas. The county is currently negotiating the transfer of operational responsibility for community recreational facilities to Fort Myers Beach, consistent with its policy for other incorporated areas. To date this includes operation and maintenance of Bay Oaks Recreation Center and the Fort Myers Beach Swimming Pool (when completed).

There is also the potential for transferring responsibility for the Matanzas Pass Preserve and the beach access points. Although it has not been formally proposed, it is conceivable that the county would approach the town regarding management of Bowditch Point and Lynn Hall Park.

Given this potential, as well as the park enhancements that have been proposed by local residents, the town must actively explore ways to pay to operate these facilities. These include:

- User fees;
- Ad valorem taxes;
- Metered parking revenues;
- Concessions revenue;
- Additional tourist tax funds;
- Volunteer fund raising; and
- Management partnerships with non-profit corporations or private businesses;

These methods can be used for land acquisition and site development as well. However, impact fees are generally preferred to pay for the impacts of growth (although they cannot be used to provide a higher level of service than is currently being provided). Given the tourism benefits that Fort Myers Beach provides for all Lee County, additional revenues from the 3% tourist tax should definitely be sought for park improvements. Other potential methods for acquisition and development include:

- Community-sponsored nonprofit land trusts
- 3% utility tax as a dedicated revenue source for land acquisition
- Grants from federal, state, and private entities

While the natural resources and recreational areas of the town are a treasured amenity for local residents, these resources and the visitor-friendly ambiance the town is working to maintain reinforces the county's tourism program, one of its primary economic development tools. The county and the town should approach the impacts and cultivation of tourism as a cost-sharing endeavor.

Provision of Open Space During the Development Process

The Lee County Land Development Code, under which the town is currently regulating development, requires new developments to provide open space (except for single-family detached or two-family dwelling units on individual lots in smaller subdivisions). The Parks Impact Fee Ordinance encourages residential developments to provide community and regional recreational amenities for their residents by granting up to a 50% credit on their impact fees. Given the small amount of undeveloped land at Fort Myers Beach, this is unlikely to have a major effect. However, major redevelopment activities should be required to include adequate private recreational facilities for their residents.

GOALS - OBJECTIVES - POLICIES

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

GOAL 10: To provide residents and visitors of all ages a comprehensive, accessible system of parks, active recreation areas, open spaces, beach accesses, natural preserves, private recreational facilities, and cultural activities that provide a variety of recreational opportunities and promote an understanding of our community's environmental and cultural heritage.

OBJECTIVE 10-A NATURAL RESOURCES — Assume a leadership role with other agencies to improve the viability of the natural areas around the town as an integral part of a comprehensive recreational system. Measures of success may include public acquisition of additional beachfront land; designation of canoe trails or water shuttle service linking Fort Myers Beach to surrounding natural resources; or the successful implementation of a plan for the coordinated use and protection of Matanzas Pass.

POLICY 10-A-1 Expand the purview of the town's Marine Resources Task Force to include the sustainability of recreational use of marine resources along with the activities described in Conservation Policy 6-A-4.

POLICY 10-A-2 Implement Coastal Management Policy 5-F-1 initiating a cooperative planning process for Matanzas Pass and surrounding waterways by 1998.

POLICY 10-A-3 Actively participate in the Agency on Bay Management and the Southwest Florida Regional Harbor Board.

POLICY 10-A-4 Promote the use of a water shuttle to link the components of the town's recreational system without adding traffic on the roads.

POLICY 10-A-5 Support the following priorities for public land acquisition outside the town's boundaries:

i. Land that will contribute to the sustainability and enhancement of the comprehensive recreation system;
ii. Land that can provide opportunities for public appreciation of environmental and archaeological resources;
iii. Land that will provide additional beach access (such as Bunche Beach) for visitors who cannot reach Fort Myers Beach due to congested roads.

OBJECTIVE 10-B BOWDITCH POINT PARK — Enhance the natural resources at Bowditch Point Park while increasing its accessibility for recreational purposes.

POLICY 10-B-1 Encourage Lee County to plant native shade trees at Bowditch Point and control the spread of invasive exotic vegetation such as Australian pines to improve wildlife habitat and enhance opportunities for bird watching. If the Australian pines are destroyed by high winds, the town encourages their replacement with native shade trees. This encouragement may be expressed by resolu-

tion of the town council if requested by Lee County.

POLICY 10-B-2 Actively promote alternate means of access to Bowditch Point Park such as electric trams and more frequent and free trolley service, and especially the construction of public docks on the Bay side for private boats and a water taxis stop. Actions to support these activities shall include appropriate changes to the Land Development Code, any required rezonings, and formal requests for funding to Lee County, and may also include further public transit subsidies or financial support for dock construction.

POLICY 10-B-3 If requested by Lee County, consider the costs and benefits of assuming management responsibility for Bowditch Point Park while ensuring its continued accessibility to visitors from throughout the county and beyond.

POLICY 10-B-4 Encourage Lee County to provide on-site parking for the general public at Bowditch Point (in addition to the existing spaces for the handicapped) by adopting an appropriate resolution of support by the town council and by granting the required zoning changes.

OBJECTIVE 10-C DOWNTOWN AS A RECREATION HUB — Make the Times Square area the nucleus of the town's comprehensive recreational system.

POLICY 10-C-1 **LYNN HALL MEMORIAL PARK**:

i. Enhance Lynn Hall Park as recommended in Community Design Policy 3-D-12, including continuing beach renourishment and the addition of beach volleyball areas.

ii. In cooperation with the town's Main Street Program, encourage entertainment that appeals to residents and visitors while reinforcing the downtown as a recreation and entertainment destination. These could include musical or art-in-the-park events, community festivals, and other family-oriented special events.

iii. After at least one year of experience with such events, consider the feasibility of including a performance pavilion in the southeast corner of Lynn Hall Park.

iv. In cooperation with local environmental and business interests, consider the feasibility of constructing a boardwalk along the beachfront to connect the beach access near the Lani Kai to Lynn Hall Park on the landward side of the dune line (see Community Design Policy 3-D-4(iii)).

POLICY 10-C-2 **PUBLIC PEDESTRIAN PLAZAS**

i. **TIMES SQUARE** — Maintain Times Square as a pedestrian mall and civic plaza consistent with Community Design Policy 3-D-5(ii). Integrate the park with the plaza by creating pedestrian friendly pass-through areas in place of the current fence.

ii. **MARINA PLAZA** — Work with the private sector to establish a site for a new public pedestrian plaza at the north end of Old San Carlos to increase public activity to the marina and cruise ship docks, consistent with Community Design Policy 3-D-4(v). Investigate the feasibility of improving the existing pier within the town's right-of-way under the

Skybridge for public docking, and incorporating the pier and parking area into the Marina Plaza concept. This will provide a second focus for a "walking path" around the core area and a close-by neighborhood common area for local residents; and will link the Times Square area to the water taxi system and dinghy dock. The town can assist in locating grant funding to develop this amenity.

iii. **CENTRAL GREEN** — Promote the establishment of a third public pedestrian plaza to serve the south end of the island by implementing Community Design Policies 3-C-1 and 3-C-2 regarding the redevelopment of Villa Santini Plaza.

OBJECTIVE 10-D COMMUNITY RECREATION — Increase the already high level of access to recreation facilities, and maintain the required level of service for community parks.

POLICY 10-D-1 Negotiate with Lee County to determine an appropriate balance for operating Bay Oaks Recreation Center without excluding non-town residents, and establish an equitable system of user fees to help fund its operation and enhancements.

POLICY 10-D-2 Support the efforts of the "Build-a-Pool Committee" which has committed to the Town Council to be responsible for raising the funds for the ongoing operation and maintenance of the new public swimming pool. Sources of funds will include user fees, concessions, special events, business sponsorships, and community fund raisers.

POLICY 10-D-3 The town adopts the following level-of-service standard for community parks: for each 7,500 permanent residents, 1 centrally located recreation complex that includes 2 ballfields, 2 tennis courts, outdoor basketballs courts, play equipment, an indoor gymnasium, and community meeting spaces. Programming shall address all age groups and encompass active recreation, physical improvement, and social, educational, and cultural activities. The town also will maintain a cultural and environmental learning center at the historic Mound House, and contingent on obtaining grant funding for property acquisition, will purchase the Newton estate to serve as an oasis park with interpretive and rest facilities for those traversing Lee County's "Great Calusa Blueway," Estero Boulevard, and the walking trail provided by the public beachfront.

POLICY 10-D-4 To identify important gaps in the recreation system, the town shall conduct a community-wide survey to evaluate the adequacy of facilities and programming and measure willingness to pay fees or raise taxes to provide additional services. These services may include the following items that have been suggested in previous community workshops:

i. more emphasis on inter-generational programs
ii. in-line skating and skateboarding facilities
iii. dog walk areas
iv. little theater group
v. shuffleboard courts
vi. more tennis courts

POLICY 10-D-5 If the survey indicates sufficient demand, the town should investigate acquiring the privately owned Bay Beach Tennis Club which may be replaced by future phases of development of Bay Beach. A tennis club could be the nucleus of a "satellite" recreation center at the south end of the Island.

OBJECTIVE 10-E NATURAL PRESERVES — Enhance public access to the town's nature preserve areas, while ensuring their ecological sustainability and providing for their long term maintenance.

POLICY 10-E-1 **MATANZAS PASS PRESERVE** — Prepare for the transition of the long-term maintenance responsibility of the Matanzas Pass Preserve from Lee County in accordance with Conservation Policy 6-B-3.

POLICY 10-E-2 **LITTLE ESTERO ISLAND CRITICAL WILDLIFE AREA** — Enhance the public enjoyment and protection of the area in accordance with Conservation Policy 6-B-2.

POLICY 10-E-3 **OTHER NATURAL PRESERVES** — Establish a citizen task force to evaluate opportunities to designate additional open spaces and natural preserves, and to identify potential funding sources including grants and a 3% utility tax.

OBJECTIVE 10-F CULTURAL FACILITIES AND PROGRAMS — Achieve a heightened appreciation of the town's recent and ancient history and cultural life.

POLICY 10-F-1 Manage the Cultural and Environmental Learning Center in the historic "Mound House" (formerly known as the Long Estate). Thoroughly analyze the archaeological remains on this site. Link this facility to other cultural and recreational points of interest by providing appropriate dockage to serve the Great Calusa Blueway paddling trail and water taxis as well as links to bike and pedestrian paths.

POLICY 10-F-2 Establish a task force on eco/heritage tourism to develop and implement the town's "eco/heritage" program. The task force would work closely with the Marine Resources Task Force to advise the town on appropriate components of the statewide plan of the Governor's Advisory Committee on Eco-Heritage Tourism when adopted.

POLICY 10-F-3 Acquire the beachfront estate of James and Eleanor Newton and operate it as a small community park with close links to the paddling trail in Matanzas Pass, the pedestrian and bicycle facilities on Estero Boulevard, and the adjoining public beach.

OBJECTIVE 10-G PUBLIC ACCESS — Increase the number and quality of public access points to the Gulf beaches and Estero Bay.

POLICY 10-G-1 Maintain or improve existing levels of beach and bay access pursuant to Coastal Management Policies 5-E-1, 5-E-2, and 5-E-3 which provide for the continued maintenance of existing beach access points, and evaluate the need for more parking.

POLICY 10-G-2 Support and participate in Lee County's "Great Calusa Blueway" paddling trail by making convenient links between the trail and the town's environmental, cultural, and historical points of interest.

POLICY 10-G-3 Acquire one or more beach access points at the southern end of the island in addition to acquiring the Newton estate (see Policy 10-

F-3) for additional public access to the beach and as a mid-island interpretative facility and rest area for the "Great Calusa Blueway" and the natural walking trail that is provided by the continuous beachfront along Estero Island.

OBJECTIVE 10-H NEIGHBORHOOD PARKS — Within five years, begin providing small-scale parks to serve individual neighborhoods and pedestrians.

POLICY 10-H-1 Provide a mechanism for requesting neighborhoods to create and manage a small children's play area or "visiting" area, as a part of the "hidden paths" and/or "residential streets" programs described in the Community Design Policies 2-A-1 and 2-B-2. Develop a program of guidelines and technical assistance available to requesting neighborhoods. Evaluate the program within two years of initiation and, based on actual demand, and set standards if necessary to regulate the pace and equity of implementation.

POLICY 10-H-2 As provided for in Community Design Policy 2-A-1, facilitate the establishment of a local foundation or community land trust which among other responsibilities, would be responsible for planning and acquiring vacant parcels or easements for the hidden path and "postage stamp" park concept.

POLICY 10-H-3 Provide occasional "oasis" areas (resting places for pedestrians and bicyclists) at selected trolley stops and other strategic locations along Estero Boulevard as a part of the Estero Boulevard Streetscape Plan described in Community Design Policy 1-A-3(iv). The first oasis area shall be the Newton estate at Strandview Avenue (see Policy 10-F-3) which shall be closely linked to the Great Calusa Blueway paddling trail, the public trolleys and sidewalks/bike paths along Estero Boulevard, and to the public beachfront.

OBJECTIVE 10-I IMPLEMENTATION — Provide a comprehensive and cost-effective recreational system that meets the future needs of Fort Myers Beach.

POLICY 10-I-1 Demonstrate through the annual budget and five-year Capital Improvements Program that the park and recreation standards of this plan are being met.

POLICY 10-I-2 The town shall work with the county, surrounding jurisdictions, state and federal agencies, non-profit organizations, national, state and local land trusts, private organizations and corporations, and other groups to identify funding sources and mechanisms and to structure partnerships to implement the policies of this Recreation Element.

POLICY 10-I-3 Promote a cooperative effort among the town, Lee County, city of Sanibel, and other counties and regional agencies to develop cost-sharing mechanisms for improvements needed to improve the experience of visitors.

POLICY 10-I-4 The town shall require through its development regulations that major redevelopment activities include adequate private recreational facilities for their residents.

CAPITAL IMPROVEMENTS ELEMENT

INTRODUCTION . . . . . 11 - 1

FINANCIAL ISSUES AT FORT MYERS BEACH . . 11 - 2
- **Decentralized Service Providers . . . . . 11 - 2**
- **Potential Turn-Over of Lee County Facilities . . . . 11 - 2**

POSSIBLE SOURCES OF ADDITIONAL REVENUE 11 - 3
- **Potential Changes to Impact Fees . . . . . 11 - 3**
- **Stormwater Utility Fees . . . . . 11 - 3**
- **Utility (Public Service) Taxes . . . . . 11 - 4**
- **Dedicated Ad Valorem Millage . . . . . 11 - 5**
- **Franchise Fees . . . . . 11 - 5**
- **Parking Fees . . . . . 11 - 5**
- **Redevelopment Agency . . . . . 11 - 6**
- **Special Assessments . . . . . 11 - 6**
- **User Fees . . . . . 11 - 6**
- **Borrowing . . . . . 11 - 7**
- **Lee County Transportation Funds . . . . . 11 - 7**
- **Resort Taxes . . . . . 11 - 7**

EXISTING REVENUE SOURCES . . . . . 11 - 7
- **Ad Valorem Property Taxes . . . . . 11 - 8**
- **Impact Fees . . . . . 11 - 9**
- **State Revenue Sharing . . . . . 11 - 10**
  - *Municipal Revenue Sharing Program . . . . . 11 - 10*
  - *Local Government Portion of Sales Tax . . . . . 11 - 10*
  - *Communication Services Tax . . . . . 11 - 10*
  - *Municipal Financial Assistance Trust Fund . . . . . 11 - 10*
- **County Revenue Sharing . . . . . 11 - 10**
  - *Local Option Gas Taxes . . . . . 11 - 10*
- **Franchise Fees . . . . . 11 - 11**
- **Interest Earnings . . . . . 11 - 11**
- **Grants . . . . . 11 - 11**
- **Miscellaneous Revenues . . . . . 11 - 12**

PUBLIC FACILITIES PROPOSED IN THIS PLAN . . . . . 11 - 12
- **Public Facilities Required for Concurrency . . . . . 11 - 12**
  - *Potable Water Level-of-Service Standard . . . . . 11 - 13*
  - *Sanitary Sewer Level-of-Service Standard . . . . . 11 - 14*
  - *Solid Waste Disposal Level-of-Service Standard . . . . . 11 - 14*
  - *Stormwater Level-of-Service Standards . . . . . 11 - 15*
  - *Recreation Level-of-Service Standard . . . . . 11 - 16*
  - *Transportation Level-of-Service Standard . . . . . 11 - 17*
  - *Public School Level-of-Service Standard . . . . . 11 - 18*
  - *Concurrency Management System . . . . . 11 - 19*
- **Other Public Facilities Proposed in This Plan . . . . . 11 - 19**
  - *Education and Health Care Facilities . . . . . 11 - 23*
- **Setting Priorities for Capital Improvements . . . . . 11 - 23**

ABILITY TO FINANCE CAPITAL IMPROVEMENTS . . . . . 11 - 24
- **Accounting System . . . . . 11 - 24**
- **Forecasts of General Revenues and Expenditures . . . . . 11 - 25**

FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS . . 11 - 27

GOALS - OBJECTIVES - POLICIES . . . . . 11 - 29
- **OBJECTIVE 11-A CAPITAL IMPROVEMENTS PROGRAM . 11 - 29**
- **OBJECTIVE 11-B LEVEL-OF-SERVICE STANDARDS . . . . . 11 - 31**
- **OBJECTIVE 11-C CAPITAL FINANCING POLICIES . . . . . 11 - 35**

CAPITAL IMPROVEMENTS ELEMENT

INTRODUCTION

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

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

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

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

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

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

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

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

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

FINANCIAL ISSUES AT FORT MYERS BEACH

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

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

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

Decentralized Service Providers

The town is served by several independent special districts, each with an independent elected board with its own taxing authority. These include the Fort Myers Beach Library District, the Fort Myers Beach Fire Control District, and the Fort Myers Beach Mosquito Control District. Solid waste collection is contracted out by Lee County to a private firm. Sanitary sewer is provided directly by Lee County. Police protection is provided by the Lee County Sheriff. Lee County issues building permits in accordance with an interlocal agreement. Animal control is also contracted out.

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

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

Potential Turn-Over of Lee County Facilities

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

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

POSSIBLE SOURCES OF ADDITIONAL REVENUE

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

Potential Changes to Impact Fees

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

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

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

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

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

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

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

Stormwater Utility Fees

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

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

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

Utility (Public Service) Taxes

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

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

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

One characteristic of this method is that year-around residents would pay a greater share of the cost than if the same dollar amount was raised through ad valorem taxes (which are levied on the value of property, whether or not the property is occupied throughout the year). Unlike ad valorem taxes, the surcharge would not be deductible on federal income tax returns.

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

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

Dedicated Ad Valorem Millage

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

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

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

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

Franchise Fees

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

Franchise fees are charged to the service provider for the right to provide certain services and use town rights-of-way. Franchise fees are negotiated with various private companies (as authorized by Section 180.14 of the *Florida Statutes*) and are based on a percentage of the service provider's gross revenue.

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

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

Parking Fees

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

Redevelopment Agency

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

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

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

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

Special Assessments

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

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

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

User Fees

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

Borrowing

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

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

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

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

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

Lee County Transportation Funds

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

Resort Taxes

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

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

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

EXISTING REVENUE SOURCES

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

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

Ad Valorem Property Taxes

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

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

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

State law requires that revenues be budgeted at only 95% of the full amount, assuming that only 95% of revenues may actually be collected during the year. About 44% of the town's recurring revenues come from ad valorem taxes. Ad valorem taxes can be used to fund both operating costs and capital projects.

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

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

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

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

Impact Fees

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

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

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

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

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

Actual charges are slightly higher, reflecting 3% administrative charges

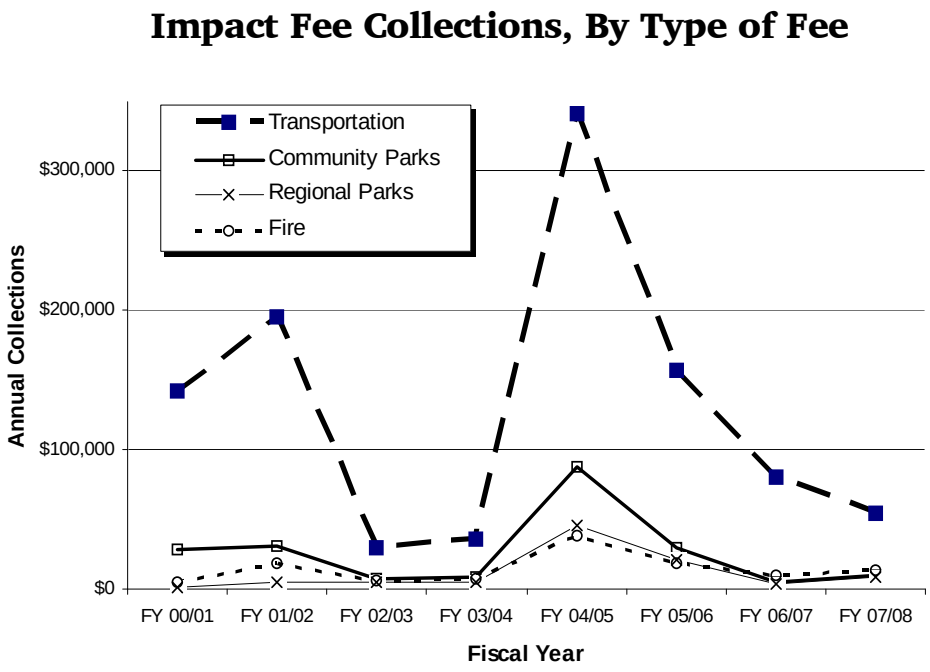


Figure 1

State Revenue Sharing

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

Municipal Revenue Sharing Program

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

Local Government Portion of Sales Tax

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

Communication Services Tax

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

Municipalities set the rate for a portion of this tax; the current rate set by the town is the maximum allowable (5.22%). The state Department of Revenue collects the taxes and remits the relevant portion monthly. The yield to the Town of Fort Myers Beach has been increasing each year, from $430,000 in FY 04/05 to an expected total of $665,029 in 08/09.

Municipal Financial Assistance Trust Fund

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

County Revenue Sharing

Local Option Gas Taxes

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

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

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

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

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

Franchise Fees

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

Interest Earnings

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

Grants

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

- Main Street Program — consists of a $10,000 grant and technical assistance to establish a Main Street program in the downtown area.
- Florida Communities Trust — a grant of $1,031,100 to acquire the Mound House on Connecticut Street. Over $2 million in additional grants have been obtained to restore the house and landscape and to create a walk-in archaeological exhibit.
- Approximately $60,000 in boater improvement funds through WCIND for public docks at Bowditch, the Mound House, and under the bridge; $16,000 for boating enforcement; and $14,000 for a canoe/kayak landing at the Mound House.
- About $200,000 of state tourism funds for the extension of the Times Square streetscape project.
- Approximately $2,300,000 from the state and county to acquire the beachfront property of James and Ellie Newton and $500,000 from the TDC for improvements to create a beach park.

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

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

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

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

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

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

Miscellaneous Revenues

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

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

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

PUBLIC FACILITIES PROPOSED IN THIS PLAN

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

The following section addresses concurrency requirements by:

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

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

Public Facilities Required for Concurrency

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

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

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

Potable Water Level-of-Service Standard

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

for potable water service: available supply, treatment, and delivery capacity of 260 gallons per day per equivalent residential connection (ERC), and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system.

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

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

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

Status in 2008: The Florida Cities water system in unincorporated Lee County has been purchased by Lee County and fully integrated into the Lee County Utilities system of five major water production plants. The town acquired the water distribution system on Estero Island and now purchases water in bulk from Lee County Utilities.

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

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

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

Sanitary Sewer Level-of-Service Standard

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

for sanitary sewer service: available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).

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

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

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

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

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

Solid Waste Disposal Level-of-Service Standard

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

for solid waste disposal service: the ability to collect and manage 7 pounds of municipal solid waste per person per day."

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

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

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

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

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

Stormwater Level-of-Service Standards

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

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

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

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

That element suggests a number of steps:

- an immediate program to monitor the environmental impacts of stormwater runoff;
- the use of sound management practices to reduce contaminant levels in stormwater;
- modifying land development regulations to improve the handling of stormwater;
- preparing an inventory of all existing drainage facilities and poorly drained areas; and
- evaluating, by the year 2000, the nature of potential improvements to the system and the adoption of better levels of service.

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

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

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

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

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

Recreation Level-of-Service Standard

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

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

Fiscal Implications and Estimated Cost of Capital Improvements: Fiscal impacts to the town are related to the long-term operation and maintenance of the community recreation center and swimming pool as those responsibilities are turned over to the town from the county. For many years, the town and the county have divided the cost to operate the Bay Oaks Recreation Center. Lee County wants the town to take over management of this facility as early as October 1, 2009.

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

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

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

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

Transportation Level-of-Service Standard

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

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

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

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

Status in 2008: Traffic counts on Estero Boulevard near Donora Boulevard have not increased since the Comprehensive Plan was adopted in late 1998. Between October 1995 and March 1998, there had been only a single month when average hourly counts exceeded 1,300 vehicles per hour between 10:00 A.M. to 5:00 P.M. (SOURCE: Transportation Element, page 7–25)

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

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

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

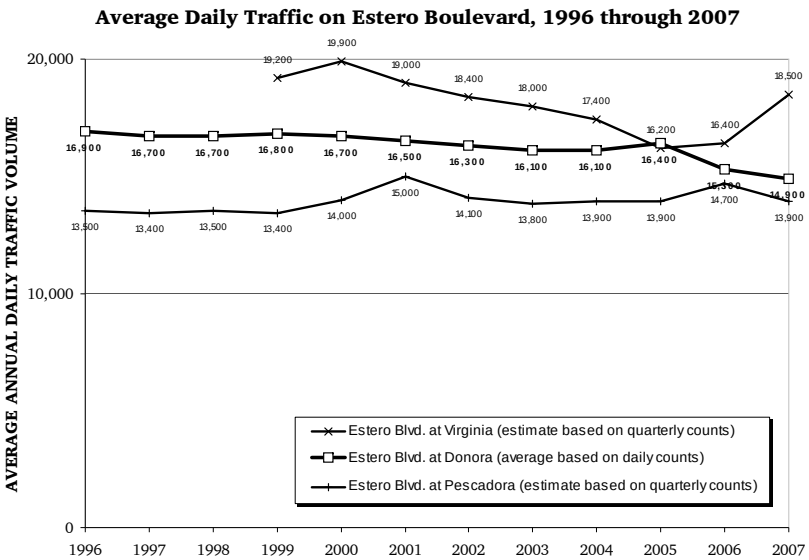


Figure 2

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

Public School Level-of-Service Standard

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

i. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

ii. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

iii. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

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

"Permanent capacity" of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district's South Student Assignment Zone, as depicted in Figure 3 of this element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education's Office of Educational Facilities. "Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools, and special educational programs.

Initial Status: (see Public Schools Element for details)

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

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

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

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

Concurrency Management System

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

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

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

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

Other Public Facilities Proposed in This Plan

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

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

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

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

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

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

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

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

Table 11-3 — Potential Capital Improvements

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

Table 11-3 — Potential Capital Improvements

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

Policy legend:

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

Funding legend:

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

Education and Health Care Facilities

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

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

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

Setting Priorities for Capital Improvements

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

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

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

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

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

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

State statutes require the following analysis:

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

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

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

ABILITY TO FINANCE CAPITAL IMPROVEMENTS

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

Accounting System

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

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

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

[4] *F.S. 163.3191(2)(c)*

[5] *F.S. 163.3164(32)*

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

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

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

Forecasts of General Revenues and Expenditures

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

Table 11-5 forecasts all anticipated revenues for FY 08/09 through 12/13, conservatively assuming no revenue increases in future years. A similar assumption is made about future expenditures. To the extent that these revenues are not budgeted for ongoing services and operations, funds may be allocated from the general fund for capital improvements.

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

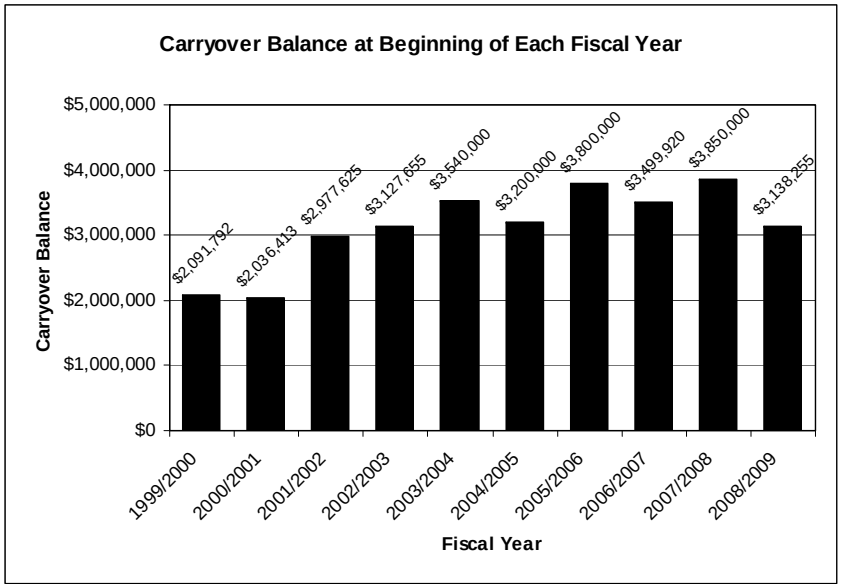


Table 11-4 — Ad Valorem Revenues, 2008/09 – 2012/13

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

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

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

FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

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

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

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

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

GOALS - OBJECTIVES - POLICIES

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

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

OBJECTIVE 11-A **CAPITAL IMPROVEMENTS PROGRAM** — Adopt each year, as part of the budget process, a capital improvements program (CIP) that implements this plan, ensures the availability of services at adopted levels, and carries out the fiscal policies in this element.

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

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

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

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

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

POLICY 11-A-4 **CIP PRIORITIES** — The following priorities shall be used in determining which projects are included in the CIP:

i. Remove a direct and immediate threat to the public health or safety;
ii. Are directed by a court order or otherwise by law;
iii. Are essential for the maintenance of existing infrastructure;
iv. Remove an existing capacity deficiency;
v. Will accommodate new development or redevelopment anticipated by this plan.

POLICY 11-A-5 **OTHER CIP CRITERIA** — For the purpose of further ranking projects that are otherwise equal, the following should be considered:

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

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

POLICY 11-A-7 **SCHEDULE OF IMPROVEMENTS** — Table 11-7 of this element presents the five-year schedule of capital improvements to be undertaken by the Town of Fort Myers Beach. This schedule will be updated each year through an amendment to this plan to correspond with revisions to the capital improvements program made by the town during its annual budget process.

i. To comply with § 163.3180(13)(d), *F.S.*, the required five-year schedule of capital improvements also includes the capacity-enhancing school improvements and summary of estimated revenues as presented by the Lee County School District through its Five-Year District Facilities Work Program, as updated each September. For FY 2008/09 through 2012/13, the specific capacity-enhancing school improvements are listed in Table 16-7 of the Public Schools Element and the formal demonstration that those improvements meet all requirements of state law is set forth in that element.

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

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

POLICY 11-B-1 **UTILITIES LOS STANDARDS** (Repeated from Policy 8-B-1 of the Utilities Element): The minimum acceptable level-of-service standards for utility services within the Town of Fort Myers Beach shall be:

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

ii. <u>for sanitary sewer service:</u> available capacity to collect, treat, and dispose of wastewater of 175 gallons per day per equivalent residential connection (ERC).

iii. <u>for solid waste disposal service:</u> the ability to collect and manage 7 pounds of municipal solid waste per person per day.

POLICY 11-B-2 **STORMWATER LOS STANDARDS** (Repeated from Policy 9-D-1 of the Stormwater Management Element): Until completion of the evaluation under Stormwater Management Element Policy 9-F-1 to 6, interim levels of service are hereby established for protection from flooding to be provided by stormwater and roadway facilities:

i. During a 3-day rainfall accumulation of 13.7 inches or less (3-day, 100-year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.

ii. During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.

iii. During coastal flooding of up to 4.0 feet above mean sea level, all lanes of

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

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

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

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

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

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

"Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools, and special educational programs.

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

i. Withholding development orders or building permits that might cause the adopted levels of service to fall below the minimum standards; or by

ii. Issuing development orders or building permits subject to the condition that, at the time of the issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized (or are guaranteed to be in place through an enforceable development agreement pursuant to Section 163.320 *FS* or through an agreement or development order pursuant to Chapter 380 *FS*).

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

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

iv. For transportation, the facilities needed to serve new development must be in place when a building permit is issued, or under actual construction within 3 years after issuance of a building permit that results in traffic generation if the required facility is listed in Table 11-7, the Five-Year Schedule of Capital Improvements.

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

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

i. The town's commitment to maintain the adopted level-of-service standards for potable water, sanitary sewer, solid waster, stormwater, recreation, and transportation.

ii. The town's commitment that future CIPs and amendments to this element maintain this element's financially feasible plan to maintain these levels of service.

iii. A system for monitoring and ensuring adherence to the adopted level-of-service standards, the schedule of capital improvements, and the availability of public facility capacity.

iv. Standards for interpreting and applying level-of-service standards to applications for development orders

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

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

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

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

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

POLICY 11-B-8 **CONCURRENCY SHORTFALLS** — Should the annual concurrency assessment indicate problems with maintaining one or more of the adopted level-of-service standards during the coming year, the Town Council shall immediately take one or more of the following actions:

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

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

POLICY 11-B-9 **CONCURRENCY DEFERRALS AND EXEMPTIONS** — The town's concurrency management system shall allow deferrals and exemptions only as follows:

i. Some types of development applications do not contain a specific plan for development or authorize any actual development. Such applications shall not approved for concurrency compliance until a later stage of approvals where such impacts can be measured and then deducted from available capacity. The town may, however, evaluate probable concurrency impacts at these earlier stages as one factor in determining whether or not to approve such activities.

ii. Development applications will be exempted from the concurrency management system only if they will create zero or insignificant impacts on public facilities; any such exemptions shall be defined in the Land Development Code.

