

**CONSERVATION
AND COASTAL
MANAGEMENT**

GOAL 1

The City shall protect and maintain its ownership of submerged lands within the Caloosahatchee River by managing the property in the best interest of the public. In 1915, the City's corporate limits extended to the north shoreline of the Caloosahatchee River. The State of Florida deeded all lands "...covered, or partly covered, by the tide, or otherwise, and including all sawgrass and marshlands, as well as the bottom of the Caloosahatchee (sic) River..." to the City of Fort Myers. The land area is roughly bound on the west by Manuel's Branch, Billy's Creek on the east, north by the northern shoreline and south by the southern shoreline.

OBJECTIVE 1

The City shall maintain an ordinance that promotes the protection and management of the City owned submerged lands and adjacent shorelines of the Caloosahatchee River. The ordinance will provide for long-term economic, aesthetic, recreation, and environmental resource benefits for the residents of the City.

Policy 1.1) Within the submerged land owned by the City, the City will have the right but not the obligation to:

- (a) Require restoration of biological condition of the river bottom and shoreline;
- (b) Require protection and enhancement of aquatic, littoral or terrestrial life;
- (c) Protect visual shoreline views; and,
- (d) Require stabilization of the shoreline.

Policy 1.2) The City shall protect the submerged lands in perpetuity for the use of the public.

GOAL 2

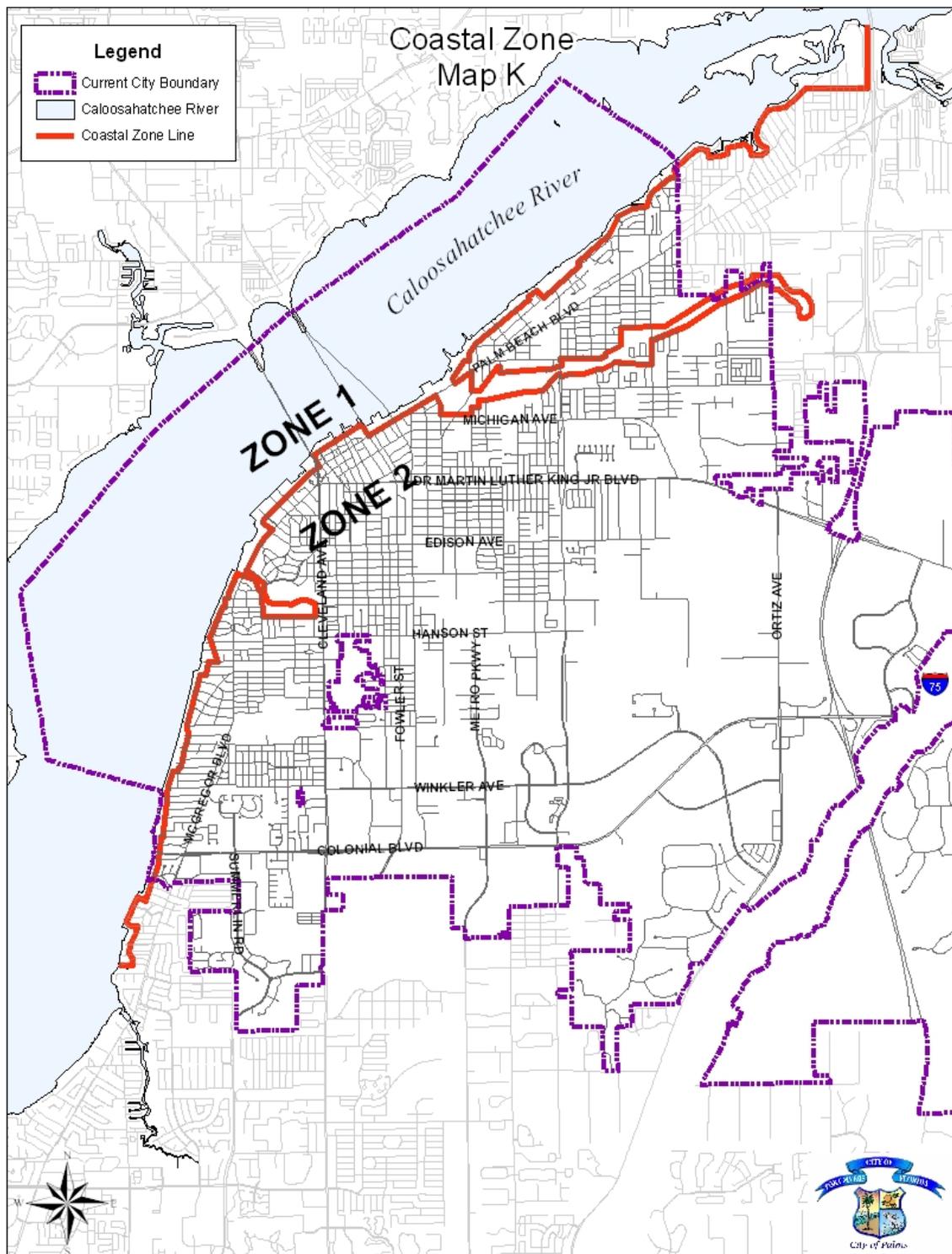
Maintain, increase, and manage natural and coastal resources to preserve their quality and ability for use in the future while protecting human life and limiting public expenditures in areas subject to destruction by natural disasters.

