



**LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS
MONDAY, JULY 28, 2014
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – June 23, 2014
4. Lee Plan Amendments
 - A. CPA2011-00008 Future Land Use Element and Map
5. Other Business
6. Adjournment – Next Meeting Date: Monday, August 25, 2014

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Persons with disabilities who need an accommodation to participate in the Local Planning Agency meeting should contact Janet Miller, 1500 Monroe Street, Fort Myers, FL 33901 (239-533-8583 or jmiller@leegov.com). To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711.

The agenda can be accessed at the following link approximately 7 days prior to the meeting.

<http://www.leegov.com/dcd/calendar>

Direct Link to plan amendment page:

[CPA2011-00008](#)



DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

S O U T H W E S T F L O R I D A

to: Local Planning Agency
from: Paul O'Connor, AICP, Director
subject: **July 28, LPA Meeting**
date: July 18, 2014

At the March 24, 2014 LPA meeting, Staff presented the Land Use Element to the LPA. At the April 28, 2014 LPA meeting Staff presented the proposed changes to the Future Land Use Map. On the July LPA Agenda is the continued discussion of the Land Use Element and the Future Land Use Map.

As I am sure you recall, several members of the public addressed the LPA at the April meeting concerning several individually proposed land use category changes for specific properties. LPA members requested that staff provide a brief summary analysis for each of the proposed land use category change requests.

Please find attached in this LPA packet three sets of information. These include the following:

1. A memorandum from staff with brief recommendations for the six areas identified at the April LPA meeting.
2. The proposed future land use element as it was presented at the March and April LPA meetings.
3. A series of maps for each Planning Community, as requested by the LPA, that identifies the existing future land use categories, proposed future land use categories, and a map that shows the effect of the proposed changes.

DIVISION OF PLANNING



MEMORANDUM

To: Local Planning Agency

From: Paul O'Connor, AICP, Director

Subject: **Individually Requested Future Land Use Map Amendments**

Date: July 17, 2014

Staff presented the Future Land Use Map to the LPA at the April 28, 2014 meeting. Six citizens requested changes to the Future Land Use Map during the public input portion of the meeting. The LPA members requested that Staff provide a brief analysis of the requests for discussion at the next LPA meeting scheduled for July 28, 2014. After review, Staff concurs with request numbers 4, 5 and 6 and disagrees with request numbers 1, 2 and 3. The analyses follow.

1. 536 Evergreen Road in North Fort Myers

The subject parcel contains 11 acres and is located at 536 Evergreen Road in North Fort Myers. The property is currently designated as Sub Outlying Suburban with an allowable density of two dwelling units per acre. The proposed Future Land Use Map designates the subject property as Suburban 2, which is consistent with the current density of two dwelling units per acre. Veronica Martin, on behalf of the property owner, is requesting the subject property be redesignated to Suburban 6 which would allow a standard density of six dwelling units per acre. She is proposing the change based on the Future Land Use Map designations on nearby properties. The lands to the east are designated as Urban Core and to the west are lands located in the City of Cape Coral that are allowed up to 16 dwelling units per acre.

Staff Analysis

The subject property is a mix of oak hammock (FLUCCS 427) and pine flatwoods (FLUCCS 411). The property also contains a drainage feature which has been altered by FDOT for drainage purposes that outfalls into Hancock Creek. The oak hammock area is located along the creek and the portion of the property that fronts Evergreen Road. The remainder of the site is pine flatwoods with scattered slash pine trees and large saw palmetto. The subject property also contains some Brazilian pepper but a majority of the site is indigenous habitat. The property most likely contains gopher tortoises since a tortoise was observed near the west property line and both oak hammock and pine flatwoods are suitable gopher tortoise habitats.

Surrounding Properties

	Current FLUM Designation	Proposed LUM Designation	Zoning	Existing Use
Subject Property	Sub Outlying Suburban	Suburban 2	AG-2	Undeveloped within platted Little Groves and Mariana Park 3 rd Add subdivisions
North	Sub Outlying Suburban	Suburban 2;	AG-2, TF-1	Single Family residences within platted Mariana Park 1 st Addition Subdivision and Mariana Park 3 rd Addition Subdivisions
Northwest	Sub Outlying Suburban	Suburban 2	AG-2	Platted Mariana Park 3 rd Addition Subdivision
Northeast	Intensive	Urban Core	C-1A	Mariana Park Subdivision
South	Sub Outlying Suburban	Suburban 2	AG-2	Single family residences and a church within platted Mariana Park 3 rd Addition Subdivision
East	Intensive	Urban Core	C-1A; RS-1	Skating rink, vacant, single family, Mariana Park Subdivision
Southeast	Public Facilities	Public Facilities	AG-2	Lee County Judd Creek Park
West	Sub Outlying Suburban	Suburban 2	AG-2	Single family and duplex residences within platted Mariana Park 3 rd Addition Subdivision
Southwest	Cape Coral MF (up to 16u/a)	N/A	Cape Coral R3(Multi-family residential)	Undeveloped platted Judd Creek Preserve Subdivision

The subject property is within the North Fort Myers Community Plan. The Plan’s Goals, Objectives and Policies were adopted as Lee Plan Goal 28 and supports existing neighborhoods. The property is not within the Town Center, Neighborhood Center or Corridor Overlay Districts.

“GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community’s livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, **stabilizing and enhancing, existing neighborhoods;** preserving natural resources; and providing greater opportunities for public participation in the land development approval process. (Emphasis added).”

The North Fort Myers Community Planning Panel does not support increasing the density and on May 6, 2014 authorized a small group to meet with Lee County regarding proposed Future Land Use Map changes.

“The panel agreed that Wayne and a small number of planning panel members need to meet with planning staff to discuss the FLU map, and if there are areas which are appropriate for lower densities, based on existing development patterns.”

Staff recommends the subject property be designated as Suburban 2 on the Land Use Map. The Sub Outlying Suburban Future Land Use Category was based on a small-scale community planning effort in the 1980's that was agreed on by the residents and adopted by the Board of County Commissioners. The Suburban 2 Land Use Map category is consistent with the current allowable density of 2 dwelling units per acre and is in keeping with the surrounding properties' land use categories. Brown Road serves as the boundary between the more intensive Urban Core and the residential Suburban 2 categories. The North Fort Myers Community Planning Panel is not supportive of increasing the density.

2. Daniels Parkway and Appaloosa Lane

The subject property is located on the north side of Daniels Parkway between Pinto Road and Palomino Lane and is south of the Danforth Lakes residential community. Appaloosa Lane bisects the property. The property is currently designated as Outlying Suburban on the Future Land Use Map and is designated as Suburban 4 on the proposed Future Land Use Map.

Mike Roeder, on behalf of the property owners, is requesting the subject property be designated as Urban Neighborhood to promote multi-family development on the vacant parcels within the subject area. His recommendation is based on the property's proximity to commercial, residential, church, school, and government land uses, as well as utility availability and the future Complete Street and four-laning of Palomino Road.

The current Outlying Suburban Future Land Use Category allows up to three dwelling units per acre. The Suburban 4 Future Land Use Category allows up to four dwelling units per acre. The proposed Urban Neighborhood would allow a standard density of 10 dwelling units per acre with an incentive density up to 16 dwelling units per acre.

The subject area is a mix of developed and undeveloped properties. The remaining undeveloped properties contain wetland soils and some wetland vegetation that would be addressed during the permitting process. The wetlands are likely to contain Big Cypress Fox Squirrels since they are known to occur within this area.

	Residential Development	Approval	Proposed Future Land Use
North	Danforth Lakes	293 units on 121.62 acres; 2.4 u/a	Suburban 4
Northwest	Cross Creek (Golf Course Community)	684 units on 249 acres; 2.7 u/ac	Suburban 4
South	Daniels Parkway, Shopping Plaza, Church		Suburban 4, Wetlands, Suburban 4
Southwest	Undeveloped large lots (taxed as Vacant Residential),		Suburban 4
East	Palomino Lane; Undeveloped School property, Auto repair, Renaissance Golf Course Community	260 units; 1.6 u/ac	Suburban 4
West	Rural large lot residential		Suburban 4

Staff continues to recommend that the subject property be designated as Suburban 4 on the Future Land Use Map consistent with the existing residential and surrounding neighborhoods.

In addition, granting the request would further exacerbate traffic conditions on Daniels Parkway which is a concern as entitled projects are constructed. The residents living on properties north of Daniels Parkway, west of I-75, do not have a means to access arterial or collector roads to the north and must use Daniels Parkway to travel to work and commercial services. The 2013 Concurrency Report indicates that although the Daniels Parkway segment in front of Appaloosa Lane is operating at a LOS of C, the segment of Daniels Parkway between Six Mile Cypress and Metro Parkway is projected to fail in the future when approved developments are built. Daniels Parkway is a six-lane, median divided highway. There are no scheduled improvements that would alleviate the potential road segment failure.

3. Suburban 2 Area North of Bayshore Road

Steve Brodtkin, on behalf of the Concerned Citizens of Bayshore, requested that the Suburban 2 area north of Bayshore Road be designated as Rural on the Land Use Map based upon the area's flood-prone vulnerabilities. Mr. Brodtkin stated that additional development would increase flooding and impact the residents' health, safety and welfare.

The property is currently designated as Sub Outlying Suburban on the Future Land Use Map which allows up to two dwelling units per acre. The proposed Future Land Use Map designates the land as Suburban 2, which allows up to two dwelling units per acre. The Rural Land Use category would reduce the allowable density to one dwelling unit per acre.

Staff recommends that the property be designated as Suburban 2 which is consistent with the current Future Land Use classification. A portion of the lands within the Bayshore Planning Community has planned development zoning approvals and granting the request would create nonconformities that may result in legal challenges.

4. Caloosahatchee Yacht and Racquet Club - Riverside Beach Condo

James Campbell (Riverside Beach Condominium) requested that the eight acre parcel located on the Caloosahatchee River, east of the Cape Coral Bridge be designated as Urban Places. The subject property is currently within the Central Urban Future Land Use Map category that allows up to 10 dwelling units per acre and up to 15 dwelling units per acre using bonus density. Urban Places would allow a standard density of 18 dwelling units per acre and up to 25 dwelling units per acre using incentive density.

Staff agreed with designating the property as Urban Places based on its location across from the Landings which is also designated as Urban Places.

5. Northwest quadrant of Coconut and US 41

General Real Estate Corporation requested that their 30 acre parcel located at the northwest corner of Coconut Road and US 41 be designated as Urban Places on the Future Land Use Map to accommodate a mixed-use, high density development. The property is currently designated as Urban Community on the Future Land Use Map and as Urban Neighborhood on the proposed Future Land Use Map. They are also requesting the Mixed Use overlay be extended to the west side of US 41.

The Urban Community Future Land Use Category allows up to 6 dwelling units per acre with bonus densities up to 10 dwelling units per acre. Urban Neighborhood would allow a standard density of 10 dwelling units per acre with incentive densities up to 16 dwelling units per acre. Urban Places would allow a standard density of 18 dwelling units per acre with incentive densities up to 25 dwelling units per acre.

The request is based on the location of the property at the intersection of US 41 and Coconut Road. The infrastructure and service availability in the area is suitable for mixed-use high density development and the Urban Places designation is compatible with the Estero Community Plan. The Estero Community Planning Panel is supportive of the request.

Staff recommends that the property be designated to Urban Places and be added to the Mixed Use Overlay map based upon the property's location, access to infrastructure and compatibility with the Estero Community Plan.

6. North Point DRI Parcel

Charles Basinait, representing Barron Collier Companies and Lutgert, requested the 100 acre North Point DRI property located in Estero be designated as Urban Places on the Future Land Use Map. The subject property is located on US 41 and Via Coconut. The request is consistent with the Estero Community Plan and the Estero Community Planning Panel supports the request. Staff concurs and recommends the property be designated to Urban Places based on the project's location within the Mixed Use Overlay, the intense development entitled by the DRI zoning and infrastructure availability.