POLICY 11-B-10 **CONCURRENCY APPLICATION** — The town's concurrency management system shall be administered in accordance with the remainder of the Land Development Code. The preparation of the annual concurrency assessment shall be the responsibility of the Town Manager, and all decisions resulting from that assessment shall be made directly by the Town Council.

OBJECTIVE 11-C **CAPITAL FINANCING POLICIES —** Manage the fiscal resources of the town to ensure the equitable financing of needed public facilities and services.

POLICY 11-C-1 **EXISTING DEVELOPMENT** — Existing development shall be responsible for the costs of repairing and replacing existing public facilities and for capital improvements needed to eliminate pre-1998 deficiencies. This responsibility shall be discharged through the payment of property taxes, utility fees, gas taxes, sales taxes, user fees, and taxes and fees.

POLICY 11-C-2 **NEW DEVELOPMENT** — New development and redevelopment shall bear a proportionate share of the cost of providing new or expanded public facilities and infrastructure required to maintain service levels through payment of impact fees, connection fees, site-related developer dedications, developer contributions, and other lawfully imposed charges.

POLICY 11-C-3 **IMPACT FEES** — Impact fees for designated public facilities shall be set to capture a substantial proportion of the full and real cost of the designated facility, and shall be reviewed and updated regularly.

POLICY 11-C-4 **GENERAL FUND** — The town will develop specific policies as to the use of general governmental revenues for capital purposes, such as setting aside each year a portion of ad valorem taxes or other general revenues (such as sales taxes, gas taxes, or utility service taxes) for capital improvements.

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

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

HOUSING ELEMENT

INTRODUCTION . . . . . **12 - 1**

HOUSING AT FORT MYERS BEACH . . . . . **12 - 1**
Brief History of Housing Development . . . . . **12 - 1**
Housing on Barrier Islands — Special Issues . . . . . **12 - 2**
The Town's Vision for Housing . . . . . **12 - 3**

ASSESSMENT OF AFFORDABLE HOUSING NEEDS . . . . . **12 - 4**

MEETING HOUSING NEEDS . . . . . **12 - 9**
Existing Affordable Housing Delivery System . . . . . **12 - 9**
Summary of Housing Programs Available Through Lee County . . . . . **12 - 10**
Public and Private Housing Providers . . . . . *12 - 10*
Federal Programs . . . . . *12 - 10*
State Programs . . . . . *12 - 11*
Local Programs . . . . . *12 - 11*
Intergovernmental Cooperative Agreements . . . . . **12 - 12**
Proposed Housing Strategies . . . . . **12 - 13**
Proposed Housing Strategies by Geographic Area . . . . . *12 - 16*
Regulations and Incentives for Affordable Housing . . . . . *12 - 18*
Other Housing Measures . . . . . *12 - 18*

GOALS - OBJECTIVES - POLICIES . . . . . **12 - 19**
OBJECTIVE 12-A GENERAL HOUSING STRATEGIES . . . . . **12 - 19**
OBJECTIVE 12-B NEIGHBORHOOD-SPECIFIC HOUSING STRATEGIES . . . **12 - 20**
OBJECTIVE 12-C REVISE THE CURRENT REGULATORY SYSTEM . . . . . **12 - 21**
OBJECTIVE 12-D HISTORICALLY SIGNIFICANT HOUSING . . . . . **12 - 22**

HOUSING ELEMENT

INTRODUCTION

This Housing Element provides guidance to the town in understanding its housing needs and finding ways to meet them, through both public and private efforts. The goal is to keep a wide variety of housing types available to people at all stages of their lives.

The concept of "affordability" runs throughout this element (and many contemporary housing discussions). "Affordability" describes the fit between the cost of housing in a specific area and the income of its residents. Thus, what is "affordable" in one community may not be affordable in another. This subject will be discussed further below.

This element begins with an overview of housing issues at Fort Myers Beach, followed by a brief numerical assessment of local housing needs. A summary of existing "affordable housing" programs is then presented (including federal, state, and county programs). Looking to the future, housing opportunities and strategies for the town are discussed, followed by goals, objectives, and policies for the town to follow.

HOUSING AT FORT MYERS BEACH

Brief History of Housing Development

Housing has been emerging on Fort Myers Beach since the earliest homesteaders settled on Estero Island in the late 1800s. By the 1920s and 30s many cottages were constructed as second homes for winter visitors (see Figure 1). During the 1940s and 50s the island grew rapidly as land was dredged for canals and larger waterfront homes were constructed.

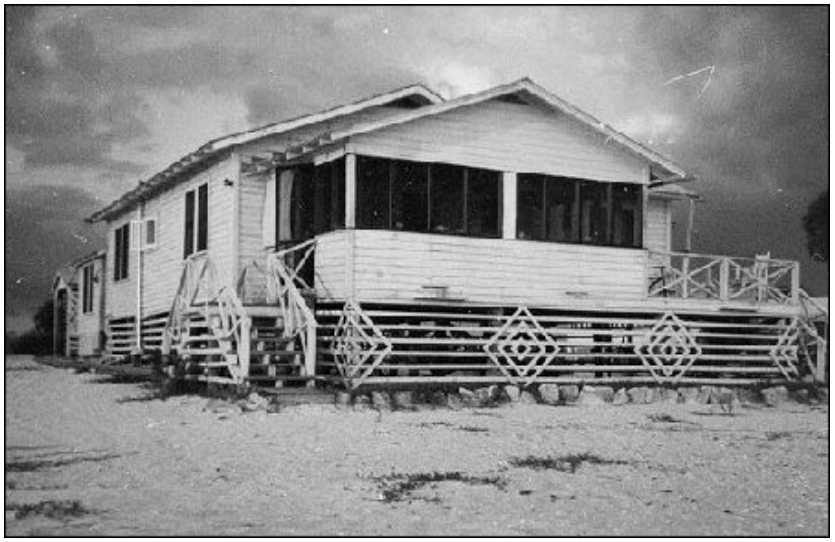


Figure 1, Early beachfront cottage
(photo courtesy Estero Island Historic Society)

The island was connected by a second bridge to Black Island and the mainland to the south in 1965, and the Matanzas Pass sky bridge replaced the old swing bridge at the north end in 1979. These connections opened the way for more intensive develop-

ment, and during the 1980s, high-rise condominiums development began to overwhelm the scale of the older cottages and waterfront single-family homes (see Figure 2).

Figure 2, Condominiums

Fort Myers Beach is mostly built out, with only about 8% of its land remaining for new development. Most of that land is governed by development agreements over which the town has little or no control. Height and density restrictions, as well as coastal construction regulations, limit the number of new units that can be redeveloped on existing built-up properties. The highly desirable beachfront location and limited land supply has caused land to be expensive, driving up the price of housing.

Even so, a substantial stock of "affordable housing" has emerged in the form of aging cottages converted to rentals, older single- and multi-family residences in multi-family zoned areas near downtown, and accessory apartments throughout the island (many built without permits or zoning compliance). The Red Coconut and Gulf View trailer parks also provide affordable living for both seasonal and permanent residents.

Housing on Barrier Islands — Special Issues

When local governments plan for housing, they normally compare the existing population to the existing housing stock to determine if "adequate" housing is available. Then they forecast the future population, determine how much additional housing will be required, and assess whether the private market will be able to provide the amount and type of housing that will be needed.

This type of planning is based on several assumptions, including:

- there are no artificial constraints on population growth;
- the housing market is fairly self-contained; and
- housing can and should be provided in the same community where demand is forecasted.

Different constraints exist in resort communities, especially in resort communities on barrier islands. Land costs rise very high in successful resort communities, and there are strong state and federal policies against continuing to concentrate housing on barrier islands. The typical transportation problems on barrier islands add another complication to housing planning; it would be better for service employees to live as close as possible to reduce car travel, but high land costs often force lengthy commutes for employees who cannot afford to live near the coast.

The attractiveness of Fort Myers Beach as a retirement as well as a tourist destination exacerbates the problem. These demands continually bid up the cost of land and housing, with successive waves of retirees choosing to live near the coast despite the higher costs. The limited land that is available for new development is used for expensive housing, and redevelopment opportunities are hampered by the high costs of purchasing and demolishing existing buildings (plus complying with the state and federal regulations that require expensive construction techniques).

Current employment patterns are expected to continue. While there are many service sector jobs available at Fort Myers Beach, the wages paid to most service workers are too low to afford average rents. Workers tend to "double up" to afford the rents, increasing the wear-and-tear on the older housing and often aggravating the retirees sharing the neighborhood. Landlords have little incentive to maintain or renovate their properties when such properties are in demand in their current condition. Other workers, drawn by seasonal employment activity or simply the lure of working in a beach environment, are forced to live on the mainland where they still often have to share lodging in crowded and poorly maintained conditions. They face the added expense of a private car and often endure (and contribute to) heavy traffic congestion on a daily basis.

The state rules governing local comprehensive plans acknowledge that the housing needs of a community are not limited by jurisdictional boundaries, that people often work in one community and live in another, and that coastal communities face unique circumstances. To address this situation, Rule 9J-5.010 of the *Florida Administrative Code* allows local governments to address the affordable housing needs of their jurisdiction in cooperation with nearby local governments. This cooperation can provide services more efficiently, or can share resources to address housing needs on a broader scale.

The cities of Sanibel, Punta Gorda, Longboat Key, and Naples have entered into cooperative agreements with their respective counties, as described later in this element. Under a similar agreement with Lee County, the Town of Fort Myers Beach could provide an outreach, educational, and referral function for its population. The town could advise eligible persons seeking services such as down-payment assistance or housing rehabilitation financing on the best ways to use the broad range of services available through Lee County's existing programs.

The Town's Vision for Housing

Despite the problems just discussed, there are many opportunities within the town's boundaries to increase the supply of good quality housing in the affordable range and in a variety of housing types. These opportunities are consistent with the need to revitalize the aging housing stock in older neighborhoods. The private sector will continue to own this housing and provide all or most of the investment needed to improve it, but the town can provide important assistance. Some examples might be:

- offering incentives to encourage a range of unit sizes and cost in new development and re-development;
- encouraging mixed-use structures in the downtown area with apartments above commercial;
- encouraging renovation of historic cottages as residential or live/work spaces; and
- enforcing compliance with the town's new policy regarding accessory apartments.

The following excerpt from the town's vision for the future describes how these opportunities might unfold:

> *"Crescent Street, now attractively linked to Old San Carlos Boulevard by the pedestrian plaza, provides in-town housing for persons who wish to live or work here. The redevelopment overlay zone has been successful in encouraging compact development on Crescent Street. On-street parking and a sidewalk have been added on the south side, with regularly spaced shade trees growing along the street.*
>
> *"School Street provides the primary entry into the "Heart of the Island," the special place where the school, recreation center, ballfields, swimming pool, playground, nature preserve, historic cottage, and public library are all centered.... School Street has become … a palm-lined showcase of restored and new cottages.... Existing and new infill development on School Street is in the spirit and scale of the Beach's classic cottages, which can be used as homes or live-work spaces such as studios and galleries, or for*

small-scale retail uses consistent with the historic theme of the street.

"The Red Coconut-Gulf View area at the southern end of the "Heart of the Island" will continue its current use as a pleasant home for visitors and long-term residents. A vision for this area, if redeveloped at some point in the future, is as a complete traditional neighborhood with an internal circulation system making it possible to walk or ride bikes to school, recreation areas, and shopping without using Estero Boulevard. An ideal plan would retain the psychological connection and view both directions to the nature preserve and the beach, and offer a variety of housing types and opportunity for mixed uses … on the bay side of Estero Boulevard.

"The older near-town neighborhoods across from San Carlos Island have shed the blight that had begun to appear in the 1980's. Their pleasantly varied housing types are just steps away from lively Estero Boulevard. Apartments for tourists and local employees mix congenially with new homes, many of which contain quiet home-offices. A new urban code has ensured that renovations and new homes mix gracefully with the old in these now highly desirable neighborhoods. Neighborhoods have truly achieved a higher ambition, becoming places where the streets are shady and public spaces are friendly, unified in design by trees, with well-used front porches and little traffic."

Figure 3, Typical cottage design

Housing development at Fort Myers Beach has always been a market-driven private sector activity. To encourage the private sector to implement the vision of revitalized neighborhoods and mix of housing types described above, the town needs to seek partnerships and blending of resources and develop an incentive-driven regulatory framework.

In addition, the town's continued participation in the county's program would address housing needs that the town's neighborhood revitalization program may not reach, and provide access to services that are more efficiently provided on a county-wide basis. The full range of federal, state, and local programs available through the county are summarized later in this element.

ASSESSMENT OF AFFORDABLE HOUSING NEEDS

Despite the unusual conditions faced by resort communities on barrier islands, the town is still required to assess its housing needs according to a common methodology required by Rule 9J-5.010 *FAC*. The assessment inventories the existing housing stock, identifies substandard housing conditions, provides current and forecasted estimates of population and households, and provides a forecast for the total housing demand and construction need for additional housing. The assessment determines the number of households which are paying greater than 30% of income towards rent or paying more than 2.11 times income in ownership housing costs.

Lee County recently completed this assessment for the entire county and also for Sanibel, Fort Myers, Cape Coral, and the unincorporated area. Fort Myers Beach was included in the unincorporated area because the assessment is based on 1990 and 1995 data which pre-dated the town's formation. The University of Florida's Shimberg Center for Affordable Housing created the base methodology for this assessment and intends to modify it to assess newly incorporated cities, but has not yet

been able to do so. Until a methodology is developed, Lee County's assessment will be used, and is incorporated herein by reference.

The assessment for the unincorporated area leads to the following general findings:

- There is an existing shortage of rental and owner-occupied housing that is considered "affordable" by today's standards. This shortage is most severe for households with annual incomes below $12,500. (A fulltime worker earning the minimum wage of $5.15 per hour earns about $10,700 annually.)
- A shortage of *rental* housing reappears for households with incomes over $30,000.
- This housing shortage will grow continuously through the year 2010 for the same income categories (unless of course sufficient additional housing for these income categories is built to eliminate the deficit and meet the increasing demand).

To illustrate the type of technical results produced by an affordable housing needs assessment, Table 12-1 below presents an expanded version of Table 38 from Lee County's assessment. Table 12-1 shows how the 1995 population of Lee County's unincorporated area "fits" with the existing housing stock. This comparison is strictly on the basis of household incomes and housing costs. Table 12-2 presents the same information for the City of Sanibel, for comparison purposes.

For owner-occupants, this assessment assumes that a household can afford a house with a value of no more than 2.11 greater than its annual income. The 2.11 number, calculated by the Florida Housing Finance Agency based on experience with their ownership programs, is designed to reflect the price of home a household can afford consistent with their ability to make a down payment, their other debts, and the interest rate and term of a loan. For renters, the affordability assumption is that a household can pay no more than 30% of income toward rent.

Using these factors, households in each income range in Tables 12-1 and 12-2 are matched to the 1995 housing supply, resulting in either a deficit or surplus of homes affordable to households in each income range. The deficits (shown as negative numbers) constitute current unmet housing needs, based of course on the affordability assumptions used in this assessment. Note that the sum of the 1995 columns is near zero, since there is no absolute shortage of housing, only shortages in certain price ranges.

Succeeding columns in Tables 12-1 and 12-2 present the result of the assessment's forecasts for the future. Additional households will be looking for housing (because of both in-migration and formation of new households as children leave their parents' homes). If the housing supply were frozen as it existed in 1995, these columns show how the deficits or surpluses of affordable housing would change each five years.

Several statistical anomalies show up in these forecasts, but the obvious trend is for all numbers to go down; in other words, where there is a surplus of housing in 1995, population growth will fill those units and begin a deficit. Where deficits existed in 1995, the deficits get worse. If no new housing were built, nearly every income category would face a deficit of housing by 2010.

On Sanibel, all groups below $75,000 face a shortage of owner-occupied housing they can afford, using the standard affordability ratios. This reflects the sacrifices many families face to live on Sanibel, and also the non-income-producing wealth held by many residents.

Table 12-1 — Surplus and Deficit of Affordable Housing, Unincorporated Lee County, 1995 - 2010

Surplus/Deficit of Affordable Owner-Occupied Units (units minus households, negative number indicates a deficit of affordable units)

Household Income	1995	2000	2005	2010
$0 to $5,000	-2,676	-3,223	-3,763	-4,290
$5,000 to $10,000	-4,500	-5,613	-6,669	-7,683
$10,000 to $12,500	-2,361	-3,074	-3,750	-4,439
$12,500 to $15,000	-484	-1,117	-1,741	-2,402
$15,000 to $17,500	-201	-959	-1,679	-2,442
$17,500 to $20,000	670	-6	-683	-1,449
$20,000 to $22,500	1,180	387	-377	-1,183
$22,500 to $25,000	661	-106	-881	-1,719
$25,000 to $27,500	932	227	-448	-1,161
$27,500 to $30,000	1,156	587	21	-597
$30,000 to $32,500	375	-270	-844	-1,408
$32,500 to $35,000	697	203	-283	-830
$35,000 to $37,500	335	-171	-642	-1,160
$37,500 to $40,000	463	63	-307	-707
$40,000 to $42,500	-122	-525	-870	-1,240
$42,500 to $45,000	484	173	-128	-461
$45,000 to $47,500	129	-198	-465	-727
$47,500 to $50,000	330	52	-189	-450
$50,000 to $55,000	322	-200	-615	-1,024
$55,000 to $60,000	635	207	-180	-548
$60,000 to $75,000	904	26	-677	-1,282
$75,000 to $100,000	861	269	-218	-646
$100,000 to $125,000	112	-178	-448	-707
$125,000 to $150,000	286	148	41	-46
$150,000+	-106	-409	-667	-908
Total	82	-13,707	-26,462	-39,509

Surplus/Deficit of Affordable Renter-Occupied Units (units minus households, negative number indicates a deficit of affordable units)

Household Income	1995	2000	2005	2010
$0 to $5,000	-878	-1,003	-1,123	-1,244
$5,000 to $10,000	-1,527	-1,856	-2,138	-2,384
$10,000 to $12,500	-576	-788	-958	-1,093
$12,500 to $15,000	243	61	-112	-264
$15,000 to $17,500	1,386	1,187	1,030	901
$17,500 to $20,000	2,687	2,576	2,494	2,415
$20,000 to $22,500	2,366	2,188	2,050	1,924
$22,500 to $25,000	1,716	1,618	1,541	1,459
$25,000 to $27,500	475	309	203	118
$27,500 to $30,000	420	334	258	185
$30,000 to $32,500	-836	-967	-1,063	-1,137
$32,500 to $35,000	-496	-590	-657	-715
$35,000 to $37,500	-500	-576	-615	-648
$37,500 to $40,000	-281	-353	-401	-442
$40,001+	-4,200	-4,764	-5,148	-5,465
Total	-1	-2,624	-4,639	-6,390

Source: Shimberg Center for Affordable Housing, from files ASUM_LEE.XLS, tabs AFOW-SUM & AFRN-SUM (1997)

Table 12-2 — Surplus and Deficit of Affordable Housing, City of Sanibel, 1995 - 2010

Household Income	Surplus/Deficit of Affordable Owner-occupied Units (units minus households, negative number indicates a deficit of affordable units) 1995	2000	2005	2010
$0 to $5,000	-29	-34	-39	-46
$5,000 to $10,000	-66	-73	-79	-89
$10,000 to $12,500	-45	-53	-58	-65
$12,500 to $15,000	-39	-47	-53	-55
$15,000 to $17,500	-73	-89	-98	-105
$17,500 to $20,000	-48	-55	-61	-68
$20,000 to $22,500	-24	-28	-30	-33
$22,500 to $25,000	-51	-56	-63	-68
$25,000 to $27,500	-66	-76	-81	-85
$27,500 to $30,000	-60	-74	-76	-77
$30,000 to $32,500	-11	-14	-16	-19
$32,500 to $35,000	-70	-83	-104	-128
$35,000 to $37,500	-63	-79	-87	-92
$37,500 to $40,000	-123	-142	-152	-158
$40,000 to $42,500	-75	-89	-104	-119
$42,500 to $45,000	-50	-51	-58	-66
$45,000 to $47,500	-22	-21	-23	-24
$47,500 to $50,000	-39	-41	-46	-55
$50,000 to $55,000	-39	-52	-67	-85
$55,000 to $60,000	-3	-12	-21	-33
$60,000 to $75,000	-50	-79	-112	-154
$75,000 to $100,000	163	122	86	44
$100,000 to $125,000	261	235	212	184
$125,000 to $150,000	319	306	296	287
$150,000+	305	249	210	180
Total	2	-336	-624	-929

Household Income	Surplus/Deficit of Affordable Renter-occupied Units (units minus households, negative number indicates a deficit of affordable units) 1995	2000	2005	2010
$0 to $5,000	-4	-4	-4	-5
$5,000 to $10,000	-6	-7	-7	-8
$10,000 to $12,500	-21	-24	-29	-37
$12,500 to $15,000	6	8	9	9
$15,000 to $17,500	-1	-1	-3	-1
$17,500 to $20,000	24	24	23	23
$20,000 to $22,500	10	10	8	5
$22,500 to $25,000	-18	-14	-15	-18
$25,000 to $27,500	-28	-45	-46	-44
$27,500 to $30,000	8	7	5	6
$30,000 to $32,500	-1	4	7	10
$32,500 to $35,000	18	21	21	21
$35,000 to $37,500	13	12	10	7
$37,500 to $40,000	16	18	19	22
$40,001+	-15	-19	-22	-22
Total	1	-10	-24	-32

Source: Shimberg Center for Affordable Housing, from files ASUM_LEE.XLS, tabs AFOW-SUM & AFRN-SUM (1997)

Some 1990 census data has been obtained just for the town's boundaries. A few comparisons are shown in Table 12-3 between Fort Myers Beach characteristics and all of Lee County. At Fort Myers Beach, permanent residents are older, live in smaller households, are more likely to live in multifamily buildings, own much more expensive homes or condos, but pay only 20% more in rent. Although seasonal rentals command premium rents, the rental market for year-around units is not that much more expensive than Lee County as a whole.

A more complete set of population data is presented in Table 12-4. Note that population data from the U.S. Census is only for *permanent* residents. Housing data is presented in Table 12-5; it accounts for *all* housing units, including those occupied by permanent residents, those occupied by seasonal residents, and completely vacant units (but not hotel or motel rooms).

Table 12-3 — Census Comparison Between Fort Myers Beach and Lee County, 1990

	Fort Myers Beach	*Lee County*
Median age	55.6	42.0
Persons per occupied household	2.03	2.35
Percentage of units in single-family detached homes	30.3%	47.9%
Median value of owner-occupied housing	$133,500	$84,300
Median value of rent	$501	$417

Source: 1990 US Census, STF-1A

Table 12-4 — Fort Myers Beach Population Summary, 1990

TOTAL POPULATION (PERMANENT RESIDENTS ONLY)	5,812
SEX	
Male	2,827
Female	2,985
AGE	
Under 5 years	161
5 to 17 years	355
18 to 20 years	101
21 to 24 years	180
25 to 44 years	1,355
45 to 54 years	681
55 to 59 years	425
60 to 64 years	590
65 to 74 years	1,213
75 to 84 years	615
85 years and over	136
Median age	55.6
Under 18 years	516
Percent of total population	8.9%
65 years and over	1,964
Percent of total population	33.8%
HOUSEHOLDS BY TYPE	
Total households	2,833
Family households (families)	1,857
Married-couple families	1,657
Percent of total households	58.5%
Other family, male householder	56
Other family, female householder	144
Nonfamily households	1,253
Percent of total households	44.2%
Householder living alone	765
Householder 65 years and over	399
Persons living in households	5,756
Persons per household	2.03

Source: Compiled from 1990 US Census, block group data from File STF-1A

Table 12-5 — Fort Myers Beach Housing Summary, 1990

TOTAL HOUSING UNITS	7,420
OCCUPANCY AND TENURE	
Occupied housing units	2,833
Owner occupied	2,094
Percent owner occupied	73.9%
Renter occupied	739
Vacant housing units	4,587
For seasonal, recreational, or occasional use	2,918
Homeowner vacancy rate (percent)	5.3%
Rental vacancy rate (percent)	64.0%
Persons per owner-occupied unit	2.04
Persons per renter-occupied unit	2.01
Units with over 1 person per room	41
UNITS IN STRUCTURE	
1-unit, detached	2,247
1-unit, attached	133
2 to 4 units	731
5 to 9 units	128
10 or more units	3,925
Mobile home, trailer, other	256
VALUE	
Specified owner-occupied units	1,166
Less than $50,000	16
$50,000 to $99,000	324
$100,000 to $149,000	360
$150,000 to $199,999	214
$200,000 to $299,999	163
$300,000 or more	89
Median (dollars)	~$133,500
CONTRACT RENT	
Specified renter-occupied units paying cash rent	667
Less than $250	8
$250 to $499	327
$500 to $749	256
$750 to $999	30
$1,000 or more	46
Median (dollars)	~$501

Source: Compiled from 1990 US Census, block group data from File STF-1A

MEETING HOUSING NEEDS

The section describes measures the town can use to further its goal of keeping a wide variety of housing types available to people at all stages of their lives (or as stated by Rule 9J-5.010: "… the means to accomplish the provision of housing with supporting infrastructure for all current and anticipated future residents of the town with particular emphasis on the creation or preservation of affordable housing.")

This section begins with a summary of current affordable housing programs, followed by examples of how other barrier island resort communities have used interlocal agreements for affordable housing purposes. Specific measures are then described for an overall housing strategy for the Town of Fort Myers Beach.

Existing Affordable Housing Delivery System

Because the town was a part of unincorporated Lee County prior to incorporation in late 1995, Lee County's housing program and services have been available to Fort Myers Beach. Lee County is a federally designated "entitlement community," which means it is entitled, based on population size and characteristics, to receive and administer federal and state funds to address a variety of housing needs ranging from housing rehabilitation assistance to homelessness. Lee County is in the third year of its three-year entitlement cycle, which is due for renewal in October of 1998. Since the town was incorporated during the current cycle, it is still included as an eligible area for expenditure of funds under the county's program.

The following summary of the range of federal, state, and local programs available in Lee County is excerpted from the Lee Plan Housing Element Update (June 1997):

Summary of Housing Programs Available Through Lee County

Public and Private Housing Providers

One form of "housing provider" is a housing department within local government which handles local, state and federal housing programs. The Departments in Lee County Government that handle various aspects of the county's housing program include the Department of Human Services' Community Improvement Division and Division of Social Services which oversee federal funds and administration and the Community Development Department which administers state funding and regulatory incentive programs.

Another public entity that functions as a housing provider is a housing authority that operates public housing or issues Section 8 certificates and vouchers to very-low and low-income households. The Lee County Housing Authority serves the Lee County area.

Partnerships among government, non-profits, individual banks or banking consortiums, and private developers have become one of the most successful models for providing affordable housing, capitalizing on the capabilities of each entity. Such partnerships have been particularly successful in blending resources and in their ability to attract and leverage money from other sources. Local governments often work closely with public or private non-profit groups to implement their programs and provide assistance to them in the form of site preparation, impact fee waivers, money for construction or rehabilitation, access to down payment/closing cost assistance funds, and operating support.

Federal Programs

Community Development Block Grants (CDBG), administered by the federal Department of Housing and Urban Development (HUD), are available to entitlement communities throughout the county. Lee County receives close to $2 million annually. These funds may be used for a variety of community and economic development activities including housing rehabilitation, land acquisition, site preparation and construction activities for affordable housing. The State also receives a share of CDGB funds. These are administered by the Florida Department of Community Affairs (DCA) and are available to fund projects in non-entitlement communities.

HOME Investment Partnerships (HOME)

HOME funds are used primarily for new construction of owner units, rehabilitation of existing housing, down payment assistance, and to some degree for operating subsidies for nonprofit organizations to carry out the activities. HOME funds are available to participating jurisdictions (a function of population size) and are administered by HUD. Lee County is a participating jurisdiction and receives approximately $500,000 in funds annually. Funds are also allocated to the State and administered by the DCA. The Florida HOME program is projected to receive $17 million in 1997 and provides a competitive annual cycle open to non-profit and non participating jurisdictions.

HOPE Home Ownership for People Everywhere (HOPE 3)

This program, also administered by HUD, provides grants to acquire and rehabilitate single family properties for low income households. Eligible applicants include private non-profit organizations, public agencies in cooperation with a private nonprofit organization and cooperative associations.

Youthbuild

Also administered by HUD, this program is targeted to persons aged 16-24, providing a means to complete their education while also learning construction skills building rental, transitional, or homeownership units affordable to low income persons. The program is competitive and available to public and private nonprofit groups.

HUD Section 202 and 811

The Section 202 program is a competitive program providing capital financing with a 3-5% match requirement for construction of multi-family, rental, and condominiums to serve the elderly and disabled (low income, over 62, and/or 100% disabled).

The HUD 811 program is a competitive program providing funds for the rehabilitation or construction of small multifamily complexes of 8-16 units to serve the disabled.

Low Income Housing Tax Credits (LIHTC) is an incentive rather than a subsidy program. It provides a ten year tax credit against federal tax owed for investors providing funds to developers to help build or rehabilitate rental housing for low income households. The benefits of this approach are that it rewards investing in meeting the housing needs of the community and provides a means for non-profit and for-profit developers to leverage additional money to develop the affordable housing product. The LIHTC program in Florida is administered by the Florida Housing Finance Corporation. Credits are issued to developers on a competitive basis.

Community Reinvestment Act (CRA)

This act has provided an incentive for banks to improve their record of making loans to low income borrowers and in "red lined" areas. Federal

regulators can now tie permission for mergers and expansions to a commercial lending institution's record of lending in undeserved areas and communities. The Community Reinvestment Act has served to encourage lenders to develop many innovative financing products and to be a partner in local affordable housing and redevelopment activities. The local lenders' consortium, the Lee County Banking Partnership, has played a valuable role in making difficult loans for Lee County's subsidized new construction program.

State Programs

State Housing Initiatives Partnership (SHIP).

The Florida Housing Finance Agency (FHFA) administers this fund which is derived from documentary stamp revenues allocated in 1992 as part of the William A Sadowski Affordable Housing Act. Funds are channeled to Florida counties and cities that are federal CDBG entitlement communities, including Lee County, Cape Coral, and Fort Myers.

The local jurisdiction is required to prepare a yearly spending plan specifying the amount of money to be spent on various activities and must adopt and implement an incentive plan that reduces permitting times, provides for a review of regulatory changes affecting the cost of housing, and a schedule for the implementation of incentives.

Funds may be used for grants, deferred payment loans, or direct loans and are targeted to eligible homeownership activities, construction and rehabilitation. Units produced must be affordable costing no more than 30% of a family's income for housing costs. Nonprofit groups and individuals may apply to the local government for use of these funds.

State Apartment Incentive Loan (SAIL) Program

This extremely competitive program, administered through the Florida Housing Finance Agency provides low interest loans to developers to build or rehabilitate rental housing units that are affordable to very low and low income households in a mixed income setting. Private for profit, nonprofit and public agencies may apply through the annual competition. Low income housing tax credits may be provided for successful applications.

Other State Programs:

- Affordable housing guarantee loan program designed to stimulate private sector lending for affordable housing, administered by FHFA.
- Elderly Homeowner Rehabilitation Program offers grants to local governments that have housing rehabilitation programs. Targeted to very low and low income elderly homeowners. Administered by DCA.
- FloridaFix provides grants to local government and non-profits to rehabilitate homes for low income, elderly, or handicapped Florida residents. Requires matching funds. Administered by DCA.
- Homeownership Assistance program provides a no interest second mortgage loan to low and moderate income home buyers to help cover down payment and closing costs. Administered by FHFA.

- Pre-development loan program for site acquisition and site development. Funds available to public and nonprofit organizations. Administered by FHFA.
- Weatherization Assistance for low income persons provides funds for energy related repairs for low income households. Administered by DCA.
- Community Services Block Grant Program provides grants in aid help to prevent homelessness by making emergency rent or mortgage payments, move-in rent, and rent and utility deposits as well as food, shelter, education and prescriptions.

Local Programs

The Way Home: Home Buyer Training and Counseling program created by the Lee County Housing Development Corporation and sponsored by Lee County covers all of the major areas of buying a home from establishing credit to finance and purchase, to home maintenance. Homeownership training is required for all SHIP applicants for new home construction or down payment assistance.

Special Needs Housing

Lee County has implemented several efforts to address the housing needs of the elderly, farm workers, developmentally or physically disabled, or homeless. Lee County will be the locale for a demonstration project to develop a model program m for providing homeownership opportunities for people with developmental disabilities and has assisted special needs housing through providing SHIP funding for a variety of projects ranging from a single family owner occupied home for a disabled family, to participation in a 16 unit apartment complex using HUD 811 funds. Assisted elder housing is provided through the HUD 202 program.

To address the compounding problems of homelessness and mental illness/substance abuse, Lee County received more than $4 million Supportive Housing Program (SHP) grant from HUD which supports services through the joint applicants, the Ruth Cooper Center and the Salvation Army. Lee County is a recent designee as a "Champion Community, which qualifies it for a number of benefits under the Empowerment Zone/Enterprise Community programs such as Youthbuild and the Homeless Assistance Program.

Coordinating Entities

- Affordable Housing Advisory Committee consists of 22 members representing various professions and interests related to affordable housing and is chaired by a member of the Board of County Commissioners.
- Housing and Community Development Committee, administered by the Department of Human Services provides review of proposals, and provides public input on all federally funded programs.
- Coalition of Emergency Assistance Providers is a forum for coordination and networking administered by the Lee County Division of Social Services and consists of 115 members from local government, public and private service providers.
- Homeless Coalition is a forum for coordinating services among more than 200 direct service providers, local government, community based organizations, church groups and others, administered by the Lee County Department of Human Services.
- The HUD homeownership partnership is a HUD organized partnership of local housing providers and lenders to increase homeownership opportunities in Lee County. The partnership will prepare a directory of programs and resources including sponsoring a housing fair.

Intergovernmental Cooperative Agreements

Both the federal government and the state now encourage jurisdictions to enter into cooperative agreements to provide affordable housing. Such agreements can create broader opportunities to address constraints to housing affordability such as high land cost, coastal high-hazard location, and limited available land.

