

## **CHAPTER 4**

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### **LAND USE PLANNING, ZONING, AND MANAGEMENT INVENTORY**

One of the main tools in limiting the number of people exposed to aircraft noise is the planning of land use surrounding the airport that are compatible with aircraft operations. The airport itself does not have the authority to mandate land uses outside of its property boundary. Controlling land uses is a function of the local government with jurisdiction over the area (Lee County). Controls are established through the use of such tools as existing comprehensive plans, land use plans, zoning ordinances, subdivision regulations, and building codes. Several land use tools applicable to Lee County are reviewed in this chapter including:

- The Lee Plan (the County's Comprehensive Plan);
- The Lee County Land Development Code;
- Lee County Building Code;
- Capital Improvement Program, and;
- Environmental Controls.

#### **A. THE LEE PLAN**

The Lee Plan, the county's comprehensive plan, is the principal document that includes all guidelines pertaining to development within Lee County. All units of local government in the state of Florida are required to adopt comprehensive plans pursuant to Chapter 163 of the Florida Statutes. The plan serves to fulfill several purposes. The first purpose is to ensure that public and private activities within each jurisdiction are consistent with the goals and policies of the Lee Plan. The Plan also acts as a source of authority for the local jurisdictions and represents the direction that the County is heading and what it should look like at the end of the term, which in the case of the current Lee Plan is 2020. The text below includes excerpts from the current Lee Plan:

The population for the County is projected to grow to 602,000 permanent and 764,171 seasonal residents by 2020.

The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan. With the exception of Cape Coral and Lehigh Acres, the county's urban areas will be essentially built out by 2020 (pending, in some cases, redevelopment). The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan. Its success will depend on two things: the continuing viability of agricultural uses and the amount of publicly-owned land in outlying areas.

The county will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs.

The county's traditional economic base will be diversified in order to increase the percentage of high paying jobs, reduce tax burdens on residents, and enhance the stability of the community. Traditional industries, such as agriculture, commercial fishing, tourism, and construction, will continue to play a significant role in the county's economy, but will become less important in relation to new business opportunities afforded by the expanded international airport and the new university.

Cultural, educational and recreational opportunities will expand dramatically as the result of the county's increased urbanization.

Increased urbanization will require a commensurate investment in the county's physical and social infrastructure. Public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities. Social problems, including, but not limited to, crime and illegal drug use, will be addressed primarily by early intervention and programs designed to eliminate their root causes.

The Lee Plan's land use accommodation is based on an aggregation of allocations for 20 Planning Communities. These communities have been designed to capture the unique character of each of these areas of the county. Within each community, smaller neighborhood communities may exist however, due to their geographic size, a planning community could not be created based on its boundaries.

The most important element of the Lee Plan with respect to the FAR Part 150 study is future land use. The future land use element of the plan consists of a future land use map and supporting policies keyed to categories of land use on the map. The purpose of the future land use map is to show the proposed distribution, location, and extent of future land uses by type, density, and intensity. This is done to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. The future land use map of the airport vicinity is shown in Exhibit 4-1. Future land uses in the vicinity of RSW are described in the next section.

### **Future Urban Areas**

Future Urban Areas are designated for urban development. To encompass all types of urban development, this category has been further broken down into eight sub categories. The categories in the vicinity of RSW are described below.

Central Urban areas are located north/northeast of the airport. The areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city



of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre to ten dwelling units per acre, with a maximum density of fifteen dwelling units per acre.

Urban Community areas are located northeast and southwest of the airport. Urban Community areas are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, and South Fort Myers. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry. Standard density ranges from one dwelling unit per acre to six dwelling units per acre, with a maximum of ten dwelling units per acre.

Suburban areas are located south and southwest of the airport. These areas will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted.

Outlying Suburban areas are located west and northwest of the airport and are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre to three dwelling units per acre.

Industrial Development areas are located immediately southwest of the airport, just north of Alico road. This area plays an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments/production opportunities, and a balanced and sufficient tax base. These areas have special location requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, and highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad

combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector.

Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. Various Public Facilities are located around RSW.

New Community areas are located immediately north of the airport property. New Community lands are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate area wide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and nonresidential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the county.

### **Non Urban Areas**

Non Urban Areas are designated on the Future Land Use Map as categories that are not anticipated for urban development at this time.

Density Reduction/Groundwater Resource (DR/GR) areas encompass a large portion of lands immediately east and south of the airport. These areas include upland areas that provide substantial recharge to aquifers most suitable for future well field development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.

Wetlands are located throughout the airport vicinity. Permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. The maximum density is one dwelling unit per twenty acres except as otherwise provided.

## **B. LEE COUNTY LAND DEVELOPMENT CODE**

### **Section 10**

Section 10 of the Lee County Land Development Code applies to the development of land within the County by restricting it to certain guidelines. These requirements are designed to reasonably achieve the following:

The development shall protect the counties natural, historic, and scenic resources, including air, surface and subsurface waters. It shall preserve the ecological integrity of the area.