OBJECTIVE 1

Designate a Coastal Zone.

Policy 1.1) The City shall designate the Coastal Zone to include the portions of the Caloosahatchee River within the city limits and the Urban Reserve, the natural portions of both Billy's Creek and Manuel's Branch, and all parcels within the city limits and the Urban Reserve that abut the Caloosahatchee River, Manuel's Branch, or Billy's Creek (Map K).

Action 1.1.1) Land Use within the Coastal Zone shall be consistent with Action 7.2.1 of this Element.



OBJECTIVE 2

To enhance public awareness of valued resources in order to better use and understand the importance of these resources.

Policy 2.1) The City shall coordinate with the Lee County Environmental Learning Center, the Calusa Nature Center and Planetarium, the State of Florida County Extension Office, and other environmental agencies to promote the values and uses of natural resources.

Action 2.1.1) Continue and encourage low-cost lease agreements with community groups that offer a benefit to the citizens of Fort Myers at City owned facilities and sites.

Action 2.1.2) By 2010, the City shall evaluate whether to initiate a program to publicize the importance of proper hazardous waste disposal to preserve groundwater quality through promotion of "amnesty days" and the use of approved temporary storage facilities.

Policy 2.2) The City will educate the public through appropriate landmarks, kiosks, or signage at resource-based recreation sites.

Action 2.2.1) Maintain the display at the Centennial Park area explaining the functions of the mangroves and seagrass bed mitigation area.

Action 2.2.2) Maintain the informational signage currently installed on the Tarpon Street pier, City Yacht Basin, Centennial Park, and other public access points to the river explaining the Manatee, its habits, and habitat.

OBJECTIVE 3

Maximize public accessibility to and the use of natural resources without unacceptable adverse impact on them with appropriate development, public expenditures, and hazard mitigation planning.

Policy 3.1) Opportunities for visual and physical access to the waterfront will be promoted.

Action 3.1.1) Carry out the waterfront park improvements, including transportation and parking, called for in the recreation element of this plan.

Action 3.1.2) Maintain Land Development Regulations, which incorporate riverfront setbacks, walkways, public access to the river, and building orientation within the Downtown Redevelopment Area and "riverfront" area to preserve views of the river.

Action 3.1.3) The City will continue to allow public access to the docks in the Yacht Basin.

Policy 3.2) The City will support Federal and State actions to improve air quality. By 2010, the City's air quality should begin to improve each year, through the year 2030 to meet or exceed 2010 quality levels.

Action 3.2.1) The City will continue to express willingness to monitoring agencies to provide sites for air quality monitoring stations on City property.

Action 3.2.2) The City will continue to prohibit industrial uses that have the potential to generate an excessive amount of air pollutants.

Action 3.2.3) If the Lee County MPO receives a non-attainment area status, the City will adhere to MPO actions regarding air quality.

Action 3.2.4) The City's comprehensive planning process shall consider air quality in prioritizing capital facility and transportation improvement programming.

Policy 3.3) The City will encourage recreational use of wetland preserve areas consistent with their function and the uses shall conform to requirements and criteria of Section 373.414, F.S.

Policy 3.4) Level of service requirements for all community facilities shall be the same in the Coastal Zone as in other areas with emphasis to maintain or reduce hurricane evacuation times.

Action 3.4.1) Priority should be given to community facility projects that complement the Southwest Florida Regional Planning Council Hurricane Evacuation Study, and maintain or improve hurricane evacuation times.

Policy 3.5) The City shall coordinate land uses and post disaster redevelopment with Interagency Hazard Mitigation Reports in the event of a natural disaster.

OBJECTIVE 4

Maintain existing native and compatible vegetation and soils, increase the City's planting of native vegetation, increase the planting of native trees and to increase the City's tree canopy.

Policy 4.1) Adequate landscaping and tree canopy coverage, requiring planting of at least 50% native vegetation and trees, shall be required of all development within the City in accordance with the Land Development Regulations.