The City of Sanibel and Lee County have an interlocal agreement to provide a portion of funding for Sanibel's "below market rate" rental program. This program is run by a non-profit housing development corporation, Community Housing & Resources, Inc. (CHR). CHR is a community-based organization committed to providing housing opportunities on the island targeted to persons and their families who work there. This program is targeted toward teachers, police officers, and retail and service workers whose wages would not be sufficient to afford market-rate housing on Sanibel. With continuing financial assistance from the City of Sanibel and Lee County, CHR has acquired or built almost 50 rental units which they continue to manage. Tenants are selected according to a point system, with priority given to employment on Sanibel. CHR is also in the process of building a senior citizens' housing project on Sanibel.

The City of Naples uses a different approach. It is entitled to receive federal funds directly, but faces the constraint of very high land costs. Naples has entered into a cooperative agreement with Collier County that provides for sharing of resources so that housing can be provided where most feasible (not necessarily within the city). The agreement authorizes Collier County to administer the State Housing Initiative Partnership (SHIP) program on behalf of the city. It also establishes cooperative measures to encourage the development of 500 affordable housing units within a specific urban area boundary, but not necessarily within the city limits, to be constructed either by individual homeowners at scattered sites or by developers of large complexes. The agreement also provides the flexibility to spend the city's CDBG funds in unincorporated Collier County if the city council determines that an eligible activity warrants assistance with their funds.

The City of Punta Gorda has an interlocal agreement with Charlotte County to participate in the county's SHIP program. In exchange for receiving the city's estimated $278,000 in annual SHIP funds, the county staff make a good-faith effort to award funding for specific affordable housing projects within Punta Gorda. The City of Punta Gorda also promotes housing affordability through both their Community Redevelopment Agency and their Community Development Block Grant (CDBG) program. These two city-administered programs provide mortgage down-payment grants to low- and moderate-income first-time homebuyers, and offer periodic assistance to current low- and moderate-income homeowners needing assistance in rehabilitating their homes.

Longboat Key has an agreement with Sarasota County that allows the town to submit projects to Sarasota County's CDBG

program for funding consideration, in exchange for the county's including the town's population for the purposes of qualifying the county as an entitlement community.

The housing situation at Town of Fort Myers Beach is somewhat different than each of the examples above. Fort Myers Beach does not have a large enough low-income population to qualify on its own for federal funds (or to compete effectively for state programs that are not tied to federal eligibility). However, the town does have low-income persons, persons with special needs, and a shortage of low- and moderate-income housing that could benefit from funding and services through Lee County's programs.

If an acceptable agreement cannot be reached with Lee County, the town could still apply on its own for certain federal and state funds. Federal CDBG money, for example, is provided not only to entitlement communities throughout the country but also to states, who then distribute funds to local governments. There is often great competition for these funds from project proponents throughout Florida from municipalities with greater concentrations of low-income households than Fort Myers Beach. Also, many of these grants do not cover costs of administration, requiring local governments to add staff to run these programs, many of which are time-intensive especially if effective outreach is conducted.

The terms of an agreement with the county could be as simple as the county's naming the Town of Fort Myers Beach in its federal and state housing plans as an area where they may spend money for eligible projects. Ideally such an agreement would guarantee town residents a reasonable share of county housing expenditures (not necessarily each year, but on a cumulative basis over time). The town could agree to pay a portion of staff and administrative costs if a project is funded. The town could act as liaison between Lee County and individual community members, community based non-profit groups, private developers, and partnerships seeking funding or other assistance available through federal and state programs. In this manner, the town's citizens would be able to take full advantage of relevant programs without the town's needing to increase staff or administer complex programs.

The community revitalization program proposed in this comprehensive plan's Community Design Element does not depend on federal or state subsidies. However, to assist the needs of all segments of the community and to have access to the full range of funding options and services, it would be in the town's interest to retain its standing as an area eligible for these funds. This would also be advantageous in the aftermath of a severe hurricane.

Proposed Housing Strategies

To implement the town's goal of keeping a wide variety of housing types available to people at all stages of their lives, the town needs a housing strategy which:

- Provides liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources;
- Encourages a variety of housing types and cost ranges;
- Focuses planning efforts on specific areas that are in transition and reinforces the quality of existing stable neighborhoods;
- Implements an incentive-driven regulatory system and the town's new policy regarding accessory apartments;
- Promotes revitalization of existing housing including historic structures; and
- Assists service workers to find suitable housing on the island.

The proposed agreement with Lee County to continue participation in their federal and state housing programs would be the component of this strategy that directly aids the immediate needs of individual low- and moderate-income community members.

The town's housing strategy would be accomplished for the most part through private-sector activity, given the appropriate incentives and regulatory framework and a healthy economic climate. In the downtown area, the town could also encourage housing revitalization for all income levels through a Downtown Redevelopment Agency that could assemble land, make public improvements, and create revolving loan programs (with or without federal or state subsidies).

The town's efforts to encourage the private sector to continue providing affordable housing should be based on realistic strategies that are carefully targeted at the most suitable geographic areas within the town. The 1990 Census was examined for data that would confirm or contradict the town's initial strategy of combining neighborhood revitalization and affordable housing. The data displayed in the following four maps is based on housing units occupied only by "permanent residents," whether those residents own their own home or rent from others. Housing units occupied by seasonal residents in 1990 were counted by the Census but are not reported on these maps. All Census data was organized by "block groups," of which there were 11 on Estero Island (see full data in Table 12-6 and Figure 8). The following maps illustrate the most important data using these same block groups.

Figure 4 below shows the percentage of permanent housing that was occupied by renters in 1990, which ranged from 15% to 42%. Figure 5 shows the median monthly rent for permanent housing in 1990, which ranged from $391 to $1001.

Figure 4, *Percentage of permanent housing occupied by renters, 1990*

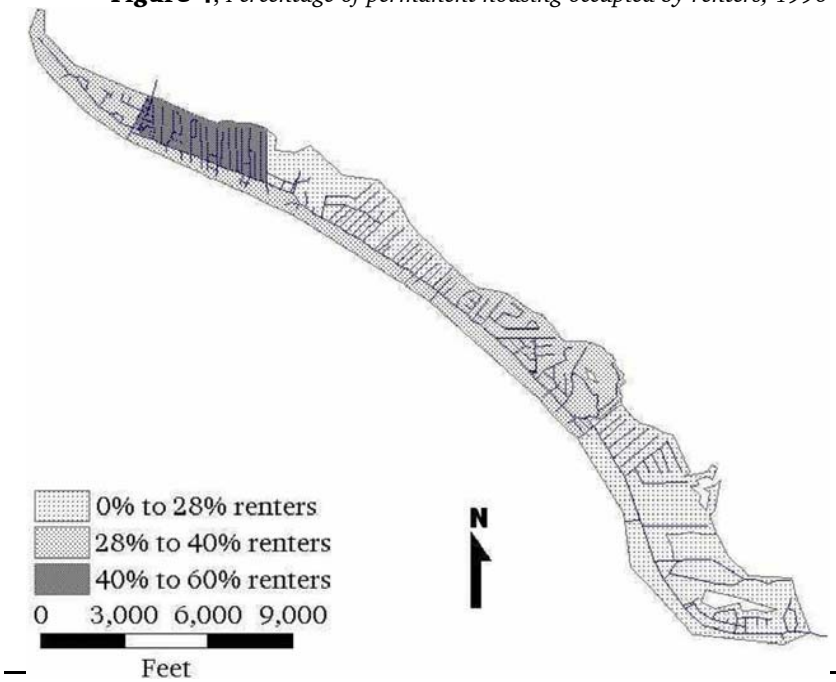


Figure 5, *Median monthly rent for permanent housing, 1990*

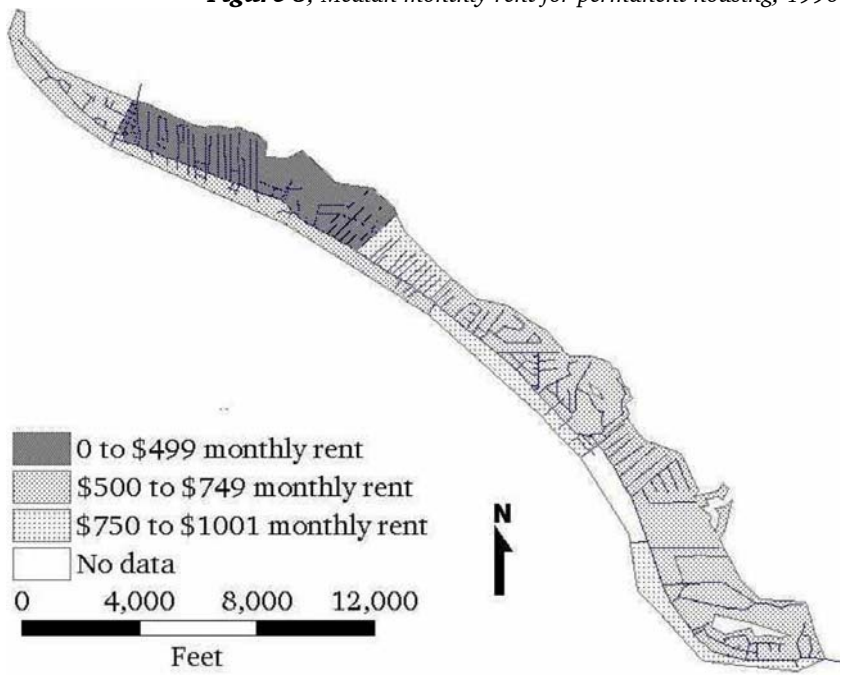


Figure 6 shows the median year that permanent housing units in each block group were built (an equal number of permanent housing units were built before and after the median year). The significance of this data is that older housing at Fort Myers Beach was often of modest size and quality, as well as likely to have deteriorated in condition due to its age. Older housing stocks can often be economically retrofitted for continued use.

Figure 7 shows the percentage of permanent housing units whose occupants use alternate travel modes to their jobs, in this case traveling by foot, bicycle, or motorcycle. No bus usage was reported by the 1990 Census. These percentages range from 0% to 19%. Given the absence of bus trips, the higher percentages were close to commercial areas where many jobs were available. This data is significant because one of the town's major housing goals is to accommodate employees in suitable housing that is close to employment, in an effort to avoid the cost and congestion impacts of being forced to commute by private car.

Other 1990 data on retirement income and market value of housing was examined, but was inconclusive as to spatial distribution within the town.

The data reported on Figures 4 through 7 supports the town's initial strategy of combining neighborhood revitalization with affordable housing. Existing housing from Crescent Street to the elementary school has a high percentage of rentals available to year-round residents; has low rents; is older and likely in need of substantial rehabilitation; and is in close proximity to jobs that residents can reach without a private car.

The town's housing strategy should therefore focus on the geographic areas discussed in the next section and use methods such as those listed there to promote the community's design, revitalization, and housing goals.

***Figure 6**, Median year that permanent housing units were built*

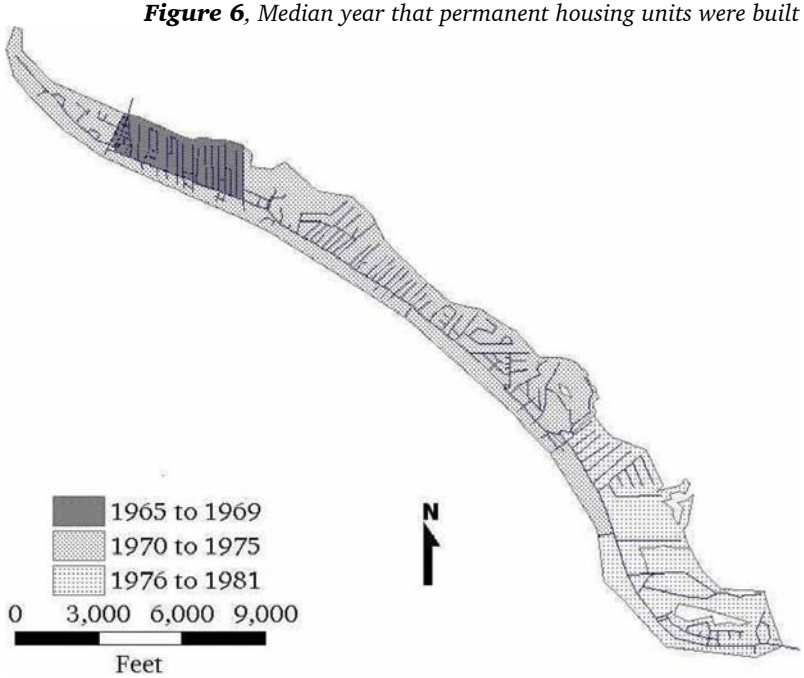
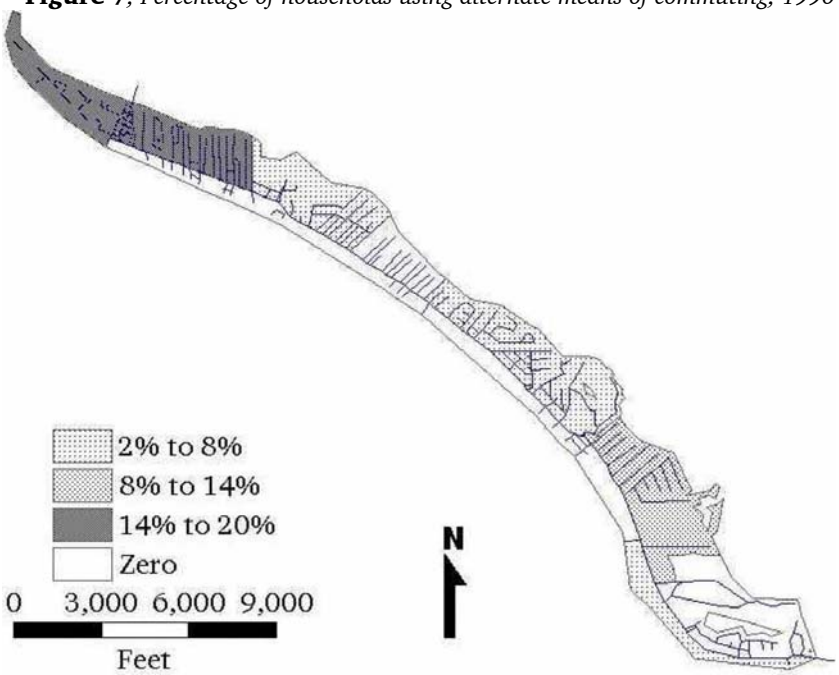


Figure 7, *Percentage of households using alternate means of commuting, 1990*



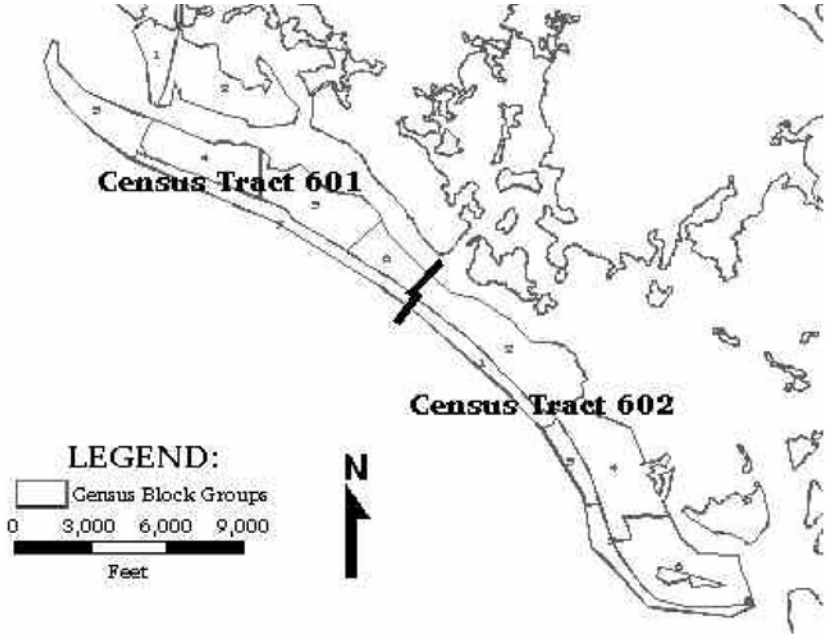


***Figure 8**, Census Tracts and Block Groups, 1990*

Table 12-6 — 1990 Census Data Illustrated in Figures 4, 5, 6, & 7

Census Tract	*Block Group*	*(Figure 4) % Renters*	*(Figure 5) Median Rent*	*(Figure 6) Median Year Built*	*(Figure 7) % Alt. Commuting*
601	3	30%	$525	1974	19%
"	4	42%	$471	1965	17%
"	5	27%	$453	1971	6%
"	6	25%	$785	1971	0%
"	7	31%	$691	1974	0%
602	1	33%	$1,001	1975	0%
"	2	28%	$572	1975	7%
"	3	24%	(data not available)	1973	0%
"	4	21%	$598	1977	9%
"	5	16%	$762	1979	3%
"	6	15%	$748	1981	0%
Sources: 1990 U.S. Census:		*STF-1A (H-03)*	*STF-3A (H-43A)*	*STF-3A (H-25A)*	*STF-3A (P-49)*

Proposed Housing Strategies by Geographic Area

Downtown

Promote new construction and rehabilitation of existing structures for compact moderate-priced housing on Crescent Street consisting of multi-family units of various sizes, targeted for year-round occupancy for persons who wish to live or work downtown, through:

- The regulatory framework and incentives provided through the redevelopment overlay zone;
- Activities of a Downtown Redevelopment Agency (see Community Design Element Policy 3-D-1) such as land assembly, low-interest revolving loans, and provision of infrastructure (drainage, sidewalks, streetscape, undergrounding of utilities etc.); and
- Other measures to encourage residential uses over retail throughout the downtown area.

Heart of the Island – Civic Center

Promote the revitalization of School Street as a walkable palm-lined street of restored and infill cottages for residential use, live-work spaces such as studios or galleries, and small-scale specialty retail uses consistent with the historic theme with retail on the ground floor and residential above.

- Prepare regulations that would allow a compatible mix of uses and would ease setback and parking requirements to accommodate the unique needs of renovations of existing and move-on cottages.
- Provide architectural and design guidelines which illustrate cost-effective rehabilitation techniques consistent with the historic theme.
- In partnership with the Estero Island Historic Society, seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.

The Red Coconut-Gulf View Colony area

Support the continued use of the Red Coconut-Gulf View area as a pleasant home for visitors and long-term residents, and provide

a pre-approved redevelopment option for a traditional neighborhood with a variety of housing types.

- Use the criteria in Community Design Element Policy 3-D-6 to evaluate any other redevelopment proposals for the Red Coconut-Gulf View properties, with a particular emphasis on the provision of a variety of housing types including single family, townhouse, apartment, and mixed use, with the more durable housing types and residential above commercial located along Estero Boulevard.

Near-Town Neighborhoods

The residential areas on the Bay side of Estero Boulevard near downtown, while pleasant, walkable, and convenient, are also showing signs of deterioration. First platted in 1915 and subsequently subdivided into smaller lots, the area has lots smaller than today's standard of 7,500 square feet and has been developed at higher densities than are currently allowed. There are many single vacant lots and numerous rental units, some of which have been poorly maintained. The most historic buildings in Fort Myers Beach are located here (see Figure 9).

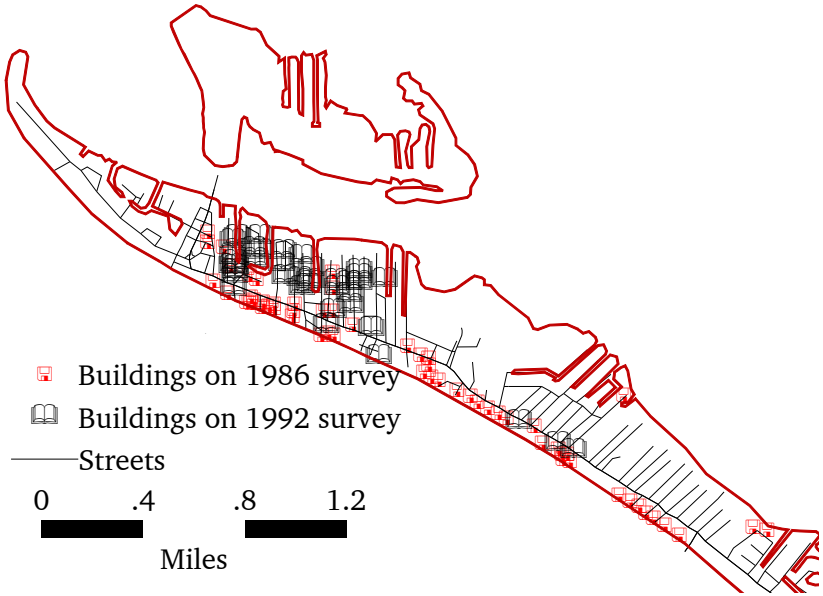


Figure 9, Oldest structures on Estero Island

Methods to encourage revitalization of the older near-town residential areas using traditional neighborhood techniques for renovations and infill include:

- Modifying current regulations that have, to date, been a barrier to redevelopment, including lot size, setback, and parking requirements;
- Encouraging the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety;
- Permitting quiet home offices (and possibly other mixed uses); and
- Developing measures to protect residential areas from intrusion by poorly regulated short-term rentals.

In addition, income-qualifying homeowners can participate in the following programs that promote revitalization:

- Lee County's Community Improvement Office conducts a housing rehabilitation program for very-low- and low-income families. It also administers an affordable homestead program which purchases foreclosed single-family homes, rehabilitates them, and sells them to eligible families.
- CDBG, HOME, and SHIP funds are also available for income-qualifying owners of homes constructed over 50 years ago. (Some grants for historic rehabilitations are available through the county's Community Development Department that are not tied to income eligibility.)
- Weatherization and energy improvements grants are available for eligible households through Lee County, which administers this program for the Florida Department of Community Affairs.
- Lee County occasionally offers federal and state funds and grants to rehabilitate historic housing.

Neighborhood Stability Throughout the Town

Protect the stability of all residential areas through:

- Enforcement of the town's new policy on accessory apartments;

- Implementation of the residential streets program that provides guidelines and technical assistance to neighborhoods that wish to improve their public spaces as civic projects (Community Design Policy 2-B-2)
- Fostering safe, comfortable, and attractive neighborhoods through such design measures as:
  - Promoting walkable streets;
  - Promoting streets as the neighborhood realm, differentiated from private areas;
  - Provide, in the land development code, opportunities to:
    - Bring buildings closer to the street, with the private space on the other side of the structure's wall and to use
    - Use the elevation required by flood regulations (rather than a deep front yard) to create privacy;
    - Use front porches, decks, picket fences, and other "cottage" elements to define space and promote a natural surveillance of the street.

Regulations and Incentives for Affordable Housing

Clear and consistent rules and streamlined permitting can be a significant factor in holding down the cost of construction and therefore contributing to housing affordability. As the town prepares its land development code and regulatory process, procedures should be identified by which residential or mixed-use projects, including moderate-cost housing, can be reviewed promptly and approved if they meet the town's requirements.

In addition, the town could consider other methods to reduce the cost of constructing or rehabilitating housing, such as:

- Graduated impact fees so that small units or housing designed for island employees would pay less than larger housing units.
- Reducing restrictions on improvements to non-conforming buildings without triggering the requirement for elevation above expected flood levels.
- Supporting DCA's proposed "residential construction mitigation program" to help lower-income residents to retrofit their homes to increase their safety and protect their investments before a disaster occurs, through low-interest loans or grants.

Other Housing Measures

This element is required to describe how Fort Myers Beach will provide affordable housing; eliminate substandard conditions; provide adequate sites for housing, group homes, and foster care facilities; address relocation; and preserve historically significant housing. Previous discussions in this element described means for providing affordable housing and for promoting rehabilitation to eliminate substandard conditions.

There are no group homes or foster care facilities licensed or funded by the state anywhere in the town; however, the town's current Land Development Regulations provide for the placement of group homes in compliance with Chapter 419, *F.S.*

The town should maintain an inventory of substandard housing and pursue the elimination of such conditions through encouraging revitalization using the above described measures and through code enforcement activity where necessary.

None of the town's anticipated revitalization activities would cause residential displacement. Where federal funds are being used to rehabilitate housing, temporary lodging can be funded by CDBG money.

Tables 13-1 and 13-2 in the Historic Preservation Element provide an inventory of structures at Fort Myers Beach that are listed on the Florida Master Site File as historically significant. Identification and promoting rehabilitation of historically significant housing should be an ongoing activity of the town in partnership with the Estero Island Historic Society, particularly as it relates to the most important historic buildings and aiding individual housing rehabilitation efforts.

GOALS - OBJECTIVES - POLICIES

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

GOAL 12: To keep a wide variety of housing types available to people at all stages of their lives.

OBJECTIVE 12-A GENERAL HOUSING STRATEGIES — Maintain or increase 1997 federal/state funding levels for affordable housing; maintain an adequate supply of land to meet forecasted housing needs; and maintain current levels of on-island housing suitable for employees working within the town.

POLICY 12-A-1 The town shall pursue the following affordable housing strategies:

i. Provide liaison and technical assistance in linking eligible activities to partnerships and governmental funding sources;

ii. Encourage a variety of housing types and cost ranges through flexible provisions in the Land Development Code (see Policy 12-C-1);

iii. Focus planning efforts on specific areas that are in transition, such as the near-town neighborhoods between Times Square and Bay Oaks, and reinforces the quality of existing stable neighborhoods;

iv. Implement an incentive-driven regulatory system and the town's new policy regarding accessory apartments (see Policy 4-C-7);

v. Promote revitalization of existing housing including historic structures (see specific programs in the Historic Preservation Element); and

vi. Assist service workers to find suitable housing on the island.

POLICY 12-A-2 This plan's Future Land Use Map shall continually designate sufficient residential and mixed-use land for varying housing densities and housing types to accommodate the town's forecasted housing needs through build-out.

POLICY 12-A-3 The town shall help provide access to affordable housing services for its residents with special attention to the needs of its low-income and "special needs" population.

i. The town shall seek an agreement with Lee County to retain the town's standing as an eligible area for expenditures under the county's federal and state entitlement programs, provided assurances are made that town residents received a reasonable share of these expenditures over time. Unless determined to be infeasible or undesirable, the town shall enter into a cooperative agreement with Lee County before October 1998.

ii. The town shall promote the use of public-private partnerships wherever feasible to accomplish the implementation of its housing objectives. Such partnerships could include a Downtown Redevelopment Agency, non-profit housing providers, and private developers and builders.

iii. Encourage local lenders to provide affordable homeownership opportunities (including needed renovations) through programs such as mortgage assistance, reduced closing costs, and lower interest rates.

POLICY 12-A-4 The town shall strive to eliminate substandard housing conditions and improve the structural and aesthetic qualities of existing housing. The town shall identify unsafe or substandard structures and take appropriate actions to address such conditions by adopting the Standard Housing Code by 1999 and enforcing it to regulate conditions in rental housing. Emphasis shall be on renovation rather than demolition wherever possible.

POLICY 12-A-5 If ever necessary, the town shall provide equitable housing for citizens who must be relocated through government action supported by federal funds consistent with Chapter 421.55 *F.S.*

POLICY 12-A-6 The town shall update this element using a state-approved methodology after census data for the year 2000 is available and no later than the town's next scheduled evaluation and appraisal report.

OBJECTIVE 12-B NEIGHBORHOOD-SPECIFIC HOUSING STRATEGIES — This plan's vision for revitalized and stable neighborhoods shall guide neighborhood-specific strategies to upgrade the housing stock and maintain a wide range of housing types and costs.

POLICY 12-B-1 **DOWNTOWN (TIMES SQUARE)** — Promote new construction and rehabilitation of existing structures for compact moderate-priced housing on Crescent Street consisting of multi-family units of various sizes, targeted for year-round occupancy for persons who wish to live or work downtown, through:

i. The regulatory framework and incentives provided through the redevelopment overlay zone;
ii. Activities of a Downtown Redevelopment Agency (if established, see Community Design Element Policy 3-D-1) such as land assembly, provision of infrastructure (drainage, sidewalks, streetscape, undergrounding of utilities etc), and low-interest revolving loans.
iii. Other measures to encourage residential uses over retail throughout the downtown area.

POLICY 12-B-2 **HEART OF THE ISLAND – CIVIC CENTER** — Promote the revitalization of the School Street (see Community Design Policy 3-A-4) as a walkable palm-lined street of restored and infill cottages for residential use, live-work spaces such as studios or galleries, and small-scale specialty retail uses consistent with the historic theme with retail on the ground floor and residential above.

i. Prepare regulations that would allow a compatible mix of uses and would ease setback and parking requirements to accommodate the unique needs of renovations of existing and move-on cottages.
ii. Provide architectural and design guidelines which illustrate cost-effective

rehabilitation techniques consistent with the historic theme.

iii. In partnership with the Estero Island Historic Society, seek grant funds to reduce costs of move-on and rehabilitation of historic cottages.

POLICY 12-B-3 **RED COCONUT/GULFVIEW COLONY AREA** — Support the continued use of the Red Coconut/Gulfview Colony area (see Community Design Policy 3-A-5) as a pleasant home for visitors and long-term residents, and provide a pre-approved option for redevelopment as a traditional neighborhood with a variety of housing types.

POLICY 12-B-4 **NEAR-TOWN NEIGHBORHOODS** — Revitalize the older near-town residential areas using traditional neighborhood techniques for renovations and infill (see Community Design Policy 3-B-1), using methods such as:

i. Modify current regulations that have proven to be barriers to redevelopment.

ii. Encourage the cottage design tradition of front porches and decks to help frame public spaces and define private areas, promoting neighborhood safety.

iii. Permit quiet home offices (and possibly other mixed uses as determined appropriate).

iv. Protect residential areas from intrusion by poorly regulated short-term rentals.

v. Provide access to federal and state housing programs available to income-qualifying owners through Lee County's programs.

OBJECTIVE 12-C REVISE THE CURRENT REGULATORY SYSTEM — Complete a thorough revision of the town's land development regulations by the end of 1999 to provide clear and consistent rules for development and redevelopment.

POLICY 12-C-1 The town's zoning and development regulations shall allow a variety of lot sizes, densities, and housing types.

POLICY 12-C-2 Implement the town's new policy on accessory apartments in residential neighborhoods and include standards by which to measure compliance.

POLICY 12-C-3 Adopt the Standard Existing Buildings Code by 1999 (see Historic Preservation Policy 13-B-6).

POLICY 12-C-4 The land development regulations shall include measures to implement Chapter 419 *F.S.* about the proper siting of group homes and foster care facilities.

POLICY 12-C-5 Consider (and implement as feasible) various methods to reduce the cost of constructing or rehabilitating housing, such as:

i. adjusting impact fee schedules so that small units or housing designed for island employees would pay less than larger housing units;

ii. supporting DCA's new "residential construction mitigation program" to help lower-income residents retrofit their homes to increase their safety and protect their investments before a disaster occurs using low-interest loans or grants;

iii. considering a bonus system to allow densities above what is normally

allowed if reserved for housing in a price range affordable by low- or moderate-income residents; or

iv. relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.

OBJECTIVE 12-D HISTORICALLY SIGNIFICANT HOUSING — Retain at least 90% of the town's historically significant housing for residential uses (or appropriate adaptive re-uses).

POLICY 12-D-1 The town shall maintain the inventory of historic structures contained in the Historic Preservation Element.

POLICY 12-D-2 The town, in cooperation with the Estero Island Historic Society, will assist owners of historically significant housing in locating funds to restore or rehabilitate their homes. Assistance may be provided to move buildings if there is no other option to save the home.

POLICY 12-D-3 The town shall consider other incentives to encourage renovation of historic structures, as detailed in the Historic Preservation Element. Such incentives could include property tax relief, transfer of development rights, and below-market interest rate loans.

HISTORIC PRESERVATION ELEMENT

INTRODUCTION . . . . . 13 - 1

OVERVIEW OF LOCAL HISTORY . . . . . 13 - 2

THE TOWN'S VISION FOR PRESERVING ITS HISTORY . . . 13 - 9

IMPLEMENTING THE TOWN'S VISION . . . . . 13 - 14
- **Identification . . . . . 13 - 14**
- **Evaluation . . . . . 13 - 19**
  - *Architectural Criteria . . . . . 13 - 19*
  - *Archaeological Criteria . . . . . 13 - 20*
- **Recognition and Designation . . . . . 13 - 21**
- **Preservation . . . . . 13 - 22**
  - *Activities . . . . . 13 - 22*
  - *Legal Devices . . . . . 13 - 22*
  - *Financial Tools . . . . . 13 - 23*
  - *Regulatory Techniques . . . . . 13 - 23*
  - *Historic Preservation Program . . . . . 13 - 25*
- **Sharing the Resources . . . . . 13 - 26**

COORDINATION OF PRESERVATION EFFORTS . . . . . 13 - 26

CONSISTENCY WITH STATE AND REGIONAL PLANS . . . 13 - 27

GOALS - OBJECTIVES - POLICIES . . . . . 13 - 29
- **OBJECTIVE 13-A GENERAL STRATEGIES . . . . . 13 - 29**
- **OBJECTIVE 13-B REGULATIONS AND INCENTIVES . . . . . 13 - 30**
- **OBJECTIVE 13-C CELEBRATING OUR HERITAGE . . . . . 13 - 31**

REFERENCES . . . . . 13 - 32

HISTORIC PRESERVATION ELEMENT

INTRODUCTION

This Historic Preservation Element describes the historical backdrop of Fort Myers Beach and provides a guide for preserving its heritage. A "vision" is articulated for the future of the town that integrates the architectural, archaeological, and cultural heritage of Fort Myers Beach. Goals, objectives, and policies are presented that will enhance the town's natural, historic, and cultural systems and ensure their sustainability for future generations.

The historic resources of Fort Myers Beach have been surveyed through Lee County historic and archaeological surveys that were conducted in 1986 and 1987 respectively, with a historic update in 1992. The 1989 Lee Plan contained a Historic Preservation Element with extensive information about the history of Lee County and a brief analysis of Estero Island's historic resources taken from the survey documentation, which had identified about fifty sites of historic interest at Fort Myers Beach.