TEXT AMENDMENTS:**Land Use Element****INTENT**

The Land Use Element ~~intends is intended~~ to guide new development, infill, and redevelopment efforts through land use practices that support urban, suburban, coastal, and rural places; economic development; interconnected transportation and land use projects; land and wetland conservation; and existing neighborhoods. The element's growth management strategies included in this element are designed to coordinate the location and timing of development with the availability of infrastructure, public services, and needed public facilities. (New)

GOAL 1: LAND USE. Provide for a wide array of land uses that support mixed-use centers, economic development, defined urban and rural areas, protection and enhancement of natural resources, and provision of essential public services and facilities. (New Goal)

OBJECTIVE 1.1: LAND USE MAP. Maintain a land use map that defines a structure of urban and non-urban land use areas, establishes a pattern for future development and provides for appropriately located residential densities, ~~and nonresidential intensities~~. (Map ## and Table XX) (New Objective)

POLICY 1.1.1: Utilize the Land Use Map to identify and distinguish urban and non-urban land use areas within the county as identified in Table XX).

- a. Urban Land Use Areas include ~~the county's~~ major development areas and consist of the following land use categories:
 1. Urban Land Use Categories: Urban Core, Urban Places, Urban Neighborhoods;
 2. Suburban Land Use Categories: Suburban Ten, Suburban Six, Suburban Four, Suburban Two, Coastal Suburban
 3. Economic Development and Job Center Land Use Categories: Commercial, Industrial/Research Development, Tradeport, Airport Lands, University Community, and Interchange
- b. Non-Urban Land Use Areas include predominantly rural, agricultural, and conservation areas and consist of the following land use categories:
 1. Rural Land Use Categories: Rural, Rural Community Preserve, Coastal Rural, Outer Islands, Open Lands, and Density Reduction/Groundwater Recharge Resource (DR/GR); and
 2. Conservation Land Use Categories: Conservation Lands Uplands and Conservation Lands Wetlands.
- c. General Land Use Areas may be found in areas throughout the county and consist of the following land use categories:
 1. County-wide Land Use Categories: Public Facilities and Wetlands; and
 2. Place-Based Land Use Categories: Burnt Store Marina and Destination Resort Mixed Use Water Dependent (DRMUWD).

(New Policy)

Land Use Categories	Densities and Intensities			
	Residential Densities and Intensities			Commercial Intensities (Maximum FAR)
	Base	Standard	Incentive	
Urban Core	15 DU/Ac.	25 DU/Ac.	40 DU/Ac.	4.00
Urban Places	8 DU/Ac.	18 DU/Ac.	25 DU/Ac.	2.00
Urban Neighborhood ^{1,2}	4 DU/Ac.	8 10 DU/Ac.	16 DU/Ac.	1.00
<u>Suburban 10</u>	<u>4 DU/Ac.</u>	<u>10 DU/Ac.</u>		0.50
Suburban 6	4 DU/Ac.	6 DU/Ac.	10 DU/Ac.	0.50
Suburban 4	2 DU/Ac.	4 DU/Ac.		0.30
Suburban 2		2 DU/Ac.		0.25
Coastal Suburban		3 DU/Ac.		0.25
Commercial				1.00
Industrial Research Development				1.00
Tradeport				?????
Airport Lands				See Table ##
University Community	See Land Use Element Policy 1.4.5			
Interchange				
Rural ³		1 DU/Ac.		?????
Rural Community Preserve		1 DU/Ac.		?????
Coastal Rural	See Land Use Element Policy 1.5.3			
Outer Islands		1 DU/Ac.		?????
Open Lands ⁴		1 DU / 10 Ac.	1 DU / 5 Ac.	?????
Density Reduction/ Groundwater Resource ⁵		1 DU / 10 Ac.		?????
Conservation Lands - Upland				
Conservation Lands - Wetland				
Public Facilities				
Wetlands		1 DU / 20 Ac.		
Burnt Store Marina Village	See Land Use Element Policy 1.8.2			
Destination Resort Mixed Use Water Dependent	See Land Use Element Policy 1.8.3			
<u>Gasparilla Island Conservation District</u>	<u>See Land Use Element Policy 1.8.4</u>			

Clarifications and Exceptions:

1. Within the Urban Neighborhood land use category in Pine Island Center, rezonings that will allow in excess of 2 dwelling units per gross acre must “acquire” the density above 2 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories. TDRs that were created from receiving sites outside of Greater Pine Island are not permitted to be transferred into Greater Pine Island.
2. In all cases on Gasparilla Island, the maximum density must not exceed 3 DU/Ac. See also the Gasparilla Island Conservation District Act of 1980, as amended.

3. In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1DU/2.25 Ac.
4. The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy ~~1-4.4 1.5.5~~), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
5. See ~~Policies 33.3.2, 33.3.3, 33.3.4 and 33.3.5~~ Southeast Lee County Goal in the Communities Element for potential density adjustments resulting from concentration or transfer of development rights.

POLICY 1.1.2: Promote the character of Urban Land Use Areas through planning and development practices ~~that by:~~

- a. Identifying and enabling incentive density ~~and higher intensity~~ within ~~these~~ Urban ~~and Suburban~~ Land Use Categories -- Urban Core, Central Urban Place, and Urban Neighborhoods, ~~and Suburban Six~~;
- b. Utilizing higher range densities in the Urban Land Use Categories to promote transit, walkability, complete streets and the integration of mixed uses;
- c. Employing good urban design to foster compatibility and diversity of uses between urban, suburban, and rural places;
- d. Supporting and incentivizing the development of mixed-use centers within Urban Areas that connect communities ~~urban and suburban places~~ and support redevelopment of commercial corridors;
- e. Establishing a multi-modal transportation system that connects and completes the existing transportation network within Urban Areas with a variety of walk, bike, transit, and vehicular options;
- f. Supporting the development of higher levels of density and intensity in Urban Areas by providing ~~Provide for~~ greater levels of public services, infrastructure, and park resources ~~within Urban Areas~~;
- g. Protecting capital investments by supporting development that is built at or above standard level density as permitted by the applicable land use category; and
- h. Facilitating higher levels of employment and economic activity within the Urban Areas—particularly within mixed-use centers and Urban, Economic ~~Development and Job Center~~, and Interstate Highway Land Use Categories.

(New Policy)

POLICY 1.1.3: The existence of lower density developments in proximity to proposed projects within the Urban Areas will not be used as the sole reason to lower the proposed project's density and intensity of use. (New Policy)

POLICY 1.1.4: Retain the character of Non Urban Areas through planning and development practices that:

- a. Promote development design that maintains large, contiguous tracts of open space, while supporting agricultural uses;
- b. Identify, ~~and evaluate, and incentivize~~ opportunities to sell or transfer development rights from Non Urban Areas within Rural and Conservation Land Use Categories to Urban Land Use Categories or other appropriate locations;
- c. Maintain existing low density standards within Non Urban Areas;

- d. Allow for ancillary businesses and uses that support and serve agriculture and farm operations; and
- e. Discourage the expansion of ~~public services, public utilities, and transportation services~~ into Non Urban Areas.

(New Policy)

POLICY 1.1.5: Facilitate the development of urban, suburban, and rural developments through the appropriate assignment of suggested base, standard, and incentive density provisions as follows:

- a. Base Density is the suggested, but not required, minimum ~~base-line~~ density for a particular land use category based on the expected development form in that area;
- b. Standard Density is the most appropriate ~~maximum~~ density that can be achieved by right in a particular land use category; and
- c. Incentive Density is ~~additional~~ the maximum density that may be ~~provided~~ permitted within Urban Land Use Categories in exchange for meeting specific land use and development goals within the following land use categories: Urban Core, Urban Places, Urban Neighborhoods, and Suburban Six; and
- d. ~~Incentive density does not apply to any islands or to Greater Pine Island.~~

(New Policy)

POLICY 1.1.6: Incentive Density Units ~~are~~ may be used to ~~provide~~ permit additional development rights within the ~~Urban Core, Urban Places, Urban Neighborhoods, and Suburban 6~~ Urban Land Use Categories except for any islands or to Greater Pine Island. ~~Incentive Density Unities may be obtained through participation in various county programs including: The incentive density may be obtained in exchange for meeting specific land use and development goals including:~~

- a. Transfer or purchase of development rights from sending areas to receiving areas;
- b. Provision of enhanced public infrastructure and urban services;
- c. Meeting established industry guidelines for green building construction and design verified by a certified third party;
- d. Redevelopment of strip commercial centers, vacant or decaying properties, or properties located within the Urban Core land use classification;
- e. Development of mixed-use projects that meet the standards established through Goal 4;
- f. Promoting transit services by locating within a current and future transit service area; construction of transit related infrastructure (e.g.: transit stops, bus shelters, bus lanes, etc...), or contribution to transit services (e.g.: busses, transit fees, or maintenance or operation costs;
or
- g. Provision of affordable housing.
- h. ~~Provision of contribution towards:~~
 - 1. ~~Infrastructure improvements; or~~
 - 2. ~~Affordable housing.~~

(New Policy)

OBJECTIVE 1.2: URBAN LAND USE CATEGORIES. Urban Land Use Categories are Urban Areas that strengthen the economic base, ~~and~~ provide a more diverse and better balanced tax base, and improve the quality of life. Urban land uses feature interconnected forms of development and provide for mixture of land uses, diverse economic opportunities, multi-modal transportation systems, varied housing types, and an array of park and public spaces. Maximum densities and intensities within Urban Land Use Categories are encouraged and densities below the ~~minimum-base~~ density ~~range~~ are discouraged. There are three urban land use categories:

- a. Urban Core;
- b. Urban Places; and
- c. Urban Neighborhoods.

(New, addresses issues from Objective 1.2)

POLICY 1.2.1: Urban Core. ~~The Urban Core land use category is located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. Due to their locations, existing, development patterns, and the available and potential levels of public services,~~ Urban Core land uses are interconnected urban areas that have the greatest range of uses and highest levels of urban infrastructure. Development in the Urban Core land use category is well suited to accommodate high densities and intensities and would include planned mixed-use centers of high-density residential, commercial, ~~limited light industrial, and office uses are encouraged to be developed in Urban Core land uses-~~ retail, office/professional, limited light industrial land uses, civic spaces, and park and recreational facilities. The development of mixed-use centers within Urban Core areas will enable the county to develop a better connected, more diverse land use pattern with a variety of economic, residential, and recreational opportunities. The Urban Core land use category has the following land use standards:

- a. Residential Density Range:
 1. Base Density: Fifteen units per acre (15 du/a)
 2. Standard Density: Twenty-five units per acre (25 du/a)
 3. Incentive Density Units: Forty units per acre (40 du/a)
- ~~b. Non-Residential Intensity:~~
 - ~~1. Maximum Floor Area Ratio: 4.00~~

(Modified Policy 1.1.2)

POLICY 1.2.2: Urban Places. ~~The Urban Places land use category typically surrounds the Urban Core land uses and urban areas in Central Tice, Iona/McGregor near the gateway to Sanibel, and Captiva, the eastern gateway to Lehigh Acres, and North Fort Myers. These~~ Urban Places are among the most heavily settled areas within Lee County and are intended to have the greatest a diverse range of uses supported by a ~~and~~ highest level of urban infrastructure. Urban Places include an integrated and highly connected variety of residential, commercial, retail, office/professional, limited light industrial land uses, civic spaces, and park and recreational ~~resources~~ facilities. Future development is encouraged in mixed-use forms or connected to central mixed-use developments via multi-modal transportation system. The Urban Places land use category has the following land use standards:

- a. Residential density range:
 - 1. Base Density: Eight units per acre (8 du/a)
 - 2. Standard Density: Eighteen units per acre (18 du/a)
 - 3. Incentive Density Units: Twenty-five units per acre (25 du/a)

~~b. Non-Residential Intensity:~~

- ~~1. Maximum Floor Area Ratio: 2.00~~

(Modified Policy 1.1.3)

POLICY 1.2.3: Urban Neighborhoods. The Urban Neighborhoods Land Use Category includes a mixture of relatively intense commercial and residential uses. While these places have a distinctly urban character, they should be developed at ~~slightly~~ lower densities than the Urban Core or Urban Places land use categories due to the proximity to more suburban, mostly residential, communities. Predominant land uses in the Urban ~~Communities Neighborhoods~~ will be residential, commercial, ~~public and quasi-public, and limited light industry retail, office/professional, limited light industrial land uses, civic spaces, and park and recreational facilities.~~ Future development in this category is encouraged to be developed as a mixed-use, that are intended to support and connect to nearby residential suburban communities. The Urban Neighborhoods land use category has the following land use standards:

- a. Residential density range:
 - 1. Base Density: Four units per acre (4 du/a)
 - 2. Standard Density: ~~Ten Eight~~ units per acre (~~10 8~~ du/a)
 - 3. Incentive Density Units: Sixteen units per acre (16 du/a)

~~b. Non-Residential Intensity:~~

- ~~1. Maximum Floor Area ratio: 1.00~~

(Modified Policy 1.1.4)

OBJECTIVE 1.3: SUBURBAN LAND USE CATEGORIES. Suburban Land Use Category ~~are~~ predominantly residential places located within ~~includes~~ Urban Areas that promote the development of suburban places including: ~~residential communities neighborhoods; economic centers with~~ commercial, office, and professional businesses; public facilities and resources; and, park and recreational opportunities. These categories are intended to be well connected communities with land uses that are linked via a system of roadways, pedestrian and bike connections, and open spaces. There are ~~four~~ five suburban land use categories.