Action 4.1.1) Maintain regulations to include requirements for landscaping and increased tree canopy coverage as detailed in the Future Land Use and Community Appearance Elements.

Action 4.1.2) All new development and updating to landscaping on or bordering public right-of-ways shall require at least 75% planting of native vegetation.

Action 4.1.3) Land Development Regulations shall determine the percentage mix of native vegetation and trees for planting.

Policy 4.2) Protection of existing native vegetation and soils, as well as planting of additional native or adapted vegetation, shall be encouraged to reduce the rate of soil erosion created by land development and increase the City's tree canopy on developed property by 20% over 2000 levels by year 2015.

Action 4.2.1) Maintain the Land Development Regulations to include prohibitions and incentives to implement this policy (see Future Land Use Policy 1.5).

Action 4.2.2) Assist the United States Department of Agriculture Natural Resources Conservation Service in activities directed at minimizing soil erosion.

Standard 4.2.2.1) The Land Development Regulations shall identify native vegetation and non-native vegetation that has been determined to be compatible with native vegetation.

Standard 4.2.2.2) The Land Development Regulations shall identify species of non-native vegetation that are incompatible with and may be deleterious to the area's native vegetation.

Standard 4.2.2.3) Require the removal of invasive, exotic vegetation as defined in the City's Land Development Regulations, including Punk Tree (*Melaleuca quinquenervia*) and Brazilian Pepper (*Schinus terebinthifolius*), from new development and maintained in perpetuity.

Action 4.2.3) The City should seek to enter into an interlocal agreement with Lee County to conserve, appropriately use, or protect unique vegetative communities that are located within both the City's and County's jurisdiction.

Policy 4.3) When detailed corridor or neighborhood studies or plans are conducted, consideration shall be given to including street tree programs utilizing the planting of native or compatible trees.

Policy 4.4) No commercial mining or mineral extraction activities shall be allowed within the City.

OBJECTIVE 5

Improve the quality of creeks, the river, and its tributaries as natural habitat as well as for human use, enjoyment, and commerce.

Policy 5.1) Development shall occur in such a manner as to minimize adverse impact on creeks and the river, including its shoreline and tributaries, and maximize use of the river by water-dependent and water-related/enhanced uses.

Action 5.1.1) Maintain the Land Development Regulations to implement the Drainage portion of the Municipal Services Element consistent with this element.

Action 5.1.2) New development and redevelopment shall be required to use seawalls to provide for aquatic habitat (either riprap, submerged vegetation, or both) wherever the vertical wall face is not needed for boat dockage, and that any remaining shoreline is restored, enhanced, or preserved.

Action 5.1.3) New Development shall incorporate applicable implementation actions of the Charlotte Harbor Comprehensive Conservation Management Plan, including “Best Management Practices” as defined in Section 502 of the Clean Water Act.

Action 5.1.4) The Land Development Regulations shall require the establishment or maintenance of an undisturbed, native vegetated buffer between the river and its tributaries and adjacent development in order to enhance filtration of excess pollutants as well as create an edge conducive to a diversity of plants and wildlife. The public riverwalk in the Downtown Redevelopment Area can be exempt from this requirement provided appropriate measures have been taken to prevent unnecessary runoff from adjacent or nearby parking areas.

Policy 5.2) The City shall protect the West Indian Manatee, Florida Panther, and other species designated as endangered, threatened, or of special concern, which provide for a balance of human use of the Caloosahatchee River and other natural resources by participating in State, Regional, or County sponsored programs.

Action 5.2.1) The City shall evaluate entering into an interlocal agreement with Lee County to implement the Lee County Manatee Protection Plan and applicable portions of the Caloosahatchee River Boat Operation and Manatee Protection Plan.

Action 5.2.2) Continue reduced speed zones for boat traffic in the Caloosahatchee River.

Action 5.2.3) The City of Fort Myers will continue to work with County, State and Federal agencies, as well as not-for-profit organizations, to protect the West Indian Manatee, Florida panther, and other endangered or threatened wildlife, which occurs, or potentially occurs, within the City of Fort Myers.

Policy 5.3) By December 2008, the City shall implement a best management practices campaign and program that educates the public on the proper use, application, and disposal of landscape fertilizers and pesticides.

Action 5.3.1) The campaign and program should include, but not limited to, dissemination of information through mass media, pamphlets at points of sale for fertilizers and pesticides, and training classes offered at local home improvement centers.