This new Historic Preservation Element for the Town of Fort Myers Beach focuses on the history of Estero Island and its environs, maps the one hundred potentially historic structures identified to date, and identifies opportunities for furthering the town's vision through preservation and stewardship of historic resources. In addition, the element analyzes Lee County's historic preservation program for its potential use by the Town of Fort Myers Beach.

This element begins with an overview of the history of Fort Myers Beach and its environs, highlighting its evolution from an uninhabited island in the midst of ancient Indian cultures to today's urbanized resort community.

***Figure 1**, Fort Myers Beach School*

OVERVIEW OF LOCAL HISTORY [1]

When Spaniards arrived in southwest Florida in the 16th century, they discovered a large well-established society of people, the Calusa. The Calusa were successful hunter-fisher-gatherers but also accomplished engineers and artists; they had sophisticated political and belief systems which included elaborate rituals and the concept of an afterlife. Masks, figureheads, boxes, and bowls unearthed in 1896 at the Key Marco site are among "the most renowned artifacts produced by Native Americans." (Marquardt 1996, Gilliland 1975, Cushing 1973)

At their peak, the Calusa were dominant over much of the southern half of the Florida peninsula and received "tribute" from towns throughout south Florida. Their paramount chief, called Carlos by the Spanish, ruled his empire from an island town known as Calos, believed to be Mound Key. In 1566 over 4,000 men and women gathered to witness ceremonies in which the Calusa king made a temporary alliance with Spanish governor Pedro Menéndez de Avilés. (Marquardt 1996, Solís de Merás 1964)

The Calusa were a hunter-fisher-gatherer society that did not raise crops. They lived off the rich food resources of the highly productive estuarine environment (see map of their villages in Figure 2). For archaeologist Bill Marquardt, this raised the question that if the Calusa understood the complex and productive environment well enough to prosper for hundreds of years without damaging it, how far back did this knowledge go? His research provides solid evidence that the rich estuarine environment was established and was available to people much earlier than 500 BC as previously thought. Marquardt reports that the maritime adaptation of southwest Florida becomes archaeologically visible in deposits that began to accumulate around 4500

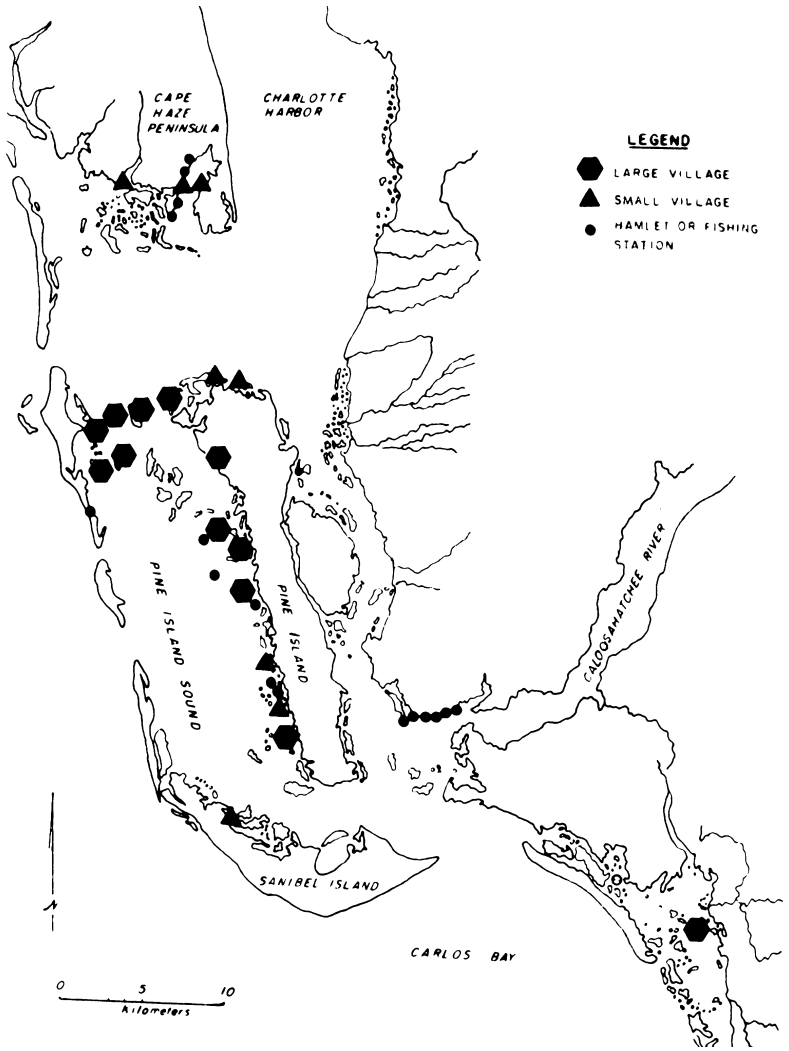


***Figure 2**, Late prehistoric settlement pattern (Widmer 1988)*

[1] *Special note should be given to the people whose study and writings have contributed directly to this overview: William H. Marquardt Ph.D., Curator in Archaeology for the Florida Museum of Natural History; Randolph J. Widmer Ph.D., archaeologist and author of The Evolution of the Calusa; Arden Arrington, public relations chair for the Randell Research Center at Pineland and owner of Calusa Coast Outfitters Educational Tours; Gloria Sajgo of the Lee County Planning Division; Rolfe F. Schell's History of Fort Myers Beach; and the 1989 Lee Plan Historic Preservation Element. The photographs in this element were provided courtesy of Lee County except where noted.*

BC, with evidence of oyster shell middens on Horr's Island in that period; he concludes that by 2800 BC, Horr's Island was occupied by people who exploited a variety of fish and shell fish. (Walker 1995, Marquardt 1992)

Further research and new techniques using a fine-screen sifting method revealed that fish as well as shellfish were the dietary stables of coastal peoples, and that plants such as saw palmetto, cabbage palm, and seagrape were used for food, fuel, and raw materials for the manufacture of tools, containers, clothing, shelter, watercraft, weapons, and fishing gear (including nets). Researchers have concluded that early settled people lived on the this coast year-around, much as the later Calusa people did. (Marquardt 1996)

Environmental archaeologist Karen Jo Walker's study of associated species that had lived on shellfish gathered for food, led to the documentation of sea level fluctuations which are important to understanding shallow estuarine settings. We now know from evidence at Pineland that the Gulf of Mexico rose in approximately 300 AD to a level four feet higher than it is today, and then dropped six feet within a 100-year period. Such research provides, in Walker's words, "powerful tools for the investigation of past and future global climatic processes." (Walker et al. 1994, Arrington 1997a)

In Marquardt's words, "The Calusa story lends itself very well to environmental education because the archaeological story is also the story of the Charlotte Harbor estuarine system *[of which Estero Island is a part]*. The Calusa way of life is the result of a long succession of decisions about how to relate to the physical environment and to other people, …an example of how the study of the past teaches us about today's world." (Marquardt 1996)

Historical records and memoirs help weave together the history of Estero Island and its surroundings following the first known contact with the Spanish explorers. In 1513 Juan Ponce de León explored the area of Charlotte Harbor, Sanibel, and Estero Island only two months after he made the first European landing on the east coast of Florida. His expedition was met by a hostile aboriginal group of Calusa Indians. Under pretense of arranging a meeting with Carlos, the Calusa were able to muster 80 war canoes to repel Ponce de León (Widmer 1988).

The Freducci map, dated to 1514-1515, appears to correlate with Ponce's voyage of discovery. The map provides a place name in the vicinity of Fort Myers Beach—Stababa, a native word—which was probably the name for Estero Bay. Most modern archaeologists agree that the village called Calos, the capital town of the Calusa Indians encountered by Ponce's expedition, was located on Mound Key, where the large mounds and shell middens can still be seen.

Ponce de León returned in 1521 (following the brief visits of three other Spanish explorers in the interim) with missionaries, domestic animals, and farm implements to establish a settlement. The Calusa attacked the settlement, wounding Ponce de León, who fled to Cuba where he died of his wounds.

Pedro Menéndez de Avilés arrived at Estero Bay in 1566 shortly after establishing St. Augustine. He had come to secure *La Florida* for Spain and to make the peninsula safe for shipwreck survivors, mainly Christians lost from Spain's yearly treasure fleets who were either killed or held captive by the Calusa. (Lyon 1974, Arrington 1997b).

Menéndez's first encounter with the Calusa makes a fascinating story. In his first meeting with the Calusa king Carlos, Menéndez invited him to come aboard his brigantine where they exchanged gifts. Menéndez was then invited to visit Carlos. The visit was a "gala affair" to which all Indians in the neighboring areas were invited, in order to put up a great show of strength. Menéndez brought 200 armed men, musicians, singers, and dancers. Carlos then presented Menéndez with his older sister in marriage. According to Rolfe Schell's retelling of this story, "Antonia, as she was named by the Spanish, had also been a

former wife of her brother Carlos. Menéndez, already married, and not wishing to couple with the not-too-comely sister, tried to refuse, but in the end was forced for diplomatic reasons to accept. The marriage was announced and consummated that evening. Later the bride was sent back to Havana for education in Christianity while her husband left to further explore the peninsula. Later, he returned her to her brother, who, incensed that there was no child and offended by Menéndez' neglect of his sister, told the Spanish to leave his country." (Lewis 1969, Schell 1980)

In 1567 the Spaniards established a fort and Jesuit mission, San Antonio de Carlos, in the capital town of the Calusa. The purposes of the fort/mission were to protect shipwrecked Spaniards from the Indians and convert the Calusa to Christianity. Calusa resistance to conversion and mounting tensions between the two groups resulted in conflict. In an attempt to bring the Indians under control, the Spanish soldiers stationed at the mission executed the Calusa king and two high-ranking nobles. This did little to change the deeply rooted problems, and later the Spaniards executed the new Calusa king and many other leaders. After witnessing the murder of a second king, the remaining Calusa burned their village and abandoned it. Shortly after this, the Spaniards abandoned the mission. (Lewis 1969, Marquardt 1994).

Many researchers believe that Mound Key was "Calos," the capital town of the Calusa. Geographically and archaeologically, the island meets a number of requirements that other southwest Florida archaeological sites lack. The Spaniards described the capital town as a village of a thousand people situated on an island in the middle of a bay two days' sail north of Havana. This places the capital somewhere between Key Marco (now Marco Island) and Punta Gorda. Of all the Calusa sites large enough to contain such a village, only Mound Key and Useppa Island are located "in the middle of a bay." However, Spanish artifacts dating to the sixteenth-century mission period have been found in significant quantities only on Mound Key. (Marquardt 1994)

The writings of Jesuit priest Juan Rogel and geographer López de Velasco reveal that the first mission was set up "in the court of the kings, …two arquebus shots from the north shore." When the 1567 mission was established, the Spaniards probably moved into 36 Indian houses and built one house of their own. A "thicket fence" was constructed around the compound delineating the fort of San Antonio de Carlos. Assuming that the Calusa capital remained in the same location until a later Franciscan mission attempt in 1697, the location of the latter mission may be the same. The Franciscans tell of building their church near the house of the cacique (chief), and other Spanish chroniclers note that the missions were in identical locations. As in 1567, the 1697 missionaries estimated that approximately a thousand people inhabited the capital town. What actually happened to the thousand Calusa people who lived in the village of the king remains a mystery. (Lewis 1969, Hann 1991, Marquardt 1994)

In 1743, a Jesuit expedition from Cuba found a beleaguered remnant of the Calusa alongside remnants of natives of the Florida Keys, facing dissolution as a result of thirty years of attacks by natives identified as Uchise. Many of the Calusa migrated to Cuba and suffered heavy loss of life by disease there. By the 1750s, the Calusa culture as we now understand it had essentially been erased. (Marquardt 1987, Hann 1991)

By 1765, Cuban fisherfolk of Spanish descent had established fishing operations on San Carlos Bay, consisting of thatched homes with extensive sheds for drying fish and storehouses for provisions. By 1824 fishing ranchos were also located at Gasparilla Island, Shell Island, Fisherman's Key, Punta Rassa, and Estero Island. In 1832 a customs district was established to control the fisheries and to control smuggling. Seminoles began to appear in the area as they were forced south by the military and settlers in northern Florida. (Walker 1995, Lee Plan 1989)

Although corsairs and pirates probably visited both coasts of Florida during the late 1700s and early 1800s, much of the lore surrounding their activities in southwest Florida is exactly that — undocumented lore and local legend. Stories include that of the first honeymoon couple, Captain Rackam (Calico Jack) and Anne Bonny and their crew, said to have spent many days on Estero Island in 1720 while repairing their vessel. Stories attributed to Juan Gomez, a hermit who died near Panther Key in 1900 at the age of 73, tell of pirates escaping detection by sailing in behind Estero Island. One pirate, "Black Augustus," retired to Black Island, south of Estero Island where he lived in poverty. The John Butterfield family, who squatted on Mound Key in the early 1870s, traded food with him until his death in 1884. (Schell 1980)

Mainland Indians rebelled against pressure from settlers moving deeper south into Florida following its purchase from Spain in 1821. Indians attacked a small group traveling with Major Francis L. Dade, and initiated in 1835 what was known as the Second Seminole War. (The first was a series of skirmishes from 1817 to 1821.) After seven years of fighting a war in the Indian style, seldom in the open, an agreement was made giving the few remaining Indians the territory from Charlotte Harbor and the Peace River on the north to Lake Okeechobee and Shark River on the east. Almost 4,000 Indians were deported during the war period. The Seminole wars broke out again in 1850, and a new post, Fort Myers, was established at Fort Harvie, which eventually became the town of Fort Myers. Other posts including Fort Dulaney at Punta Rassa, were re-established and then finally abandoned after 1858. (Schell 1980, Lee Plan 1989)
The 1862 Homestead Act allowed settlers to claim large homesteads. The first homestead in the general area was Frank Johnson's, which included all of Mound Key. In the 1870s, the Sam Ellis family lived on the shell mound at what would become the end of Connecticut Avenue; they later moved to Sanibel Island. At that time there is said to have been one family each on Estero Island, Black Island, Mound Key, and Dog Key. In 1894 Dr. Cyrus Teed, leader of the Koreshan Unity, came to Estero Island. Although he eventually established his religious community on the mainland along the Estero River, he did establish a sawmill on the island (near the current location of Marina Towers) which made lumber from pine trees on the island.

In 1898, Robert Gilbert apparently became the first homesteader on Estero Island to receive a patent for his land from the federal government. Gilbert also lived on the shell mound at Connecticut Avenue.

During the early 1900s there were very few people living on Estero Island. The north end of the island (from Crescent Street north) was reserved by the U.S. government for a lighthouse and quarantine station, which was never constructed. (Schell 1980)

The shell mound at Connecticut Avenue is the site of one of the oldest remaining structures on Estero Island, where a home was built by William H. Case around 1906. (Florida Preservation Services 1986)

***Figure 3**, 166 Chapel Street*

The first subdivision of an original homestead was created by H. C. Case in 1911 on a mile-and-a-half-wide piece of property with Connecticut Avenue at its center. The north-south shell road ended at Connecticut Avenue, so to travel further south required driving on the beach. At that time Estero Boulevard was called Eucalyptus Avenue.

Dr. and Mrs. William Winkler built the first hotel in 1912, the Winkler Hotel, later renamed the Beach Hotel, and subsequently torn down in 1980 to be replaced with condominiums. Dr. Winkler left a tract of land to his nurse, Martha Redd; that property is now the Matanzas Pass Preserve.

Thomas H. Phillips, a wealthy inventor from Maryland, platted the Crescent Park and Eucalyptus Park subdivisions and built a casino and amusement pier. Captain Jack Delysle, a recent immigrant from Britain, developed the Seminole Sands subdivision along with a café, dancing pavilion, and 50-room casino hotel. (Historic Property Associates 1994)

Development was relatively quiet until the Florida land boom in the 1920s when the island, then known as Crescent Beach, gained national popularity. In 1921 the first bridge from the mainland was built, connecting to the new road along the shore at Bunche Beach joining McGregor Boulevard. The first cottage built after the bridge was completed stood at the corner of Mango and Cottage Streets; it was destroyed in a 1944 hurricane, but its materials were used to rebuild what became known as the San Castle Cottage, which has been relocated to the entrance to the Matanzas Pass Preserve and now operates as a historic museum (see Figure 8).

The 1920s also saw the start of phone service, postal service, the first grocery and gasoline pump on the island, coquina rock arches near the bridge, and bus service from Fort Myers (it was 30 years later before regular bus service was restored).

By 1925 the Florida land boom was on in earnest and the name of Fort Myers Beach was first used. New subdivisions known as Miramar, Gulf Heights, and Gulf View Plaza all sold out within a month. But a severe hurricane in 1926 wrecked the bridge and many of the homes on Estero Island, and tourism slowed dramatically. Some development efforts continued, with a new concrete swing bridge opened in 1928, but growth had slowed dramatically well before the onset of the depression. (Historic Property Associates 1994)

Other features of that time catered to visitors, including:

- a casino on the Gulf that became the Gulf Shore Inn;
- a 500-foot pier;
- the first canal, which was 1,500 feet long; and
- another 50-room casino hotel on the Case property.

The 1930s saw local residents begin to address the needs of their growing community. The first project of the Fort Myers Beach Property Owners Association, incorporated in 1931 with 60 members, was to plant 600 coconut palms along Estero Boulevard and San Carlos Boulevard. Small industries emerged, including the Ko-Kee-Na canning factory at the corner of Estero Boulevard and Connecticut Street, which made coquina broth which was sold nationwide. The first voting precinct, garbage collection, mosquito control, and telegraph service were estab-

***Figure 4**, 259 Ohio Avenue*

lished during this period, and in 1935 the question of incorporation was raised, but considered premature and shelved for another 10 years. "Ma" Turner brought her honeymoon houseboat to land where it was incorporated as part of the Pelican Hotel. (Schell 1980)

In 1937 the first beach school was started in the Page cottage at the end of Chapel Street. When this facility was outgrown, a two-room building was constructed near the present-day Woman's Club. In 1938 the first services were held in Chapel by the Sea, the first church on the island. (Schell 1980)

In 1940 the first listing of Fort Myers Beach in the U.S. Census showed a population of 473 people. There were four hotels on the island, and the road south from Connecticut Avenue was improved. New shops emerged, including the Gulfview Shop which opened near the Red Coconut in 1946. A new elementary school was built on Oak Street in 1947 and remains in use today. The Fort Myers Beach Property Owners Association raised the incorporation question again in 1945 and 1948, but it was defeated both times. The Mosquito Control District and Fire District were formed near the end of the decade. (Schell 1980)

Florida experienced a destructive series of hurricanes from 1944 to 1950, with 1944 and 1947 storms damaging Fort Myers Beach. (Doehring 1994) Wood siding all across the island began to be replaced with asbestos shingles. New houses were raised further off the ground than older houses, protecting household goods and allowing cars to be parked underneath. The newer pilings were made of chemically treated poles because the "lighter pine" that was used earlier became scarce. (Florida Preservation Services 1986)

In 1948 Leonard Santini purchased the south end of the island from the Koreshan Unity. At the north end of the island, the Island Shores development was started and began to prosper as the Pink Shell complex was established in 1953. "Pink gold" (pink shrimp) was discovered in the Tortugas in the early 1950s, and dozens of shrimp boats made San Carlos Island their home port, with as many as 150 ships operating from the area. By 1951 overproduction dropped the price of shrimp, and it was a long time before the industry began to recover. By 1950 the population had increased to 711 residents. (Schell 1980)

During the 1950s and 60s many civic organizations were established, some of which are still active today. These included the Kiwanis, Lion's Club, Rotary Club, U.S. Coast Guard Auxiliary, Conservation Association, Volunteer Rescue Squad, Art Association, and Community Organizations Projects (a coalition of organizations to raise funds for a new community center). (Schell 1980)

The first zoning board for Estero and San Carlos Islands was established by the county in 1953, the same year that an effort to incorporate the south end of the island was defeated. Two local representatives served on this board, but this local control was replaced by a 1962 zoning ordinance which retained zoning authority for the county commissioners (who were advised by a county-wide zoning board). The question of incorporation continued to be raised but was defeated again in 1957 and 1960.

***Figure 5**, 261-263 Palermo Circle*

Hurricane Donna struck in September 1960. Donna was known as Florida's most damaging storm until Hurricane Andrew struck south Dade County in 1992. Donna was more costly and destructive than all the storms in the 1940s combined. (Doehring 1994)

The first "cooperative" apartment building, the Privateeer, was built in 1959. It was the forerunner to the first high-rise condominium which was opened in 1967. By 1969, pre-construction sales were lively for another condominium, the Leonardo Arms. The first high-rise motel, the Island Towers, was opened in 1971 and later converted to interval ownership. (Schell 1980)

In 1965 the south end of Estero Island was connected to Black Island and points south by a new bridge across Big Carlos Pass. The 1970s saw plans for a mid-island bridge; a central sewer system; and a new bridge to replace the swing bridge across Matanzas Pass, which frequently broke down and blocked all traffic. (Schell 1980)

In 1975, the Jaycees tried unsuccessfully to raise enough funds to save and move the coquina rock arches which were in the path of the new sky bridge over Matanzas Pass. Construction on the new bridge began in 1977 once a mid-island bridge was determined to be financially infeasible. The present central sewer system was also begun during this period. (Schell 1980)

In 1984 Lee County adopted its first comprehensive plan that contained a "future land use map." This plan forbade new residential development at densities higher than six units per acre on Estero Island. A flurry of lawsuits were filed against the county, most of which the county lost or settled out of court. Buildings are still being constructed today (for instance, at Bay Beach and Gullwing) based on the results of that litigation.

Voters resoundingly defeating incorporation once again in 1986. Not until a 1995 referendum did voters finally approve an independent Town of Fort Myers Beach.

***Figure 6**, 2090 Estero Boulevard*

THE TOWN'S VISION FOR PRESERVING ITS HISTORY

This plan's vision for the future of Fort Myers Beach evolves from its history, incorporating lessons from ancient civilizations as well as from more recent history of homesteading, development, and people working together to build their community.

This plan's primary goal is to preserve "the best of the old" as the community evolves and redevelops over time. A secondary goal is share the legacy left by previous residents with today's visitors and the broader community, and to do so in a way that preserves the local culture and environment and enriches visitors' experiences. The rich archaeological, historical, and scenic resources of the town and its surroundings are of national significance and are an integral part of a regional and statewide network of resources envisioned as a cornerstone of eco-heritage tourism, scientific exploration, recreation, and education. While most of the remaining buildings within the town are of only local interest, they provide the context for the small-town atmosphere and friendliness and inspiration for the "old Estero Island" scale and design of renovations and new construction.

The following is part of the town's vision for the future:

> *"Approaching Estero Island over the Sky Bridge, we have a spectacular view of Estero Bay, Times Square, and the Gulf beyond, a view uncluttered by overhead wires and excessive signage, which reveals examples, both original and new, of the "old Estero Island" design character and lively public spaces. Brochures, attractive informational panels, and walking/bicycle self-guided tours allow visitors to appreciate the local treasures of refurbished beach cottages and early homes in the downtown, beachfront, and near-town neighborhoods.*
>
> *"Refurbished small cottages provide a human scale to the beachfront and provide in-town housing for persons living and work ing downtown. Some structures find new uses as small-scale shops and galleries. Distinctive plaques identify historically interesting structures such as "Ma" Turner's houseboat within the Pelican Hotel. Informational panels help us remember where places of interest once were, such as the Koreshan's saw mill, the Winkler Hotel, and the Ko-Kee-Na canning factory. Visitors can imagine the town's early life as it evolved from fishing village to "Crescent Beach" with dance halls, gambling casinos, and beach recreation; from a very small community with a 1940 population of 435 to today's "living park" existing for the comfort and quality of life of its residents and the peaceful enjoyment of its visitors.*
>
> *"Many of Estero Island's original settlers located in what is now referred to as the near-town district between Primo Drive and Tropical Shore Way. On the Bay side of Estero Boulevard, many of the original buildings are still in use. Homes on some blocks sit directly on private canals that were dredged when the lots were created. Renovations and infill development have borrowed from the design tradition of cottages, using porches and decks, with fronts of houses facing the street. Pedestrian*

***Figure 7**, 110 Mango Street*

and bicycle paths have been created which link to an interconnected network.

"These older near-town neighborhoods have shed the blight that had begun to appear in the 1980s. Their pleasantly varied housing types are just steps away from lively Estero Boulevard. Apartments for tourists and local employees mix congenially with new and renovated homes, many of which contain quiet home offices. A new urban code promotes renovations of older structures to capture the spirit of the original designs. Renovations and new homes mix gracefully with the old in these now highly desirable neighborhoods. Neighborhoods have truly achieved a higher ambition, becoming places where the streets are shady and public spaces are friendly, unified in design by rows of street trees, with little traffic and well-used porches.

"Estero Boulevard has become the premier public space on the Island, with a strong sense of place, shaped as a memorable 'Avenue of Palms' reminiscent of the 600 coconut palms planted in the 1930s by the Fort Myers Beach Property Owners Association. Estero Boulevard is lined with new and refurbished older structures, in the spirit of the Huston Studio and Hussey Tourist Information Center, which frame the street and contribute to the pedestrian scale and ambiance of the community.

"A civic complex has expanded around the school and library and serves as the "other end" of the revitalized portion of Estero Boulevard. It is the keystone of the system of interconnected pedestrian and bicycle paths extending throughout the island, linking the historic and natural resource and recreation areas. School Street provides the primary entry into the "heart of the island," the special place where the school, recreation center, the Matanzas Pass Preserve, historic cottage, and public library are centered. School Street has become a key visual connection from the bay to the beach, a palm-lined showcase of restored and new cottages. Motorists catch a glimpse of a replica of Fort Myers Beach's original rock arches. The town's cooperative spirit is captured in this project, a civic effort that memorializes its pride in civic life and its historic past.

"Existing and new infill development of School Street is in the spirit and scale of the Beach's classic cottages, which can be used as homes or live-work spaces such as studios and galleries, or for small-scale retail uses consistent with the historic theme.

"The Estero Island Historic Society continues to operates its Historic Cottage and Nature Center at the entrance to the Preserve. Through the dedicated efforts of the Historic Society, the cottage was moved to its present location and now houses the island's historic memorabilia and serves as the interpretive center for the preserve. Guided interpretive walks and classroom and research experiences are offered along the trails and boardwalks to the fishing pier and observation deck. Guided tours using canoes and kayaks have overtaken the popularity of noisy jet-skis.

***Figure 8**, San Castle cottage today*
(photo courtesy of Estero Island Historic Society)

"Through a similar community effort, the town has purchased and refurbished the Mound House on the Long Estate. This was one of the first homesteads on Estero Island, with the William Case home built in 1906. The 2.8-acre site is composed largely of a Calusa Indian shell mound of national archaeological significance. Now known as a cultural and environmental learning center, the estate has become an anchor for tours of Estero Bay's ecological treasures and archaeological sites. Operated by a foundation, the center provides a museum and botanical garden and offers year-round educational programming and camps for children and adults and hands-on environmental education projects operated in partnership with the Estero Bay Marine Laboratory. It also hosts festivals and special events and, through a partnership with the University of Florida's Randell Research Center at Pineland, gives the public opportunities to participate in local archaeological research with scientists from the Florida Museum of Natural History. Residents, visitors, tourists, and schoolchildren learn about Florida pre-history, Calusa Indian culture both before and after contact with European explorers, and early pioneer settlements and life on Estero Island, allowing them to better understand what is happening today in the environment and to sustain the viability of these resources for the future.

"Nearby Mound Key State Archaeological Site, considered the spiritual and political center of the ancient Calusa empire at the time Europeans arrived, has proven to be a rich resource for archaeological research and is linked to islanders through the cultural and environmental learning center. Town residents form a core of volunteers that assist Florida Museum of Natural History scientists in the study and documentation of Mound Key for the international archaeological community.

"Visitors can easily experience the ecological and heritage resources of the area. They can arrive by water taxi from off-island parking areas, bicycle or walk through the interconnected network of paths throughout the Island, or arrive by trolley or car. They can even arrive via a county-wide system of canoe and kayak trails from Pine Island to Matanzas Pass and Hell Peckney Bay.

"Through the dedicated efforts of the community, the Town of Fort Myers Beach has created a partnership with the past that provides a focus for the future."

***Figure 9**, Estero Boulevard near Mandalay Road*

***Figure 10**, 1270 Estero Boulevard (the Gulf Shore)*

***Figure 11**, 2101 Estero Boulevard*

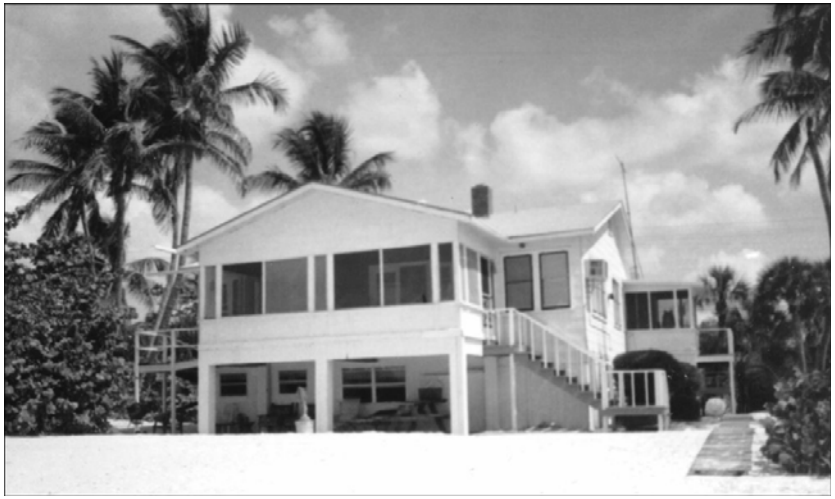


***Figure 12**, Coconut Drive at beachfront*

***Figure 13**, 259 Carolina Avenue*

IMPLEMENTING THE TOWN'S VISION

Identification

The first step in preserving historic and archaeological resources is identifying them and their historic context. The most common method for identifying historic resources is a field survey conducted by specialists in historic preservation.

A *Lee County Historic Sites Survey* was prepared for Lee County in 1986. (Florida Preservation Services 1986) This was the first systematic attempt to identify buildings of potential historical significance throughout unincorporated Lee County. Figure 14 shows that survey's map with the approximate location of the 54 buildings it documented, which were mostly located near Estero Boulevard from Crescent Street to Coconut Drive. Table 13-1 provides a list of sites identified in this survey.

In 1992 another survey was conducted, with more thorough documentation of 47 additional sites on Estero Island. (Janus Research 1992) These sites were primarily on the residential side streets northwest of Connecticut Street. The field inventory for each recorded structure contains an architectural description, historical overview (if known), site location map, and photograph (many of which are reprinted throughout this element). The new sites on Estero Island are listed in Table 13-2 and mapped in Figure 16.

