

GOALS - OBJECTIVES - POLICIES

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

GOAL 6: To protect the natural resources in and around the town from further damage and improve their future health and sustainability through regulations, education, enforcement, timely management, public improvements, and cooperation with other entities with similar goals.

OBJECTIVE 6-A ESTUARIES AND BAYS – Improve the condition and function of estuaries and bays surrounding Estero Island, including their components such as seagrass meadows, tidal flats, soft bottoms, oyster bars, tidal creeks, and open water.

POLICY 6-A-1 Estuaries are the ecological transition between fresh and saltwater systems. They provide extensive habitat for fish and wildlife including the feeding, breeding, and nursery ground for most of the commercially important fish and shellfish and many species of local and migratory birds, while offering a broad array of recreational opportunities. The Town of Fort Myers Beach will take all feasible steps to protect its marine and estuarine habitats and finfish/shellfish resources to ensure their long-term viability and productivity for scientific, commercial,

sport, and recreational purposes. The town shall take a leadership role in enacting ordinances and facilitating resolution of jurisdictional problems.

POLICY 6-A-2 The town will cooperate closely with other governmental agencies in formulating, monitoring, and enforcing regulations to protect the healthy functioning of the estuary, including but not limited to:

- i. controlling point and non-point sources of pollution including drainage, sewage pollution, and stormwater runoff;
- ii. avoiding hardened shoreline stabilization such as seawalls;
- iii. maintaining proper quality and timing of freshwater inputs;
- iv. protecting habitats from dredge-and-fill activities;
- v. protecting sea grasses from "prop scarring" and excessive shading from docks; and
- vi. protecting important uplands adjacent to wetlands.

POLICY 6-A-3 In cooperation with other jurisdictions, evaluate the effectiveness of existing regulations and enforcement techniques in preserving the bay and estuary system. Recommend and support such additional measures as necessary to ensure their sustainability, such:

- i. Marking existing channels crossing through seagrass beds to help boaters avoid damaging them (and their boats);
- ii. Establishing permitting criteria for activities within the town's 1000-foot jurisdiction beyond Estero Island to protect seagrass beds, oyster bars, soft bottoms, and other benthic communities

from damage from docks, boat ramps, navigation channels, etc. These criteria would be coordinated with other regulatory agencies to ensure that every effort is made to locate these facilities away from valuable environmental resources. If permits are issued without concurrence from the town, the town may choose to withhold local building permits if a better location or technique could avoid damage to seagrass beds, oyster bars, or other sensitive benthic communities.

- POLICY 6-A-4** Encourage the organization of a local task force to coordinate and reconcile efforts of various organizations, governments, and businesses to promote long-term sustainability of the estuary. Potential perspectives include eco-tourism, water quality, habitat protection, commercial and recreational uses, and economic development. The task force would promote cooperative activities, assess needs, and recommend methods of coordinating reporting and enforcement of violations. The task force would make recommendations to the town regarding issues such as:
- i. Establishing restricted areas and other methods of controlling boat traffic in Estero Bay, particularly around rookery islands and seagrass beds.
 - ii. Locating a suitable launching point on the Gulf for use by personal water craft to reduce traffic on the bay side.
 - iii. Adopting a ban on the commercial collection of live shells.
 - iv. Recommending capital projects to improve water quality.

v. Recommending regulations to protect local waters.

- POLICY 6-A-5** Maintain or improve estuarine water quality in accordance with policies under Objective 8 below.
- POLICY 6-A-6** Regularly examine activities that may be within the town's jurisdiction to determine whether more stringent regulations or other actions are needed to ensure the functioning and long-term viability of natural systems.
- POLICY 6-A-7** Participate actively in the Agency on Bay Management, the Charlotte Harbor National Estuary Program, and other entities attempting to improve the environmental health of Estero Bay.
- POLICY 6-A-8** Actively encourage the purchase of the full 16,000 mainland acres adjoining Estero Bay to become an expanded Estero Bay State Buffer Preserve.

OBJECTIVE 6-B WILDLIFE AND NATIVE HABITATS – Improve the viability of existing native coastal and upland habitats and establish additional areas for nature preserve and conservation uses.