OBJECTIVE 6

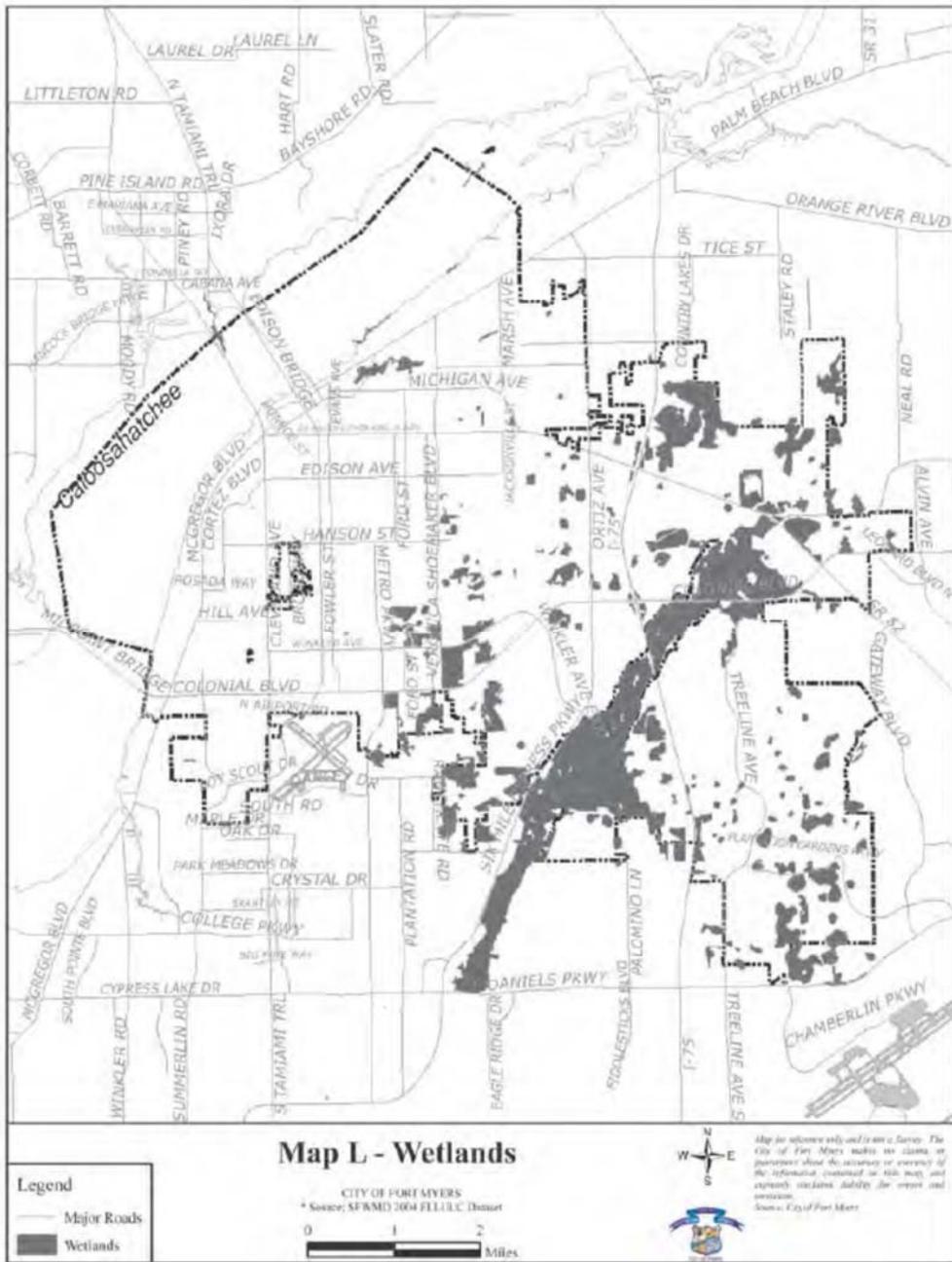
Preserve significant natural open space areas, adjacent upland buffers, and historic resources.

Policy 6.1) Freshwater and saltwater wetlands, adjacent upland buffers, mangrove areas, seagrass beds, and estuarine system quality are to be preserved or restored. Wetland systems shall be protected from the adverse effects of development in accordance with the requirements of State and Federal Law, as well as State and Federal environmental permitting agencies, particularly when the system may be inhabited by endangered species, threatened species, or species of special concern.

Action 6.1.1) Whenever feasible, the City shall acquire wetland areas, adjacent uplands, mangrove areas, and seagrass beds for purposes of conservation and recreation.