- a. Suburban Ten;
- b. Suburban Six;
- c. Suburban Four;
- d. Suburban Two; and
- e. Coastal Suburban.

(New)

Policy 1.3.1: Suburban Ten. The Suburban Ten Land Use Category consists of predominantly residential communities that link more intensely developed urban mixed-use centers and nearby suburban neighborhood areas. The Suburban Ten Land Use Category features the development of moderately high density suburban land use areas that are characterized by a mixture of

residential communities; commercial, office, and professional businesses; public facilities and resources; and, park and recreational opportunities. The Suburban Ten land use category has the following land use standards:

a. Residential density range:

1. Base Density: Suggested Four units per acre (4 du/a)
2. Standard Density: Ten units per acre (10 du/a) (New)

POLICY ~~1.3.1~~ 1.3.2: Suburban Six. The Suburban Six Land Use Category consists of predominantly residential areas that allow the development of moderately ~~density~~ dense suburban communities ~~land use areas that are~~ characterized by a mixture of ~~residential neighborhoods, commercial and professional shops and services, civic uses, and park and recreational facilities~~ residential communities; commercial, office, and professional businesses; public facilities and resources; and, park and recreational opportunities. ~~Additional density is available through the use of Incentive Density Units.~~ The Suburban Six land use category has the following land use standards:

a. Residential density range:

1. Base Density: Suggested Four units per acre (4 du/a)
2. Standard Density: Six units per acre (6 du/a)
3. ~~Incentive Density Units: Ten units per acre (10 du/a)~~

~~b. Non-Residential Intensity Range:~~

1. ~~Maximum Floor Area Ratio: 0.50~~

(New)

POLICY ~~1.3.2~~ ~~1.3.3~~ 1.3.3: Suburban Four. The Suburban Four Land Use Category consists of predominantly residential areas ~~allow the development~~ of moderately low density ~~suburban areas~~ that provide diverse housing options ~~in locations near the urbanized areas~~ supported by a mix of land uses that support a residential lifestyle including ~~commercial shops and entertainments uses, professional and office businesses and services, civic uses, and park and recreational resources~~ residential communities; commercial, office, and professional businesses; public facilities and resources; and, park and recreational opportunities. The Suburban Four land use category has the following land use standards:

a. Residential Density Range:

1. Base Density: Two units per acre (2 du/a)
2. Standard Density: Four units per acre (4 du/a)
3. ~~Incentive Density Units: None~~

~~b. Non-Residential Intensity Range:~~

1. ~~Maximum Floor Area Ratio: 0.30~~

(New)

POLICY ~~1.3.3~~ 1.3.4: Suburban Two. The Suburban Two Land Use Category are predominantly residential areas ~~allow the development~~ of low-density residential neighborhoods that do not have the public infrastructure resources needed for higher density development. Suburban two land use areas are located within ~~low-density communities~~ areas where it is desirable to retain a low-

density residential community character ~~without large commercial, office, or industrial developments~~. The Suburban Two areas have the following land use standards:

- a. Residential density range:
 1. Base Density: No Base units per acre
 2. Standard Density: Two units per acre (2 du/a)
 - ~~3. Incentive Density Units: None~~
- ~~b. Non-Residential Intensity Range:~~
 - ~~1. Maximum Floor Area Ratio: 0.25~~

(New)

POLICY ~~1.3.4~~ 1.3.5: Coastal Suburban. The Coastal Suburban Land Use Category consists of predominantly residential areas that allow the development of low-density residential neighborhoods and limited commercial uses in a coastal environment subject to storm events. These areas are mainly located adjacent to the Gulf of Mexico, the Caloosahatchee River, Estero Bay, and on Pine Island. The majority of the property within this category is located in the Coastal High Hazard zone and therefore increased or Incentive Density is not permitted. The Coastal Suburban land use category has the following land use standards

- a. Residential density range:
 1. Base Density: No base dwelling units per acre
 2. Standard Density: Three units per acre (3 du/a)
 - ~~3. Incentive Density Units: None~~
- ~~b. Non-Residential Intensity Range:~~
 - ~~1. Maximum Floor Area Ratio: 0.25~~

(New)

OBJECTIVE 1.4: ECONOMIC ~~DEVELOPMENT AND JOB CENTER~~ LAND USE CATEGORIES. Economic Development and Job Center Land Use Categories are Urban Areas needed to establish a strong, vibrant local economy. Economic Development and Job Center land use categories accommodate commercial, industrial, and research and development enterprises. This category provides opportunities for: expanded job and workforce opportunities; new and innovative investment, research, and production industries; and, a diversified economy base. Additionally, it protects and allows the expansion of major economic engines such as the Southwest Florida International Airport, Florida Gulf Coast University, and other commercial and industrial areas. There are ~~five~~ six Economic Development and Job Center land use categories:

- a. Commercial;
- b. Industrial Research Development;
- c. Tradeport;
- d. Airport Lands;
- e. University Community; and
- f. Interstate Interchange.

(New)

POLICY 1.4.1: Commercial. The Commercial Land Use Category is located proximate to existing commercial areas or along corridors accommodating employment centers, tourist oriented needs, and where commercial services are necessary to meet the projected needs of residential-lands of the county. Residential uses, other than bona fide caretaker residences, are not permitted in this land use category except to the extent provided in the Procedures and Administration Element. The Commercial land uses are located where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location.

The infrastructure needed for commercial development is planned or in place. New developments must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial Land Use Category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure site development regulations are incorporated into the development plans. ~~A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development.~~ Development in the commercial category is not required to comply with the site location criteria provided in the LDC.

POLICY 1.4.2: Industrial/Research Development. Industrial/Research Development Land Use Category 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. Industrial/Research Development land uses provide expanded job opportunities, investments, and production opportunities, as well as a balanced and sufficient tax base. These land uses have special location requirements that are more stringent than those for residential land uses, including transportation needs (e.g., air, rail, and highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are accessible to employees. Other Urban Areas will include a broad combination of residential, commercial, public and limited industrial land uses. The Industrial/Research Development land uses are reserved mainly for industrial activities and 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 related to industrial uses and research and development activities) that constitute a growing part of Florida's economic development sector.

Retail and commercial service uses supporting the industrial neighborhood are allowed if the following criteria are met:

- a. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises;
- b. Commercial uses are integrated into the primary R&D/Industrial development; or,
- c. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning District.

(Modified Policy 1.1.7)

POLICY 1.4.3: Tradeport. The Tradeport Land Use Category includes commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2035. These land uses will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Stand alone retail commercial uses intended to support and compliment the surrounding business and industrial land uses are permitted if approved as part of a Development of Regional Impact (DRI) or Planned Development zoning. Stand alone retail commercial uses are limited to 1 acre out of every 10 Tradeport and preserved wetland acres within the project. DRI or Planned Developments may also receive additional stand alone retail acres at the rate of 1 additional acre out of every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flow ways or occupied listed species habitat to provide an incentive to preserve upland habitat.

Ancillary retail commercial uses, related directly to the sale of products manufactured or services provided in Tradeport, are allowed if permitted in a Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted except to the extent provided in Procedures and Administration Element. Caretaker residences are prohibited in the Airport Noise Zone B. Limerock mining may be approved using the Mine Excavation Planned Development zoning process if the property is on the Future Limerock Mining map (Map 14.) Tradeport land is located within the Six Mile Cypress Basin and is a primary point of entry into Lee County. As a result, special environmental and design review guidelines will be applied to development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, “Groundwater Resource Protection Study” will be presumed necessary to protect potential groundwater resources in the area. (Modified Policy 1.2.2)

POLICY 1.4.4: Airport Lands. The Airport Lands Land Use Category includes the existing facility and projected growth lands of the Southwest Florida International Airport (RSW) and Page Field General Aviation Airport (Fort Myers (FMY)) through the year 2035. The Airport Lands comprising the RSW includes airport and airport-related development and non-aviation land uses approved in the Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map XX) and the RSW Proposed Development Schedule (Table XX). The uses are intended to support the continued development of the RSW. Future development at the RSW will include non-aviation related land uses such as hotels/motels, light industrial, service stations, retail/shopping, and office development. The Airport Lands comprising FMY includes airport and airport-related development and non-aviation land uses approved in the Airport Master Plan update and depicted on the Airport Layout Plan sheet (Map XX) and FMY Proposed Development Schedule (Table XX). The uses are intended to support the continued development of FMY. Future development at FMY will include non-aviation related land uses such as

hotels/motels, light industrial, service stations, retail/shopping, and office development. The physical design of any airport expansion will minimize any degradation of the recharge capability of land being developed. Wetland mitigation for any future expansion or development of aviation and non-aviation uses on Airport Lands must be designed so it does not create a wildlife hazard. Development and land management practices on airport property will be in accordance with FAA directives and other required agency approvals. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

(Modified Policy 1.2.1)

POLICY 1.4.5: University Community. The University Community Land Use Category provides for the development of the university campus and surrounding areas. The purpose of this land use category is to ensure that the land uses within the category (e.g.: residential, research/development, office/professional, commercial, retail, civic spaces, and park and recreational resources.) support and enhance a university environment. The location and timing of development, provision of infrastructure facilities, and demand for public services within this category must be coordinated with the associated university and applicable service providers. Specific details that define how this category is to be applied to a specific area are established within the Communities Element. (New)

POLICY 1.4.6: Interchange. Interchange Land Use Category lands are Urban Areas that provide for the unique development and land use needs of property adjacent to the interchanges of Interstate 75. Interchange uses permit a broad range of land uses that include tourist commercial, general commercial. Light industrial uses will only be permitted at the Alico Road and Lockett Road interchanges. (New)

OBJECTIVE 1.5: RURAL LAND USE CATEGORIES. Rural Land Use Categories are Non-Urban Areas that ~~promote the unique character of the county's rural places and protect vital environmental lands. Rural communities~~ convey a sense of rural lifestyle including: farm lands and ranches, large lot or clustered residential development, ample wooded areas, open spaces, river fronts, and environmentally sensitive lands. Rural land use categories consist of low population communities, existing and evolving commercial agricultural operations, open space and environmental lands preservation, and natural habitat protection. Rural land uses are not programmed to receive urban-type capital improvements, and can anticipate levels of public services below that of the urban areas. There are six Rural land use categories:

- a. Rural;
- b. Rural Community Preserves;
- c. Coastal Rural;
- d. Outer Islands;
- e. Open Lands; and
- f. Density Reduction/Groundwater Resource (DR/GR).