- POLICY 6-B-1 CONSERVATION PROGRAMS**
GENERALLY – The town will cooperate with local, state, and federal regulatory agencies in establishing and managing natural reserves, preserves, and critical wildlife areas. This cooperation will include increasing public awareness, allowing appropriate access, properly protecting natural resources, and documenting and reporting violations of laws and regulations.
- POLICY 6-B-2 LITTLE ESTERO ISLAND CRITICAL WILDLIFE AREA** – In cooperation with state agencies, the town will aid in the stewardship

of the Little Estero Island Critical Wildlife Area through activities such as:

- i. Prohibit commercial activities within the defined boundaries of Little Estero Island.
- ii. Support legislative measures as necessary to protect the long-term future of the preserve.
- iii. Inform residents and visitors of the uniqueness and fragility of the island's habitats, and identify funding for measures such as designating pedestrian trails and dune walkovers, adding information and interpretive signs, producing educational brochures, and conducting seminars to encourage proper use.
- iv. Sponsor a volunteer task force to work with the Florida Game and Fish Water Fish Commission to oversee the daily stewardship of Little Estero Island through activities such as:
 - Identify potentially destructive practices (such as mowing or raking on the shoreline, litter, boat traffic, low-flying airplanes, disturbances from vehicles and dogs, etc.) and determine appropriate methods to address them.
 - Inform residents and visitors of the uniqueness and fragility of the island's habitats; plant shoreline vegetation to replace vegetation damaged by visitors or other unnatural causes; place and maintain interpretive signs; produce educational brochures; and conduct seminars to encourage proper use.
 - Promote voluntary enforcement and possible citizen "volunteer patrols" to educate residents and visitors of the

rules of the island and why they are needed.

- Develop guidelines to protect the fragile environment of the preserve and, where appropriate, urge their adoption as land development regulations or part of the town's code of ordinances.

POLICY 6-B-3 MATANZAS PASS PRESERVE – Prepare for the transition of the long-term maintenance responsibility of the Matanzas Pass Preserve from Lee County to a partnership among the county, the town, and a local non-profit organization such as the Friends of the Matanzas Pass Preserve:

- i. Reinforce and support the efforts of the non-profit organization to expand the voluntary community-based portion of the operation and maintenance of the preserve. Assist their efforts to implement the restoration plan (which includes site preparation, revegetation, and long-term management) and future improvements including new foot trails, repairing and extending boardwalks, providing a canoe/kayak access point, and adding a fishing pier/observation deck. This assistance may take the form of seeking grant funds, lending technical assistance, providing equipment (either directly or through leases with the county), or partial funding.
- ii. Negotiate an agreement with the county that assigns responsibilities for the long-term maintenance, restoration, and improvement of the preserve, that reflects its status as both a county-wide and local

amenity and its importance as natural habitat.

POLICY 6-B-4 UPLAND HABITATS – Preserve all remaining coastal strand and hammocks, and improve the existing habitat through removal of infestations of exotic plants and replanting with native species. When these habitats are in private ownership:

- i. Land uses must not result in the degradation of the values and functions of adjoining and nearby wetlands.
- ii. Beaches seaward of the 1978 Coastal Construction Control Line are designated on the Future Land Use Map as "Recreation" to preclude their use for further urban development.
- iii. Known remaining coastal hammocks are designated on the Future Land Use Map as "Recreation" to preclude their use for further urban development.

POLICY 6-B-5 ADJACENT DEVELOPMENT – Development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

POLICY 6-B-6 RESOURCE MANAGEMENT PLANS – The town will participate with other agencies in preparing and implementing water management plans such as the Charlotte Harbor Management Plan, Surface Water Improvement and Management (SWIM) plans, Estero Bay Aquatic Preserve Management Plans, and similar efforts. The town will reevaluate its policies for protecting and enhancing natural resources upon a

review of newly adopted or revised plan by other agencies.

POLICY 6-B-7 INVASIVE EXOTIC PLANTS – Invasive exotic plants may not be used to meet landscaping requirements for new development. Prohibited species shall be identified in the land development regulations.