Action 6.1.2) Preservation of viable wetlands, adjacent uplands, and buffers shall be required. The City shall recognize wetland reviews performed by the South Florida Water Management District, the Florida Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers or an independent consultant hired by the City. Isolated wetlands shall be reviewed in accordance with the South Florida Water Management District's Environmental Resource Permitting. Other wetlands shall be reviewed as determined by and according to Chapter 17-301, Florida Administrative Code, Surface Waters of the State, and Chapter 17-302, F.A.C, Surface Water Quality Standards.

Standard 6.1.2.1) "Wetlands" are areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. See Map L.



Standard 6.1.2.2) The definition of wetlands shall be consistent with Chapter 373.019, F.S.

Standard 6.1.2.3) The Land Development Regulations shall require the establishment or maintenance of an undisturbed, native vegetated buffer between a preserved wetland and adjacent upland development in order to provide a hydrologic connection with the wetland, enhance filtration of excess pollutants, and create an edge conducive to a diversity of plants and wildlife. The buffer areas shall be at least 25 feet wide, extending out and encircling the wetland or wetland areas.

Standard 6.1.2.4) Wetlands that are created (i.e. from hydrology changes) or wetlands that are low quality (i.e. due to modifications in hydrology or infestation of exotics) must be restored or mitigated. Mitigation options shall include, in order of preference:

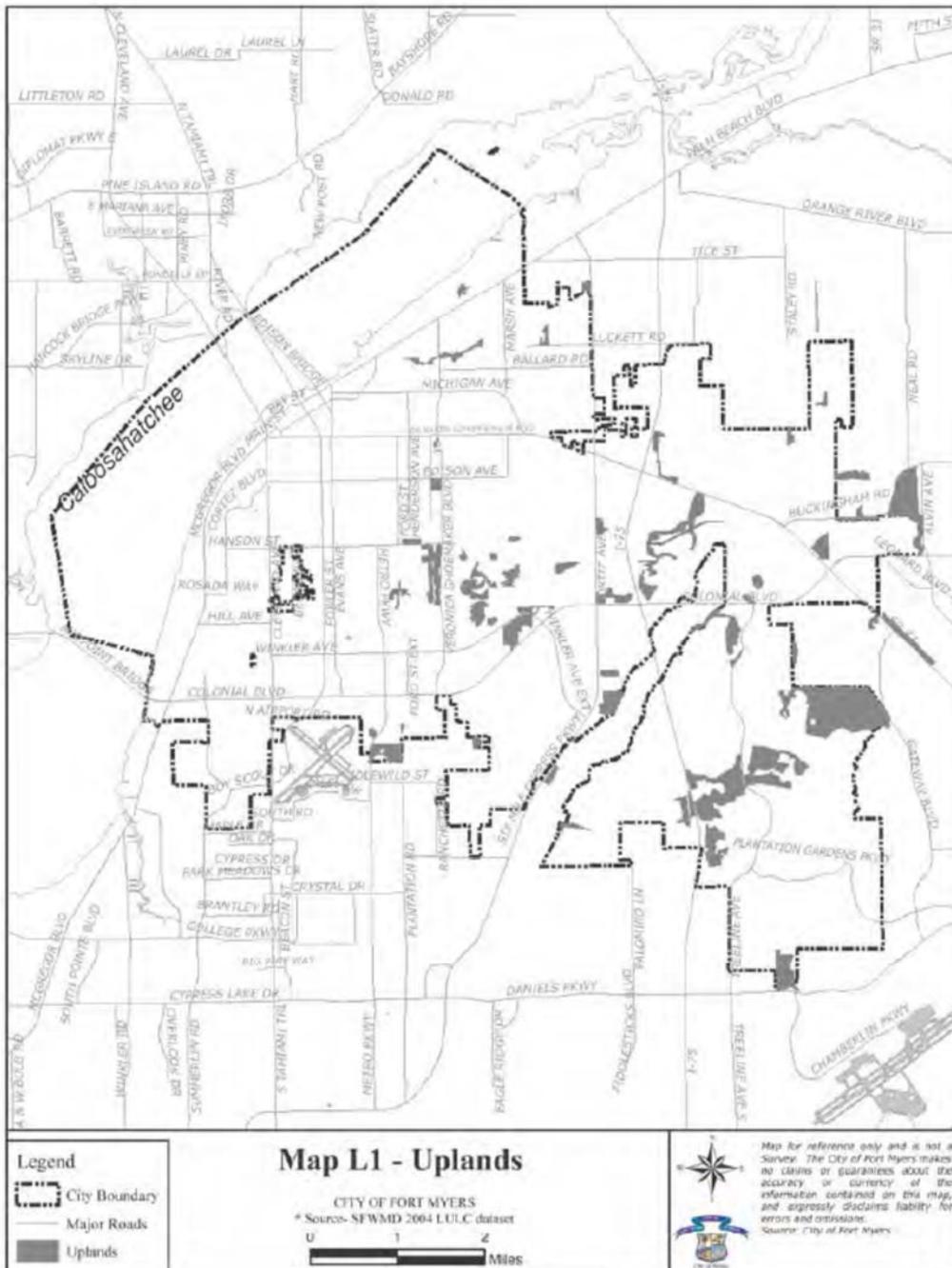
- (a) Preservation of the wetland;
- (b) Restoration;
- (c) The payment of monies to a State-approved wetland mitigation bank; or,
- (d) An approved City mitigation plan.