(New Objective)

POLICY 1.5.1: Rural. The Rural Land Use Category will remain predominantly rural with low density residential, agricultural uses, and minimal non-residential land uses needed to serve the rural community. These areas are not to be programmed to receive Urban Area capital improvements, and can anticipate a continued level of public services below that of the urban areas. Rural land uses must adhere to the following land use standards:

- a. Base Density: None
- b. Standard Density: One dwelling unit per acre (1 du/a)

~~e. Incentive Density Units: None~~

(Modified Policy 1.4.1)

POLICY 1.5.2: Rural Community Preserves. The Rural Community Preserves Land Use Category is established following special studies of the county's intact rural communities. Special design approaches are necessary to maintain existing rural character. Such approaches include: conservation easements, flexible transportation design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. Rural Community Preserves are not programmed to receive urban-type capital improvements. Rural Community Preserves are not intended for conversion to Urban Areas; rather, they are to remain rural in character and use. These Rural Community Preserves are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Rural Community Preserve land uses must adhere to the following land use standards:

- a. Base Density: None
- b. Standard Density: One dwelling unit per acre (1 du/a)

~~e. Incentive Density Units: None~~

(Modified Policy 1.4.3)

POLICY 1.5.3: Coastal Rural. The Coastal Rural Land Use Category will remain rural except for property where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

Percentage of the on site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland	Maximum density if undeveloped land will be permanently preserved or restored as native habitats ¹	Maximum density if undeveloped land will be continued in agricultural use on existing farmland
0%	1 DU/ 10 ac	1 DU/ 10 ac
5%	1 DU/ 9 ac	
10%	1 DU/ 8 ac	1 DU/ 9 ac
15%	1 DU/ 7 ac	
20%	1 DU/ 6 ac	1 DU/ 8 ac
30%	1 DU/ 5 ac	1 DU/ 7 ac
40%	1 DU/ 4 ac	1 DU/ 6 ac
50%	1 DU/ 3 ac	1 DU/ 5 ac
60%	1 DU/ 2 ac	1 DU/ 3 ac
70%	1 DU/ 1 ac	1 DU/ 2 ac

Footnote 1: Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas. (Edited Policy 1.4.7)

POLICY 1.5.4: Outer Islands. The Outer Islands Land Use Category includes sparsely settled lands that have minimal existing or planned infrastructure, distant from major shopping and employment centers. With minor exceptions, Outer Islands are not expected to be programmed to receive Urban Area capital improvements in the time frame of this plan. Outer Islands lands uses will continue to experience levels of public services below that of other land use categories. The continuation of the Outer Islands in their present character is intended to provide for rural lifestyle, and conserve open space and important natural upland resources. Outer Islands uses must adhere to the following land use standards:

- a. Base Density: None
- b. Standard Density: One dwelling unit per acre (1 du/a)
- ~~c. Incentive Density Units: None~~

(Edited Policy 1.4.2)

POLICY 1.5.5: Open Lands. Open Lands Land Use Category consists of upland land uses located north of Rural and sparsely developed areas in Township 43 South. These lands are remote from public services and characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted consistent with the standards in the Rural category. Open Lands land uses must adhere to the following land use standards:

- a. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands

(Edited Policy 1.4.4)

POLICY 1.5.6: Density Reduction/Groundwater Resource (DR/GR). The DR/GR Land Use Category includes uplands that provide substantial recharge to aquifers most suitable for future

wellfield development. These lands also are the most favorable locations for physical withdrawal of water from those aquifers. Minimal public facilities exist or are programmed.

- a. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided elsewhere in the plan, particularly the Southeast Lee County goal and policies within the Communities Element utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. Modeling must also show that no adverse impacts will result to properties located upstream or downstream, as well as adjacent to the site. Offsite mitigation can be utilized, and may be required, to demonstrate compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
- b. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a ~~maximum~~ standard density of one dwelling unit per ten acres (1 du/10 acres). See the DR/GR Policies within the Communities Element for potential density adjustments resulting from concentration or transfer of development rights.
 1. For residential development, also see Southeast Lee County goal and policies within the Communities Element. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.
 2. Individual residential parcels may consist of up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to the wetland areas.
 3. The Future Limerock Mining overlay (Map ##) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the 2035 planning horizon.
- c. Private Recreational Facilities may be permitted in accordance with the site location requirements and design standards. No Private recreational facilities may occur within DR/GR land use category without zoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards.
(Modified Policy 1.4.5)

OBJECTIVE 1.6: CONSERVATION LANDS LAND USE CATEGORIES. Conservation Lands are Non-Urban Areas used for conservation purposes via a binding mechanism such as statutory requirements, funding or grant conditions, mitigation preserve areas required for land development approvals, or by agreement from the property owner. There are two Conservation Lands Categories:

- a. Conservation Lands Uplands and
- b. Conservation Lands Wetlands.

(New Objective)

POLICY 1.6.1: Conservation Lands Uplands. The Conservation Lands Upland Land Use Category includes uplands owned and used for long range conservation purposes. Conservation Lands Uplands may include wildlife preserves; wetland and upland mitigation land uses and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (e.g.: signage, parking

facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands including aquifer recharge areas, flow ways, flood prone areas, and well fields. Conservation 2020 lands designated as Conservation Lands are also subject to the more stringent use provisions of the Conservation 2020 Program and its governing ordinances. (Modified Policy 1.4.6)

POLICY 1.6.2: Conservation Lands Wetlands. The Conservation Lands Wetlands includes wetlands owned and used for long range conservation purposes. Conservation Wetlands are subject to the most stringent provisions of the Wetlands land use category described in the Wetlands and Conservation Lands land use categories. (Modified Policy 1.4.6)

OBJECTIVE 1.7: COUNTY-WIDE LAND USE CATEGORIES. County-Wide Land Use Categories are General Areas that are found throughout the county in Urban and Non-Urban areas. County-Wide Land Use categories include:

- a. Public Facilities; and
- b. Wetlands.

(New Objective)

POLICY 1.7.1: Public Facilities. The Public Facilities ~~areas~~ Land Uses Category includes the ~~publicly-owned~~ lands such as public schools, parks, public transportation, rail corridors, utilities, and governmental facilities. The allowable uses in these areas are determined by the entity owning the parcel and the local government with zoning and permitting jurisdiction. (Modified Policy 1.1.8)

POLICY 1.7.2: Wetlands. Wetlands Land Use Category lands identified as Wetlands in accordance with Florida Statutes Chapter 373 through the use of the unified state delineation methodology described in FAC Chapter 17-340. 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. Development in Wetlands must be consistent with other plan goals, objectives, and policies The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as provided in the Procedures and Administration Element

- a. When Wetlands boundaries are in question, the Procedures and Administration Element provides an administrative process to define the boundary.
- b. Wetlands that are conservation lands will be subject to the provisions of the most stringent provisions of the Conservation Lands and Wetlands land use categories. Conservation wetlands will be identified on the Land Use Map to distinguish them from non-conservation wetlands.
- c. ~~If the dwelling units are~~ Dwelling units can be relocated off-site through the provisions of the Transfer of Development Rights Ordinance; or
- d. Dwelling units may be relocated to developable contiguous uplands designated Urban Core, Urban Places, Urban Neighborhood, Suburban 6, Suburban 4, Suburban 2, or Coastal Suburban from preserved freshwater wetlands at the same underlying density as is permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling unit per 20 acres. Planned Developments or Development Orders approved prior to

October 20, 2010 are permitted the density approved ~~prior to the adoption of CPA 2008-18 by such Planned Development or Development Order.~~

(Edited and merged Objective 1.5, and Policies 1.5.1, 1.5.2 and 1.5.3)

OBJECTIVE 1.8: PLACE-BASED LAND USE CATEGORIES. Place-Based Land Use Categories address the unique needs and conditions of specific locations by establishing land use categories with specific development plans and requirements pertinent to the location. (New Objective)

POLICY 1.8.1: Discourage the adoption of additional placed-based land use categories. (New Policy)

POLICY 1.8.2: The Burnt Store Marina Village Land Use Category is located within Urban Land Areas. The category provides for ~~the~~ redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks. By establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center, the category manages the location and intensity of future commercial, residential and commercial marina uses. The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry ~~spaces~~ slips; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. (Edited Policy 1.7.12)

POLICY 1.8.3: Destination Resort Mixed Use Water Dependent (DRMUWD). The DRMUWM Land Use Category provides for attractive, functioning mixed use water dependent destination resorts. The land uses within this category are characterized by their proximity to water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suitable for a mixture of uses including residential, resort, commercial, and industrial type activities that benefit from access to the water front. These developments offer a diverse living, working and vacationing experience that benefit the entire county while being environmentally friendly and economically viable. The density ranges up to ten dwelling units per acre (10 du/a). Residential densities in developments that include commercial and residential uses in the same project or same building may be developed through mixed-use development practices.

Determine appropriate locations for Destination Resort Mixed Use Water Dependent areas by evaluating considerations such as:

- a. Characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts;
- b. Located in Areas predominantly impacted by a declining water dependant industry (like commercial fishing) ~~or other and~~ with a minimum of 8 acres of contiguous lands under unified control;

- c. Areas within coastal wind zones depicted as 100 Year Flood Plains, as illustrated on Map## of the Lee Plan;
- d. Areas with direct access to existing roadways and navigable bodies of water;
- e. Areas with multiple zoning districts that may not be compatible with each other; and
- f. New dwelling units are limited to existing platted, recorded, or vested units.

(Modified Policy 31.1.2)

POLICY 1.8.4: Gasparilla Island Conservation District. The Gasparilla Island Conservation District is located on Gasparilla Island. Although the Gasparilla Island Conservation District has a distinctly urban character, it 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. The predominant land uses in the Gasparilla Island Conservation District will be residential, commercial, public and quasi-public, and limited light industry with future development in this category encouraged to be developed as a mixed-use, where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). In all cases on Gasparilla Island, the maximum density must not exceed 3 DU/Ac. See also the Gasparilla Island Conservation District Act of 1980, as amended. (Modified Policy 1.1.4)

OBJECTIVE 1.9: SPECIAL TREATMENT AREAS. Designate as overlays on the Future Land Use Map special treatment areas that contain special restrictions or allowances in addition to the requirements of the underlying land uses categories. (Formerly Objective 1.7)

POLICY 1.9.1: Airport Noise Zones. Airport Noise Zones include lands subject to varying levels of airport-related noise. The Port Authority will update the aviation forecasts and associated noise contours for RSW, on an as needed basis as required by the FAA or as determined by the Lee County Port Authority; and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

- a. Airport Noise Zone A is limited to uses compatible with airports and air commerce, including but not limited to uses necessary to provide services and convenience goods to airline passengers, uses generally associated with airport operation, and related development.
- b. Airport Noise Zone B prohibits residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as the replacement would be allowed by the LDC. Existing conventional homes may not be replaced with new mobile or manufactured homes. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if the use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification to property owners through

recording of the Airport Noise Zone in the official county records of potential noise and over flights.

- c. Airport Noise Zones C and D allow development permitted by the LDC. However, this zone requires notification by recording of the Airport Noise Zone in the official county records of potential noise and over flights.

(Modified Policy 1.7.1)

POLICY 1.9.2: Urban Reserve. The Urban Reserve Overlay includes areas suitable for annexation into the adjoining municipality. Urban Reserve areas are established by interlocal agreement pursuant to Florida Statute Chapter 163. (Edited Policy 1.7.3)

POLICY 1.9.3: Water-Dependent. The Water-Dependent Overlay zone includes shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for these zones are located within the Conservation and Coastal Management Element as well as the San Carlos Island and Greater Pine Island goals and policies within the Communities Element. (Edited Policy 1.7.5)

POLICY 1.9.4: Agricultural. The Agricultural Overlay (Map ##) reflects existing active and passive agricultural operations in excess of 100 acres located outside Future Urban Areas. Since agriculture plays a vital role in the economy, these lands should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them to satisfy the lifestyle expectations of residents. (Edited Policy 1.7.8)

POLICY 1.9.5: Urban Infill and Redevelopment. The Urban Infill and Redevelopment Overlay (Map ##) designates areas that have been targeted for economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage infill and redevelopment within the urban core, in accordance with Florida Statute Chapter 163. These areas have the opportunity to receive additional funding to implement ~~the~~ planning programs through the Urban Infill and Redevelopment Assistance Grant Program. (Edited Policy 1.7.9)

POLICY 1.9.6: Irrigation Well. The Irrigation Well Overlay (Map ##) is a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. The county will maintain regulations to prohibit issuance of new irrigation well permits in the Irrigation Well overlay that utilize the main potable water source. The boundaries of the Irrigation Well overlay are reflected on Map ## of the Future Land Use Map series. Also see other plan elements including Conservation and Community Facilities and Services Elements. (Edited Policy 1.7.10)

POLICY 1.9.7: Future Limerock Mining. The Future Limerock Mining Overlay (Map ##) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2035). See additional Southeast Lee County goal and policies within the Communities Element. (Edited Policy 1.7.13)

POLICY 1.9.8: Southeast Residential DR/GR. The Southeast Residential DR/GR Overlay (Map ##) is described in the other Southeast Lee County goal and policies within the Communities Element and identifies four types of land:

- a. “Existing Acreage Subdivisions”: existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction;
- b. “Rural Golf Course Communities” potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the DR/GR land use category;
- c. “Mixed-Use Communities” locations where this concentration of development rights from large contiguous tracts with the DR/GR that can be supplemented by transfer of development rights from non-contiguous tracts in the DR/GR; and
- d. “Improved Residential Communities:” Property with existing residential approvals that are inconsistent with the Southeast Density Reduction/Groundwater Resource area that could be improved environmentally.