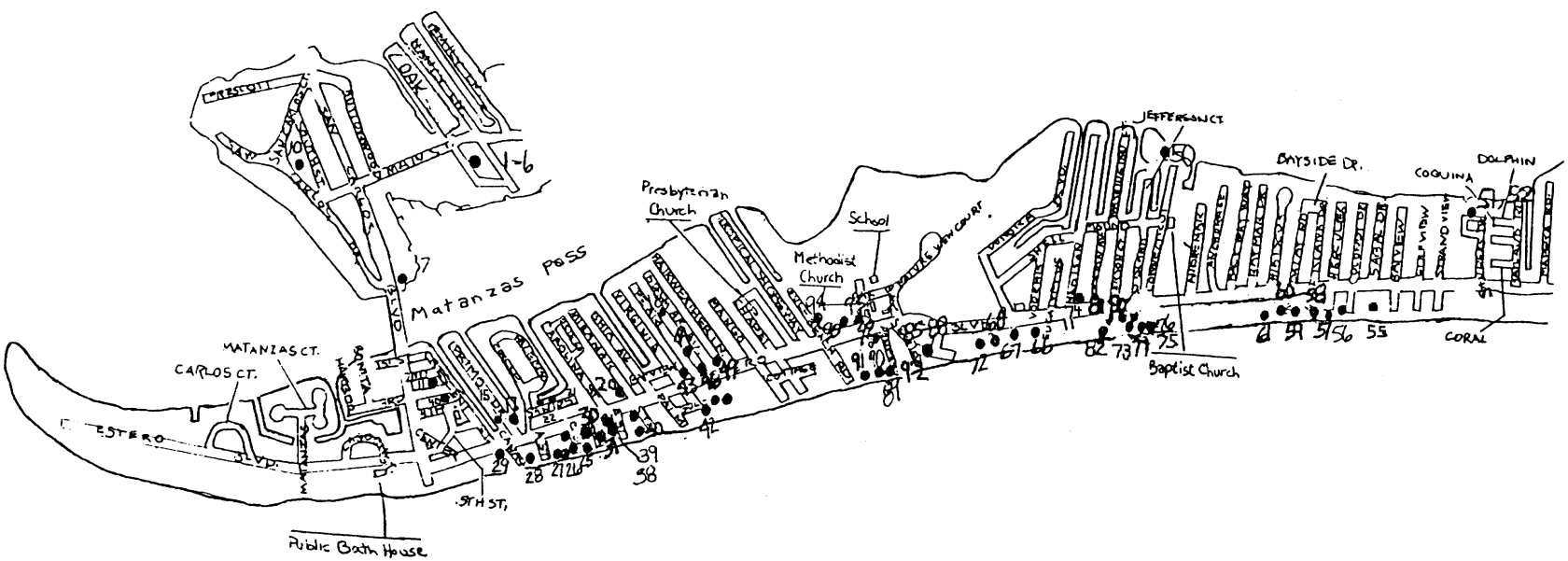


***Figure 14**, Site map from 1986 Lee County Historic Sites Survey (with old ID numbers)*

Table 13-1 — Historic Buildings Identified in 1986 Survey

Site Number OLD	Site Number NEW	Street Address	Comments
LEFB011	8LL01103	323 Crescent Street	
LEFB012	8LL01104	340 Crescent Street	
LEFB014	8LL01116	Estero Boulevard	*The Beach Store (stucco)*
LEFB015	8LL01153	1207 Primo Drive	*Silver Sands Resort*
LEFB016	8LL01154	124 Primo Drive	*(or 140?)*
LEFB018		233 Delmar Avenue	
LEFB019	8LL01142	205 Pearl Street	
LEFB020	8LL01133	81 Miramar Street	
LEFB021	8LL01156	1401 Santos Road	
LEFB022	8LL01155	1339 Santos Road	
LEFB030	8LL01125	I Avenue	
LEFB031	8LL01126	I Avenue	
LEFB038	8LL01107	E Avenue	
LEFB039		Estero Boulevard	*Norman's TV*
LEFB040	8LL01134	61 Miramar Street	
LEFB042	8LL01143	Pearl Street	*near beach*
LEFB043	8LL01141	125 Pearl Street	
LEFB044	8LL01144	Pearl Street	*Beach Comber (stucco)*
LEFB045	8LL01106	2101 Estero Boulevard	*Huston Studio see Figure 11*
LEFB050	8LL01101	Connecticut St.	*William Case home*
LEFB051	8LL01151	Sanders Drive	*Mid Island Marina*
LEFB052	8LL01152	Sanders Drive	*Mid Island Marina*
LEFB055	8LL01148	Sabal Drive	
LEFB056	8LL01100	Coconut Drive	*see Figure 12*
LEFB057	8LL01118	Estero Boulevard	*Solymar*
LEFB058	8LL01119	Estero Boulevard	
LEFB059	8LL01120	Estero Boulevard	*see Figure 9*
LEFB060	8LL01121	Estero Boulevard	
LEFB061		Estero Boulevard	
LEFB066	8LL01109	3107 Estero Boulevard	
LEFB067	8LL01108	3048 Estero Boulevard	
LEFB068	8LL01122	Estero Boulevard	*Pelican Hotel*
LEFB069	8LL01123	Estero Boulevard	*Pelican Hotel*
LEFB072		3000 Estero Boulevard	
LEFB073	8LL01127	125 Madison Court	
LEFB074	8LL01128	3311 Estero Boulevard	*at Madison Court*
LEFB075	8LL01102	Connecticut St.	*(beachfront)*
LEFB076	8LL01129	Connecticut St.	*(beachfront)*
LEFB077	8LL01124	Estero Boulevard	
LEFB078	8LL01115	3370 Estero Boulevard	
LEFB079	8LL01113	3370 Estero Boulevard	*see Figure 18*
LEFB080	8LL00789	Estero Boulevard	
LEFB081	8LL01136	3320 Estero Boulevard	
LEFB082	8LL01110	3280 Estero Boulevard	
LEFB085	8LL01157	Seaview Street	*Laughing Gull Cottages*
LEFB086	8LL01158	Seaview Street	*Laughing Gull Cottages*
LEFB087	8LL01159	Seaview Street	*Laughing Gull Cottages*
LEFB088	8LL01160	Seaview Street	*Laughing Gull Cottages*
LEFB089	8LL01145	Pompano Street	
LEFB090	8LL01146	Pompano Street	
LEFB091	8LL01147	Pompano Street	
LEFB092	8LL01130	2450 Estero Boulevard	*Hussey Realty*
LEFB093	8LL01131	Estero Boulevard	*(near School Street)*
LEFB094	8LL01132	Gulf Beach Road	

***Figure 15**, 3580 Estero Boulevard*

Table 13-2 — Historic Buildings Identified in 1992 Survey

Site Number	*Street Address*	*Year Built*	*Comments*
8LL01535	67 Canal Street	*1940*	
8LL01536	259 Carolina Avenue	*~1950*	*see Figure 13*
8LL01537	265 Carolina Avenue	*1950*	*see Figure 19*
8LL01538	290 Carolina Avenue	*1935*	
8LL01539	166 Chapel Street	*1930*	*Figure 3 (NR eligible)*
8LL01540	2430 Cottage Avenue	*1940*	
8LL01541	136 Delmar Avenue	*~1950*	
8LL01542	200 Delmar Avenue	*1947*	
8LL01543	270 Delmar Avenue	*1937*	
8LL01544	1270 Estero Boulevard	*~1923*	*Figure 10 (Gulf Shore)*
8LL01545	2090 Estero Boulevard	*1942*	*see Figure 6*
8LL01546	3120 Estero Boulevard	*1935*	*see Figure 22*
8LL01547	3502 & ½ Estero Boulevard	*1943*	
8LL01548	3580 Estero Boulevard	*1945*	*see Figure 15*
8LL01549	4501 Estero Boulevard	*1948*	*Seaview Motel*
8LL01550	241 Fairweather Lane	*1948*	
8LL01551	261 Fairweather Lane	*1950*	
8LL01552	273 Fairweather Lane	*1937*	
8LL01554	1480 I Avenue	*~1950*	*see Figure 17*
8LL01556	110 Mango Street	*1950*	*see Figure 7*
8LL01557	160 Mango Street	*1935*	*see Figure 25*
8LL01558	116 Miramar Street	*1935*	
8LL01559	120 Miramar Street	*1945*	
8LL01560	163 Miramar Street	*1947*	
8LL01561	270 Miramar Street	*~1955*	
8LL01562	232 Ohio Avenue	*1948*	
8LL01563	251-253 Ohio Avenue	*1948*	
8LL01564	298 Ohio Avenue	*1947*	
8LL01565	201 Palermo Circle	*1948*	*see Figure 21*
8LL01566	261-263 Palermo Circle	*1935*	*see Figure 5*
8LL01567	271 Palermo Circle	*1940*	
8LL01568	405 Palermo Circle	*1935*	*see Figure 23*
8LL01569	460 Palermo Circle	*1935*	
8LL01570	501 Palermo Circle	*1946*	*Figure 20 (NR eligible)*
8LL01571	180 Pearl Street	*1946*	
8LL01572	216 Pearl Street	*1946*	*see Figure 23*
8LL01573	140 Primo Drive	*1935*	
8LL01574	150 Primo Drive	*1945*	
8LL01575	162 Primo Drive	*1937*	
8LL01576	163 Primo Drive	*1952*	
8LL01577	180 Primo Drive	*1945*	
8LL01578	191 Primo Drive	*1942*	
8LL01579	241-243 Primo Drive	*1950*	
8LL01580	256 Primo Drive	*1950*	
8LL01586	209 Virginia Avenue	*1948*	
8LL01587	71 Pearl Street	*1949*	
8LL01588	259 Ohio Avenue	*1950*	*see Figure 4*

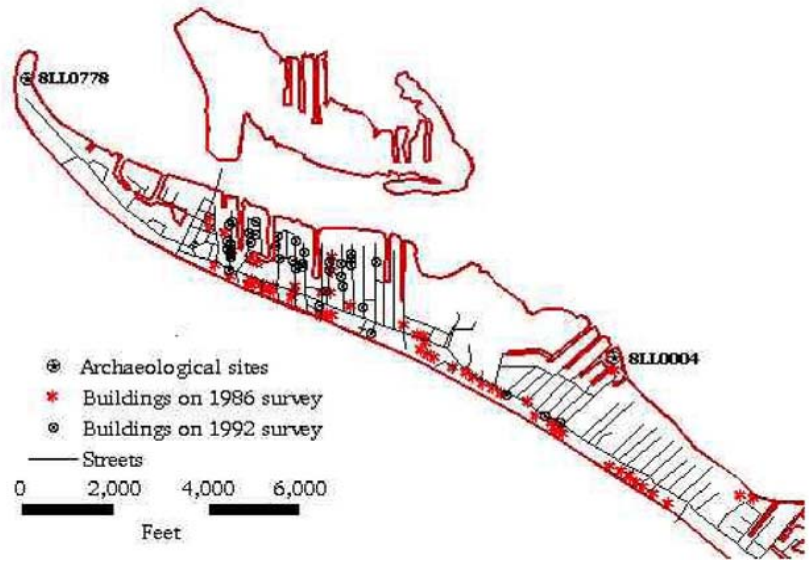


***Figure 16**, Historic resources on Estero Island identified in previous surveys*

All of the sites from both surveys have been listed on the Florida Master Site File, a statewide inventory that is maintained by the Florida Department of State. This file is essentially a database; listing does not imply a particular level of significance, or eligibility for the National Register of Historic Places (or local equivalents). Generally, properties over 50 years old are categorized as historic; however, there are also properties less than 50 years old which may be considered for preservation efforts based on other criteria.

The 1986 historic survey of Fort Myers Beach identified no structures that were eligible for designation on the National Register of Historic Places, but determined that the William Case home (also known as the Long Estate or Mound House) and others would be suitable for local designation. The *property* on which the William Case home sits was determined by the survey to be eligible for National Register designation on the basis of its archaeological remains.

The 1992 historic survey contained this conclusion about buildings it had surveyed:

> *At this point in time [1992], the Fort Myers Beach/San Carlos Island area could be eligible as a local historic district, particularly the residential area north of Estero Boulevard between Primo and Chapel Streets. This area contains a number of older structures; many of them have been altered, but their scale, style and remaining historic fabric and features would contribute to the character of the district. The fact that many of the structures were moved and a number were placed on taller pilings after various hurricanes could be seen as an interesting adaptation phenomenon rather than as a historical detriment. In about six years [1998], the area could potentially be eligible as a National Register district, particularly if a number of the older altered structures were rehabilitated. Another possible area would be the older hotel/commercial/residential segment of Estero Boulevard; this area was covered extensively in the 1986 survey. Three structures in the area stand out as being potentially eligible for the National Register as individual nominations. They are listed below:*

Address	*NR Area of Significance*
166 Chapel Street	*Architecture*
Dixie Fish Company [on San Carlos Island]	*Architecture; Commerce*
501 Palermo Circle (a former beach club)	*Entertainment/Recreation Architecture*

> *It should be noted that there may be other potentially eligible National Register historic structures which were surveyed in 1986 in Fort Myers Beach/San Carlos Island; these buildings were not specifically assessed as a part of this project. (Janus Research 1992)*

Archaeological resources were surveyed in the *Lee County Archaeological Site Inventory and Zone Management Plan* prepared in 1987. (Piper Archaeological Research 1987) It identifies "zones of archaeological sensitivity" identified by a predictive model that is based on the characteristics of all known archaeological sites in Lee County. On Estero Island, the zones identified were Bowditch Point, the wetlands at the end of Chapel Street, the Matanzas Pass Preserve, the wetlands behind the Bay Village condos, the wetlands behind Captain's/Admiral's Bay

***Figure 17**, 1480 "I" Avenue*

condos, and the undeveloped portions of Bay Beach. An archaeological survey conducted in 1980 had recorded over 100 specific sites in Lee County, and this 1987 update identified 53 more sites. Although many sites were identified in Estero Bay, the only sites on Estero Island are at Bowditch Point and the shell mound on Connecticut Street (see Figure 16). (Piper Archaeological Research 1987) These inventories should be kept current, adding newly identified sites and updating others as new information is revealed.

Lee County requires all development applications to identify the location and status of historic resources (including archaeological sites), using the surveys identified above. When a property is within a "zone of archaeological sensitivity," the county can require an archaeological survey to determine the nature, location, and extent of an archaeological site. Because the town adopted the county's land development regulations upon incorporation, these procedures also apply to applications for permits within the town.

Scenic resources are also assets to be preserved and rehabilitated. At Fort Myers Beach, all shorelines, dunes, hammocks, and wetlands are scenic resources. This plan's Coastal Management Element and Conservation Element both contain policies for preserving these resources and for expanding opportunities for residents and visitors to enjoy them. Preserving and expanding these views is also addressed in the Community Design Element as a way to beautify the community through view corridors and open vistas. While identifying scenic resources, opportunities to improve views at specific locations should be identified; incentives can be provided to create or preserve these vistas.

Evaluation

Once potential historic resources have been identified, they can be evaluated according to their significance to the community (or more broadly to the state and nation). This evaluation can measure architectural merit, or relation to the surrounding historic buildings, or the role of a specific building in historic occurrences of a community.

***Figure 18**, 3370 Estero Boulevard*

The following criteria are used by the National Register of Historic Places criteria for evaluating a building within the local historical/prehistorical context:

Architectural Criteria

A building, district, site, structure, or object is considered of significance in history, architecture, archaeology, engineering, or culture when it possesses integrity of location, design, setting, materials, workmanship, feeling, and association and:

- It was associated with events that significantly contributed to the broad patterns of our history; or

- It was associated with the lives of persons significant in our past; or
- It embodies the distinctive characteristics of a type, period, or method of construction, or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction; or
- It has yielded (or may yield) information important to prehistory or history; or
- On an individual basis, it does not constitute a significant site, but does contribute to the overall significance of a district.

Archaeological Criteria

Properties considered to have archaeological significance should either:

- Have been associated with an important event or person(s); or
- Contain recoverable data that is of sufficient significance that it would provide unique information on prehistoric or historic events; or
- Be a site or location of representative of discrete types of activities such as habitation, ceremonial, burial, or fortification necessary to the reconstruction of prehistoric and historic life-ways.
- Be the location of distinctive historic or prehistoric activities and characteristics over time; or
- Possess a sufficient degree of environmental integrity to reflect some aspect of the relationship of the site's original occupants to the environment; or
- Represent a good opportunity for interpretation and public display; or
- Be associated with other sites such that as a group or district they are representative of one or more of the above noted categories.

The significance of properties and structures may also be evaluated in terms of their historic context, that is, their relationship to exploration and early settlement periods or their contribution to particular cultural or economic systems such as fishing, tourism, government, religions, or transportation.

While the Lee County surveys have been thorough, some buildings may have been missed or improperly identified, while others have been destroyed or extensively modified. As time passes, other buildings become eligible for listing as they become fifty years old. The state provides grants to have these surveys updated, although such requests require 50% matching funds and must compete with other worthy requests from across the state. The town could also augment the survey methodology, adding locally selected criteria to capture a broader segment of housing stock, for example to make them eligible for extra revitalization incentives. (Another alternative is to make such incentives apply to all structures in identified historic districts, regardless of when each structure was built.)

The William Case home should be studied further to properly document the original construction versus later additions. Recent information indicates that the standing structure may be eligible for the National Register, as well as the site itself. Because of the site's archaeological significance, a preliminary

***Figure 19**, 265 Carolina Avenue*

archaeological reconnaissance is needed, to include mapping, radiocarbon dating, and analysis and curation of artifacts that will be displayed on the site.

Recognition and Designation

Once resources are identified and evaluated, their relative importance can be recognized by different means. They can be identified in some visible way (for instance, with a sign) as a significant part of the town's heritage. Formal "designation" is another approach, where a building is added to a local and/or national register of historic sites.

Recognition can be provided in the form of plaques, honoring and marking significant properties; historical markers identifying the location of vanished resources or boundaries of a significant area; certificates provided to property owners verifying the authenticity or significance of a property; and awards of merit as a means to express community appreciation for revitalization or restoration efforts.

The National Register of Historic Places is the nation's official register of historically significant buildings, sites, or districts. Such listing is an honor and, while it has no regulatory impact, can qualify property owners for some tax credits or grants. Lee County government recently sponsored the formulation of thorough historic and archaeological summaries for all of Lee County; these "cover documents" provide a foundation of data and professional research that will streamline the preparation of National Register nominations. (Historic Property Associates 1994, Walker 1995)

Preliminary work has been done to submit the William Case home (Long Estate) for National Register listing on the basis of both its archaeological and historic significance. (Formal application would be made after the town has title to the property.)

The Fort Myers Beach elementary school, built in 1947, has been nominated by Lee County for the National Register of Historic Places. Most of the interior spaces are still intact (although the auditorium has been partitioned off since 1970 and the ceilings have been lowered). The exterior retains its architectural integrity except for the replacement doors and windows (see a recent photograph in Figure 1).

Local historic designations are made in unincorporated Lee County by a Historic Preservation Board that was established by the county's historic preservation ordinance. Local designations identify resources of particular significance on a local (but not necessarily national) level; they qualify property owners for special incentives for upgrading their property, and require a review before improvements are made to assess their impacts on the historic value of buildings.

The town should continue Lee County's program by sponsoring the addition of many more historic sites to the local register, perhaps including one or two historic districts rather than desig-

***Figure 20**, 501 Palermo Circle*

nating every eligible building individually. One district could cover the residential area north of Estero Boulevard between Primo and Chapel Streets, as suggested in the 1992 historic survey. (Janus Research 1992). Another would include the highest concentrations of older houses remaining between Estero Boulevard and the beach.

None of the 47 Fort Myers Beach properties that were added to the Florida Master Site File in 1992 have yet been formally designated as historic resources. Prior to incorporation, the San Castle Cottage was designated by Lee County; since incorporation, the Town Council designated the Long Estate.

Preservation

Through an historic preservation program, Fort Myers Beach can recognize and protect its heritage, and integrate historic resources into its revitalization efforts and cultural life. There are many ways for the town to further its objectives:

Activities

- ***Historic District:*** Usually a geographically definable area, but sometimes a compilation of individual resources which are separated geographically but linked by a common theme.
- ***Scientific Analysis:*** Investigations designed to understand a property so as to avoid impacts; documentation could include archival studies, interviews, drawings, photography, and in the case of archaeological sites, field survey, excavation, and artifact analysis.
- ***Protection:*** Regulations or incentives, or ownership, to protect historic resources.
- ***Rehabilitation:*** The process of returning a property to contemporary use through repair or alternations while preserving those portions significant to historical values.
- ***Restoration:*** Creation of an authentic reproduction beginning with existing parts of an original object or building.
- ***Adaptive use:*** Conversion of a building to a use other than that for which it was originally designed.

Legal Devices

In addition to regulations, historic resources can be protected through legal techniques such as easements, covenants, and purchase options:

- ***Easements*** are legal restrictions that run with the land, placed by the property owner on the future development of the property, and held by a non-profit organization or government agency. Easement restrictions are tailored to each property to achieve the desired result in future development, and can create tax advantages to the owner (granting an easement may be considered a charitable gift). Easements can be used to protect open space, scenic views, archaeological sites, the grounds of significant buildings, and ecologically significant areas (conservation easement); they can protect the outside appearance of a building by controlling alterations and requiring maintenance (facade easement); or they can protect all or part of a building's interior (interior easement). Easements can be donated or sold; if bought, this is sometimes referred to as "purchasing development rights."
- ***Protective covenants*** can be attached to the sale of properties which reserve the right to prohibit demolition or subdivision. These rights are not protected by a third party as is the case for most easements. Mutual covenants can be used to record the agreement of several property owners to prohibit certain actions without their mutual consent, such as in an historic district.

- ***Options to purchase***, or right of first refusal, are sometimes given by a property owner to help efforts to preserve a noteworthy building or site.
- ***Eminent domain*** (condemnation) is the exercise of power where a government can directly acquire a building or site for a public purpose. The previous owner is entitled to full compensation.

Financial Tools

- ***Revolving funds*** can be used by preservation groups or public agencies to directly acquire or improve buildings, or to provide low-interest loans. Seed money for a revolving fund can come from grants, donations, the town's general revenue, or from tax increment funds within community redevelopment areas. Properties using these funds would be protected through easements or deed restrictions. Repayment to revolving funds perpetuate them.
- ***Partnerships*** with local banks can help banks meet their Community Reinvestment Act obligations by making loan funds available for historic preservation projects within the town. The town could also provide loan guarantees where needed.
- ***State Grants.*** Local governments or non-profit organizations may request grants from the Florida Department of State for surveys, planning, acquisition, or rehabilitation of historic resources. Housing Policy 12-B-2(iii) recommends a partnership with the Estero Island Historic Society to seek grants to reduce the costs of move-on and rehabilitation of historic cottages for the implementation of the School Street concept.
- ***Federal Grants.*** Community Development Block Grants may be used for rehabilitation of historic structures for low- and moderate-income housing or for commercial revitalization. Housing Policy 12-A-3(i) recommends an agreement with Lee County to retain the town's standing as an eligible area for expenditures under the county's federal and state entitlement programs. (Without such an agreement, the town would need apply competitively to the state for CDBG or other funding for eligible projects.)
- ***Tax Benefits.*** Property tax abatements can be offered for properties listed on the National Register of Historic places, pursuant to Section 193.505 *F.S.* Federal tax credits are available for the rehabilitation of income-producing buildings in the amount of 10% for buildings over 40 years old and 20% for National Register structures. Community Contribution Tax Credits are available to Florida corporations for donations to non-profit groups or community redevelopment agencies for 55% of the value of the donations.

Regulatory Techniques

Land-use regulations can be used to protect historic resources. County and city historic preservation ordinances are often used for this purpose, since the National Register of Historic Places protects historic resources only from destruction by actions of the federal government. Regulatory techniques can also provide incentives to revitalize older buildings, since building and zoning codes can block upgrading of old buildings that do not or cannot

Figure 21*, 201 Palermo Circle*

meet current codes (for instance, the lot size is too small, or internal stairways are too narrow or steep). These codes are imposed at the local level and can only be eased at that level.

Community Design Policy 3-B-1 calls for the town to adopt land development regulations applicable to older near-town neighborhoods that will encourage renovations and compatible infill development by such measures as:

- modifying lot size, setback, and parking requirements where the current regulations hinder redevelopment;
- adding design guidelines to encourage front porches, decks, and other elements from the cottage design tradition; and
- modifying permitted uses to accommodate quiet home offices and possibly other mixed uses.

Community Design Policy 1-A-4 calls for the town to identify specific portions of Estero Boulevard where changes in land development regulations could work towards a more coherent "framing" of the Boulevard, then adopting design guidelines that encourage redevelopment along the Boulevard that contributes to the human scale and "beach cottage character." Housing Policies 12-B-1, 12-B-2, and 12-B-4 reinforce the Community Design policies.

These provisions of the land development code could be implemented as a special zoning district, or only for historic structures or districts, or as an overlay on top of other regulations in specified areas. Overlay districts are easily used for small areas with specific characteristics; one is currently in use at Fort Myers Beach in the Times Square area. However, more overlay districts may not be needed at Fort Myers Beach since entirely new land development regulations are being contemplated; the same types of regulations can be imposed without the complication of an overlay district.

With or without overlay districts, the town may wish to provide additional regulatory relief for buildings or districts that are designated on a local register. This relief would go beyond the normal revitalization incentives, thus encouraging owners to voluntarily seek designation and providing the public with a level of aesthetic and historic protection not normally through conventional zoning techniques.

Designated historic buildings may also be exempt from certain provision of the building codes. *All* older buildings would also be eligible for some relaxed code requirements if the town adopts the Standard Existing Buildings Code, which was written to supplement the regular building code which can unnecessarily hinder the renovation of existing buildings.

Housing Policy 12-C-7 proposes methods to reduce the cost of housing rehabilitation that would also be useful for historic housing. These include adjusting impact fee schedules so that small units, or housing designed for island employees, would pay less than larger housing units; supporting DCA's new "residential

***Figure 22**, 3120 Estero Boulevard*

construction mitigation program" to help residents retrofit their homes to increase their safety and protect their investments before a disaster occurs; and if possible relaxing rules that require many sound buildings to be elevated above expected flood levels before they can be structurally improved.

Historic Preservation Program

Lee County's historic preservation ordinance is now found in Chapter 22 of the Land Development Code. Since the town adopted this entire code upon incorporation, the same historic preservation provisions are in force unless repealed by the town. Adoption of these provisions enabled the county to become a "Certified Local Government." Being "certified" created a partnership between Lee County, the state, and the federal government that also provides access to certain federal historic preservation funds. (This certification probably does not extend to the Town of Fort Myers Beach.)

Under this code, the county's Historic Preservation Board has the authority to "designate" historic structures, neighborhoods, districts, or archaeological sites. It can also grant or revoke "certificates of appropriateness" that allow construction that would affect designated properties. (County staff has been delegated the power to approve certain minor certificates of appropriateness.)

New designations may be initiated by the Historic Preservation Board, the Board of County Commissioners, or the property owner. Since historic designation is an avenue toward regulatory relief for buildings that do not conform to modern building or zoning codes, most designations in Lee County have been requested by individual property owners. (A major exception has been the successful historic district in Boca Grande's downtown district, which was initiated by Lee County.)

Notice of a proposed designation is sent to affected owners (in the case of a district, to all owners within the district). A designation report prepared by the county's Planning Division explains the basis for the proposed designation. Adopted criteria are used as the basis for making decisions. After designation, the building official is directed to refer all completed applications for building, moving, or demolition to the Historic Preservation Board who must then grant a "certificate of appropriateness" before issuance of a permit.

The town needs to consider whether to develop and administer its own ordinance and process for designation and regulation, or use the county's system, possibly using the county's Historic Preservation Board (which would require an interlocal agreement with the county). Under present regulations, the Town Council makes historic designations. A better course of action would be to use the current system but assign the responsibility for formal designations to the Local Planning Agency, integrating historic designation fully into the planning process. The town would need to provide staff support for this process; the best method would be to contract with Lee County for the use of its existing historic preservation specialists.

Figure 23*, 216 Pearl Street*

Sharing the Resources

At the heart of the town's vision has been the sharing of historic, archaeological, and cultural resources in a way that broadens knowledge and enriches experience of visitors. Lee County's and the state's eco-heritage tourism marketing provides an international outreach to support this effort. The town and the Estero Island Historic Society can work together to create informational panels, brochures, and walking tours. The proposed cultural and environmental learning center is envisioned to be a centralizing cultural facility for both the immediate community and the region. The town can support the efforts of the learning center's foundation to raise funds for much-needed archaeological investigations at the Long Estate and Mound Key.

Outreach is also important to help the community and specifically owners of historic properties to understand the cultural value of each piece of the picture and understand how to preserve the "best of the old" as revitalization and change occurs over time. A good start would be for the town to formally notify all of the landowners whose buildings are listed on the Florida Master Site File (once the precise locations and status of the remaining buildings have been verified).

COORDINATION OF PRESERVATION EFFORTS

The National Historic Preservation Act (originally passed in 1966) establishes national policy for historic preservation. The Department of the Interior's National Park Service (NPS) has primary responsibility for carrying out federal historic preservation policy. The NPS manages nationally significant sites and maintains several registers:

- the National Historic Landmarks program;
- the National Register of Historic Places;
- the Historic American Buildings Survey; and
- the Historic American Engineer Record.

The NPS also publishes "Standards for Rehabilitation" and administers grants to states and to the National Trust for Historic Preservation. An Advisory Council on Historic Preservation provides comment on potential impacts of federal projects that may affect an eligible or listed property according to Section 106 of the National Historic Preservation Act.

Other federal law contributing to historic preservation includes:

- the Department of Transportation Act of 1966, which requires a special effort to be made to preserve historic sites of national, state, or local significance;
- the National Environmental Policy Act of 1969, which provides for preservation of important historic, cultural, and natural aspects of our national heritage (implemented through environmental impact statements); and

***Figure 24**, 405 Palermo Circle*

- the Coastal Zone Management Act of 1972 which provides for consideration of ecological, cultural, historic, and aesthetic values.

The Historic Resources Act (Chapter 267 *F.S.*) provides state policy regarding historic preservation. The Division of Historical Resources of the Florida Department of State implements state historic preservation policy and is the conduit for federal programs to local jurisdictions. This agency also assists local communities with their historic preservation efforts by helping them identify, evaluate, and maintain significant historic resources.

This agency is responsible for compliance of all state agencies whose activities may affect historic resources (defined as being listed on the Florida Master Site File). A Historic Preservation Advisory Council assists them in selecting recipients of grants to protect historic resources. Projects funded by Community Development Block Grants, proposed by state or federal transportation agencies, or being authorized by DRI or environmental permits are subject to a historic review process at the state level.

CONSISTENCY WITH STATE AND REGIONAL PLANS

The State Comprehensive plan (Chapter 187 *F.S.*) provides goals and policies related to historic preservation such as:

- encouraging increased access to historical and cultural resources,
- developing cultural programs of national excellence,
- increasing the supply of housing by recycling older houses and redeveloping residential neighborhoods, and
- promoting awareness of historic places and cultural and historic activities.

The 1995 Southwest Florida Strategic Regional Policy Plan addresses historic preservation throughout its five subject areas: Affordable Housing, Emergency Preparedness, Economic Development, Natural Resources, and Transportation. Goals address the following subjects:

- preserving and maintaining historic homes, especially those that offer affordable housing,
- providing better access to cultural and historical resources,
- avoiding further loss of significant historical and archaeological resources,
- expanding and diversifying tourist-related activities while maintaining a high quality of life, and
- modernizing the region's environmental awareness educational programs.

The Historic Preservation policies set forth below specifically further these state and regional goals. These policies would guide future activities of the Town of Fort Myers Beach toward preserving its historic and archaeological heritage.

***Figure 25**, 160 Mango Street*

GOALS - OBJECTIVES - POLICIES

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

GOAL 13: To maintain "the best of the old" when redeveloping our community by appreciating, protecting, and promoting the historic resources of Fort Myers Beach. To provide stewardship of the legacy of our predecessors, cultivating our understanding of the past as a means of sustaining our future.

OBJECTIVE 13-F GENERAL STRATEGIES — Begin in 1999 to develop programs to aggressively identify, document, and evaluate historic and archaeological resources in and around the Town of Fort Myers Beach in order to encourage their long-term protection.

POLICY 13-F-1 In 1999 the town shall convene an *ad hoc* historic working group to develop programs, organize volunteers, and make recommendations to the LPA and Town Council relating to Policies 13-A-2, 13-A-3, 13-A-5, 13-B-1, 13-B-3, 13-B-6, and 13-C-3. This group shall include representatives of the Estero Island Historic Society, the LPA, the Lee County Planning Division, and others with expertise in archaeology, history, and/or construction.

POLICY 13-F-2 Acquire high-quality reproductions of all files and photographs from the Florida Master Site File and the Florida Archives for buildings on Estero Island, and make copies available to the public at Town Hall and the public library. This files should be supplemented by an accurate listing of street addresses and parcel numbers, plus a listing of buildings that have been demolished or renovated beyond recognition. After this updating, the town shall notify all property owners of sites listed on the Florida Master Site File.

POLICY 13-F-3 Periodically review and update Lee County's 1986 and 1992 surveys of historic buildings on Estero Island. Additional buildings shall be documented for submission to the Florida Master Site File, and buildings that have been demolished or altered shall be so noted. New information shall be transmitted to the Florida Department of State via the Lee County Planning Division.

POLICY 13-F-4 Require all applications for development review to identify the location and status of historic resources and archaeological sites, utilizing as data bases the 1986 *Lee County Historic Sites Survey*, the 1987 *Archaeological Site Inventory and Zone Management Plan for Lee County*, the 1992 *Historical Report and Survey Supplement for Lee County*, and updated information from implementation of Policies 13-A-3 and 13-A-6. This identification of historic and archaeological resources will assist in administering protective regulations.

POLICY 13-F-5 Continue the program begun by Lee County for formally designating historic and arch-

aeological resources, with the following changes:

i. Designate the town's Local Planning Agency to serve as the historic preservation board required by the Land Development Code.

ii. Contract with Lee County for consultation, technical assistance, and on-going staff support for the town's historic preservation program.

POLICY 13-F-6 By 1999, the town shall begin the process of designating one or more historic districts which would include most of the buildings listed on the Florida Master Site File.

POLICY 13-F-7 Request the Estero Island Historic Society to identify appropriate buildings or sites for nomination by the town to the National Register of Historic Places.

POLICY 13-F-8 Encourage a private program that would visibly recognize historic building through plaques, certificates, historic markers, awards programs, or certificates of historical and/or archaeological significance.

POLICY 13-F-9 Develop a process and criteria for identifying specific scenic resources, view corridors, and vistas that should be preserved or enhanced as new development and redevelopment occurs. Particular attention should be given to recommendations in the Community Design Element.

OBJECTIVE 13-G REGULATIONS AND INCENTIVES — By the end of 1998, establish and maintain a regulatory and incentive system that promotes restoration, reconstruction, and re-use of the town's historic buildings.

POLICY 13-G-1 Evaluate the provisions of the Certified Local Government program to determine if the town should become certified.

POLICY 13-G-2 Implement Community Design and Housing Policies that call for preparing and adopting land development regulations that will encourage the revitalization of older and historic housing using elements from the cottage design tradition.

POLICY 13-G-3 Using specific existing historic properties in Fort Myers Beach, determine additional regulatory relief that could be provided to designated historic properties to promote their preservation and rehabilitation.

POLICY 13-G-4 Study the feasibility of a variety of incentives including transfer of development rights and property tax relief to encourage preservation and rehabilitation of historic properties.

POLICY 13-G-5 Consider financial incentives for historic preservation that might include a revolving loan fund, grants, federal and state funds for income-eligible recipients, tax increment funds (if a CRA is established), or technical support for the use of investment tax credits.

POLICY 13-G-6 The town shall adopt the Standard Existing Buildings Code into its land development code to encourage the rehabilitation of older buildings throughout the town.

OBJECTIVE 13-H CELEBRATING OUR HERITAGE — Continually heighten the appreciation of the town's recent and ancient history and cultural life, and improve opportunities for appropri-

ate public access to publicly supported resources.

POLICY 13-H-1 Continue to pursue the acquisition of the William Case home (Long Estate). Assist the foundation that will provide long-term management with funding for start-up costs (with the amount needed to be evaluated annually). Link this facility to other cultural, scientific, educational, and recreational activities.

POLICY 13-H-2 Support the nomination of the Fort Myers Beach Elementary School and the William Case home (and its site) for the National Register of Historic Places.

POLICY 13-H-3 Examine methods that the town could use to aid in the protection of Mound Key.

POLICY 13-H-4 Work with Lee County in establishing a network of canoe and kayak trails linking the sites of historic and archaeological significance from Pine Island to Estero Bay.

POLICY 13-H-5 Establish a task force to develop and implement the town's eco/heritage program. The task force would work with the Marine Resources Task Force to advise the town about implementing the recently adopted recommendations of the Governor's Advisory Committee on Eco-heritage Tourism.

POLICY 13-H-6 In cooperation with the Estero Island Historic Society, develop self-guided walking/biking tours of the island's historic points of interest; interpretive panels; and other ways to share the history of the island with visitors.

POLICY 13-H-7 Continue to improve availability and appropriate public access to historic and cultural resources by implementing Community Design Policies 2-A-1/4, 3-D-4, and 3-D-6 and Recreation Policy 10-A-4.