Policy 6.2) The preservation of native and unique uplands shall be protected from the adverse effects of development. As the City grows, mature vegetation will become scarcer. Therefore the protection of mature vegetation is important to the health and vitality of the City's economy, citizens, and unique flora and fauna.

Action 6.2.1) Minimize the impacts of development on natural resources in confirmed vegetative communities from, but not limited to, alignment of roadways, construction of roadways, buildings, facilities and associated land altering activities.

Standard 6.2.1.1) Uplands include, but are not limited to, the areas identified on Map L-1.

Action 6.2.2) Native vegetative communities, as identified by the City, the City's consultant, or outside regulatory agencies, that include habitats for endangered species, threatened species, or species of special concern will be protected through the permit requirements imposed by Federal, State and/or Regional environmental permitting agencies, or by standards set forth in the City's Land Development Regulations.



OBJECTIVE 7

Ensure that water-dependent and shoreline uses located along creeks, the river, and its tributaries take full advantage of their premium location.

Policy 7.1) The City shall give highest priority to water-dependent uses in shoreline location.

Action 7.1.1) Shoreline sites with deep-water access to the Okeechobee water-way will be encouraged for water-dependent uses such as marinas, yacht clubs, dry storage facilities, commercial passenger boating, charter boats, or boat ramps. Mixed-use projects containing these uses may also be permitted.

Action 7.1.2) In the event that Lee County prepares and adopts a County-wide Marina siting plan, the City will implement the plan through an intergovernmental agreement with the County.

Policy 7.2) Water-enhanced uses will be encouraged as a second priority in shoreline locations.

Action 7.2.1) The Land Development Regulations shall be maintained to ensure that development adjacent to creeks, the River, and its tributaries is consistent with City objectives, such as protection of water quality, environmental integrity, public access, hurricane contingency planning, and the availability of community facilities and services.

Standard 7.2.1.1) Water-enhanced uses allowed in shoreline locations include resource-based recreational uses, residential, hotel, motel, and water-dependent uses.

Standard 7.2.1.2) Uses that are possibly enhanced by a waterfront location may be allowed if suitable for the neighborhood and if the site plan takes full advantage of the location. Such uses include restaurants, retail, bars, and water-enhanced uses, as well as combinations of these uses.

Policy 7.3) In order to direct development inland, uses not dependent on the water or not enhanced by a waterfront location shall be located inland.

Action 7.3.1) For areas within the Coastal Zone, which are located outside the boundaries of the Downtown Redevelopment Area, the Future Land Use Map shall designate low-density residential use as the preferred use.

OBJECTIVE 8

Preserve significant historical sites and structures within the Coastal Zone.

Policy 8.1) The City shall preserve, restore, and promote publicly owned historical resources within the Coastal Zone.

Action 8.1.1) Continue to maintain and operate City-owned historic sites within the Coastal Zone.

Policy 8.2) The City shall encourage private individuals to preserve, restore, and rehabilitate structures of historic, architectural, or cultural significance located within the Coastal Zone.

Action 8.2.1) Maintain the Land Development Regulations to allow non-conforming significant historic structures in the Coastal Zone to be altered if such alteration preserves the historic character of the site or building for the community.

OBJECTIVE 9

Designate a Coastal High Hazard Area (CHHA).

Policy 9.1) The City has designated a Coastal High Hazard Area (CHHA) that includes all area below the elevation of category 1 storm surge line as established by Florida Statewide Regional Evacuation Study Program Storm, Southwest Florida, Storm Tide Atlas for Lee County 2010.

Action 9.1.1) The City shall ensure that public expenditures within the Coastal High Hazard Area are limited to those expenditures to maintain existing public facilities, and to make such existing public facilities and new private facilities more disaster-resistant, provide or maintain public shoreline access, and restore and protect natural systems.

Standard 9.1.1.1) Critical facilities including sewage treatment plants, electrical power plants, police and fire protection facilities, hospitals, housing for special needs groups (including elderly, physically and mentally handicapped, and any other at-risk needs group), and shelters shall be located outside the CHHA, whenever feasible.