(Edited Policy 1.7.14)

POLICY 1.9.9: Historic Surface and Groundwater Levels. The Historic Surface and Groundwater Levels Overlay (Map ##) depicts the best available analysis of historic wet-season water depths and hydro-periods for Southeast Lee County as of March 2010. This depiction is based on detailed ecological analyses of 1953 aerial photography described in the 2008 report, *Ecological Memorandum of the Density Reduction/Groundwater Resource Area*, by Kevin L. Erwin, Consulting Ecologist, Inc. For purposes of determining compliance with the DR/GR land use category, additional evidence on historic water levels and hydro-periods may be submitted during the rezoning or development review processes as a basis for site-specific hydrological analysis for project design.

POLICY 1.9.10: Hideaway Cove. The Hideaway Cove Overlay (Map ##) depicts the development standards for Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:

- a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flow ways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.
- b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (± 32) acres, which must be located on the northwestern portion of the property. No development may occur in the flow way, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer

will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.

(Excerpted Policy 1.1.11)

POLICY 1.9.11: Research and Enterprise Diamond. The Research and Enterprise Diamond ~~Overlay (Map ##) depicts an~~ is located in the Urban Areas in the general vicinity of Florida Gulf Coast University (FGCU) and the Southwest Florida International Airport (SWFIA). The area is targeted for the creation of an economically diverse center for businesses. ~~Located within a~~ The approximately 40+/-square-mile area ~~of south Lee County, businesses in the Diamond~~ will benefit from existing and planned infrastructure in transportation, education and recreation. Resources, such as the SWFIA, JetBlue Park, and FGCU, establish a prime location for creating synergies among research, renewable energy, enterprise opportunities, and economic growth. Infill development to create more walkable, transit-oriented communities that meet complete streets objectives will be encouraged. (New)

GOAL 2: GROWTH MANAGEMENT. Coordinate the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources. (Edited Policy Goal 2)

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Promote contiguous and compact growth patterns through the plan amendment, rezoning, and land development process to contain urban sprawl; maintain rural areas; minimize energy costs; conserve land, water, and natural resources; minimize the cost of services; and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Discourage land use practices and LDC standards that promote urban sprawl.
(New Policy) (Previously 2.3.4)

POLICY 2.1.1-2.1.2: Encourage higher density residential and greater intensity commercial, industrial, and public development within the designated Urban ~~Areas~~ Land Use Categories on the Land Use Map by:

- a. Encouraging projects to utilize incentive density—particularly in mixed-use areas;
- b. Encouraging projects that request greater than base density; and
- c. Requiring projects that request densities lower than base density to justify the reason;

(Edited Policy 2.1.1)

POLICY 2.1.2-2.1.3: Support infill and redevelopment in Urban ~~Areas~~ Land Use Categories by encouraging the use of higher densities and intensities to offset higher per acre land costs of infill development. Infill and redevelopment may include new construction, reuse, or rehabilitation of uses within developed areas. (New Policy)

POLICY 2.1.4: Promote the development, redevelopment, and infill of Urban Land Use Categories by:

- a. Incentive density;
- b. Reduced parking requirements;
- c. Regulating plans adopted in Chapter 32;
- d. Enhanced accessibility and improvements to mass transit; and
- e. Urban level infrastructure services and capital improvements.

POLICY 2.1.5: Support the development of diverse residential areas and housing styles by establishing LDC standards that enable accessory dwelling units to be placed in an array of neighborhoods and residential communities, as appropriate.

POLICY 2.1.7: Discourage conversion of Non-Urban Areas to any land use with increased densities and intensities as specified within the Communities Element.

POLICY 2.1.8: Except for areas identified as needed for airport expansion, discourage Land Use Map Amendments to the DR/GR areas south of SR 82 and east of I-75 that increase the current allowable density or intensity. It is the county's policy not to approve further urban designations in the DR/GR for the same reasons that supported its 1990 decision to establish the category. (Previously part of Policy 2.3.6)

POLICY ~~2.1.3~~ 2.1.9: The following uses may be considered in all land use categories: churches and schools (except in the Conservation Lands Categories, Wetlands, and Airport Noise Zones), public uses and buildings, public utilities, ~~and~~ resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and ~~sites for~~ compatible public facilities when consistent with the goals, objectives, policies, and applicable zoning and development regulations. (Edited from Policy 2.1.3)

POLICY ~~2.1.4~~ 2.1.10: ~~Ensure that~~ Coordinate with the Lee County School District to promote public school locations that are proximate to urban residential areas and are consistent with county growth policies. (Edited Objective 2.10)

POLICY ~~2.1.5~~ 2.1.11: Assisted living facilities, as defined under Chapter 58A-5 F.A.C. will be deemed a residential use and limited to locations and densities appropriate for residences. (Modified Policy 2.1.4)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to Urban Areas where adequate public facilities exist or are planned and that create compact and contiguous development patterns. (Edited Objective 2.2)

POLICY 2.2.1: Evaluate rezonings and DRI proposals in light of the availability and proximity ~~of the~~ of adequate public facilities, including: central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, multi-modal transportation network; and other public facilities; compatibility with surrounding land uses; and ~~any~~ other relevant facts affecting the public health, safety, and welfare. (Edited Policy 2.2.1)

POLICY 2.2.2: Map 1 of the Land Use Map series indicates the uses and density ranges that may ultimately be permitted on a given parcel. The ~~future~~ land use designation of a parcel is not a guarantee that the densities or uses are immediately appropriate. The ~~future~~ land use map provides for the county's growth through 2035. During the rezoning process the Board of County Commissioners (Board) must balance the overall standards and policies of this plan with these additional considerations:

- a. Whether the proposed development in a Non-Urban Area is remote from existing development, or if ~~there are not~~ adequate public facilities would not be available to serve the proposed development, approval should be delayed to encourage compact and efficient growth patterns; and
- b. Whether a proposal in a Non-Urban Area would result in unreasonable development expectations that may not be achievable because of the acreage limitations in the Acreage Allocation Table (see Map ## and Table ##).

(Modified Policy 2.2.2)

POLICY 2.2.3: When a Non-Urban Land Use Area within the county is approaching the capacity of the necessary facilities ~~as described above~~, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted. (Existing 2.2.3)

POLICY 2.2.4: Consistent with the Capital Improvements Element, give the highest priority to planning, programming, and construction of urban services and facilities in the developed areas where facilities are currently inadequate. Give the next priority to service expansions in developed areas, followed by further expansion into other portions of the Urban Areas. Identify and protect sufficient land for utility facilities necessary to support the proposed levels of development. Detailed infrastructure planning priorities are contained in the Capital Improvements Element. (Edited Objective 2.3)

POLICY 2.2.5: The cost of services and facilities that benefit new development will be borne primarily by those who benefit. Funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds. (Edited Policy 2.3.2)

POLICY 2.2.6: The Planning District Map and Acreage Allocation Table (see Map XX and Table XXX depicts the proposed distribution, extent, and location of generalized land uses for the year 2035. Acreage totals are provided for land in each Planning District in unincorporated Lee County and used to reconcile the carrying capacity of the map with the adopted population projection for the time horizon of the this plan. The County will maintain an updated, parcel based database of existing land use for each Planning District. (Modified from Policy 1.7.6)

POLICY 2.2.7: In urban areas, where infrastructure is anticipated to accommodate future development and redevelopment, the acreage totals in table XX will only be used as a planning tool to guide necessary infrastructure improvements. (New Policy)

POLICY 2.2.8: In non-urban areas, where minimal public infrastructure is anticipated, project reviews for development orders must include a review of the capacity, in acres, that will be consumed by build out of the development order. No development order will be issued for residential, commercial or industrial uses, if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(XX), Acreage Allocation Table. For limerock mining in the Southeast Lee County Planning District see special requirements in Policy 33.1.4 regarding industrial acreages in Table XX).

POLICY 2.2.9: At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning District Map and the Acreage Allocation Table system, including but not limited to, a calculation of the estimated carrying capacity of the Land Use Map, the appropriateness of land use distribution, problems with administrative implementations, and areas where the Planning District Map and the Acreage Allocation Table system might be improved.

~~**OBJECTIVE 2.3: LAND USE MAP AMENDMENTS.** Regularly examine the Land Use Map in light of new information and changed conditions. (Unless otherwise noted, this objective and policy set is being relocated to the Procedures and Administration Chapter.)~~

~~**POLICY 2.3.1:** Accept applications from private landowners or non profit community organizations to modify the boundaries shown on the Land Use Map. Adopt procedures, fees, and timetables for this procedure by administrative code. (Edited from Policy 2.4.1)~~

~~**POLICY 2.3.2:** Proposed amendments must address:~~

- ~~a. Availability of public facilities and services;~~
- ~~b. Projected permanent and seasonal population of the area;~~
- ~~c. Amount of land required to accommodate anticipated growth, including employment opportunities;~~
- ~~d. Suitability of the proposed land use map designation considering the character of the land, soils, topography, natural resources, and historic resources; and~~
- ~~e. Compatibility of uses in proximity to the proposed amendment.~~

~~(New Policy)~~

~~**POLICY 2.3.3:** No land use map amendments that increase density may be made to the Non-Urban Areas unless:~~

- ~~a. The density is acquired through transfer of development rights;~~
- ~~b. The project is determined to provide a greater public benefit (e.g. conservation of land, contribution to necessary public infrastructure, or other public need);~~
- ~~c. The project is located in area identified for greater density (e.g.: one of the areas identified in Chapter 32 of the Land Development Code; or~~
- ~~d. Three members of the Board make a finding of overriding public necessity. (New Policy)~~

~~(This policy has been moved to Objective 2.1)~~

~~**POLICY 2.3.4:** Discourage amendments to the Lee Plan that promote urban sprawl. (New Policy) (This policy has been moved to Objective 2.1)~~

~~**POLICY 2.3.5:** All proposed changes to the Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in the Conservation and Coastal Management Element; and all land in the DR/GR land use category) will be subject to a special review. Analyze the proposed land uses to determine the short term and long term availability of irrigation and domestic water sources. Assess whether the proposed land uses will cause significant impacts to on present or future water resources. The Board must make a formal finding that no significant impacts on present or future water resources will result from the change. (Edited Policy 2.4.2)~~

~~**POLICY 2.3.6:** Except for areas identified as needed for airport expansion, discourage Land Use Map Amendments to the DR/GR areas south of SR 82 east of I 75 that increase the current allowable density or intensity. It is the county's policy not to approve further urban designations in the DR/GR for the same reasons that supported its 1990 decision to establish the category. In addition to satisfying the requirements in 163 Part II Florida Statutes, the Strategic Regional Policy Plan, the State Comprehensive Plan, and the Lee Plan, applicants seeking such an amendment must also:~~

- ~~a. Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources;~~
- ~~b. Identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of permitting;~~
- ~~c. Present data and analysis that the proposed land uses will not cause significant harm to present and future public water resources; and,~~
- ~~d. Supply data and analysis specifically addressing the urban sprawl criteria listed in Florida Statutes.~~

~~During the transmittal and adoption process, the Board must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Modified Policy 2.4.3) (The first two sentences of this policy have been moved to Objective 2.1)~~

OBJECTIVE 2.34: DENSITY AND INTENSITY TRANSFER OF DEVELOPMENT RIGHTS. Support the development of distinct urban and suburban places by establishing and implementing innovative programs that allow the transfer of development rights ~~density and intensity~~ to targeted areas. (New Objective)

POLICY 2.34.1: Promote increased density in the more intense urban land use categories that allow incentive density by maintaining and establishing procedures that enable ~~the use of higher and incentive densities~~ transfer of development rights. (New Policy)

POLICY 2.3.2: Maintain and implement land development standards, county administrative code, and Lee Plan policies that establish appropriate locations for sending and receiving areas.