POLICY 6-B-8 SEAWALLS – The town shall encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair. Buildback of vertical seawalls will not be permitted along natural waterbodies if one or more of the following conditions exist:

- i. Buildback would cause excessive shoreline erosion or endanger shorelines of surrounding properties.
- ii. Buildback would threaten wetlands.
- iii. Buildback would be a threat to public safety or block access to state-owned land or beaches.
- iv. Buildback would be waterward of the existing seawall alignment on adjacent shorelines.

POLICY 6-B-9 ACQUISITION OF ADDITIONAL SITES – The town will strive to expand the opportunities for conservation and public appreciation of natural resources through acquisition of additional areas with rare or unique ecological or botanical features, or which provide access to such areas, through activities such as the following:

- i. Identify specific sites that would be desirable for public acquisition;
- ii. Support the efforts of other entities acquiring land that will contribute to the

- conservation effort (for example, aquatic preserve buffer areas, Bunche Beach, etc.)
- iii. Consider alternative means of land acquisition, such as supporting the efforts of non-profit conservation land trust or acquiring development rights in lieu of full acquisition.
- iv. Accept donations of land for nature preserves or other resource conservation areas with the following general conditions: if such lands contain ecologically valuable habitat and/or if public ownership of such lands would expand existing or provide increased preservation or resource conservation areas.
- v. When acquiring property, determine the best entity to be responsible to implement a long-range management plan.

- POLICY 6-B-10 INFORMATION SHARING** – Share information, data, and maps with other entities involved with conservation land acquisition and management through measures such as:
- i. Cooperating with Lee County in the following activities:
 - Maintaining a central clearinghouse for environmental studies and recommendations from public and private information sources;
 - Compiling, maintaining, and regularly updating vegetation mapping, sitings of listed species, data regarding their habitat, and water resources data.
 - Updating the Lee County Habitat Inventory Map using the county's Geographic Information System.

- ii. Cooperate with Lee County and FGFWFC in maintaining an inventory of all native communities and natural habitats to aid in land-use decision-making, development approvals, and ranking of potential acquisitions.

OBJECTIVE 6-C PROTECTED SPECIES – Increase cooperation with local, state, and federal agencies in protecting wildlife species listed as endangered, threatened, or of special concern, and conserve the habitats upon which they depend in order to maintain balanced, biologically productive ecosystems.

- POLICY 6-C-1 PROTECTIVE MEASURES GENERALLY** – The town shall assist in the application of state and federal regulations regarding listed species through activities such as:
- i. Provide information regarding listed species on properties undergoing development review.
 - ii. Withhold development approval until such time as all applicable state and federal permits pertaining to such species have been obtained and copies provided to the town.
 - iii. Cooperate with local, state, and federal agencies in developing species-specific Habitat Conservation Plans as authorized by the Endangered Species Act. Until such plans are developed, the town's criteria for approval of development proposals shall be consistent with the provisions of the listed species guidelines promulgated by the FGFWFC.
 - iv. Cooperate with Lee County and other agencies in the establishment of

mitigation parks and banks to allow this form of mitigation for local impacts to listed wildlife species and native communities.

- v. Support public education on the value of wildlife, native communities, and other natural resources through such means as brochures, newspaper articles, public presentations and workshops, and the placement of interpretive displays and development of observation trails at appropriate park sites.
- vi. Encourage and provide technical assistance to volunteer and non-profit organizations such as Turtle Time, Ostego Bay Foundation, Estero Bay Buddies, and the Friends of the Matanzas Pass Preserve in their conservation efforts.

POLICY 6-C-2 BALD EAGLES – Maintain Lee County's ordinance protecting bald eagle nesting habitat in case bald eagles begin nesting on Estero Island, and urge adherence during development activities to "Habitat Management Guidelines for the Bald Eagle in the Southern Region" prepared by the U.S. Fish and Wildlife Service which recommends a primary protection zone with a radius of 750 to 1500 feet around active nests in which no development should occur, and a secondary zone an additional 750 feet to a mile from the outer edge of the primary zone to remain undisturbed during the nesting seasons. Nest trees should not be touched in any way by development activities unless the nest site has been de-classified by the RGFWFC.