REFERENCES

Arrington, Arden, 1997a, The Calusa Legacy, Rediscovering the Forgotten Floridians, in *Harbor Happenings, the Newsletter of the Charlotte Harbor National Estuary Program,* Volume 1, Number 2, Summer 1997.

Arrington, Arden, 1997b, History of Fort Myers, Sanibel, Captiva, and Fort Myers Beach, *Dining and Doing Magazine.*

Cushing, Frank Hamilton, 1973, *Exploration of Ancient Key Dwellers' Remains on the Gulf Coast of Florida*, reprint of 1896 edition (which was issued as v. 35, no. 153 of the Proceedings of the American Philosophical Society), AMS Press Inc., New York.

Doehring, Fred, Iver W. Duedall, and John M. Williams, 1994, *Florida Hurricanes and Tropical Storm – 1871-1993: An Historical Survey*, Florida Sea Grant Technical Paper 71, University of Florida, Gainesville.

Florida Preservation Services, 1986, *Lee County Historic Sites Survey*, Lee County Department of Community Development, Fort Myers, Florida.

Gilliland, M.S., 1975, *The Material Culture of Key Marco, Florida,* University Presses of Florida, Gainesville.

Hann, John H., 1991, *Missions to the Calusa*, University of Florida Press, Gainesville.

Historic Property Associates, 1994, *Historic Resources of Lee County, 1881–1945,* National Register Cover Nomination prepared for Lee County by Historic Property Associates, St. Augustine, Florida.

Historic Property Associates, 1997, *National Register of Historic Places Registration Form for the Fort Myers Beach School*, prepared for Lee County Division of Planning.

Janus Research/Piper Archaeology, 1992, *Historical Report and Survey Supplement for Lee County, Florida*, Lee County Department of Community Development, Fort Myers, Florida.

Lee Plan, 1989, *Historic Preservation Element*, prepared by the Division of Planning for the Lee County Board of Commissioners.

Lewis, Clifford M., 1978, The Calusa, in *Tacachale: Essays on the Indians of Florida and Southeastern Georgia During the Historic Period,* Jerald T. Milanich and Samuel Proctor, eds., University Presses of Florida, Gainesville.

Lyon, Eugene, 1976, *The Enterprise of Florida*, University Presses of Florida, Gainesville.

Marquardt, William H., 1987, The Calusa Social Formation in Protohistoric South Florida, in *Power Relations and State Formation*, edited by Patterson and Gailey, pp. 98-116, Archaeology Section, American Anthropological Association.

Marquardt, William H., ed., 1992, *Culture and Environment in the Domain of the Calusa*, Monograph No. 1, Institute of Archaeology and Paleoenvironmental Studies, University of Florida, Gainesville.

Marquardt, William H., 1994, *Topographic Mapping and Archaeological Reconnaissance of Mound Key State Archaeological Site (8LL2), Estero Bay, Florida*, Institute of Archaeology and Paleoenvironmental Studies, Florida Museum of Natural History, Gainesville.

Marquardt, William H., 1996, Four Discoveries: Environmental Archaeology in Southwest Florida, in *Case Studies in Environmen-*

tal Archaeology, edited by Elizabeth J. Reitz, Lee A. Newsom, and Sylvia J. Scudder. Plenum Press, New York.

Milanich, Jerald T., 1996, *Revisiting the Freducci Map: A Description of Juan Ponce de Leon's 1513 Florida Voyage?* Volume LXXIV, Florida Historical Quarterly.

Piper Archaeological Research, Inc., 1987, *An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida*, Lee County Department of Community Development, Fort Myers, Florida.

Schell, Rolfe F., 1980, *History of Fort Myers Beach, Florida,* Island Press, Library of Congress Catalog Card Number 73-87599.

Solís de Merás, G., 1964 (1923), *Pedro Menéndez de Avilés, Adelantado, Governor, and Captain-General of Florida: Memorial*, (J.T. Connor, trans.), University of Florida Press, Gainesville.

Walker, K.J., Stapor, F.W., Jr., and Marquardt, W.H., 1994, Episodic Sea Levels and Human Occupation at Southwest Florida's Wightman Site*, Florida Anthropologist* 47 (2):161-179.

Walker, Karen Jo, 1995, *Cover Document for Archaeological Resources of Southwest Florida's Caloosahatchee Region, Lee and Charlotte Counties, 11500 B.C. – A.D. 1945*, prepared for Lee County by the Florida Museum of Natural History, Gainesville, Florida.

Widmer, Randolph J., 1988, *The Evolution of the Calusa*, University of Alabama Press, Tuscaloosa, Alabama.

INTERGOVERNMENTAL COORDINATION ELEMENT

INTRODUCTION . . . . . 14 - 1

INVENTORY AND DESCRIPTION OF COORDINATING ENTITIES . . . . . 14 - 1
Adjacent Governments . . . . . 14 - 1
Lee County . . . . . 14 - 1
Lee County School District . . . . . 14 - 3
Special Taxing Authorities . . . . . 14 - 5
Fort Myers Beach Fire Control District . . . . . 14 - 5
Fort Myers Beach Library District . . . . . 14 - 6
Fort Myers Beach Mosquito Control District . . . . 14 - 6
Alternative Service Arrangements . . . . . 14 - 6
Utility Providers . . . . . 14 - 7
Water Supply . . . . . 14 - 7
Sewer Service . . . . . 14 - 7
Solid Waste Disposal . . . . . 14 - 8
Power, Telephone, and Cable TV . . . . . 14 - 8
Regional Agencies . . . . . 14 - 8
West Coast Inland Navigation District . . . . . 14 - 8
South Florida Water Management District . . . . . 14 - 9
Southwest Florida Regional Planning Council . 14 - 10
State Agencies . . . . . 14 - 11
Florida Department of Community Affairs . . . . 14 - 11
Florida Department of Environmental Protection 14 - 11
Florida Game and Freshwater Fish Commission . . . . . 14 - 12
Florida Department of Children and Families . . . . . 14 - 13
Florida Department of State, Division of Historical Resources . . . . . 14 - 13
Florida Department of Transportation . . . . . 14 - 13
Federal Agencies . . . . . 14 - 13
Environmental Protection Agency . . . . . 14 - 13
Federal Emergency Management Agency . . . . . 14 - 14
Army Corps of Engineers . . . . . 14 - 14
Coast Guard . . . . . 14 - 14
Fish and Wildlife Service . . . . . 14 - 14
Department of the Interior . . . . . 14 - 14
Department of Housing and Urban Development . . . . . 14 - 14

ANALYSIS OF NEED FOR IMPROVED COORDINATION . . . . . 14 - 15
Specific Policies Within This Comprehensive Plan . . . . . 14 - 15
Development Outside Fort Myers Beach . . . . . 14 - 20
Consistency with Regional and State Plans . . . . . 14 - 21

GOALS - OBJECTIVES - POLICIES . . . . . 14 - 23
OBJECTIVE 14-A COORDINATION OF PLANS . . . . . 14 - 23
OBJECTIVE 14-B COORDINATION OF SERVICES . . . . . 14 - 24
OBJECTIVE 14-C COORDINATION OF NEW DEVELOPMENT . . . . . 14 - 24
OBJECTIVE 14-D COORDINATION OF IMPLEMENTATION . . . . . 14 - 25

INTERGOVERNMENTAL COORDINATION ELEMENT

INTRODUCTION

This element analyzes the relationships between the Town of Fort Myers Beach and other governmental agencies. The purpose is to improve coordination among these agencies; to identify and resolve any incompatible goals and policies; and to present specific opportunities for better coordination.

INVENTORY AND DESCRIPTION OF COORDINATING ENTITIES

This section identifies most agencies that the Town of Fort Myers Beach interacts with, including the Lee County Board of Commissioners and many others that provide services but do not have regulatory authority over the use of land. Also included are regional and state agencies with land use or environmental responsibilities, and special districts and utility companies that provide services within the town.

Each agency's authority is summarized below, followed by a description of existing means of coordination and their effectiveness. Formal methods of coordination include: interlocal agreements between the town and other entities; membership or participation in coordinating organizations; participation in regular meetings of governing bodies; joint meetings; workshops, working groups, or special task forces; and perhaps most important, informal coordination through personal contact.

The Town Manager has primary responsibility for coordination on behalf of the town; the Town Council sets policy and executes formal agreements.

Adjacent Governments

Lee County

There are no municipalities immediately adjoining the Town of Fort Myers Beach; all surrounding land is governed by the Lee County Board of Commissioners. Lee County levies ad valorem taxes throughout the county, including incorporated areas, for general government revenues. The maximum millage rate is 10 mills.

Since the town's incorporation in late 1995, extensive coordination has been required concerning services and revenues. The town has already entered into several agreements for services:

- One interlocal agreement authorizes the county to continue providing community development services (code enforcement, building inspections, building permits, plan reviews, contractor licensing, development services, environmental review/enforcement, and zoning). To pay for these services, the county retains all fees collected from applicants, plus receives an annual payment for non-fee-supported tasks such as zoning enforcement. County staff and town staff meet monthly at Town Hall to coordinate this arrangement.
- Another interlocal agreement authorizes the Lee DOT to repair town roads (upon request of the town).
- The town has an interlocal agreement regarding its responsibility to operate and maintain the new public swimming pool, and is negotiating another regarding joint funding to operate the Bay Oaks Recreation Center.
- The town has a contract with the Lee County Humane Society for animal control services, and an agreement

with the Sheriff to continue providing enforcement. Coordination of both are ongoing management responsibilities of the Town Manager.

The town is included in Lee County's federal and state program that provides funds for affordable housing and related services until the next funding cycle (October 1998). The town and county could continue that relationship by agreement. Entities coordinating affordable housing efforts at the county level include:

- ***Affordable Housing Advisory Committee:*** consists of 22 members representing various professions and interests related to affordable housing and is chaired by a member of the Lee County Commission.
- ***Housing and Community Development Committee:*** reviews proposals for funding and provides public input on all federally funded programs.
- ***Coalition of Emergency Assistance Providers:*** a forum for coordination and networking consisting of 115 members from local governments and public and private service providers.
- ***Homeless Coalition:*** a forum for coordinating services among more than 200 direct service providers, local governments, community-based organizations, church groups, and others.
- ***HUD Homeownership Partnership:*** a HUD-organized partnership of local housing providers and lenders to increase homeownership opportunities in Lee County.

There are significant county-owned recreation facilities in the town, all of which the county has until now continued to operate. These include Bowditch Point Regional Park, Lynn Hall Memorial Park, Matanzas Pass Preserve, and the beach accesses. The town and the county are in the process of determining equitable means of operating facilities that are used by Fort Myers Beach residents as well as by tourists and other Lee County residents. These matters are coordinated between the Town Manager and the County Manager; the Tourist Development Council is also involved in discussions about funds from the tourist tax.

The day-to-day caretaking of the town's natural resources requires extensive informal cooperation with the Lee County Division of Parks and Recreation, the Florida Department of Environmental Protection (DEP), the Florida Game and Fresh Water Fish Commission (FGFWFC), and non-profit organizations such as the Friends of the Matanzas Pass Preserve and Turtle Time Inc.

The county also maintains Estero Boulevard from Times Square to the south end. The Community Design Element and the Transportation Element contain policies to discourage speeding, minimize peak-season congestion, and to better "frame" the road with street trees and buildings to improve the experience of traveling through the town. The solutions proposed will require substantial cooperation between Lee County DOT and the town to reconcile each entity's objectives. As an alternative, the town may wish to enter into a formal agreement to assume responsibility for maintaining Estero Boulevard, which would allow the town to make appropriate improvements without county approval.

For many years Lee County has imposed impact fees upon those adding or improving buildings. These fees are used to offset the impacts of growth on community parks, regional parks, roads, and emergency medical services. Since incorporation, the county has continued to collect these fees and apply them towards new capital improvements. This relationship needs to be clarified, because although these fees are now being collected by authority of the town's ordinances, the town has not been consulted as to their use. As to parks, this arrangement has proven satisfactory, but road impact fees are unlikely ever to be used by the county at Fort Myers Beach despite the high demands placed by tourists on the town's roads every winter. The Capital Im-

provements Element suggests terms of a formal agreement that could resolve details on the collection and use of these fees.

The town and the county also need to develop a mutually satisfactory process for exchanging information and evaluating the impacts of new development, including formal coordination of planning efforts and acceptable methods for resolving conflicts. The Lee Plan already promotes such coordination.

The town will continue to use interlocal agreements to establish cooperative processes and memorialize evolving agreements with the county, and should consider similar agreements with other service providers as the need arises.

The town also is a joint permittee with Lee County in the National Pollutant Discharge Elimination Program (NPDES) to control stormwater pollution from man-made activities.

The town takes advantage of many other opportunities to coordinate with the other local governments through regular participation in the Lee County Metropolitan Planning Organization (MPO) and the Southwest Florida Chief Administrative Officers (a forum recently established by the Southwest Florida Regional Planning Council):

- **Lee County Metropolitan Planning Organization**

  The Lee County Metropolitan Planning Organization (MPO) focuses on transportation planning. The MPO consists of representatives from the governing boards of each local government in Lee County. The MPO coordinates with state transportation officials and decides how most state and federal transportation money will be spent.

  The MPO has a technical advisory committee (TAC) which promotes staff-level technical coordination among cities, the county, MPO staff, Florida DOT, and the Lee County Port Authority. The MPO also has a citizen's advisory committee that meets regularly following the TAC meetings and provides input into the process.

  The town has representatives on the MPO and the technical and committee, and is seeking a seat on the citizens' committee. Although the MPO's scope is county-wide rather than island-specific, it provides an efficient link and will be particularly important to the town in obtaining federal funds for sidewalk, bicycle path, and roadside beautification projects.

- **Southwest Florida Chief Administrative Officers**

  The Town Manager actively participates in this newly established forum of chief administrative officers from the counties and cities in southwest Florida. They meet at least quarterly to share information, develop coordinated approaches to matters such as the annual legislative program, and explore joint ventures such as purchasing agreements.

The county would be affected in the future if any community adjoining the Town of Fort Myers Beach requested annexation into the town. These effects would include many service provision and revenue issues. Recent state legislation provides a deliberate process to evaluate *new* municipal incorporations; a similar process would allow all parties to examine the pros and cons of major annexations. At a minimum, adjoining communities need to expect that any requests for annexation will be subject to careful study of both positive and negative impacts on the town.

Lee County School District

The Lee County District School Board runs the public schools throughout the county including Fort Myers Beach. It levies an ad valorem tax on all real estate in Lee County but has no regulatory authority over the use of land (except for district-owned land).

The district has one facility in the town, the Fort Myers Beach Elementary School, located next to the Bay Oaks Recreation Center. Enrollment at the elementary school is stable and is not anticipated to increase significantly. Enrollment does fluctuate during the winter months with the arrival of seasonal residents; even with those fluctuations, the enrollment is well within the capacity of the facility. The facility does not need to be expanded and is adequately served by utilities and streets, although sidewalks are inadequate.

In 1995, the School District gave Lee County a portion of its property at the entrance to the Matanzas Pass Preserve to accommodate a historic cottage which had been the original home of the Fort Myers Beach Elementary School. In 1996 the district provided an easement to the county for public access. There are no other agreements in effect pertaining to the elementary school. One may be required if the town implements a redevelopment concept for School Street as depicted in the Community Design Element. That concept would re-create on School Street the stone arches that were the original gateway to Fort Myers Beach. The school's parking lot currently uses the portion of School Street where the arches would be located.

The Town Manager has primary responsibility for coordinating with the district superintendent and the school's principal. This informal coordination is adequate to deal with the local needs of a single facility serving a stable student population. Informal coordination between the local school and the community occurs on an on-going basis because of mutual concerns such as community safety, and through involvement of the community in volunteer activities.

The town may be required to meet new state requirements for cooperation between local governments and public school systems on locating new schools. Since no new schools will be required at Fort Myers Beach, the town's role is expected to be perfunctory.

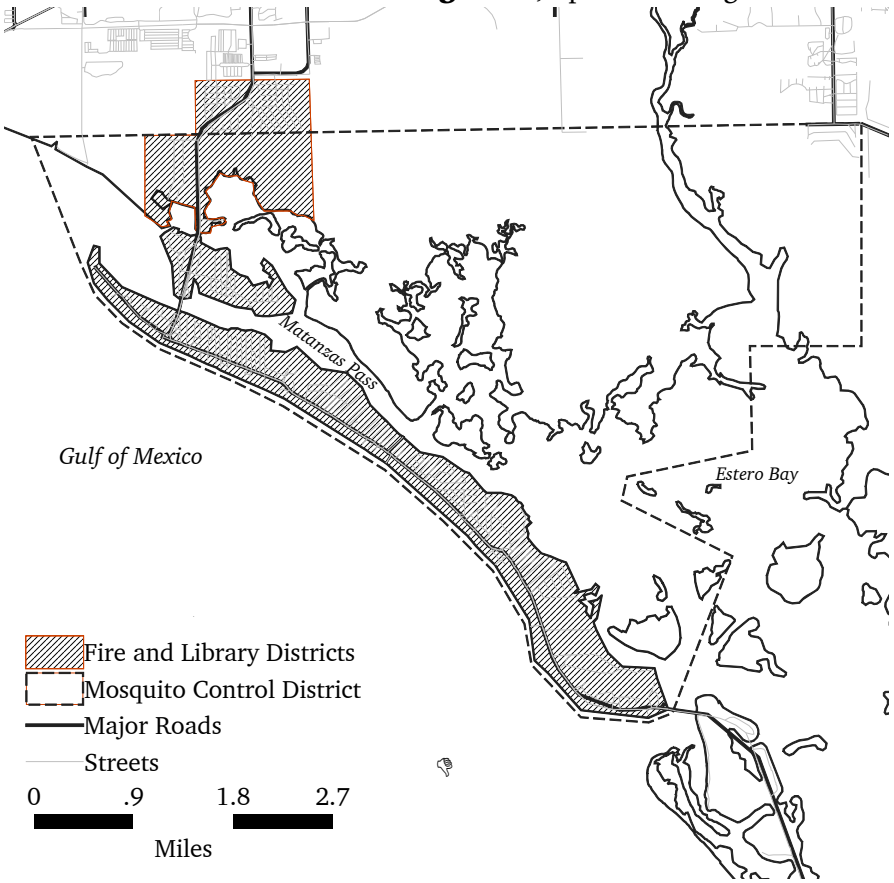
Special Taxing Authorities

The following units of government also provide services and have the authority to levy taxes. None of them have direct regulatory authority over the use of the land. The boundaries of these districts are shown in Figure 1.

Fort Myers Beach Fire Control District

The Fort Myers Beach Fire Control District was established as a volunteer fire department in 1949 and became a special taxing

Figure 1, Special Taxing Authorities



district in 1951. It is governed by a five-member elected board. The district boundaries extend to just south of Pine Ridge Road and include all of San Carlos Island and Estero Island. The fire district may levy an ad valorem tax on real property within the district up to 3 mills (the current rate is 2.7698). A millage increase beyond 3 mills would require voter approval through a referendum.

The district has recently completed its first five-year comprehensive plan for 1996 through 2001 (pursuant to a planning process outlined in Section 189.401, *Florida Statutes*). This plan provides goals, objectives, policies, and standards for the district's operations and services; it also provides for coordination between the fire district and the town in order to ensure that services keep pace with growth.

The fire district coordinates closely with the Lee County Public Safety Division of Emergency Medical Services and Division of Communications. The fire district has its own ambulance system to provide first response, with backup from Lee County EMS. The fire district also coordinates with Lee County DOT; the state Division of Forestry; adjacent fire districts; and the U.S. Coast Guard. The district has a mutual aid agreement with the Lee County Port Authority Airport Crash, Fire, and Rescue Department. The district's comprehensive plan (in Policy 1.4) calls for the district to explore automatic mutual aid agreements with neighboring fire districts.

In addition to coordination with the town regarding long-range planning, the fire district will need to monitor future development proposals, changes in zoning, or other growth-related changes within the town. There is no specific coordination mechanism in place for such monitoring. The town and the fire district should develop a method for the regular exchange of information, for monitoring changes that may affect levels of service, and for obtaining the fire district's input on development proposals.

The district's comprehensive plan identifies the need for a larger facility for Station #1 than the existing site at Donora Boulevard can accommodate, and proposes to sell the existing site and relocate further south on Estero Boulevard. The district may require rezoning and will need to obtain building permits from the town for this new facility.

Lee County is currently conducting a study about ways to provide fire protection more efficiently, even considering the option of consolidating the various independent fire districts that now serve the unincorporated area. If the county were to proceed with a consolidation effort that would involve the Fort Myers Beach Fire Control District, the town and the district may wish to consider creating a city fire department in order to maintain the high level of service currently provided. Such action would require the mutual consent of the district and the town council. It would require either reducing the size of the fire district by transferring portions outside the town to another district or to the county, or providing municipal fire service outside the town (either by contract or direct operation of the district at its current size). If the size of the district were reduced, an allocation of equipment and facilities would be required, since much of the district's current equipment is stored outside the town's boundaries.

Fort Myers Beach Library District

The Fort Myers Beach Library District was created in 1965. The library was established through volunteer efforts beginning in 1954, and was the first free public library in Lee County. Pursuant to its enabling act, the library district boundaries are the same as the fire district boundaries. The library's budget is supported by an ad valorem tax up to one mill. The current millage is 0.4917. The library district is governed by a seven-member elected board.

In 1994, the library district completed a spacious, attractive facility that replaced the previous building and expansions on the same site at Bay Road. The library's collection is exceptional for a community this size, and the library is heavily used by tourists as well as permanent and seasonal residents.

The Town Manager has primary responsibility for coordinating with library officials. The current practice of informal coordination works well, with no apparent need for formal agreements given their high current service levels and absence of need for further library expansion.

Fort Myers Beach Mosquito Control District

The Fort Myers Beach Mosquito Control District was established in 1949. The district levies its own tax, which is currently 0.1542 mills, for the purpose of controlling and eliminating mosquitoes and other arthropods of public health importance. The mosquito control district is governed by three elected commissioners. The boundaries include Estero Island and extend north to Siesta Drive and east to about Island Park Road.

The town should work with the district to ensure that control methods conform to the environmental quality objectives of the town. The town should work with the district to develop standards for pesticide applications.

Alternative Service Arrangements

Because of the number of independent special districts, the Town Council should establish a committee to evaluate the present system and suggest whether efficiencies could be achieved through closer cooperation.

Utility Providers

Even though the town's utilities are provided by others, the town must ensure that proper provision is being made for continued high-quality service in accordance with future land use forecasts, and that minimum levels of service are met at all times in order for growth to continue. This process is implemented through the town's concurrency management system which coordinates the issuance of development orders and building permits with continuing measurements of the services needed to support development.

Individual utilities regularly furnish reports about their capacity. As long as Lee County provides the development permitting services for the town and the standards remain unchanged, the town need not be involved in this process. Once the new standards in this plan take effect, this system will have to be changed to reflect the new standards. If the town begins to issue development orders and building permits directly, then coordination will be required with all utilities to compare their levels of service against the new standards.

The Town Manager has primary responsibility for coordinating with the utilities (including the county where it provides utility services). Utility providers are subject to many federal, state, and local regulations (as described in the appendices of the Utilities Element). The entities which work most closely with the town and the utility providers are noted below.

Water Supply

Florida Cities Water Company provides potable water service to the town. It is a private for-profit company operating under the authority of the Florida Public Service Commission, which regulates all investor-owned (for-profit) utilities throughout the state. The South Florida Water Management District (SFWMD) provides water conservation guidelines and is responsible for issuing water use permits required before new wells are drilled or new

treatment facilities are constructed. The Florida Department of Environmental Protection regulates construction, operation, and maintenance of potable water facilities.

The Lee County Regional Water Supply Authority is a non-regulatory entity that was established in 1990. Its purpose is to encourage cooperation and promote a county-wide (rather than "utility-by-utility") approach to managing the public water supply. It was sponsored by Lee County and the cities of Fort Myers, Sanibel, and Cape Coral (although Sanibel and Cape Coral have since withdrawn). The Town of Fort Myers Beach may wish to join this authority; there would be no immediate benefits to the town, but planning for a coordinated water supply could have long-term benefits to the entire community.

The Utilities Element notes that improved cooperation among utilities could result in such important measures as another back-up source of water to Fort Myers Beach. The only opportunity for a third water connection would be across Big Carlos Pass between Florida Cities' and Bonita Springs Utilities' water lines. Another connection would allow the transfer of water in either direction during emergencies.

Sewer Service

Sanitary sewer (wastewater) service is provided by Lee County Utilities, a branch of Lee County government. Fort Myers Beach is a part of the Fort Myers Beach/Iona-McGregor Service Area. Wastewater from this area is collected and transferred to the treatment plant on Pine Ridge Road, which has been in operation since 1979 and is currently in good condition with sufficient treatment capacity. As noted in the Utilities Element, the treatment plant does not have adequate capacity for disposal of effluent during extremely wet periods when customers need little or no re-use water. The county, like all utility operators, provides monthly monitoring reports to the Department of Environmental Protection.

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

Solid Waste Disposal

Lee County government uses a public-private partnership for collection and disposal of solid wastes throughout the county. All of the household garbage that is collected is taken by private contractors to the Lee County Resource Recovery Plant on Buckingham Road in east Fort Myers. Kimmins Recycling, a private for-profit company operating under a franchise from Lee County, is the primary solid waste collector for the town. Coordination of solid waste services is conducted through Lee County Utilities. Should the town decide to directly franchise its trash hauler rather than being included in one of Lee County's larger contracts, the town would conduct the franchise negotiations directly.

Power, Telephone, and Cable TV

Other utilities providing services to the town include Florida Power and Light, Sprint (formerly United Telephone), and Media One (formerly Continental Cablevision).

Because the existing franchise agreement for cable service is through Lee County, which only provides franchises to unincorporated areas, the town will have to re-negotiate the franchise agreement.

The town has an interlocal agreement with Florida Power and Light (FPL) to provide street lighting. FPL provides the power, leases the poles and lights to the town, and is responsible for maintenance.

Most major power lines at Fort Myers Beach are run overhead along Estero Boulevard. Where there are no street trees to hide them, they detract visually from the landscape. Overhead lines are also very vulnerable to damage during storms, and can easily block an evacuation when lines fall across the road. The town will need to work cooperatively with FPL on financially feasible means to place major utility lines underground. This can best be accomplished during other improvements along the right-of-way, such as sidewalks or drainage improvements.

Regional Agencies

West Coast Inland Navigation District

The West Coast Inland Navigation District (WCIND) is a regional special district. The district levies its own tax within the district, which includes Lee, Charlotte, Manatee, and Sarasota Counties. The current millage is 0.03 mills, with a millage cap of 0.20 mills. The district maintains its portion of Florida's inland waterways such as the Intracoastal Waterway. Its programs include:

- acting as local interest sponsor for dredging projects of the U.S. Army Corps of Engineers;
- assisting local governments in beach renourishment and inlet management;
- aiding public recreation, navigation, environmental education, and boating safety projects
- entering into cooperative agreements for dredging spoil disposal sites; and
- maintaining regulatory markers for manatee protection zones.

The 1996 beach renourishment on Fort Myers Beach was an indirect benefit of a navigation project undertaken by the WCIND to dredge the federal navigation channel in Matanzas Pass. The dredging removed a dangerous accumulation of material at the tip of Bowditch Point and redeposited it along the beach from Bowditch Point to just south of the Lani Kai.

An effort is underway to develop a regional approach to beach renourishment. Several agencies are exploring this approach with the town, including the WCIND, the Southwest Florida Regional Planning Council (SWFRPC), and the Lee County Coastal Advisory Council (a council created by Lee County to advise county commissioners about beach and shore preservation). Activities could range from creation of a comprehensive beach plan as the basis for a unified permitting system, to joint ventures for equipment purchasing, to establishing a working unit of governance for a coherent system of beach management and renourishment.

As a part of a larger study to recognize the economic value of the waterways from Bonita Springs to Tampa Bay, the WCIND has commissioned a University of Florida study of the San Carlos Island fishing industry to better understand its economic value and help inform local decisions related to that industry.

The town has identified several locations on its Bay side where public docks would provide access to recreation and cultural sites and provide dockage for a future water taxi system. When such projects are formulated, the WCIND's Boating Improvement Program Funds can provide matching funds to carry them out. The town has recently received a grant from WCIND to support additional Marine Patrol enforcement efforts through an agreement with the Lee County Sheriff's Department.

Another regional effort is focused on anchorage issues for recreational boating. The WCIND, along with the SWFRPC, Florida DEP, Florida Sea Grant, and BAIL (Boater's Action Information League), sponsored the creation of a Regional Harbor Board. Of particular interest to the town are management strategies for the Matanzas Pass anchorage, which is the most diverse and heavily used anchorage in the region.

The coordination mechanisms sponsored by the WCIND are working well and can help carry out many of the town's objectives.

South Florida Water Management District

The South Florida Water Management District (SFWMD) is one of six water management districts in the state. It is an outgrowth of the Central and Southern Florida Flood Control District, which was formed in 1949. Its responsibilities were broadened in 1972 to add water supply, water quality protection, and environmental enhancement to its original mandate for flood protection.

SFWMD coordinates with governmental entities at all levels regarding water resource issues, working with the DEP, the Department of Community Affairs, and the Florida Game and Fresh Water Fish Commission on a range of programs including:

- the Surface Water Improvement and Management Plans (SWIM);
- the Save Our Rivers Program;
- issuance of "Environmental Resource Permits" to proposed land developments, authorizing surface water management systems and wetland impacts; and
- review of water-related elements of the town's comprehensive plan (and future plan amendments).

SFWMD has divided its area into four planning regions: Lower East Coast, Upper East Coast, Kissimmee Basin, and Lower West Coast. SFWMD recently adopted a Lower West Coast Water Supply Plan, which includes Lee, Collier, Hendry Counties and portions of Charlotte, Glades, Monroe and Dade Counties. This plan provides guidance for decisions on water supply planning, research, funding, and regulatory issues through the year 2010. SFWMD is now preparing more specific plans for the Caloosahatchee River watershed and the Estero Bay watershed. SFWMD is administering $200,000 in state funds to develop an Estero Bay Watershed Plan to improve water quality in Estero Bay. The plan will collect water quality data and develop goals and standards to improve water quality, and will include a freshwater inflow study.

The SFWMD issues water-use permits to Florida Cities Water Company that allows them to withdraw drinking water from underground aquifers. Nearly all changes to surface water drainage within the town will also be regulated by SFWMD.

SFWMD offers technical assistance to local governments on many matters including:

- preparation of water-related element of comprehensive plans;
- technical and financial assistance for stormwater management and planning; and
- the development of water conservation ordinances, model landscape codes, and model utility rate structures.

Existing coordination with SFWMD is working well and will be of increasing importance as the town implements this comprehensive plan, especially its stormwater management program.

Southwest Florida Regional Planning Council

The state legislature has created a system of eleven "regional planning councils" to promote area-wide coordination and help local governments to resolve issues transcending their individual boundaries. A regional planning council does not act as a permitting entity but rather coordinates intergovernmental solutions, provides technical assistance to local governments, and provides a means for local governments to provide input into state policy development.

The Southwest Florida Regional Planning Council (SWFRPC) serves Lee, Charlotte, Sarasota, Glades, Hendry, and Collier Counties. SWFRPC staff provides technical assistance for local government comprehensive plans; for example, they prepared the initial draft of the hurricane planning and evacuation sec-

tions of this plan's Coastal Management Element. The SWFRPC will review the town's entire comprehensive plan and subsequent updates and amendments. In 1995, the SWFRPC adopted its most recent Strategic Regional Policy Plan (SRPP) with which the town's comprehensive plan must demonstrate consistency.

The Town of Fort Myers Beach now has a seat on the board of the SWFRPC, and previously participated in many of its coordinating functions as described throughout this plan. SWFRPC activities include:

- providing the staff for the Lee County MPO;
- coordinating hurricane response planning and ongoing preparedness among local governments;
- coordinating with state agencies and the legislative process on behalf of local entities;
- hosting the Southwest Florida Issues Group of the Governor's Commission for a Sustainable South Florida; this group is also an advisory body to the South Florida Ecosystem Restoration Working Group (described below);
- providing staff to the Estero Bay Agency on Bay Management, a non-regulatory advisory body that will develop scientific data and make recommendations for the management of Estero Bay and its watershed. Members include the Lee County legislative delegation, chambers of commerce, citizen and civic associations, Lee County, SFWMD, Florida Game and Freshwater Fish Commission, DEP, SWFRPC, Florida Gulf Coast University, commercial and recreational fishing interests, and other interested parties including the Town of Fort Myers Beach. The Agency on Bay Management is conducting a land use analysis of the Estero Bay watershed and will review an Estero Bay management and improvement study as it is developed;
- administering the Charlotte Harbor National Estuary Program and its three-year process to develop a Comprehensive Conservation and Management Plan which will then be implemented by the appropriate state, regional, and local government entities, including the Town of Fort Myers Beach.

The SWFRPC has been encouraging a comprehensive approach to the cumulative impacts of individual land developments. This approach will be implemented in the Estero and Imperial River watersheds through a programmatic Environmental Impact Statement (EIS) to be prepared by the U.S. Army Corps of Engineers in 1998 and 1999.

The SWFRPC also provides staff to the Housing Providers Coalition, which provides its members with opportunities to share ideas and information.

The town would benefit by participating directly in the SWFRPC and its technical advisory committee. Full membership would be available upon request and payment of an annual fee (which is based on population).

State Agencies

The following sections describe the relevant functions of the state agencies with which the town coordinates in preparing and implementing this comprehensive plan.

Florida Department of Community Affairs

The Florida Department of Community Affairs (DCA) is the state land planning agency, administering Florida's growth management programs and the Florida Communities Trust. DCA also coordinates funding for the regional planning councils and has major programs in coastal zone management, emergency management, and affordable housing.

DCA oversees the state's entire comprehensive planning process to ensure the consistency of local goals, objectives, and policies with state rules and regional and state plans. The town has been working closely with DCA staff from the outset of the town's

comprehensive planning process to ensure a mutual understanding of planning objectives. In addition to reviewing the completed comprehensive plan (and possibly challenging it), DCA will review future plan amendments and five-year "evaluation and appraisal reports." DCA will also determine the validity of challenges filed by citizens regarding the consistency of land development regulations that are adopted to implement this comprehensive plan.