~~POLICY 2.4.2: Maintain existing and establish new programs that create opportunities to:~~

- ~~a. Transfer from designated sending areas to designated receiving areas;~~
 - ~~b. Promote or provide affordable housing; and~~
 - ~~c. Provide enhanced urban infrastructure such as; enhanced transit, pedestrian, bicycle, or other mobility alternatives; provision of civic or public spaces; or, other urban amenities;~~
- ~~(New Policy)~~

~~POLICY 2.4.3: Viable candidates for receiving sited for increased density and intensity include:~~

- ~~a. Areas in the Mixed Use Overlay;~~
 - ~~b. Urban Core, Urban Places, and Urban Neighborhoods, and Suburban Six; and,~~
 - ~~c. Designated Mixed Use Compact Communities;~~
 - ~~d. Incorporated areas where there are interlocal agreements between the city and county.~~
- ~~(New Policy)~~

~~POLICY 2.4.4: Viable candidates for sending sites include:~~

- ~~a. Lands that maintain a rural or environmental character such as providing links to the regional open space system, listed species habitat, flow ways, or groundwater recharge.~~
 - ~~b. Non conforming lots and other lots with rights to develop residential unit(s) that are not suited for development.~~
- ~~(New Policy)~~

~~POLICY 2.4.5: Programs created under this objective will be incorporated into the LDC and Administrative Code.~~

- ~~a. Innovative techniques to assure successful programs will utilize incentives for both the sending and receiving sites.~~
 - ~~b. Appropriate density and intensity multipliers will be evaluated and established for sending sites. Streamlined approval processes will be evaluated and established for receiving sites.~~
 - ~~c. Areas that are proposed for, or that request, reduction of allowable density through land use map amendments will be compensated with additional density over and above the proposed reduction of density.~~
- ~~(New Policy)~~

POLICY 2.3.44.6: Facilitate the transfer of development rights from property owners with sending sites to property owners with receiving sites through a publicly administered TDR bank program. (New Policy)

POLICY 2.3.54.7: Allow TDR credits to be redeemed in incorporated municipalities where suitable interlocal agreements specify the terms of potential transfers. Interlocal agreements could also provide for reciprocity with municipalities that have a substantially equivalent TDR programs. (New Policy)

GOAL 3: DEVELOPMENT STANDARDS. Establish land use practices and standards that guide the review of future development projects and direct the development of residential, commercial, industrial, agricultural, marine-oriented, and natural resource extraction areas. (New goal)

OBJECTIVE 3.1 REVIEW STANDARDS. Ensure appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and that those standards are met prior to issuance of a county development order. (Edited Goal 11)

POLICY 3.1.1: Evaluate development designs to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Former Policy 4.1.1)

POLICY 3.1.2: ~~Evaluate development designs will be evaluated~~ Evaluate development designs for complete streets. This evaluation will consider the safe, convenient, and to ensure that the internal street system is designed for the efficient flow of vehicles and pedestrians, while considering accessibility without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Former Policy 4.1.2)

POLICY 3.1.3: Incorporate Crime Prevention through Environmental Design (CPTED) guidelines to the maximum extent possible. (Modified Policy 4.3.3(l))

POLICY 3.1.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Former Policy 2.4.4)

POLICY 3.1.5: Potable Water Standards.

- a. New residential development exceeding 2.5 dwelling units per gross acre, and new single commercial or industrial development exceeding 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as defined by Florida Statutes);
- b. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility;
- c. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
- d. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services required by Florida Statutes;
- e. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map ##), and the utility cannot provide the service or can provide the service except at a clearly unreasonable cost to the developer, the

developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area to provide the service; and

- f. If a development lies outside a utility service area, the developer may:
 1. Request that the service area of an adjacent water utility be extended to incorporate the property;
 2. Establish a community water system for the development; or
 3. Develop at an intensity that does not require a community water system.

(Edited Standard 11.1)

POLICY 3.1.6: Sanitary Sewer Standards.

- a. New residential development exceeding 2.5 dwelling units per gross acre, and ~~any~~ new single commercial or industrial development generating more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system;
- b. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map ##), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development;
- c. If there is not sufficient capacity or adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service;
- d. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map ##), and the utility cannot provide the service, or can provide the service but at a clearly unreasonable cost to the developer, the developer may establish, on a temporary basis, a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility so that another utility may be invited to provide the service; and
- e. If a development lies outside a service area, the developer may:
 1. Request that the service area of an adjacent sewer utility be expanded to incorporate the property;
 2. Establish a self-provided sanitary sewer system for the development;
 3. Develop at an intensity that does not require sanitary sewer service; or
 4. If no more than 5000 gallons of effluent per day per parcel is produced, the development may utilize an individual sewage disposal system in accordance with Florida Statute, contingent on approval by all relevant authorities.

(Edited Standard 11.2)

POLICY 3.1.7: Multimodal Transportation Standards.

- a. A multimodal transportation impact statement must be submitted to and accepted by the county for the following development applications:

1. Comprehensive Plan Amendment;
 2. Developments of Regional Impact (DRIs);
 3. Planned Developments (as specified in the Zoning Regulations); and
 4. Developments requiring a county development order, as specified in the LDC.
- b. The form, content, and level of detail required in the multimodal transportation impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the multimodal transportation impact statement required:
1. In urban land use categories, the multimodal transportation impact statement will provide information regarding project impacts to multimodal facilities, safety and accessibility to the adjacent multimodal transportation infrastructure.
 2. In all other land use categories ~~if the development does not meet the established thresholds,~~ the multimodal transportation impact statement will provide information regarding multimodal traffic generation and impacts at the development's access points to the adjacent street system and ~~if the development meets or exceeds the established thresholds, the multimodal transportation impact statement will~~ provide a comprehensive assessment of the development's impacts on the surrounding multimodal transportation infrastructure.

(Edited Standard 11.3)

POLICY 3.1.8: Environmental Review Factors. Where exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), require developers and/or applicants to prepare an environmental assessment examining the existing conditions, addressing the environmental problems, and proposing ~~proposes~~ means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Edited Standard 11.4)

OBJECTIVE 3.2: RESIDENTIAL STANDARDS AND PRACTICES. Support development of attractive and safe neighborhoods with a variety of price ranges and housing types to accommodate the population needs of the county. (New Objective)

POLICY 3.2.1: Ensure residential land uses support the urban, suburban, rural, or mixed-use context of the surrounding developments by implementing the following standards:

- a. Locate high-density urban and suburban residential developments near mixed-use centers; employment and commercial districts; parks and schools; and multi-modal transportation facilities;
- b. Provide a variety of multi-modal interconnections to adjoin developments and the local transportation system through various pedestrian, bicycle, transit, and auto opportunities;
- c. Ensure residential communities provide for open spaces and community facilities that are easily accessible via pedestrian and bicycle connections, and provide for the functional needs of the community (e.g.: urban courtyards, parks, and central public spaces; passive landscaping, buffering, and open spaces; and active playgrounds and recreation areas);

- d. Encourage interconnections within and between developments—particularly those located within Urban Areas;
- e. Require residential developments meeting Development of County Impact (DCI) thresholds to develop as planned residential developments; and
- f. Restrict residential development from areas with physical constraints or hazards (e.g.: flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; Airport Noise Zone B; industrial land use categories; or other characteristics that may endanger the residential community).

(Modified to address issues from Policies 5.1.1 and 5.1.2)

POLICY 3.2.2: Protect existing and future residential areas from encroachment of uses potentially destructive to the character and integrity of the residential environment.

- a. Within Suburban and Rural Land Use Categories requests for conventional rezonings will be denied in the event that measures to ensure compatibility provided in LDC are not adequate to address potentially incompatible uses in a satisfactory manner.
- b. Within Suburban and Rural Land Use Categories ~~planned developments or special exceptions~~, if ~~generally applicable land development code~~ regulations are found to be inadequate ~~to address incompatible uses, planned developments or special exceptions~~ must include conditions to minimize or eliminate the potential impacts. Where no adequate or enforceable conditions can be devised, the application will be denied altogether.
- c. Within the three Urban Land Use Categories varied land uses are expected to be located in close proximity to one another. Compatibility will be addressed through zoning conditions and development design.
- d. Within Suburban and Rural Land Use Categories requests for conventional rezonings will be denied in the event that measures to ensure compatibility provided in LDC are inadequate to address potentially incompatible uses in a satisfactory manner.

(Modified Policy 5.1.5)

POLICY 3.2.3: Where land under single ownership is divided into two or more land use categories the allowable density will be the sum of the densities for each land use category for each portion of the land. Resulting density may be allocated across the entire property provided that planned development zoning ~~that protects environmentally sensitive lands on the property~~ is utilized.

- ~~a. No density is allocated to lands designated as Non Urban or Environmentally Critical; and~~
- ~~b. The Planned Development protects environmentally sensitive lands on the property.~~

(Edited Policy 5.1.10)

OBJECTIVE 3.3: EXISTING MULTI-FAMILY RESIDENTIAL REDEVELOPMENT: Incentivize and promote cost effective and timely redevelopment of multi-family developments approved and developed prior to the adoption of the 1984 Lee Plan. (Edited Objective 5.2)

POLICY 3.3.1: Permit over-density multi-family residential developments that lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984), to redevelop at existing density. Over-density multi-family redevelopments will be considered on a

case by case basis to determine the approval process to be followed to achieve redevelopment. (Edited Policy 5.2.1)

POLICY 3.3.2: Require the planned development zoning process to be utilized when rezoning is required in order to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. (Edited 5.2.2)

POLICY 3.3.3: Document existing conditions as part of a redevelopment plan including:

- a. Number of dwelling units;
- b. Floor area;
- c. Water management systems and outfalls; and
- d. Impervious area on the subject property.

The documentation must be provided at a pre-application meeting and include two site plans: one depicting existing development and another depicting the proposed plan of redevelopment. (Modified 5.2.3)

POLICY 3.3.4: Require the site design of the proposed development to be compatible with surrounding land uses. (Edited 5.2.4)

POLICY 3.3.5: Require wet retention and dry retention areas to be planted with native trees and herbaceous plant species. (Edited 5.2.5)

POLICY 3.3.6: Ensure redevelopment projects located within the Coastal High Hazard Area incorporate the following features:

- a. Sufficient elevation to address a storm surge from a land falling category 5 hurricane;
- b. Constructed to withstand winds of 200 mph in accordance with the Florida Building Code;
- c. Impact protection for exterior openings in accordance with the Florida Building Code;
- d. Emergency power and potable water supplies for up to five days;
- e. Ventilation, sanitary facilities, and first aid medical equipment; and,
- f. Designed to minimize light pollution, sky glow and light trespass beyond the property lines using light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include:
 1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences;
 2. Up-lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited; and
 3. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

(Edited Policy 5.2.6)

OBJECTIVE 3.4 COMMERCIAL STANDARDS AND PRACTICES. Provide for the county's commercial needs through development standards and planning practices that direct the design, location, and makeup of mixed-use and commercial centers. (New objective)

POLICY 3.4.1: Ensure commercial development supports the surrounding development and provides for the economic and commercial needs of the people who live, work, and visit the area through the following practices:

- a. Prioritize and incentivize redevelopment and infill in areas where existing commercial development exists;
- ~~b. Permit when properly zoned within the Urban Areas;~~
- c. Expand multi-modal transportation options through the development areas and protect the traffic-carrying capacity of arterial roads between the commercial and mixed-use centers;
- d. Provide appropriate public space, civic areas, landscaping, open space, and buffering.
- e. Incorporate architectural features that enhance the appearance of structures, screen parking areas, and blend with the character of existing or planned surrounding land uses.
- f. Allow limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) in non-urban areas.