Action 9.1.2) The City will coordinate with, and ask the assistance of, the Southwest Florida Regional Planning Council to determine the differences between the effects of hurricane surge upon Gulf front and Riverfront properties and urge the legislature to amend Chapter 163 to recognize such differences in the establishment of the CHHA, as appropriate.

OBJECTIVE 10

Designate a hurricane vulnerability zone.

Policy 10.1) The City has designated a hurricane vulnerability zone, which includes all parcels within the evacuation zone for a tropical storm and Category 1, 2, and 3 hurricanes as established in the Florida Statewide Regional Evacuation Study Program, Southwest Florida, Storm Tide Atlas for Lee County 2010, as demonstrated on Map L-3. The City of Fort Myers' designated Coastal High Hazard Area (CHHA) is the most vulnerable portion of the City's designated hurricane vulnerability zone.

Action 10.1.1) All further public expenditures made for new facilities in the CHHA will require a finding by the City Council that such expenditures are necessary to maintain required service levels, protect existing residents, or to provide for recreation and open space needs.

Action 10.1.2) Public investments within the hurricane vulnerability zone shall be designed to withstand expected storm intensities as required by the Land Development Regulations (Standard Building Code reference).

Standard 10.1.2.1) Engineering designs for facilities within the hurricane vulnerability zone shall certify that facility designs shall withstand Category 3 storm event.

Action 10.1.3) When state funding is required for the relocation or replacement of infrastructure currently located within the CHHA, the capacity of the replacement structure will be limited to maintaining required service levels, protecting existing residents, and providing for recreation and open space needs.

Policy 10.2) Develop and maintain an interlocal agreement between the City of Fort Myers and Lee County that adopts provisions of Lee County Ordinance Number 95-14, or any subsequent replacement ordinance, regarding managing recovery, reconstruction, and mitigation activities following a major or catastrophic disaster within the City of Fort Myers.

Action 10.2.1) As part of the Interlocal Agreement process, the City shall perform an analysis of revenue sources that could be directed toward post disaster recovery, reconstruction, and mitigation activities, including but not limited to:

- (a) Housing assistance;
- (b) Infrastructure redevelopment;
- (c) Public facilities recovery; and,
- (d) Other necessary expenditures.

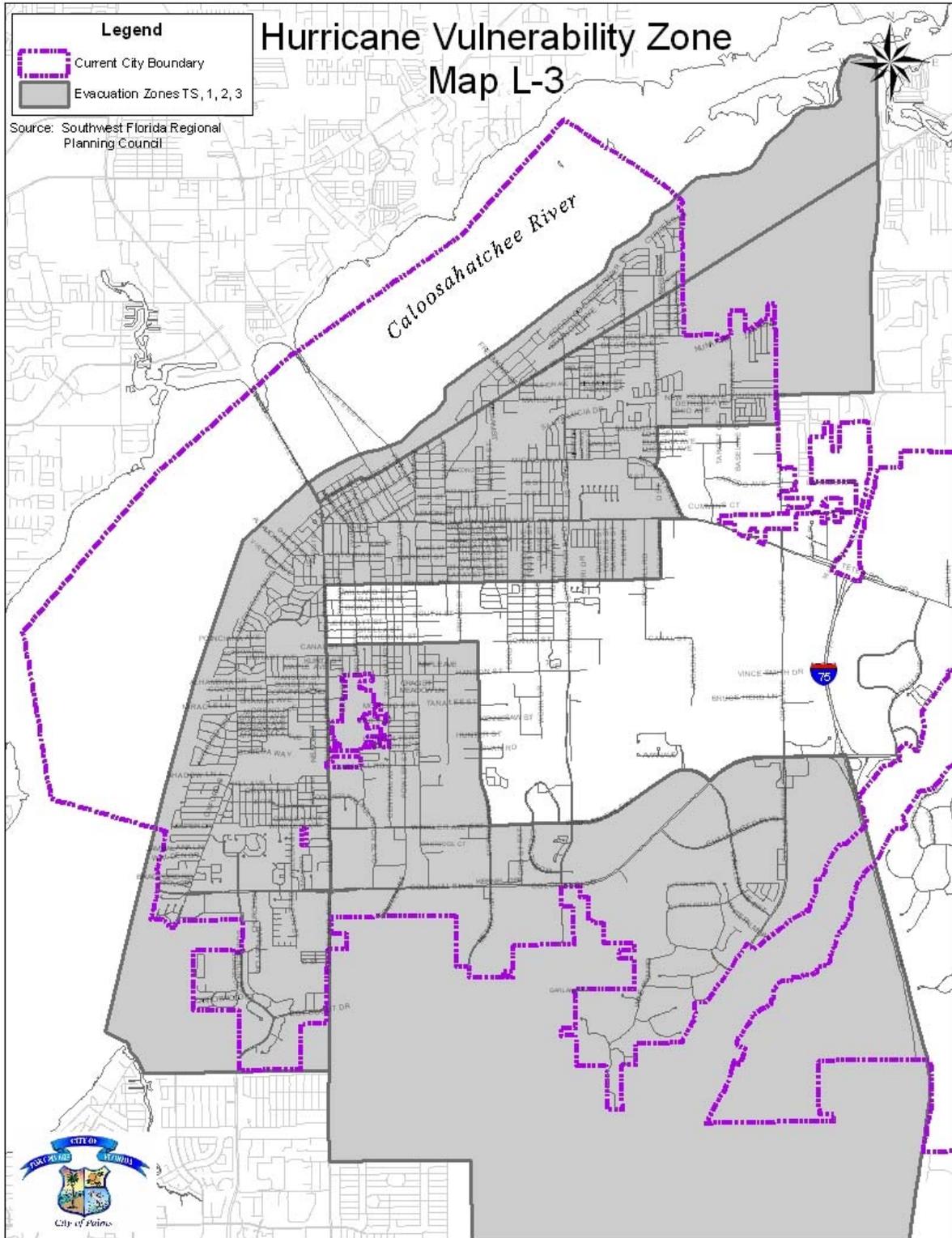
Policy 10.3) Continue participation in the Southwest Florida Regional Planning Council's private employer hurricane shelter development and business preparedness program.