The development must be designed to allow adequate ingress and egress to the development as to not cause traffic problems. It must also allow sufficient width to provide for servicing of utilities, refuse collection, and access for emergency vehicles. This requirement also includes where applicable: traffic studies, bicycle and pedestrian paths, and access roads.

The development must provide sufficient water and sewage systems. If the development is in an area that is serviced by county utilities, it must connect to that system.

The development must be designed in accordance with applicable county and water management districts runoff retention and attenuation requirements and any other state and local drainage laws.

Sufficient open space must be provided for the occupants of the developments and recreation facilities must be of adequate size and location.

Adequate landscaping and buffering must be provided in accordance with the development code.

Developments must include a fire protection system.

The development must not have a greater density or intensity of use than that which is allowed in the comprehensive plan or development code.

The development must provide for the identification, recognition, protection, or mitigation of the historical and archaeological resources of the county.

### **Section 34**

Section 34 of the Lee County Land Development Code is derived mainly from the County zoning ordinance. Zoning Ordinances have two very important uses in noise compatibility planning, they control the uses a particular tract of land can have and the development intensity of such uses. Section 34-1 of the code states the purpose of the zoning code as, to encourage and promote, in accordance with present and future needs, the safety, health, order, convenience, prosperity and general welfare of the citizens of the County, to recognize and promote real property rights, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for preservation, protection, development and conservation of

the historical and natural resources of land, water and air, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for adequate public utilities and facilities, for promotion of the amenities of beauty and visual interest, for protection of the character and maintenance of the stability of residential, agricultural, business and industrial areas, and for development in accordance with the Lee Plan adopted by the county, by establishing zoning districts and by regulating the location and use of buildings, signs and other structures, water and land for agriculture, trade, industry and residence, by regulating and limiting or determining the height, bulk and access to light and air of buildings and structures, the area of yards and other open spaces and the density of use. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses.

Included in this chapter are special purpose districts. These districts are used in conjunction with the zoning regulations. Section 34-1002 defines the airport hazard districts. The types of zones include regulations concerning noise zones, lighting, and structure heights. The districts are designed to:

Promote the maximum safety of aircraft arriving at and departing from county airports.

Promote the maximum safety of residents and property within areas surrounding county airports.

Promote the full utility of county airports, so as to ensure the maximum prosperity, welfare and convenience to the Lee, Charlotte, Collier, Hendry and Glades County areas and their residents.

Provide building height standards for use within the approach, transitional, horizontal and conical surfaces so as to encourage and promote proper and sound development beneath such areas.

Provide development standards for land uses within prescribed noise zones associated with the normal operation of county airports.

Provide administrative procedures for the efficient and uniform regulation of all development proposals within such zones.

### **C. LEE COUNTY BUILDING CODES**

Building codes in effect in Lee County are based on the Florida Building Code. Building codes can be used to require noise insulation and attenuation features in new residential, office, and institutional buildings when warranted by existing aircraft noise levels, or the potential for future high aircraft noise levels.

#### **D. LEE COUNTY'S CAPITAL IMPROVEMENT PROGRAM**

Lee County's Capital Improvement Program (CIP) is a planning, budgetary, and prioritizing tool which reflects the County's infrastructure needs (via a list of capital projects) for a five-year time frame. The five years are balanced; i.e., revenues are identified to offset expenditures in accordance with state requirements. The CIP is updated on an annual basis. The program can be amended prior to the next annual CIP review period with approval of the Board of County Commissioners. Capital Projects are defined as major fixed assets or infrastructures with long term value, such as buildings, roads, bridges, and parks. Airport improvements are also coordinated through the Capital Improvement program.

Goal 32 of the program states that the capacity of Southwest Florida International Airport will be expanded in compliance with the adopted Airport Master Plan to aid in the diversification of the county's economic growth. Project implementation and approval will be coordinated through the annual Capital Improvement Program process.

#### **E. ENVIRONMENTAL CONTROLS**

The environmental planning and review process that occurred prior to construction of RSW resulted in several agreements and regulations that must be honored as a condition of continued operation of the airport. Thus, these agreements and regulations must be reviewed in the noise compatibility planning process to ensure that any changes are not in conflict with them. In 1976 Lee County approved an Application for Development Approval for a Development of Regional Impact for RSW. One condition of the approval was to protect the area around the Airport, maintaining a balance between protection of the natural environment and personal property rights. The 1976 Regional Airport Policy Plan was then incorporated into the final EIS for construction of RSW and approved by the FAA in 1977. The assurance that then became part of the grant agreement reads as follows:

That Lee County will amend its zoning ordinances to provide for compatible land uses as set forth in its adopted policy plan. The objectives of that plan are to provide for the development of RSW and its environs so as to maintain the balance between private property rights and the natural environment by specifically addressing air hazards, noise, compatible development, and surface water management in existing ecosystems and public systems.

This original stipulation has led to several of the compatible land use requirements covered previously in this section.