(Redrafted to address issues in Policies 6.1.6, 6.1.7, 6.1.8)

POLICY 3.4.2: Ensure commercial developments are designed consistent with the context of the surrounding area and support the needs of the surrounding area by reviewing applications for commercial developments according to the following issues:

- a. Adjacent land uses and surrounding neighborhoods (rezoning);
- b. Proximity to other similar uses (rezoning); and
- c. Connectivity and access to multi-modal transportation (rezoning and development orders);
- d. Adequate levels of services and facilities (rezoning and development orders);
- e. Landscaping and detailed site planning (development orders);
- f. Environmental features (rezoning and development orders); and
- g. Development transitions, facility screening, and landscape buffering (planned development rezoning and development orders).

(Redrafted to address issues from Policies 6.1.1, 6.1.6)

POLICY 3.4.3: Require commercial planned developments to incorporate the following features:

- a. Visual harmony and landscaping;
- b. Interconnectivity to reduce dependence on the automobile;
- c. Promotion of pedestrian movement within the development and to adjacent developments;
- d. Joint parking, access, and loading facilities;
- e. Avoidance of negative impacts and support of surrounding land uses, development forms, and travel circulation;
- f. Protection of natural resources; and
- g. Provision of necessary services and facilities.

(Revised Policy 6.1.3)

POLICY 3.4.4: ~~Prohibit~~ Discourage commercial developments from opening new areas to premature, scattered, or strip development. Encourage commercial development in infill, redevelopment, and previously established development locations. (Revised Policy 6.1.7)

~~**POLICY 3.4.5:** Define locations and standards for the size, location, and access of commercial retail facilities in the LDC. (Addressed Policy 6.1.2)~~

POLICY 3.4.6 3.4.5: Commercial development approved or existing on one corner of an intersection does not mean all corners are appropriate for commercial or mixed use development. Further, the existence of commercial development on an arterial or collector road does not dictate that all frontages must be used in a similar manner. (Modified Policy 6.1.10)

POLICY 3.4.7 3.4.6: Permit limited commercial uses, agriculturally related services, and other needs of the rural area in non-urban areas as follows:

- a. Location: The retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions:
 1. At the intersection of an arterial and collector or two arterials with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands with intersecting network of collectors and arterials, commercial development may be located at or near the intersection of local and collector, or local and arterial, or collector and collector roads; and
 2. Consistent with the Communities Element;
- b. Site Area: Two acres or less; and
- c. Range of Gross Floor Area: Less than 30,000 square feet.

(Modified Policy 6.1.2:1)

OBJECTIVE 3.5: INDUSTRIAL STANDARDS AND PRACTICES. Provide for the economic needs of the county through land use standards that direct the planning and design of industrial ~~and economic~~ land uses in appropriate locations. (New objective)

POLICY 3.5.1: Provide for the land use and transportation needs of industrial ~~and economic~~ land uses through locations that provide for the special needs of such uses, such as:

- a. Commuter access from home-to-work trips;
- b. Intermodal access by truck, air, deep water, and rail; air and water quality considerations;
- c. Proximity to supportive and related land uses and utilities;
- d. Topography;
- e. Choice and flexibility in site selection;
- f. Greenbelt and other amenities; and
- g. Compatibility with neighboring uses.

(Edited Policy 7.1.3)

POLICY 3.5.2: Permit agriculturally-related industrial uses directly serving the rural and agricultural community in the Rural, Rural Communities Preserve, Open Lands, DR/GR Land Use Categories provided there is adequate fire protection, transportation, and wastewater treatment and water supply, and provided the uses have ~~no~~ minimal adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Edited Policy 7.1.7)

POLICY 3.5.3: Land located ~~outside of the Industrial/Research Development, Tradeport, and Interstate Interchange Land Use Categories but~~ within ~~the designated~~ Urban Land Uses Categories may be developed for light industrial purposes when adequate services and facilities are available; and the use will not adversely impact surrounding land uses; and natural resources are protected; if one of the following conditions is met:

- a. The parcel ~~is located in the Urban Core, Urban Places, or Urban Neighborhood land use categories,~~ was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands);
or
- b. The parcel ~~is located in the Urban Core, Urban Places, Urban Neighborhood, General Interchange, Employment Interchange land use categories, and is rezoned~~ as a Planned Development.

(Modified Policy 7.1.6)

POLICY 3.5.4: Support development of industrial areas in appropriate urban and suburban land use categories by reviewing and evaluating proposed industrial development according to the following conditions during the zoning and development order process:

- a. Permit the timing and location of industrial development with the availability and adequacy of services and facilities;
- b. Air emissions;
- c. Impact and effect on environmental and natural resources;
- d. Effect on surrounding land use;
- e. Impacts on water quality and water needs;
- f. Drainage system ;
- g. Employment characteristics;
- h. Fire and safety;
- i. Noise and odor;
- j. Buffering and screening;
- k. Industrial traffic is directed away from local residential streets;
- l. Impacts on transportation facilities and access points;
- m. Access to rail, major thoroughfares, air, and, if applicable, water;
- n. Utility needs; and
- o. Sewage collection and treatment.

(Redrafted to address issues from Policies 7.1.1, 7.1.4, and 7.1.5)

POLICY 3.5.5: Industrial planned developments should be designed to arrange uses as an integrated and cohesive unit in order to:

- a. Promote compatibility and screening;
- b. Reduce dependence on the automobile;
- c. Promote pedestrian movement within the development;
- d. Utilize joint parking, access and loading facilities;
- e. avoid negative impacts on surrounding land uses and traffic circulation;
- f. Protect natural resources; and

g. Provide facilities and services when inadequate to serve the proposed use.
(Formerly Policy 7.1.2)

POLICY 3.5.6: Require industrial uses to be buffered and screened from adjacent existing or proposed residential areas to prevent visual blight and noise pollution. (Formerly Policy 7.1.8)

POLICY 3.5.7: Provide for the safety and health of the county's residents and natural resources by prohibiting bulk storage or production of toxic, explosive, or hazardous materials near residential areas and prohibiting the storage of these materials in areas that have the potential to contaminate ground or surface water. (Policy addresses issues from Policy 7.1.1 (3))

OBJECTIVE 3.6: AGRICULTURAL STANDARDS AND PRACTICES. Support a diverse and robust agricultural economy by protecting rural agricultural lands from the encroachment of incompatible land uses and ~~discouraging the introduction or expansion of agricultural uses in the Urban Areas~~ supporting appropriately located urban agriculture practices.

POLICY 3.6.1: Identify rural agriculture lands on the land use map and establish policies and practices that support a diverse agricultural economy including:

- a. Utilize an Agricultural Overlay to identify, inventory, and promote agricultural uses;
- b. Evaluate applications for conversion of agricultural land uses in Non-Urban areas to other land uses;
- c. Encourage agricultural operations to meet water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District;
- d. Promote energy, water, and soil conservation management practices; and
- e. Continue to update and analyze agricultural land use data.

(Redrafted to address issues from Objective 9.1, Policies 9.1.2, 9.1.3, and 9.1.5)

POLICY 3.6.2: Protect agricultural activities on lands within the agricultural overlay (see Map X) from the impacts of new natural resource extraction operations, recreational uses, and residential development. In future limerock mining areas (see Map X), agricultural activities may be limited to the interim period prior to mining or may coexist with adjoining mining activities and mining pits. (Formerly Policy 9.1.4)

POLICY 3.6.3: Establish and implement incentives to encourage the continuation of existing agricultural operations and improvements to existing agricultural operations as needed to store and treat water and improve ecological values. Investigate the feasibility of a Transfer of Development Rights (TDR) bank for agricultural property. (Edited Policy 9.1.6)

POLICY 3.6.4: Existing agricultural lands within the DR/GR land use category provide important surface and subsurface connections for water and wildlife resources. Support the integration of agriculture as part of a coordinated effort of county and regional agencies to manage water resources. (Edited Policy 9.1.7)

POLICY 3.6.5: Discourage agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure. ~~Direct new agricultural uses away from urban areas.~~ (Edited Objective 9.2)

POLICY 3.6.6: Rezoning of land to agricultural zoning districts is prohibited in the Urban Land Use Categories: Urban Core, Urban Places, and Urban Neighborhoods. (Modified Policy 9.2.1)

~~**POLICY 3.6.7:** Allow rezoning proposals of parcels of five acres or more to an agricultural zoning district within Suburban Categories to be reviewed on a case by case basis. Base recommendations on:~~

- ~~a. Current and future availability of urban infrastructure;~~
- ~~b. Compatibility with existing and future land uses;~~
- ~~c. Acreage of rezoning request; and~~
- ~~d. Consideration of applicable community plans.~~

POLICY 3.6.7: Lands located within the Suburban Land Use Categories that are 5 acres or larger may request rezoning to an agricultural zoning district. These requests will be reviewed on a case by case basis. Approval will be based on:

- a. Current and future availability of urban infrastructure;
- b. Compatibility of the existing and future land uses;
- c. Acreage of rezoning request
- d. Cumulative effect on county tax base;
- e. Evaluation of how environmental features, including but not limited to flowways, protected species, and habitat, will be protected or mitigated; and
- f. Suburban 2 and Suburban 6 designated properties may only be considered if they are within the Greater Pine Island or Caloosahatchee Shores Community Planning Areas.

(Modified Policy 9.2.1)

POLICY 3.6.8: Planned development rezonings in urban areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses existing at the time of rezoning may continue until development commences. Existing agricultural uses may not expand beyond the boundaries existing at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Edited Policy 9.2.2)

OBJECTIVE 3.7: MARINE-ORIENTED STANDARDS AND PRACTICES. Designate prime locations for marine-oriented land uses and protect those locations from incompatible or pre-emptive land uses. (Previously Goal 8)

POLICY 3.7.1: Encourage existing marinas, fish houses, and port facilities located within water-dependent overlay zones on the Future Land Use Map to commercial and industrial marine zoning categories to protect the right to rebuild and expand and to prevent conversion to non-water-dependent uses without a public hearing (See Map ##). (Edited Objective 8.1)

POLICY 3.7.2: Development approvals for marine-oriented land uses must ~~also~~ comply with requirements set forth in the Coastal and Conservation Management, Objective: Marine Facilities Siting Criteria, and Objective: Marina Design Criteria. (Edited Objective 8.2)

OBJECTIVE 3.8: NATURAL RESOURCE EXTRACTION STANDARDS AND PRACTICES. Protect areas containing identified natural resources from incompatible urban development, while ensuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and other natural resources. (Edited Goal 10)

POLICY 3.8.1: Designate through the rezoning process, sufficient lands suitable for providing fill material, limerock, and other commercially valuable natural resources to meet the county's needs and to export to other communities, while providing adequate protection for other natural resources. (Formerly Objective 10.1)

POLICY 3.8.2: The sale of overburden from approved limerock mines is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as close as possible to locations of high demand to minimize the distance fill material must be trucked to likely destinations. (Formerly Policy 10.1.1)

POLICY 3.8.3: The future uses of any new or existing natural resource extraction operations must be evaluated at the time the property undergoes planned development zoning review. Site plans should be designed to incorporate proposed future uses, including open space, and to ensure the protection of surface and ground water resources, wildlife, and native plant communities. (Formerly Policy 10.1.2)

POLICY 3.8.4: Reclamation is intended to replace or offset ecological benefits lost during extraction, including the creation of conditions that will support a healthy water body to the extent practicable. Applications for natural resource extraction permits for new or expanding sites, or for future use of such sites, must include a reclamation plan that provides assurance of implementation. Reclamation plans must address the reclamation and sustainable management of existing and future mining pits, preserves, and buffer areas related to the mining operation. Reclamation plans in Future Limerock Mining areas (see Map 14) must include littoral shelves suitable for native wetland plants, re-vegetation of disturbed land, allowance for wildlife movement, and minimization of long-term effects on surrounding surface and groundwater levels. Reclamation plans for mines providing primarily fill material should provide more extensive littoral shelves and describe how shorelines will be configured and managed and how disturbed uplands will be restored or converted to other acceptable land uses. Reclamation plans in or near important surface and groundwater resource areas must be designed to minimize the possibility of contamination of the surface and groundwater during mining and after completion of the reclamation. (Formerly Policy 10.1.3)