Action 10.3.1) Encourage employers with facilities outside the Category 2 hurricane evacuation zone to develop a program of employee and family sheltering in the event of a hurricane.

Policy 10.4) Encourage the Lee County School Board to construct or rehabilitate schools that can be used for emergency shelter within hurricane evacuation zones 4 and 5.

Policy 10.5) All new residential development greater than fifty (50) and less than one hundred (100) dwelling units will be required to annually provide information to residents concerning hurricane evacuation and shelters through a homeowners' or residents' association. Such information shall be approved by the Lee County Division of Public Safety and will be annually updated. A sample information packet is to be submitted prior to building permit issuance.

Policy 10.6) All new residential developments greater than one hundred (100) dwelling units will be required to formulate an emergency hurricane preparedness plan consistent with Lee County Administrative Code and will be submitted prior to building permit issuance.



OBJECTIVE 11

City actions shall be coordinated with existing and future applicable natural resource protection plans.

Policy 11.1) The City shall incorporate applicable actions of the Charlotte Harbor Comprehensive Conservation Management Plan into its Land Development Regulations.

Action 11.1.1) By 2008, the City shall evaluate its compliance with applicable actions of the Charlotte Harbor Comprehensive Conservation Management Plan, including protecting, conserving, and/or preserving through acquisition, incentives, or other appropriate means, the following areas and their natural functions: submerged bottom communities, estuarine waters, floodplains, freshwater and saltwater swamps and marshes, mangroves, barrier islands, aquatic preserves, undeveloped passes, and tidal creeks. The evaluation shall include a determination as to which additional resource management activities are necessary to ensure protection of the natural resources identified in the Charlotte Harbor Estuarine and Watershed Systems.

OBJECTIVE 12

The City will coordinate with the South Florida Water Management District in its review of Environmental Resource Permits for Development within the City. The South Florida Water Management District has adopted basin studies for various basins, including the Six Mile Cypress Basin. Development within any basin where a study has been adopted by the South Florida Water Management District must be consistent with the basin study.

Policy 12.1) The City shall coordinate with the South Florida Water Management District regarding appropriate setbacks and/or structural barriers from regionally significant wetlands. The setbacks and barriers shall be designed and required to prevent adverse impacts on water quality, wildlife habitat, and wetland function. The determination of the need, design, and appropriateness of the setback or structural barrier shall be done on a case-by-case basis.

OBJECTIVE 13

The City will create an inventory, by December 2008, of its natural resources in order to protect and preserve these unique assets.

Policy 13.1) The City will hire a consultant to inventory both uplands and wetlands in order to identify such areas and evaluate the health of the identified areas.

Policy 13.2) The Conservation and Coastal Management element map series of this comprehensive plan should be updated with actual ground-truthing in order to provide a more accurate inventory and representation of natural resources.

Policy 13.3) The City will create a list of potential mitigation projects for developers and grant purposes.