The Florida Housing Finance Agency (FHFA), part of DCA, coordinates with Lee County concerning affordable housing. FHFA administers the State Housing Initiatives Program (SHIP) and the State Apartment Incentives Loan (SAIL) program and various loan guarantee programs for affordable housing.

The Florida Communities Trust is of particular importance to the town. This program provides land acquisition grants to local governments for projects that implement comprehensive plans. This program is paying the entire cost of purchasing the Mound House, a valuable archaeological and historical resource.

Florida Department of Environmental Protection

The Florida Department of Environmental Protection (DEP) was created in 1991 as a merger of the Department of Environmental Regulation and the Department of Natural Resources. DEP administers the Florida Water Quality Assurance Act, the Florida Safe Drinking Water Act, the 1984 Groundwater Protection Rules, the 1988 Solid Waste Management Act, and the federal Clean Air Act.

The DEP's Office of Ecosystem Management will review the town's comprehensive plan and advise DCA of its findings.

Through its Divisions of Water Facilities and Waste Management, the DEP regulates construction and operation of Florida Cities' potable water facilities; regulates the operations of the Fort Myers Beach wastewater treatment plant, including its deep-well injection activities; and regulates landfills and incinerators. DEP requires monthly monitoring reports from all utilities and monitors mandated reductions in municipal solid waste deposited at landfills. The Division of Water Facilities also oversees beach management and restoration activities.

The Florida Marine Research Institute in St. Petersburg conducts biological research throughout the state on coastal issues such as seagrasses, manatees, red tide, and water pollution. The Institute's findings provide valuable information to inform planning and decision-making, such as a model code for the protection of nesting sea turtles. (The town intends to base its new regulations on this model code.)

Local representatives of DEP's Bureau of Coastal and Aquatic Managed Areas are working closely with the town on projects that further the goals and objectives of this comprehensive plan, including participating on the town's newly convened Marine Resources Task Force. One of the task force's projects is to develop criteria beyond the current state requirements on beach cleaning, which in excess can harm the beach by depriving it of natural deposits of organic material. The town is also doing preliminary work with DEP about permitting of waterfront structures to serve the Mound House and the canoe trail.

Through DEP, the town is linked with the activities of the South Florida Ecosystem Restoration Working Group, providing a significant opportunity for the town to coordinate with other entities and obtain funding for restoration projects. This is a multi-agency group formed by congress and headed by the U.S. Army Corps of Engineers to restore south Florida ecosystems, administering the Water Resource Development Act (WRDA) which provides $75 million dollars in matching funds for restoration projects. The town recently submitted a proposal to the Working Group to fund a stormwater retrofit project, which is a demonstration project including water testing, identifying and

removing any remaining septic tanks, and converting some impervious surfaces such as parking lots with alternative permeable surfaces. This project would implement major recommendation of this plan's Stormwater Management Element.

The Estero Bay Aquatic and State Buffer Preserves Office is currently preparing a management plan for the Estero Bay State Buffer Preserve and is actively proceeding with land acquisitions within the proposed boundaries for the preserve (defined by the Conservation and Recreational Lands or CARL program). This office is also working with the county, Sanibel, and the Town of Fort Myers Beach to acquire land along Bunche Beach. Through their work with the Agency on Bay Management, DEP is reviewing all the lands that should be acquired to benefit Estero Bay and its watershed and improve public access. This office also participates in the town's Marine Resources Task Force and the Regional Harbor Board, providing an important source of research and technical information to each.

Florida Game and Freshwater Fish Commission

The Florida Game and Freshwater Fish Commission classifies habitat areas and listed plant and animal species (in accordance with the U.S. Endangered Species Act and the Florida Wildlife Code) and works closely with the U.S. Fish and Wildlife Service, Lee County, and the town in enforcing state and federal regulations regarding bald eagles, manatees, sea turtles, and gopher tortoises.

The FGFWFC can designate an area as a Critical Wildlife Area (CWA) to protect wildlife from human disturbances during critical periods such as nesting. Little Estero Island has been established as a Critical Wildlife Area. The FGFWFC is responsible for posting closed areas, and can provide funding for signage to inform residents and visitors of the uniqueness and fragility of the island habitat. Coordination among the FGFWFC, Lee County Division of Parks and Recreation, the DEP, the town, and volunteer organizations will be important in the ongoing care and management of this area.

Florida Department of Children and Families

The Florida Department of Children and Families is a state agency that provides human services to foster self-sufficiency and stable families and communities. Services are directed to "special needs" populations, particularly:

- abused and neglected children;
- Floridians in poverty;
- people with alcohol or drug dependency;
- people with mental illness;
- people with developmental disabilities (such as mental retardation);
- elderly and disabled people; and
- families threatened by violence.

This department is quite decentralized, operated as 15 locally operated entities that attempt to meet the special needs of the communities they serve. Each district is guided by a volunteer board of local citizens. Lee County is part of District Eight, along with Charlotte, Collier, DeSoto, Glades, Hendry, and Sarasota Counties. Coordination with this agency occurs via the Lee County government.

Florida Department of State, Division of Historical Resources

This division implements state historic preservation policy and is the conduit for federal historic programs to local jurisdictions. Its Bureau of Archaeological Research maintains a conservation laboratory. The division is assisted by a nine-member Historic Preservation Advisory Council, which plays an important role in selecting recipients of state grants. Projects funded by Community Development Block Grants and federal transportation projects are subject to the a historic review process administered by this division.

Florida Department of Transportation

The Florida Department of Transportation (FDOT) is involved in nearly every facet of transportation, from highways to railways, airports, and seaports.

FDOT is a somewhat decentralized agency, with the Tallahassee office responsible for policy and eight district offices actually building and maintaining roads and bridges. The Town of Fort Myers Beach lies withing District One, headquartered in Bartow. A Southwest Area Office in Fort Myers has provided better communication between FDOT and local governments, although the influence of this local office has recently diminished.

FDOT has responsibility for San Carlos Boulevard and the sky bridge over Matanzas Pass (ending at the crosswalk at Times Square). FDOT is thus an important partner in many transportation-related issues at Fort Myers Beach. The Town Manager works directly with local FDOT officials.

Federal Agencies

The following sections describe the relevant functions of the federal agencies with which the town coordinates, directly or indirectly, to implement this comprehensive plan.

Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) implements major federal environmental legislation such as:

- the Clean Air Act (1970 and 1990), which establishes emission standards for point source emitters of airborne pollutants as well as motor vehicles, and sets pollution control standards which require communities and industry to meet air quality standards;
- the Safe Drinking Water Act of 1974; and
- the Clean Water Act (1987), which establishes a permitting program and criteria for the discharge of pollutants into the country's waters, including minimum water quality standards. EPA's 1990 regulations required Lee County and its municipalities to obtain a permit under the National Pollutant Discharge Elimination System (NPDES) for discharging stormwater.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Act of 1968 which established the National Flood Insurance Program (NFIP). Communities must adopt and adequately enforce flood plain management ordinances pursuant to NFIP requirements in order for any property owners to purchase federally guaranteed flood insurance. FEMA evaluates floodplain management programs of local governments and now issues a rating under the Community Rating System to reward local governments which are making efforts to reduce flood losses. A good CRS rating results in lower flood insurance costs for all property owners.

Army Corps of Engineers

The U.S. Army Corps of Engineers is the primary enforcement agency for the Rivers and Harbors Act (1899), which regulates all activities affecting the navigable waters of the United States, including activities in wetlands and the construction of bridges, roads, and docks. Permits are required from the Corps before dredging and filling in wetlands or in open waters such as Matanzas Pass. Area-wide drainage improvements contemplated in the Stormwater Management Element may also require Corps permits.

Coast Guard

The functions of the U.S. Coast Guard relevant to the town include education, emergency response, navigational improvements, and law enforcement coordination with the Florida Marine Patrol and the Lee County Sheriff.

Fish and Wildlife Service

The U.S. Fish and Wildlife Service administers the Endangered Species Act, which includes:

- establishing criteria for the listing of plants and animals as threatened or endangered;
- provides a permitting program to ensure conservation of listed species habitat during development activities; and
- preparing species-specific Habitat Conservation Plans intended to address the long-term viability of endangered or threatened species.

Department of the Interior

The U.S. Department of the Interior has the responsibility for protecting marine mammals such as the West Indian manatee and the Atlantic bottlenose dolphin. The Department of the Interior also administers the Historic Preservation Act through State Historic Preservation Offices.

Department of Housing and Urban Development

The United States Department of Housing and Urban Development (HUD) is the federal agency that administers the Community Development Block Grant (CDBG) program and the HOME, HOPE, and other federal programs to assist housing and community development. The coordination relationship is via Lee County.

ANALYSIS OF NEED FOR IMPROVED COORDINATION

Policies from each comprehensive plan element regarding intergovernmental coordination are summarized below, followed by issues related to growth and development in adjacent areas of the county. The consistency of this comprehensive plan with regional and state plans is then discussed.

Specific Policies Within This Comprehensive Plan

Table 14-1 provides a summary of parts of each element of this comprehensive plan that call for cooperative approaches and/or would benefit from additional coordination. These issues are organized by element and policy number, with a short summary of the policy.

Table 14-1 — Summary of Issues Requiring Intergovernmental Coordination

Element / Policy	*Issue (abbreviated summary of policy)*
Community Design: Policy 2-C-5	Develop a program for placing utilities underground that addresses both public and private sector development. *(Involves cooperation with Florida Power and Light)*
Policy 3-C-1	Structure a public /private partnership to outline the public improvements necessary to implement the Villa Santini Plaza revitalization concept of a "Main Street" town center for the south end of the island and identify the agencies and entities involved and their respective roles.
Policies 3-D-5 and 3-D-6	Implement traffic circulation improvements and trolley/transit improvements (involves cooperation with Lee County DOT and Lee Tran).
Future Land Use: Policy 4-E-2	Seek the opinion of FDEP on exceptions to coastal setbacks.
Policy 4-E-3	Participate in the National Flood Insurance Program.
Policy 4-E-5	Request state approval of an island-wide approach to limiting obstructions below flood elevation (seaward of the Coastal Construction Control Line).
Coastal Management: Policy 5-B-1 (ii) and (iv)	Improve mainland shelter capacities and hurricane evacuation times working in close cooperation with Lee County, Sanibel, the SWFRPC, and Lee County DOT and FDOT.
Policy 5-B-2	Calls for full participation in the federal government's National Flood Insurance Program.
Policy 5-C-1	Cooperate with Lee County officials to prepare a post-disaster redevelopment plan.
Policy 5-C-4 (iv)	Explore with the DEP an alternative method of controlling building intensity seaward of the Coastal Construction Control Lines to better meet the state's coastal management goals and the town's revitalization program.
Policy 5-D-1	Work closely with Lee County and other agencies in implementing beach renourishment program.
Policy 5-E-3	Attempt to acquire one or more beach access points at the southern end of the island. *(would require a cooperative approach to fund such an acquisition)*
Policy 5-F-1	Initiate a cooperative planning process for Matanzas Pass as envisioned by Policy 94.6.3 of the Lee County Comprehensive Plan.
Conservation: Policies 6-A-1 and 6-A-3	Town to take a leadership role in enacting ordinances and facilitating resolution of jurisdictional problems related to the estuaries and bays.
(and **Recreation** Objective 10-A)	Specify protective measures which should be reinforced and additional measures which should be considered for implementation through existing cooperative relationships.
Policy 6-A-4 (and **Recreation** Policy 10-A-1)	Provide for a local task force (the Marine Resources Task Force) to coordinate and reconcile efforts of various organizations, governments, and businesses to promote long-term sustainability of the environmental and recreational uses of the estuary. The task force would make recommendations to the town regarding a range of issues.

Table 14-1 — Summary of Issues Requiring Intergovernmental Coordination

Element / Policy	*Issue (abbreviated summary of policy)*
Policy 6-A-7 (and **Recreation** Policy 10-A-3)	Encourage the town's active participation in the Agency on Bay Management and the Charlotte Harbor National Estuary Program.
Policies 6-A-8 and 6-B-9 and **Recreation** Policy 10-A-5	Town to actively encourage the purchase of the mainland acres adjoining Estero Bay to become an expanded Estero Bay State Buffer Preserve and support the efforts of other entities acquiring land that will contribute to conservation of environmental and recreational resources.
Policy 6-B-1	Reinforce the continuing interagency cooperation in the management of natural reserves, preserves, and Critical Wildlife Area.
Policy 6-B-2	Implement cooperative measures related to Little Estero Island Critical Wildlife Area and the sponsoring of a volunteer task force to work with the FGFWFC to oversee the daily stewardship of Little Estero Island.
Policy 6-B-3	Negotiate an agreement with Lee County to assign responsibility for the long term maintenance, restoration, and improvement of Matanzas Pass Preserve that reflects its status as both a county wide and local amenity and its importance as a natural habitat.
Policy 6-B-6	Town to participate with other agencies in the preparation and implementation of water management plans such as the Charlotte Harbor Management Plan, Surface Water Improvement and Management (SWIM) plans, Estero Bay Aquatic Preserve Management Plan, and similar efforts.
Policy 6-B-10	Cooperate and share responsibility with Lee County and the FGFWFC for updating technical information.
Objective 6-C	Increase cooperation with local, state, and federal agencies in protecting wildlife listed species including developing species-specific Habitat Conservation Plans; cooperating with Lee County in the establishment of mitigation parks and banks; establishing manatee protection programs.
Policy 6-C-5	Town to work with other agencies and non-profit groups to prepare and adopt a new sea turtle ordinance, superseding the existing Lee County ordinance, to broaden its scope and improve protection.
Policy 6-D-3	Describes interagency responsibilities for review of impacts to wetlands, and the process for issuance of development approvals by the town, applying of conditions, and enforcement of compliance.
Policy 6-F-3	Establish criteria for any new facility requiring an air quality permit, including monitoring procedures to supplement those provided by the state, and enter into agreements with Lee County and other relevant agencies to ensure that the town's concerns are addressed during the permitting states of potential point source pollution generators.
Policies 6-H-4 and 6-H-6	Town to work in cooperation with Lee County and other agencies to continue water quality monitoring and identification of sources of non-point water pollution, especially those occurring from within the town and to comply with the requirements of the NPDES by prohibiting discharge of runoff, wastewater other potential sources of contamination.
Policy 6-I-2	Town to cooperate with emergency water conservation measures of the South Florida Water Management District.
Policy 6-J-4	Town to support Lee County's programs to properly dispose of hazardous wastes.

Table 14-1 — Summary of Issues Requiring Intergovernmental Coordination

Element / Policy	*Issue (abbreviated summary of policy)*
Transportation: Policy 7-D-2	Improve trolley service by working with Lee Tran to implement specific improvements.
Objective 7-E and Policy 7-E-2	Develop partnership with Lee County for Estero Boulevard improvements or take over maintenance responsibility from Lee County.
Policy 7-E-1	Seek unspent funds from Estero Island CRA to complete streetscaping.
Policy 7-F-4 and 7-H-4	Encourage Lee County and FDOT to install variable message signs.
Policy 7-G-3	Consider taking over maintenance responsibility from FDOT for the Matanzas Pass Sky Bridge.
Policy 7-H-2	Experiment with solutions to San Carlos Boulevard terminus at the Sky Bridge.
Utilities: Policies 8-C-2, 8-C-3, and 8-C-6	Promote cooperation among the town, Florida Cities, and SFWMD to implement the water conservation program measures suggested by the South Florida Water Management District.
	Encourage Florida Cities to implement a strong "conservation rate structure" where large water users pay a higher rate per gallon than is charged to frugal users.
Policy 8-C-1	Encourage Lee County Utilities to expand its facilities and agreements for recycling treated wastewater for reuse and limit deep well injection of surplus wastewater to emergency use only. *(Would require cooperation among DEP, Lee County Utilities, the town and other interested jurisdictions.)*
Policies 8-D-2/3/6/7	Cooperative efforts with Lee County Utilities needed to expand recycling program.
Stormwater Management: Policies 9-A-1 and 9-D-5	Implementation of the improvements to the stormwater system will require ongoing coordination with the EPA and Lee County regarding compliance and programs to meet the requirements of the National Pollutant Discharge Elimination System, and with DEP and SFWMD.
Recreation: Policy 10-B-1	Encourage Lee County to plant native shade trees at Bowditch Point Park and control the spread of invasive exotic vegetation such as Australian pine trees
Policy 10-B-2	Work with Lee County to provide alternative modes of transportation as access to Bowditch Point Park.
Policy 10-C-13	Work with Lee County to improve Lynn Hall Park.
Policies 10-D-1 and 10-E-1	Develop a cooperative process with Lee County to prepare for the transfer of operation and maintenance responsibility for county-owned recreational facilities within the town, including beach accesses.
Policy 10-F-1	Cooperation between the town and the Florida Communities Trust (division of DCA) for the acquisition of the Long Estate.
Policy 10-F-2	Creation of a task force on eco/heritage tourism to work closely with the Marine Resources Task Force to implement a statewide plan for eco/heritage tourism.

Table 14-1 — Summary of Issues Requiring Intergovernmental Coordination

Element / Policy	*Issue (abbreviated summary of policy)*
Policy 10-I-13	Promote a cooperative effort among the town, the county, the City of Sanibel and other municipalities in the county to develop cost-sharing mechanisms to support measures needed to improve the visitor experience to regional resources located within municipal boundaries.
Housing: Policy 12-A-1 (i), (ii), (iii)	Promote cooperative approaches among financial institutions, and the public and private sectors; consider entering into an interlocal agreement with Lee County to continue participation in federal and state housing programs; promote public-private partnerships.
Historic Preservation: Policy 13-A-1	Convene a working including the Lee County Planning Division to make recommendations on various historic preservation policies
Policy 13-A-2	Make available copies of Florida Master Site File listings
Policy 13-A-3	Update historic surveys and share information with county and state
Policy 13-A-5	Contract with Lee County for staff work on historic preservation

Development Outside Fort Myers Beach

Land immediately adjoining the town includes Black Island and Lovers Key to the south, San Carlos Island to the north (across Matanzas Pass), and the San Carlos Boulevard/Summerlin Road corridors further north. The town's major concerns about development outside its boundaries are additional traffic and impacts of more stormwater runoff on Estero Bay.

According to analyses by the SWFRPC and reported in this plan's Coastal Management Element, congestion on evacuation routes will increase as traffic moves inland and joins other streams of evacuating traffic in south Lee County. It must be resolved by more comprehensive means than, for example, reducing currently allowable development intensity immediately outside the town. The SWFRPC and the MPO are the appropriate entities through which comprehensive solutions be achieved.

Eroding water quality in Estero Bay also requires a comprehensive approach. Conservation Element Policies 8-A through 8-F require the town to take actions to protect and improve water quality in Estero Bay, set standards for new development and redevelopment in the town, identify cooperative activities with Lee County and other agencies to identify and eliminate pollution sources, and require compliance with NPDES requirements. Such cooperative measures need to be further refined with other entities having similar responsibilities.

Another area of concern is the future of Matanzas Harbor and the San Carlos Island waterfront. This issue is discussed in the Coastal Management Element. Its Policy 10-F-1 calls for the town to take an active role in initiating and participating in a planning process for Matanzas Pass and nearby waters, as called for in Policy 94.6.3 of the Lee Plan. Other participants in a balanced planning process might include Lee County; the San Carlos Island Local Redevelopment Planning Committee; shrimping industry representatives; recreational marina representatives; Estero Bay Aquatic Preserve; U.S. Coast Guard; Lee County Port Authority; and West Cost Inland Navigation District. The intended outcome of the process would be a "Matanzas Harbor Management Plan" and the establishment of a new entity to manage activities in Matanzas Pass.

Coordination procedures will also consider the potential effects of this plan on land outside the town's boundaries. No negative effects have yet been identified. Development densities and intensities are lower in most cases than allowed by the Lee Plan prior to the town's incorporation. It is anticipated that with extensive intergovernmental coordination and timely implementation of the town's comprehensive plan, beneficial impacts on the surrounding resource areas will occur.

Underlying the plan is a recognition of the integral role of the town in the preservation and enhancement of the larger natural, economic, and social systems of the region. The plan promotes cooperative and efficient solutions to multi-jurisdictional problems through active participation, leading by example, and commitment to long-term implementation and management processes.

Consistency with Regional and State Plans

The policies of this comprehensive plan are consistent with and further the goals of the 1995 Southwest Florida Strategic Regional Policy Plan (SRPP) and the State of Florida's Comprehensive Plan (which is contained in Chapter 187 of the *Florida Statutes*). The goals of the SRPP are grouped into five subject areas of *Natural Resources*, *Emergency Preparedness*, *Economic Development*, *Affordable Housing*, and *Transportation*. The SRPP's discussion of background, concerns, issues, and goals in these areas were compared to the goals, objectives, and policies of the town's comprehensive plan in order to identify the need for additional planning coordination.

Natural Resources

Goals and policies throughout the State Comprehensive Plan address the need to protect, conserve, and manage natural resources to assure resources for all users, adequate access, sustainability, and prevention of destruction of resources. The SRPP's goals promote environmental awareness, educational programs, and target levels of attainment for increases in the diversity and extent of the region's protected natural systems; protection and conservation of water supply, water quality, groundwater resources, air quality, and coastal resources; improvement of drainage systems; and increased public access to beaches consistent with long-term habitat sustainability.

Goals and policies of the Fort Myers Beach Comprehensive Plan's Conservation, Stormwater Management, Utilities, and Coastal Management Elements specifically further these goals of the SRPP for natural resources and recognize the need for cooperative effort. The SWFRPC has provided leadership in convening forums for such cooperation. Of the many issue areas that are being addressed, restoration of a natural beach and dune system on the town's beaches is an effort that will require substantial interagency coordination and will further many related objectives for resource and habitat protection.

Emergency preparedness

The SRPP's regional strategy for emergency preparedness recognizes the policy direction of the State Comprehensive Plan. While emergency preparedness is by nature a regional activity and many of the SRPP's goals are regional in scope, the Fort Myers Beach Coastal Management Element furthers these goals, particularly in Policy 5-B-1 which calls for improving the capability of evacuating Fort Myers Beach in a timely manner; 5-B-4 regarding development of a storm emergency plan; 5-B-5 identifying capital improvements to infrastructure that can improve evacuation times; 5-C-1 concerning a post-disaster redevelopment plan; 5-C-2 seeking solutions to elevation and drainage characteristics of evacuation routes to the mainland; and 5-D-1 regarding conservation and enhancement of the shoreline for storm protection.

The SWFRPC takes a leadership role in on-going coordination for emergency preparedness. Southwest Florida has established a Local Emergency Planning Committee, a committee of local Emergency Management Directors, and mutual aid agreements among the member counties. Even with the many measures the town will implement locally to protect from and recover after emergencies, lengthy out-of-county evacuation times and inadequate in-county shelter capacity remain major concerns that can only be adequately addressed at the regional level and require active cooperation of all jurisdictions in the region.

Affordable Housing

The housing goals of the SRPP further the state's goal to increase the supply of adequate affordable housing for low- and moderate-income individuals and to encourage self-sufficiency among individuals. The SRPP's goals promote:

- A wide variety of housing types

- Private sector and/or public/private partnership efforts to provide low-cost housing
- Coordination of local housing programs with related social services
- The Southwest Florida region receiving its share of state and federal funds
- Assurance that new affordable housing developments will be an asset to the local community through excellence in siting and design and in its ongoing operation and maintenance
- Infill and neighborhood revitalization

The policies implementing the Fort Myers Beach comprehensive plan housing goal, "To keep a wide variety of housing types available to people at all stages of their lives," are consistent with and further the SRPP and state's housing goals by:

- Proposing an interlocal agreement with Lee County to provide access to the range of federal and state programs, eliminate duplication, increase opportunities for partnerships, and address affordable housing from a regional perspective (Housing Element Policy 12-A-1)
- Promoting a neighborhood revitalization program and community design policies (Housing Element Policies 10-A-2/3/4, 10-B-1, and 10-C-1/7) that:
  - Encourage aesthetic compatibility of all new development and redevelopment with the town's vision.
  - Provide for elimination of substandard conditions;
  - Promote measures for partnerships, private sector development, and individuals to provide the range of housing types by facilitating access to resources, providing an incentive-driven regulatory system, and promoting neighborhood livability through design guidelines and flexibility in the land development regulations and code enforcement.

The existing coordination mechanisms and the proposed interlocal agreement with Lee County adequately address the need for on-going coordination and partnership building related to implementing the town's housing goal.

Economic Development

The Economic Development goals of the SRPP further the State Comprehensive Plan goals to centralize activities into downtown areas, promote a healthy economic climate, and support development and expansion of tourist-related economies. While the town's comprehensive plan does not contain an economic element, policies throughout the plan further the economic development goals of the region.

Fort Myers Beach, in its position as a barrier island visitor and tourist destination, is a key component of the state's tourism resources which are the foundation of the state's economy. In furtherance of the state and regional goals for economic development, the town's policies:

- Promote private-sector investment into downtown revitalization and centralization of commercial, governmental, retail, residential, and cultural activities within existing "town center" areas;
- Promote clear and consistent regulatory processes that encourage re-investment and balance economic and environmental objectives;
- Encourage public/private partnerships to leverage resources and increase access to federal, state, regional, local, and private assistance programs for implementation;
- Ensure that any deficiencies in public facilities and services are eliminated and that properly financed maintenance schedules will be adopted for public facilities;
- Contribute to the state's goal of expanding tourism and diversifying the tourist experience while improving the livability of the community so that residents and tourists can co-exist comfortably. Particular attention in the town's plan is given to the protection and enhancement

of the town's natural, recreational, historic, cultural, and archaeological resources so that public enjoyment of these resources can be sustained for future generations, and so that visitors, tourists, and residents can experience and access these amenities in a variety of ways.

- Conservation and Coastal Management policies particularly promote economic stability over the long term by identifying and protecting natural resources, preventing any further loss of significant historical and archaeological resources, protecting future water supplies, and increasing production and use of alternative energy sources, including conservation.

The town coordinates closely with Lee County and the Tourist Development Council, and with other barrier island jurisdictions such as Sanibel, both to promote successful tourism and to ensure a balance between tourism and community livability. One area requiring greater levels of coordination is in developing an approach to cost sharing as a means to both cultivate tourism and to address the impacts of tourism on the infrastructure of the local community.

Transportation

The following transportation issues are covered by the fifth and final section of the SRPP:

- Highway systems (including roads, mass transit, bicycle/pedestrian facilities, and the transportation disadvantaged);
- Aviation systems (for passengers and freight);
- Water-borne systems (including waterways, ports, and marinas);
- Rail systems; and
- Pipelines, electric transmission lines, and man-made drainage.

The SRPP's goals promote:

- adequate evacuation times;
- reduced acquisitions costs for new roads;
- reduced travel through mixed land uses;
- improved levels of services on roads;
- encouragement of mass transit and carpooling;
- more bicycle and pedestrian facilities;
- access to transportation for the "special needs" population;
- expansion of airports;
- increase of rail cargo service;
- better maintenance of roads;
- better integration of highways, air service, and mass transit;
- attention to peak-season travel needs;
- reduced accident rates; and
- better attention to travel needs between jurisdictions.

Goals and policies in this plan closely follow these same themes, unless the goal of improving levels of service were read to require only road improvements rather than the multi-modal improvements anticipated by this plan's Transportation Element.

GOALS - OBJECTIVES - POLICIES

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

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

x

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

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

POLICY 14-A-2 In the areas where the town's comprehensive plan addresses the subject matter of the State Comprehensive Plan in Chapter 187 *F.S.* and/or the 1995 Southwest Florida Strategic Regional Policy Plan, the town's plan has been designed to be compatible with and further these plans. Future amendments to this plan shall maintain this compatibility. The town will incorporate into the land development code appropriate regulations to further attain mutually held objectives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 14-C-2 In cooperation with Lee County, establish a process and enter into interlocal agreements as needed to address the following:

i. Impacts of proposed new development or re-development in Lee County outside the town's boundaries which may impact the town's levels of service, natural resource standards, evacuation times, or other significant impacts.
ii. Impacts, if any, of development proposed in the town's comprehensive plan upon development in the adjacent county area.
iii. Resolution of annexation issues that may arise.
iv. Implementation of joint planning areas and/or joint infrastructure service areas.
v. Procedure for notification and exchange of information regarding changes in land use or zoning and/or other issues potentially affecting the area adjacent to the town's boundaries.

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

POLICY 14-D-1 The town shall continue to participate actively in the Lee County Metropolitan Planning Organization and intends to join the Southwest Florida Regional Planning Council.

POLICY 14-D-2 The town shall continue to participate in relevant coordinating entities sponsored by the regional planning council such as:

i. Southwest Florida Chief Administrative Officers
ii. Regional Harbor Board
iii. Estero Bay Agency on Bay Management
iv. Beach Restoration working group convened by WCIND, SWFRPC, and Lee County Coastal Advisory Council
v. Southwest Florida Issues Group of the Governor's Commission for a Sustainable South Florida
vi. Charlotte Harbor National Estuary Program

POLICY 14-D-3 The town shall continue to foster close cooperation among WCIND, SFWMD, DEP, FGFWFC, DCA, other state and federal agencies as appropriate, Lee County, local task forces, non-profit organizations and volunteer groups to implement the policies of the town's comprehensive plan.

POLICY 14-D-4 The town shall actively participate in efforts that promote the consistent and coordinated management of bays, estuaries, and harbors that fall under the jurisdiction of more than one local government through the entities described in Policies 5-D-1/2/3 and specifically by implementing Policy 5-F-1 of the Coastal Management Element initiating a cooperative planning

process for Matanzas Pass and surrounding waterways by 1998.

POLICY 14-D-5 The town shall coordinate implementation of the comprehensive plan with the programs and permitting requirements of all relevant regional, state, and federal agencies and shall support the regulatory and enforcement efforts of those agencies by requiring applicants for development orders to obtain approval from these other agencies prior to the city's authorizing commencement of development activities.

POLICY 14-D-6 The town will continue cooperating with Lee County over appropriate long-term responsibilities, cost sharing, and the transition process for county-owned facilities within the jurisdictional boundaries of the town, formalizing resolution of these matters through interlocal agreements.

POLICY 14-D-7 The town shall continue to coordinate informally with the Fort Myers Beach Elementary School and the Fort Myers Beach Library District to address mutual needs.

POLICY 14-D-8 The town will exchange information with the Fort Myers Beach Fire Control District and solicit input from the fire district on development proposals.

POLICY 14-D-9 The town will consider joining the Lee County Regional Water Supply Authority.

POLICY 14-D-10 Should the need for a new permanent dredge spoil disposal site arise, the town will coordinate with Lee County and the West Coast Inland Navigational District and resolve conflicts between the town and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committee's dispute resolution process.

PROCEDURES AND MONITORING

EFFECT AND LEGAL STATUS OF THIS PLAN . . . . . 15 - 1

IMPLEMENTATION SCHEDULE . . . . . 15 - 2

ADMINISTRATIVE INTERPRETATIONS . . . . . 15 - 3

LEGISLATIVE INTERPRETATIONS . . . . . 15 - 4

AMENDMENT PROCEDURES . . . . . 15 - 5

MONITORING, EVALUATING, AND UPDATING . . . . . 15 - 6
Annual Capital Improvements Update . . . . . 15 - 6
Scheduled Evaluation and Appraisal . . . . . 15 - 6

PROCEDURES AND MONITORING

EFFECT AND LEGAL STATUS OF THIS PLAN

Upon adoption of this plan, all development and all actions taken in regard to development orders shall be consistent with this plan. All land development regulations enacted or amended after its effective date shall be consistent with this plan. Land development regulations in existence as of the effective date of this plan which are inconsistent with this plan shall be amended to conform to its goals, objectives, and policies (see implementation section below).

The terms "consistent with" and "in conformity with" shall mean that all development actions or orders will tend to further the goals, objectives, and policies of the plan and will not specifically inhibit or obstruct the attainment of articulated policies. Where goals, objectives, or policies of particular elements appear to be in conflict, such conflicts shall be resolved upon an analysis of the entire plan as it may apply to the particular area at issue.

The density limits and land-use restrictions in the Future Land Use Element described above for each category are legally binding immediately upon adoption of this comprehensive plan. During the preparation of the new Land Development Code that will fully implement this plan, conflicts may arise between this plan and previous regulations and zoning districts. Until those conflicts are resolved through amendments to the code, the more restrictive regulations shall control land development activities. If the more restrictive regulation causes a result that is contrary to the intent of this plan, a landowner may seek an administrative interpretation of this plan during the first year after its adoption, as described below.

The impact of this plan upon ongoing development may involve a balancing of the public needs as reflected in this plan and the expectations of those persons in the process of developing property in a manner inconsistent with its goals, objectives, and policies. Moreover, Section 163.3202(2)(g), *Florida Statutes*, restricts the ability of the town to grant development permits despite an otherwise satisfactory balancing of such needs and expectations. There will be a transition period during which such development rights will have to be balanced with public needs. In instances where development has been determined to be consistent with previous plans, as amended, and a development order has been issued, such development will be deemed consistent to the extent it cannot reasonably comply with the standards established in this plan, as outlined below:

A. A formal development order, not otherwise vested, shall be deemed consistent with this plan for a period of three years from the date of issuance of the development order, only as to:
   1. terms specifically approved in writing; or
   2. accompanying plans expressly approved as to matters requested to be in said plans and requested to be approved as part of the development order process.

   To be deemed consistent, such development orders shall also meet all applicable public health, safety, and welfare standards.

B. In addition to such formal development orders, the following categories of approvals, projects, and developments shall be deemed to be consistent with this plan, subject to the applicable conditions as set forth below:
   1. a development or project that has a building permit issued by the Town of Fort Myers Beach that is valid on the effective date of this plan and has not expired;
   2. a site plan approved by court order or stipulated settlement which is the result of litigation in which the Town of Fort Myers Beach was a party, or in which Lee County

was a party prior to incorporation;

3. an approved, platted subdivision pursuant to Part I of Chapter 177, *Florida Statutes*;
4. "planned development" zoning approvals which have not been vacated due to inactivity by the developer;
5. "planned development" zoning approvals granted by the Town Council since incorporation; and
6. for ongoing commercial operations, an addition or interior remodeling, limited to 25% of the existing floor area or 1,500 square feet, whichever is less (this is a one-time addition).