POLICY 6-C-3 MANATEES – Recognizing that the waters of the town provide important habitat for the endangered West Indian manatee, the town will cooperate with local, state, and federal agencies in the establishment of manatee protection programs, including restriction of activities known to adversely affect manatees. The town shall cooperate in the designation, marking, and enforcement of slow-speed manatee protection areas. The town shall cooperate with Lee County in preparing and implementing a manatee protection plan, particularly in providing educational materials and programs to inform the town's boating population of the presence of manatees and of how to avoid destruction of manatee habitat and avoid manatee/boat collisions. The town supports the incorporation of the SWERPC's 1995 marina siting study into Lee County's Manatee Protection Plan.

POLICY 6-C-4 GOPHER TORTOISES – The town's policy is to protect gopher tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with RGFWFC requirements.

POLICY 6-C-5 SEA TURTLES – The town shall prepare and adopt a new sea turtle ordinance by the end of 1998 to supersede Lee County's existing Sea Turtle Protection Ordinance. The new ordinance shall provide standards for coastal uses and development and shall prohibit, during sea turtle nesting season, any point source of light or any reflective surface of a light fixture being visible from the beach; also, areas seaward of a frontal dune must not be directly, indirectly, or cumulatively

illuminated. Other beach activities to be regulated include:

- i. Beach raking, scraping, and other activities that unnecessarily compact the sand and/or damage dunes or prevent the re-creation of dunes;
- ii. Unauthorized vehicular traffic on the beach;
- iii. Storage of beach furniture, cabanas, jet skis, sailboats, and other equipment on the beach that may interfere with sea turtle nesting;
- iv. Drainage of swimming pools, parking lots, and building roofs into point discharges directly onto the beach.

OBJECTIVE 6-D WETLANDS - Preserve all remaining wetlands; protect them from further degradation; and improve their condition and natural functions.

POLICY 6-D-1 Wetlands include tidal marshes, salt flats, and mangrove swamps that provide valuable habitat, buffering from storms, shoreline stabilization, and production of food for estuarine and coastal waters. The town will cooperate with state and federal agencies in the formulation, monitoring, and enforcement of regulations restricting activities that contribute to the destruction of wetlands and/or of the adjacent upland communities that cleanse stormwater inflows. Such potentially destructive activities include: construction fill that encroaches on edges of canals and bay waters, dredging of boat basins and channels, use of seawalls, rip rap, and other similar forms of shoreline stabilization, ditching for mosquito control,

and any filling or removal of mangrove systems.

POLICY 6-D-2 The Future Land Use Map provides a close approximation of wetland boundaries. Wetland regulations in this plan and in the land development regulations include all wetlands, even in not specifically shown on the Future Land Use Map, that are identified as wetlands in accordance with F.S. 373.019 (17) through the use of the unified state delineation methodology described in FAC Chapter 62-340, as ratified and amended by F.S. 373.4211. If the Future Land Use Map is incorrect due to a clear factual error, an administrative process is contained in Chapter 15 to establish the precise boundary of any wetland.

POLICY 6-D-3 In accordance with F.S. 163.3184(6)(c), the town will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a state Environmental Resource Permit or exemption. However, no development approval shall be issued by the town for any project which impacts wetland resources until all requisite permits from other agencies have been obtained and provided to the town. All conditions placed on such permits shall be incorporated into the final development approval issues by the town. Violations of such conditions shall be prosecuted through the town's code enforcement procedures.

POLICY 6-D-4 The following activities in and near wetlands may be desirable and are not forbidden by this comprehensive plan:

- i. Activities necessary to prevent or eliminate a public hazard, such as elimination of a dangerous curve in a road, dredging in order to clean up a spill of hazardous waste, or removal of underwater obstructions to boat traffic.
- ii. Activities which provide a direct benefit to the public at large which would exceed any public loss as a result of the activity, such as removal of exotic species, restoration of natural hydroperiods, impacts associated with the maintenance of existing drainage works, or providing water access that is open to the public.
- iii. Resource-oriented activities such as passive recreation, outdoor education, or other uses where protection of wetland functions and values is the primary attraction.
- iv. Structures or facilities that will improve the functional value of wetlands or provide "no-impact" use for observation, education, research, or passage (walking or non-motorized boats); these could include such structures as public boardwalks, observation decks, or launching areas for non-motorized watercraft.

OBJECTIVE 6-E DUNES AND BEACHES – Protect and improve dunes and beaches as recreation areas, valuable habitat, protection from storms, and areas of high scenic and aesthetic value. The effect of the town's efforts may be a noticeable transition from today's

manicured and compacted beach towards a naturally appearing and functioning beach. This transition will be accomplished through education, regulation, and assistance in physical restoration activities.

POLICY 6-E-1 For any beachfront development approved after the adoption of this plan and for all public beach areas within the town, state-approved dune walk-over structures shall be required at appropriate crossing points. These same structures are also encouraged wherever pedestrians will be crossing dune areas.

POLICY 6-E-2 All coastal construction projects, including beach restoration and renourishment, shall protect sea turtle nesting areas by limiting construction in dune and beach areas to non-nesting periods (except under emergency conditions). In historic shorebird nesting areas, construction must be completed prior to shorebird nesting. Protection zones shall be marked around sea turtle nests and shorebird nesting areas to ensure that construction activities landward of the dune and beach system are limited to the actual construction site.

POLICY 6-E-3 The town will implement the following measures to promote the restoration of beach and dune systems:

- i. Initiate a program to recreate a dune line and plant appropriate vegetation such as sea oats wherever sand dunes have been destroyed.
- ii. Require the use of indigenous plant species for public and private dune restoration or renourishment projects.
- iii. Require that lots and parcels created after the adoption of this plan shall be of

sufficient size and dimension to ensure a 50-foot buffer between any structures (except dune cross-overs) and the landward edge of the primary dune. This buffer shall remain in its natural state except for the minimum disturbance necessary to accommodate dune cross-overs.

- iv. Undertake a management and maintenance program to control invasive exotic vegetation as a cooperative effort of the town and its citizenry.
- v. Consider erosion control taxing/benefit units, grants, and other cost-sharing funding mechanisms to provide funds for beach renourishment and management projects (see Coastal Management Element for strategies on beach renourishment).

POLICY 6-E-4 The following activities are prohibited to protect dunes and beaches:

- i. Removal of dune vegetation and stabilization of submerged and exposed beach by artificial means other than replenishment with compatible sand.
- ii. Excavation or destructive alteration of beach and dune systems. (Minimal disturbance necessary to accomplish approved beach restoration or renourishment activities or construct dune cross-overs is allowable under this policy.)
- iii. Operation of motor vehicles on beaches and dunes (except in association with law enforcement activities, emergency medical services, public land/resources management, state-licensed sea turtle monitoring, once-daily delivery and pickup of beach equipment, minimal

cleaning of litter and of excessive accumulations of natural debris, or as necessitated by an approved restoration, renourishment, or emergency project).

- iv. Any construction activity seaward of the Coastal Construction Control Line not specifically approved by the DEP.
- v. Construction of artificial shoreline hardening structures except the emergency use of such structures constructed in compliance with Chapter 161, F.S. If a hardened structure is absolutely necessary along the beach, rip-rap revetments are preferred. New seawalls are not permitted.

OBJECTIVE 6-F AIR QUALITY – Continue to meet or exceed federal air quality standards based on monitoring results from state agencies.

POLICY 6-F-1 Ensure that the town's land development regulations do not include any disincentives to the use of clean alternative energy sources such as active and passive solar technology.

POLICY 6-F-2 Reduce automobile emissions through programs developed in the Transportation Element to reduce single-occupant automobile trips. Mobility alternatives include increased ridership on the trolley system; introduction of an electric tram system throughout the Island, incentives for visitors to park off-island or park once on-island; a water taxi or water shuttle system; and an interconnected system of bicycle and pedestrian paths.

POLICY 6-F-3 Establish criteria for any new facility that would require 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 stages of potential point source pollution generators.

OBJECTIVE 6-G SOIL EROSION – Conserve and protect soils to reduce water and air pollution from wind and water erosion.