The following general conditions shall apply to these six categories:

- the activity must comply with all applicable public health, safety, and welfare standards and regulations;
- these categories shall be deemed consistent only insofar as those items specifically approved; and
- the activity shall not be deemed consistent if there has been a substantial deviation from the approval granted.

Notwithstanding anything in this section to the contrary, an approval or development order, which would otherwise be deemed consistent, shall not be deemed consistent upon a showing by the town of a peril to the public health, safety, or general welfare of the residents of Lee County or the Town of Fort Myers Beach, which peril was unknown at the time of approval. Moreover, notwithstanding the fact that an approval or development order is deemed consistent, no development order or permit, as defined in Section 163.3164, *Florida Statutes*, shall be issued which results in a reduction in the levels of service below the minimum acceptable levels established in this plan, as required by Section 163.3202(2)(g), *Florida Statutes*.

In other circumstances where development expectations may conflict with this plan but judicially defined principles of equitable estoppel may override the otherwise valid limitations imposed by this plan, such expectations may be recognized by the Town of Fort Myers Beach, acting by resolution of its Town Council, on a case-by-case basis.

Nothing in this plan shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, *Florida Statutes*.

IMPLEMENTATION SCHEDULE

Many parts of this comprehensive plan will be implemented through major changes to the Land Development Code, which by state law must conform with this plan within one year (163.3202, *Florida Statutes*).

The new Land Development Code may have the effect of rezoning many or all properties for various reasons, such as:

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

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

Some provisions of the plan are self-implementing; they guide actions on a day-to-day basis without the need for further implementing legislation. Other provisions indicate that detailed regulations may be needed to implement a general policy statement. When such a policy makes reference to a specific year of completion, the town's intent is to have such regulations in place by the end of that year. Finally, some objectives and policies indicate the town intends to complete programs or plans by a specific year; this should be interpreted as intending completion of the task by the end of the designated year.

ADMINISTRATIVE INTERPRETATIONS

Persons or entities whose interests are directly affected by this plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, shall thereafter be binding upon the Town of Fort Myers Beach. Such administrative interpretations are intended to expedite and reduce disputes over plan interpretations, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, *Florida Statutes*.

A. *Subject Matter of Administrative Interpretations*. Administrative interpretations shall be provided only as to the following matters:
   1. Whether an area has been (or should have been) designated "Wetlands" on the basis of a clear factual error. A field check shall be made prior to the issuance of such an interpretation.
   2. Clarification of Future Land Use Map boundaries as to a specific parcel of property.
   3. Conflicts between pre-existing land development regulations and this comprehensive plan during the first year after its adoption (until those conflicts are resolved through amendments to the Land Development Code).
   4. Single-family residence provision as defined in subsection E. below.

B. *Procedures for Administrative Interpretations*.
   1. Anyone seeking an administrative interpretation shall submit an application to the Town Clerk with requested information, and shall have the burden of demonstrating compliance with the standards set forth below.
   2. The Local Planning Agency's attorney shall review each application and request additional information or conduct research as necessary. The Local Planing Agency's attorney may issue a written administrative interpretation or may, at the attorney's sole discretion, refer the request to the Local Planning Agency which will then make the administrative interpretation.

C. *Standards for Administrative Interpretations*. Administrative interpretations of this plan shall be determined under the following standards:
   1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property shall be avoided;
   2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole; and
   3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations.

D. *Appeals of Administrative Interpretations*. The following procedures shall apply in appealing administrative interpretations:
   1. An administrative interpretation may be appealed to the Town Council by filing a written request within fifteen days after the administrative interpretation has issued in writing. In reviewing such an appeal, the Town Council shall consider only information submitted in the administrative interpretation process and shall review only whether the proper standards set forth in this plan have been applied to the facts presented. No additional evidence shall be considered by the Town Council.
   2. The Council shall conduct such appellate review at a public meeting to be held within thirty days after the date of the written request for appeal. The Council may adopt the administrative interpretation being appealed, or may overrule it, with a written decisions to be rendered by the Town Clerk in writing within thirty days after the date of the hearing.

3. Where appropriate and necessary, administrative interpretations shall be incorporated into this plan during the next amendment cycle.

E. <u>*Single-Family Residence Provision*</u>. Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of this plan, shall be allowed to construct one single-family residence on said property, provided that:

1. *Date Created:*
   a. the lot shall have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee County Comprehensive Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
   b. a legal description of the lot was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
   c. the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee County or Fort Myers Beach Comprehensive Plan, whichever controlled at the time, as either plan existed at the time the lot was created.
2. *Minimum Lot Requirements:* In addition to meeting the requirements set forth above, the lot shall have:
   a. a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
   b. a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
   c. a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR
   d. been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
   e. been approved as part of a Planned Unit Development or Planned Development.
3. *Ownership*. In addition to meeting the requirements set forth above, prior to November 21, 2000, the lot shall have been vacant or shall have been improved with one structure located wholly on this lot. If a structure had been placed on two or more adjoining lots at any time prior to November 21, 2000, the individual lots shall not qualify for this single-family residence provision.
4. *Construction Regulations*. Once a property owner establishes the right to build a single-family residence through these procedures, the following policies shall prevail:
   a. The residence shall comply with all applicable health, safety, and welfare regulations, as those regulations exist at the time a building permit is requested.
   b. Lots containing wetlands shall be subject to special provisions of the Land Development Code.
   c. If two or more contiguous lots qualify, property owners are encouraged to reapportion lots if the result would be lots that come closer to meeting the standards for the lots' zoning district, as long as no property becomes non-conforming or increases in its non-conformity and as long as the density will not increase.
   d. Nothing herein shall be interpreted as prohibiting the combining of qualifying lots with other contiguous property providing the density will not increase.
   e. Two or more contiguous qualifying lots that are located in a zoning district which permits duplexes may be combined to support a single duplex in lieu of two single-family residences.
5. *Transferability*. These rights shall run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety.

LEGISLATIVE INTERPRETATIONS

In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Town Council which adopted the plan be understood and applied by subsequent councils, town employees, private property owners, and all other persons whose rights or work are affected by the plan. When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which can be a companion to the plan itself.

A. *Requests*. Requests for interpretations may be made by any Town Council member, the Town Manger, the Local Planning Agency, or any applicant for a type of development regulated by this plan.

B. *Local Planning Agency*. Upon receiving a request and written recommendations from the Town Manager, the Local Planning Agency shall review the same and forward them to the Town Council with its comments and recommendations.

C. *Town Council*. Upon receiving the recommendations of the Local Planning Agency, the Town Council shall render a final decision as to the correct interpretation to be applied. This interpretation shall be that which is adopted by absolute majority of the Town Council, and, upon being reduced to a board resolution drafted in response to the board majority, it shall be signed by the Mayor and recorded in the town's official records. The Town Clerk shall be responsible for maintaining copies of all such resolutions in a single document which shall be appropriately indexed and provided to all persons upon request. The document shall be updated regularly and the latest version thereof furnished to all persons requesting copies of the plan itself.

D. *Legal Effect of Legislative Interpretations*. Any provision of the plan specifically construed in accordance with the foregoing procedures may not be re-interpreted or modified except by a formal amendment of the plan itself. Once formally adopted in accordance with these procedures, the annotation shall have the force of local law and all persons shall be placed on constructive notice of it. Any development orders issued in reliance on legislative interpretations of this plan are subject to challenge under the provisions of Section 163.3215, *Florida Statutes*.

AMENDMENT PROCEDURES

This plan, including the Future Land Use Map, may be amended with such frequency as may be permitted by applicable state statutes and in accordance with such administrative procedures as the Town Council may adopt. Petitions for changes from landowners will be accepted annually; the Town Council may accept applications more frequently at its sole discretion.

Sections of this plan may be renumbered or relettered, and typographical errors which do not affect the intent, may be authorized by the Town Manager without need of a public hearing, by filing a corrected copy of same with the Town Clerk.

MONITORING, EVALUATING, AND UPDATING

Any comprehensive plan needs to be updated regularly. Conditions change; knowledge is gained about the effects of the plan; and new opportunities and problems arise. The Town Council will initiate amendments or additions to this plan as needed, in addition to the following regularly scheduled updates.

Annual Capital Improvements Update

The Capital Improvements Element shall be updated annually following the adoption of the town's budget. This update, at a minimum, shall review expected revenues and include a new financially feasible five-year schedule of capital improvements to replace the existing schedule.

Scheduled Evaluation and Appraisal

State law requires a periodic evaluation and appraisal of all adopted comprehensive plans. The Local Planning Agency shall complete a formal evaluation and appraisal process in the year 2005, unless the Town Council chooses an earlier schedule or if state regulations change. The Local Planning Agency's report shall address the following (in addition to any other requirements set out in 163.3191 *FS* and Rule 9J-5.0053 *FAC*):

A. *Citizen participation in the planning process*. The town shall update procedures to encourage public participation in the planning process, specifically including the following:
   1. Procedures to assure that real property owners are put on notice, through newspaper advertisements or other methods adopted by the town, of official actions that may affect the use of their property.
   2. Notices to keep the general public informed.
   3. Opportunities for the public to provide written comments.
   4. Assurances that required public hearings are held.
   5. Consideration of and response to public comments.

B. *Updating appropriate baseline data and forecasts* and preparing measurable objectives to be accomplished in the next five-year period of the plan and for the long-term period.

C. *Accomplishments in the seven years since adoption*, describing the degree to which the goals, objectives, and policies have been successfully reached and the extent to which unanticipated problems and opportunities have occurred, including major social and economic problems of development and deterioration.

D. *Obstacles or problems* which resulted in underachievement of goals, objectives, or policies. Proposals for modifying or eventually achieving the goals, objectives, and policies shall be formulated.

E. *Effect of changes to other plans* and regulations such as the state and regional comprehensive plans and regulations governing local comprehensive plans.

F. *New or modified goals, objectives, policies, or actions* needed to correct discovered problems. Along with failure to meet stated objectives, the evaluation will recommend new goals, objectives, or policies that will either correct past problems in achievement, or modify the general direction or aim.

G. *A means of ensuring continuous monitoring* and evaluation of the plan during the next five-year period.

PUBLIC SCHOOLS ELEMENT

INTRODUCTION 16-1

LEGAL BACKGROUND 16-1

CHANGES IN STUDENT POPULATION 16-1

PUBLIC SCHOOL SYSTEM 16-2

FUTURE CAPACITY ANALYSIS 16-5

CONCURRENCY BOUNDARIES 16-5

LEVEL-OF-SERVICE STANDARD 16-13

PROJECTED ADDITIONS TO SCHOOL CAPACITY . . . 16-15

SCHOOL DISTRICT CAPITAL FUNDING 16-15

FINANCIAL FEASIBILITY 16-15

PROPORTIONATE SHARE MITIGATION 16-18

SCHOOL PLANNING AND SHARED COSTS 16-19

COORDINATION 16-19

GOALS - OBJECTIVES - POLICIES 16-21

REFERENCES 16-25

PUBLIC SCHOOLS ELEMENT

INTRODUCTION

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

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

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

LEGAL BACKGROUND

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

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

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

CHANGES IN STUDENT POPULATION

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

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

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

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

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

PUBLIC SCHOOL SYSTEM

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

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

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

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

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

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

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

Figure 1, Fort Myers Beach Elementary School

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

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

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

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

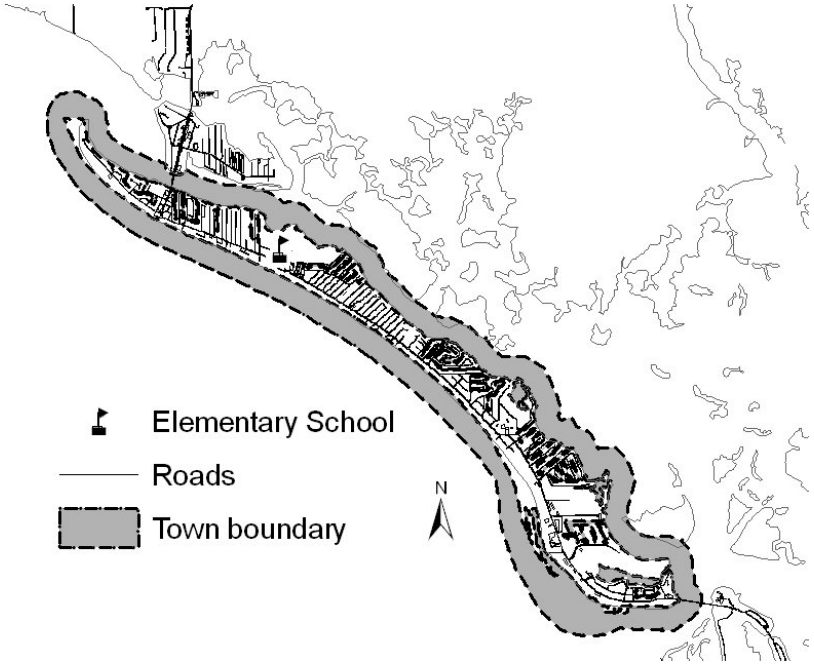


Figure 2, Fort Myers Beach Elementary School

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

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

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

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

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

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

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

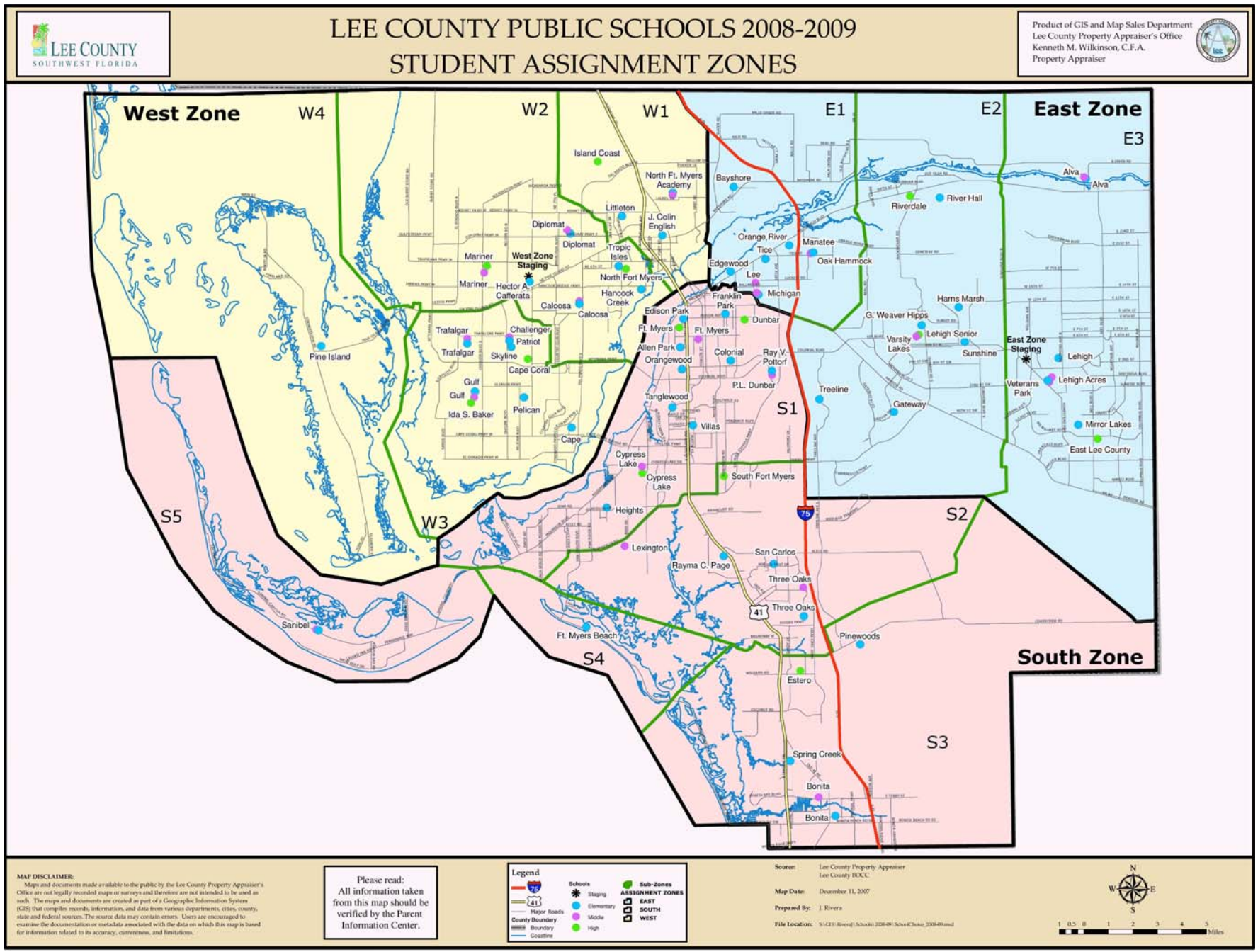


Figure 3, Student Assignment Zones

FUTURE CAPACITY ANALYSIS

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

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

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

CONCURRENCY BOUNDARIES

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

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

[3] *Florida Statutes § 163.3180(13)(c)*

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

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

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

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

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

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

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

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

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

* Lehigh Elementary located in East Zone Staging School for 20082009 school year while existing campus is remodeled.
** East Zone Staging School will become Elementary "I" in 20092010 school year when converted to permanent campus.

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

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

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

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

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

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

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

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

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

LEVEL-OF-SERVICE STANDARD

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

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

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

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

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

Tables 16-2 through 16-5 list each school administered by the school district according to its student assignment zone (South, East, West, and Barrier Islands/Special Centers, respectively) and its sub-zone (e.g., S1, S2, S3, etc.). Data is provided showing each school's current enrollment and its permanent FISH capacity. Projections of future student demand are applied to each school for each year through 2011/12. New schools are shown as available in future years according to the school district's current construction schedule.

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

Based on this data, the school district has agreed with Lee County and the five municipalities[4] to jointly establish the following level-of-service standard for concurrency purposes:

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

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

For purposes of this subsection, a "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

Relocatable classrooms shall be utilized to maintain the LOS on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the Permanent FISH Capacity and shall be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

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

PROJECTED ADDITIONS TO SCHOOL CAPACITY

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

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

The school district currently owns enough land to build all schools planned to open through 2012, with a bank of properties for some of the schools planned to open after that date.

SCHOOL DISTRICT CAPITAL FUNDING

The school district relies on both local and state funding for new construction and renovation. The primary local funding is from property taxes and school impact fees.

The school district has levied the maximum allowable rate of 1.75 mills for capital costs in its most recent budget.

In 2005, Lee County adopted school impact fees. The current rate is approximately $4,116 for a single-family home and $1,624 for multifamily units. These fees offset a portion of the cost of additional student stations required by new residential development.

The school district may also sell bonds or offer certificates of participation. The district currently has $574,230,000 in outstanding certificates which were used to construct 24,879 student stations.

School expansion projects also rely on state capital outlay funding sources derived from motor vehicle license taxes, known as Capital Outlay and Debt Service funds (CO&DS), and gross receipts tax revenue from utilities, known as Public Education Capital Outlay funds (PECO). Table 16-6 summarizes funds available to the school district for capital improvements over the coming five years.

FINANCIAL FEASIBILITY

Florida law requires that this element of the comprehensive plan must address how the level-of-service standard will be achieved and maintained.

The school board is required by state law to adopt each year a financially feasible "Five-Year Capital Facilities Plan." That plan details the capital improvements that are needed and the revenues that are available to meet the demand for additional student stations.

The summary of capital improvements shown in Table 16-7 details the school district's planned expenditures over the current five-year planning period. The school district's capital improvements program does not require funding from Lee County or the individual cities.

A comparison of Tables 16-2 through 16-7 show that the school district's capital financing plan is sufficient to fund necessary capital improvements and is financially feasible.

Table 16-6— Estimated Revenues for Public School Capital Improvements

Revenue Source	FY 2008 – 2009 Budget	FY 2009-2010 Projected	FY 2010-2011 Projected	FY 2011-2012 Projected	FY 2012-2012 Projected	Five-Year Total
Local Ad Valorem Tax (Discretionary Capital Outlay Revenue)	147,296,040	141,630,808	136,183,469	133,513,205	140,188,865	698,812,387
PECO and 2-Mil Maintenance and Other 2-Mil Expenditures	(367,110,689)	(248,503,334)	(219,173,383)	(225,568,282)	(209,324,672)	(1,269,680,360)
PECO Maintenance Revenue	2,891,818	3,472,847	4,647,908	4,396,618	4,381,272	19,790,463
Available 2-Mil for New Construction:	**(219,814,649)**	**(106,872,526)**	**(82,989,914)**	**(92,055,077)**	**(69,135,807)**	**(570,867,973)**
CO & DS Revenue	1,011,549	1,011,549	1,011,549	1,011,549	1,011,549	5,057,745
PECO New Construction Revenue	6,081,424	0	1,370,343	4,189,361	1,674,646	13,315,774
Other Revenue for Other Capital projects	665,800	100,000	100,000	100,000	100,000	1,065,800
Impact fees received	5,000,000	3,000,000	4,000,000	4,000,000	7,000,000	23,000,000
Interest, Including Profit on Investment	9,981,000	6,490,192	5,195,531	4,879,795	5,250,135	31,796,653
Fund Balance Carried Forward	336,106,236	175,368,500	112,472,249	96,774,372	108,121,977	828,843,334
Total Additional Revenue:	**358,846,009**	**185,970,241**	**124,149,672**	**110,955,077**	**123,158,307**	**903,079,306**
Total Available Revenue:	**139,031,360**	**79,097,715**	**41,159,758**	**18,900,000**	**54,022,500**	**332,211,333**

SOURCES: Table PSFE 17, Draft Public School Facilities Element, prepared by the Lee County School District, October 2008
Five-Year District Facilities Work Program, 2008-2009, prepared by the Lee County School District, September 2008

Table 16-7— Schedule of Capacity-Enhancing Capital Improvements

			Expected cost, by fiscal year					
Project Description	**Name / Code**	**Added Capacity**	**2008 - 2009**	**2009 - 2010**	**2010 - 2011**	**2011 - 2012**	**2012 - 2013**	**Total**
New Elementary East Zone (K-5)	Elem. V	1,000	$23,477,713	$0	$0	$0	$0	$23,477,713
New Elementary West Zone (K-5)	Elem. A	1,000	$0	$8,145,000	$19,005,000	$0	$0	$27,150,000
New Elementary East Zone (K-5)	Elem. W	1,000	$0	$8,145,000	$19,005,000	$0	$0	$27,150,000
New Elementary South Zone (K-5)	TBD	1,000	$0	$0	$0	$0	$9,922,500	$9,922,500
New Elementary East Zone (K-5)	TBD	1,000	$0	$0	$0	$9,450,000	$22,050,000	$31,500,000
New Elementary West Zone (K-5)	Elem. C	1,000	$0	$0	$0	$9,450,000	$22,050,000	$31,500,000
Replacement Elementary South Zone (K-5)	Heights	0	$2,428,064	$0	$0	$0	$0	$2,428,064
Replacement Elementary South Zone (K-5)	Michigan	750	$23,066,661	$0	$0	$0	$0	$23,066,661
Oak Hammock Middle East Zone (6-8)	KK	1,334	$3,842,498	$0	$0	$0	$0	$3,842,498 $0
New Middle East Zone (6-8)	LL	1,334	$13,065,107	$26,159,893	$0	$0	$0	$39,225,000
New Middle West Zone (6-8)	MM	1,334	$300,000	$31,047,822	$3,149,758	$0	$0	$34,497,580
New ALC West Zone	ALC West	265	$1,001,497	$3,600,000	$0 $0	$0 $0	$0	$4,601,497 $0
Sub-totals:			**$67,181,540**	**$77,097,715**	**$41,159,758**	**$18,900,000**	**$54,022,500**	**$258,361,513 0**
Other Capital Improvements That Don't Add School Capacity:			**$74,849,820**	**$2,000,000**	**$0**	**$0**	**$0**	**$76,849,820**
Grand totals:			**$142,031,360**	**$79,097,715**	**$41,159,758**	**$18,900,000**	**$54,022,500**	**$335,211,333 $0**

SOURCE: Capacity Project Schedules in Five-Year District Facilities Work Program, 2008-2009

PROPORTIONATE SHARE MITIGATION

If school capacity is not available to accommodate a new development, the school district may entertain mitigation offers from the developer to offset the impact by creating additional school capacity.

If a mitigation option is accepted, it will be memorialized in an enforceable agreement between the developer, the affected local government, and the school district. The contribution must be directed toward a school capacity project identified in the district's Five-Year Capital Facility Work Plan.

Capacity projects identified within the first three years of the Five-Year Capital Facility Work Plan shall be considered as committed projects. If capacity projects are planned in years four or five of the district's Five-Year Capital Facility Work Plan within the same CSA as the proposed residential development, the developer may pay a proportionate share of the identified capacity project to mitigate the proposed development and accelerate its schedule.

When the student impacts from a proposed development cause the adopted level of service to fail, a developer may enter into a 90-day negotiation period with the school district and the town to review potential mitigation proposals. To be acceptable, a proportionate share project must create a sufficient number of additional student stations to maintain the established level of service with the addition of the development project's demand. Mitigation options include but are not limited to:

(1) The funding of land acquisition or construction of a public school facility to offset the demand for public schools being created by the proposed development; or
(2) Establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in the guidelines for SREF and subject to guarantees that the facility will be conveyed to the school district at no cost if the charter school ceases to operate.

The following standards apply to any mitigation accepted by the school district:

(1) Proposed mitigation must be directed towards a permanent school capacity improvement identified in the school district's financially feasible work program, which satisfies the demands created by the proposed development; and
(2) Relocatable classrooms will not be accepted as mitigation.

The amount of the required mitigation shall be determined using the following formula:

(# of housing units by type) x (student generation rate by type of unit) x (student station cost adjusted to local costs) = proportionate share mitigation amount

The student generation rate is 0.299 for single-family detached homes and 0.118 for all multifamily dwelling units. The student station cost adjusted to local costs will be calculated utilizing the total cost per student station established by the Florida Department of Education, plus a share of the land acquisition and infrastructure expenditures as determined annually in the school district's Five-Year Capital Facilities Work Plan.

The costs associated with the identified mitigation shall be based on the estimated cost of the improvement on the date that the improvement is programmed for construction. Future costs will be calculated using estimated values at the time the mitigation is anticipated to commence. The cost of the mitigation required by the developer shall be credited toward the payment of impact fees imposed by local ordinance for the same need. If the cost of the mitigation option agreed to is greater than the school impact fees for the development, the difference between the developer's mitigation costs and the impact fee credit is the responsibility of

the developer. Any mitigation accepted by the school district and subsequently agreed to by the town shall result in a legally binding agreement between the school district, the town, and the developer.

SCHOOL PLANNING AND SHARED COSTS

By coordinating the planning of future schools with affected local governments, the school district can better identify the costs associated with site selection and the construction of new schools. Coordinated planning requires the school district to submit proposed school sites to the affected local government for review and approval. This process also permits the school district and local governments to jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Necessary infrastructure improvements may include potable water lines, sewer lines, drainage systems, roadways including turn lanes, traffic signalization, site lighting, bus stops, and sidewalks. These improvements are mandated at the time of site plan approval. Approval conditions can address the timing and responsibility for construction of required on-site and off-site improvements.

COORDINATION

State law requires the school district and local governments to consider co-locating public schools and public facilities. The co-location and shared-use of facilities provide important economic advantages to all parties and greater convenience to the public.

The school district and Lee County have recently shared the cost to construct two facilities on school campuses that serve the athletic facility needs of the school and serve as community recreation centers. During the preparation of its educational plant survey, the school district can identify future co-location and shared-used opportunities for new schools and public facilities.

Likewise, co-location and shared use opportunities should be considered by the town and other units of local government when updating their own comprehensive plans and when planning and designing libraries, parks, community centers, and auditoriums. Co-location and shared use of school and governmental facilities for health care and social services should also be considered.

PUBLIC SCHOOLS ELEMENT

GOALS - OBJECTIVES - POLICIES

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

GOAL 16: To provide a public school system with a high-quality educational environment that is accessible for all of its students and has enough capacity to accommodate enrollment demand.

OBJECTIVE 16-A INTERGOVERNMENTAL COORDINATION – Maintain an interlocal agreement with the Lee County School District that coordinates the location of public schools with supporting infrastructure and other public facilities and with this comprehensive plan.

POLICY 16-A-1 To ensure compatibility with surrounding land uses and proximity to residential areas they serve, public and private schools should be located in the following categories on the town's future land use map: Mixed Residential, Boulevard, Pedestrian Commercial, or Recreation (but never seaward of the 1978 coastal construction control line), as required by Policy 4-B-14. Schools located outside the town must be located in accordance with policies of the relevant local government.

POLICY 16-A-2 The town and the school district shall jointly determine the need for and timing of on-site and off-site improvements necessary to ensure safe access to public schools and shall enter into an agreement with the school district identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support public schools. Examples of off-site improvements include sidewalks and bicycle paths.

POLICY 16-A-3 The town strongly encourages the school district to add middle-school classrooms to the Fort Myers Beach Elementary School.

POLICY 16-A-4 Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near the Fort Myers Beach Elementary School, which has always served as a community focal point.

POLICY 16-A-5 The town will coordinate with nearby local governments and the school district on emergency preparedness issues.

POLICY 16-A-6 The town will coordinate an annual review of this element and of school enrollment and population projections with the school district, county, and other cities as set forth in the interlocal agreement with the Lee County School District.

OBJECTIVE 16-B ACCOMMODATING ENROLLMENT DEMAND – The town will keep in force the level-of-service standard (LOS) for public schools that is contained in the most current interlocal agreement with the school district in order to correct existing deficiencies and meet future needs.

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

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

"Permanent capacity" of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district's South Student Assignment Zone, as depicted in Figure 3 of this element. (Multi-zone magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education's Office of Educational Facilities. "Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools, and special educational programs.

POLICY 16-B-2 Relocatable classrooms may be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the permanent capacity and shall be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

POLICY 16-B-3 Modifications to these level-of-service standards and concurrency service areas shall be accomplished by amendment to the Interlocal Agreement approved on April 7, 2008, and subsequent amendments to policies in this comprehensive plan. Modified levels of service and concurrency service areas must maximize the utilization of school capacity to the greatest extent possible and must be financially feasible, supported by adequate data and analysis, and able to be achieved and maintained for the coming five years.

OBJECTIVE 16-C PUBLIC SCHOOL CONCURRENCY – Within six months after the effective date of this element, the town shall amend the concurrency management system in its land development code to include public school concurrency in the annual concurrency assessment in order to ensure adequate school capacity for at least the coming five years. Public school concurrency shall be applied by the town immediately as of the effective date of this element.

POLICY 16-C-1 The following residential uses are exempt from the requirements of school concurrency:

i. Single family lots having received final plat approval prior to the effective date of the code amendments.
ii. Multi-family residential development having received development order approval prior to the effective date of the code amendments.
iii. Amendments to residential development orders issued prior to the effective date of the code amendments, which do not increase the number of residential units or change the type of residential units proposed.

POLICY 16-C-2 The town's concurrency provisions for public schools shall apply to residential development only, except as exempted in Policy 16-C-1.

i. If school capacity is available or planned to be under construction within the next three years, the application can proceed through the regular process.
ii. If school capacity is not available in the South Student Assignment Zone, a contiguous zone can be reviewed for available capacity.
    a. If school capacity in a contiguous zone is available or is planned to be under construction within the next three years, the application can proceed through the regular process.
    b. If capacity is not available, the applicant may begin a 90-day negotiation period for mitigation.

POLICY 16-C-3 The town and the school district shall review mitigation options during the 90-day negotiation period.

i. Mitigation options may include but are not limited to:
    a. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; or
    b. Establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the school district at no cost to the district if the charter school ceases to operate.

ii. The school district will consider mitigation offers only if they meet the following standards:
   a. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the school district's financially feasible work program which satisfies the demands created by the proposed development.
   b. Relocatable classrooms will not be accepted as mitigation.
iii. If mitigation can be agreed upon, the town and the school district will enter into an enforceable binding agreement with the developer.
iv. If capacity is not available and mitigation cannot be agreed upon, the town cannot approve the application until such time as capacity becomes available.
v. Further details on mitigation requirements is provided in the Interlocal Agreement with the school district.

OBJECTIVE 16-D SCHEDULE OF CAPITAL IMPROVEMENTS – The town's five-year schedule of capital improvements will include school projects that are needed to address existing deficiencies or meet future needs.

POLICY 16-D-1 During the annual update of the capital improvements element, the town shall incorporate into its five-year schedule of capital improvement any improvements proposed by the school district during the next five years that will be constructed within the town's municipal limits and which are needed to address capacity deficiencies and shall ensure the financial feasibility of the school district's facility work plans on which this element is based. Capacity-enhancing school improvements outside the Town of Fort Myers Beach will be incorporated into the five-year schedule of capital improvements in accordance with Policy 11-A-7. The annual update process will comply with all relevant statutory and administrative code requirements.

REFERENCES

- **Five-Year District Facilities Work Program, 2008-2009**, Lee County School District, September 2008, *www.planning.leeschools.net/Data/08WkPlanFinal.pdf*

- **Educational Plant Survey**, September 2006, *http://planning.leeschools.net/Data/Lee%20Co%202007-12%20Ed%20Plant%20Survey.pdf*

- **Draft Public School Facilities Element**, prepared by Lee County School District, revised October 2008

- **Adopted Lee County Public Education Facilities Amendment**, DCA Number 09-1, approved by Lee County Ordinance 08-21 on September 11, 2008. The entire amendment file can be accessed through the following links:
  http://dcapapers.eoconline.org/FloridaPAPERS/FlashAug16/Model/documentView.cfm?UserID=6239&AreaID=11&DocumentID=435854

- **Interlocal Agreement**, Lee County School District and Town of Fort Myers Beach, approved by School District on 03-25-08 and by Fort Myers Beach on 04-07-08 (copy attached)