POLICY 6-G-1 The town shall implement the following measures to ensure conservation of native soils and prevention of erosion and its polluting impacts:

- i. To reduce airborne pollutants and protect tidal waters from dust caused by wind erosion, adopt requirements for protecting cleared land during construction.
- ii. Land clearing prior to issuance of a building permit or development order.....
- iii. An erosion control plan shall be submitted and approved by the town prior to the issuance of a development order. Such plan shall reference the property's topography, vegetation, and hydrology and utilize the best management practices such as the use of staked hay bales or filter cloth between the development site and adjacent swales, surface waters, or wetlands; sodding, seeding, or mulching immediately after final grading; and maintenance of vegetation following development activities in order to reduce the erosion by wind or water.

OBJECTIVE 6-H WATER QUALITY – Improve the water quality and economic value of the water bodies surrounding the Town of Fort Myers Beach beyond the levels existing in 1997.

POLICY 6-H-1 As an integral part of the Estero Bay estuary system, the town shall take all feasible measures in an intergovernmental effort to protect, maintain, and improve water quality in Estero Bay.

POLICY 6-H-2 No garbage or untreated sewage shall be discharged into tidal waters.

POLICY 6-H-3 Maintain or improve estuarine water quality by requiring new development or redevelopment to meet the following standards:

- i. Development shall not degrade the estuarine quality of Estero Bay below those standards established by the state for Class II Outstanding Florida Waters.
- ii. Development shall not degrade surface or ground water quality below state standards established in Chapter 62-302 FAC for surface water; Chapter 52-520, for ground water; and Chapter 10D-6 for bathing places.

POLICY 6-H-4 In cooperation with Lee County and other agencies, encourage continued water quality monitoring and identify sources of non-point water pollution, especially those found to be occurring from within the town. Develop a program to reduce or eliminate those pollution sources that may include education, regulation, and incentives, and follow-up enforcement.

POLICY 6-H-5 The town will implement the measures adopted in the Stormwater Management Element to reduce the polluting impacts of stormwater runoff.

POLICY 6-H-6 The town shall comply the requirements of the National Pollutant Discharge Elimination System by prohibiting the discharge of runoff, wastewater, or other potential sources of contamination into surface waters which results in the degradation of the quality of the receiving water body below the applicable standards.

OBJECTIVE 6-I WATER SUPPLY – Insure continued supplies of drinking water of sufficient quantity and quality to meet the projected demands of all consumers and the environment.

POLICY 6-I-1 Incorporate into the land development code measures applicable to new development and redevelopment to encourage water and wastewater management such as low-volume irrigation systems, xeriscape landscaping techniques, potential hook-ups to re-use water systems, and use of other conservation and recycling techniques.

POLICY 6-I-2 The town will cooperate with emergency water conservation measures of the South Florida Water Management District.

POLICY 6-I-3 The town will continue to purchase bulk water from Lee County Utilities in lieu of providing an independent supply of potable water. Lee County Utilities considers the Town of Fort Myers Beach to be part of its potable water service area and has demonstrated its ability to expand raw water supply and treatment facilities to meet anticipated growth consistent with the

2005–2006 Lower West Coast Water Supply Plan Update (prepared by the South Florida Water Management District).

OBJECTIVE 6-J GROUNDWATER – Maintain the quality of groundwater resources and improve as necessary to meet state or federal standards.

POLICY 6-J-1 Commercial excavation and mining activities are prohibited in the Town of Fort Myers Beach due to potentially detrimental effects to groundwater, surface water, wildlife habitats, and surrounding land uses and values.

POLICY 6-J-2 The Town of Fort Myers Beach opposes offshore gas and oil exploration and excavation activities which may be reasonably expected to threaten the quality of coastal beaches and estuarine ecosystems; or would place oil- or gas-related facilities on coastal beaches, islands, or wetlands; or would require the placement of oil or gas storage facilities on the island.

POLICY 6-J-3 The dredging of additional tidal canals is prohibited.

POLICY 6-J-4 The town shall support Lee County's programs to properly dispose of hazardous wastes.

POLICY 6-J-5 The town shall require connection to central water and sewer systems to eliminate demands on groundwater and reduce the potential for contamination from septic tanks.

POLICY 6-J-6 Identify any remaining septic tanks and require their use be discontinued.