POLICY 3.8.5: Limerock mining may be permitted only in accordance with goals, objective, and policies for Southeast Lee County, contained in the Communities Element. Other natural

resource extraction activities such as fill dirt operations and ancillary industrial uses may be permitted as follows:

- a. In areas indicated on the Land Use Map as Rural, Open Lands, and DR/GR, provided there is adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further there are no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In the DR/GR Density Reduction/Groundwater Resource category, fill dirt operations are further restricted in accordance with other policies in the Lee Plan.
- b. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. Ancillary crushing of limerock strata embedded within fill material may be permitted for use on-site. (Edited Policy 10.1.4)

POLICY 3.8.6: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to incorporate reclaimed mining pits into a comprehensive and coordinated effort of governmental agencies to enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, education, and other appropriate uses, and/or strengthen community environmental benefits. (Formerly Policy 10.1.5)

POLICY 3.8.7: Coordinate mining activities, including evaluation, monitoring, reclamation, and redevelopment, with water supply planning, surface and groundwater management activities, wetland protection, wildlife conservation, and future residential activities. Consider the cumulative and watershed-wide impacts of mining activities, in addition to the direct impacts of each individual mine. (Previously Objective 10.2)

POLICY 3.8.8: Natural resource extraction operations must provide a monitoring system to measure surface and groundwater levels and quality to assess any degradation of surface and groundwater resources. Particular attention will be given to potential travel time to wellfields and residential wells. Mining applications are strongly encouraged to include a minimum of three years baseline monitoring and assessments of the likely change in flow, timing of travel, and direction of surface and groundwater systems on-site and in the impacted area. (Formerly Policy 10.2.1)

POLICY 3.8.9: Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment must include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments must also include:

- a. Potential impacts on the aquatic ecology and water quality of mining pits that will result from mining pit design.

- b. Likely post-mining impacts such as runoff or surface and groundwater flow on land uses surrounding the site.
- c. Consideration of the primary and secondary impacts at the local and watershed levels. (Formerly Policy 10.2.2)

POLICY 3.8.10: The depth of mining for a proposed excavation will be limited as necessary to prevent any breach of an aquaclude or confining layer. (Formerly Policy 10.2.3)

POLICY 3.8.11: Other limitations on mining pit size, setbacks, and depths will be determined on a case-by-case basis depending on existing neighboring uses, specific hydrogeologic conditions, wetlands and watershed protection, wildlife conservation, and transportation routes including anticipated traffic to and from the mine. (Formerly Policy 10.2.4)

POLICY 3.8.12: Areas that are designated as preserve areas (e.g., buffers, indigenous preservation, and reclaimed littoral shelves) during the mining rezoning process must be protected by the execution of perpetual conservation easements so that these areas will be maintained during mine operation and in perpetuity regardless of future land uses. A timetable for all environmental remediation including the construction of buffers and reclamation of littoral shelves must be included as part of the mine rezoning application. Lee County must be named in the easement as a grantee with the power and authority, but not obligation, to enforce the terms of the easement. An entity, other than Lee County, must be identified and obligated to maintain the easement in perpetuity. However, Lee County may agree to be primarily responsible for maintenance. (Edited Policy 10.2.5)

POLICY 3.8.13: The LDC will establish the contents and frequency of monitoring reports from authorized mines. These reports may include surface and groundwater monitoring of water quality and quantity, the areas under active mining, the depths being mined, the quantity and type of mined materials, estimated reserves left for mining, and the annual volume, direction, and destination of the material being transported. Reporting will include the active mining and processing area; the areas where reclamation has been completed; and the areas where invasive exotic removal is underway or completed. (Edited Policy 10.2.6)

POLICY 3.8.14: Zoning or development order approvals may require that significant adverse impacts identified during mining or post-mining will be subject to adaptive resource management acceptable to Division of Natural Resources whereby corrective measures can be guaranteed through conditions on the next phase's approval. (Edited Policy 10.2.7)

POLICY 3.8.15: Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents ~~of its Urban Areas~~. (Formerly Objective 10.3)

GOAL 4: MIXED USE DEVELOPMENT: Encourage the development of compact mixed-use places that: feature a greater housing variety and density; reduced distances between housing, workplaces, retail businesses, and other destinations; strengthen neighborhood character; and, promote pedestrian and bicycle-friendly environments. (New goal)

OBJECTIVE 4.1: MIXED USE: Maintain criteria to evaluate appropriate locations for mixed use development. (New objective)

POLICY 4.1.1: ~~Mixed use development is encouraged in locations~~ The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximate to: public transit routes; rail corridors; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. (Edited Policy 4.2.1)

POLICY 4.1.2: ~~Encourage~~ Mixed use developments are encouraged in urban categories on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. However, properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed-Use Overlay. (Edited Policy 4.2.5)

POLICY 4.1.3: Properties within urban land use categories that rezone to the Compact Planned Development (CCPD) or the Mixed Use Planned Development (MPD) that meet the design criteria in objective 4.4 are encouraged to utilize incentive density. (New policy)

OBJECTIVE 4.2: MIXED-USE OVERLAY: Support the development of mixed use areas by targeting areas that are considered highly appropriate for mixed use development in the Future Land Use Map Series with a Mixed-Use Overlay. Designate areas on the Future Land Use Map areas for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. (Modified Objective 4.2)

POLICY 4.2.1: Properties within the Mixed-Use Overlay rezoned to the Compact Planned Development (CCPD) or the Mixed Use Planned Development (MPD) that are determined to meet the design criteria in Objective 4.4 qualify for incentive density. (New policy)

POLICY 4.2.2: The Mixed-Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the mixed use development's design. (Existing policy 4.2.2)

POLICY 4.2.3: Any Planned Development project adhering to the Mixed-Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed-Use Overlay ~~zone~~ up to one quarter mile and still receive the incentives offered by the Mixed-Use Overlay. (Edited Policy 4.2.3)

POLICY 4.2.4: The Mixed-Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. (Existing policy 4.2.4)

POLICY 4.2.5: Developments within the Mixed-Use Overlay conforming to Chapter 32 - Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in ~~this~~ Objective 4.4. (Edited Policy 4.3.1)

~~**POLICY 4.2.7:** Development located in the Mixed-Use Overlay applying Chapter 32 – Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7. (Deleted)~~

POLICY 4.2.5: Development, redevelopment, and infill rezonings located within the Mixed-Use Overlay that utilize the Compact Planned Development (CCPD), or the Mixed Use Planned Development (MPD) zoning categories and ~~that~~ incorporate ~~the following~~ Mixed-Use Design, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria from Objective 4.4 may calculate residential density based on the total project acreage. ~~will be allowed to use the non-residential areas, such as of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings.~~ (Modified Objective 4.3)

POLICY 4.2.6: Properties in ~~a~~ the Mixed-Use Overlay Zone or a Mixed-Use Community, not within the Coastal High Hazard Area, will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable ~~bonus-incentive~~ densities. (Edited Policy 4.3.8)

POLICY 4.2.7: Lee County may consider the implementation of other appropriate incentives within the Mixed-Use Overlay through amendments to the Land Development Code that provide for administrative approvals and reducing or eliminating development requirements. (New Policy)

POLICY 4.2.8: Lee County will support deviations from indigenous open space for mixed use developments within the Mixed-Use Overlay, when appropriate site design and off-site mitigation is provided. (New Policy)

POLICY 4.2.9: Encourage transit-oriented development (TOD) around future transit stations around the existing rail corridor. Potential stations in unincorporated Lee County are identified on the mixed-use overlay on the Land Use Map at these locations: Danley Drive, Crystal Drive, Daniels Parkway, Gladiolus/Six Mile Cypress Parkway, Corkscrew Road, and Coconut Road.

POLICY 4.2.10: Support the development of TOD as provided in the *Florida TOD Guidebook*, published by Florida DOT in December 2012.

OBJECTIVE 4.3: MIXED-USE COMMUNITIES: Lee County will identify and assist with the planning of targeted Mixed-Use Communities within the Mixed-Use Overlay. (New Objective)

POLICY 4.3.1: Mixed-Use Communities, as identified on Map ##, will have the highest priority to be developed as compact mixed use areas. (New Policy)

POLICY 4.3.2: In order to facilitate Mixed-Use Communities, the Board of County Commissioners have adopted optional overlays into the Land Development Code. These overlays include conceptual and detailed regulating plans. Development in accordance with these plans will be allowed through the local development order process. (New Policy)

POLICY 4.3.3: Lee County will give high-priority to capital improvements within Mixed-Use Communities with an adopted regulating plan that help to facilitate mixed use designs. (New Policy)

POLICY 4.3.4: ~~Promote the development~~ Consider the use of innovative alternative financing and planning tools for Mixed-Use ~~centers~~ Communities in targeted locations that have established regulating plans such as community redevelopment agency (CRA), municipal service benefit unit (MSBU); municipal service taxing unit (MSTU), tax increment financing (TIF), community development district (CDD), historic preservation trust funds, grants, tax increment financing, and other programs to help spur and finance the development of mixed-use communities. (New Policy)

POLICY 4.3.5: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for Mixed-Use Communities ~~the Mixed-Use Overlay~~. (Edited Policy 4.2.6)

POLICY 4.3.6: Lee County may consider the implementation of other appropriate incentives within Mixed-Use Communities through amendments to the Land Development Code that provide for administrative approvals and reducing or eliminating development requirements. (New Policy)

OBJECTIVE 4.4: MIXED-USE DESIGN. Facilitate the development of mixed-use places that feature a greater housing variety and density; reduced distances between housing; workplaces, retail businesses, and other destinations; more compact development; stronger neighborhood character; and pedestrian and bicycle-friendly environments in targeted locations. (New Objective)

POLICY 4.4.1: Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

- a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).
- b. Mixed use ~~Overlay~~ areas will provide civic uses, such as green spaces or community centers.
- c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.
- d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

(Edited Policy 4.3.2)

POLICY 4.4.2: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

- a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
- b. Well defined centers and edges with public or civic space creating an element around which other development is located.
- c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
- d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.
- ~~e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.~~
- e. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
- f. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
- g. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
- h. Lee County will develop and maintain ~~The~~ street cross sections that ~~system~~ will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will ~~provide~~ accommodate transit facilities to the development and the surrounding community.
- i. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:
 - 1. Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.

2. Limited number and size of signs.
 3. Landscaping and use of pocket parks and courtyards adequate to soften large building masses.
- ~~j. An “A/B” street grid system may be utilized where “A” streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while “B” streets may include a limited amount of properly designed non pedestrian oriented uses.~~
- ~~k. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.~~

(Edited Policy 4.3.3)

POLICY 4.4.3: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

- a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.
- b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.
- c. Temporary parking lots will be encouraged to be screened from streets, ~~sidewalks, and open spaces, by buildings, public spaces, and other design features~~ and will be designed to maintain or enhance the street edge.
- d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.
- e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

(Edited Policy 4.3.4)

POLICY 4.4.4: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

- a. Internal traffic circulation system design will include:
 1. Traffic calming techniques to maintain safe multi-modal transportation;
 2. An interconnected street grid system extended to adjacent sites at the least intrusive locations with stub outs for future connections where possible;
 3. Maximum use of common access drives;
 4. A system of alleyways for service vehicles and access to parking; and
 5. Convenient access to transit facilities;
- ~~b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.~~
- b. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features;

- c. Automobile-oriented uses will have a limited number of driveways, and drive-in or driveup windows will be located to avoid conflict with pedestrian and bicycle traffic; and
- d. Block sizes will be small enough to create an easily dispersed traffic flow.

(Edited Policy 4.3.5)

POLICY 4.4.5: Community Green Space: Public space and landscaping will be provided that includes.

- a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.
- b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.
- c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

(Former Policy 4.3.6)

POLICY 4.4.6: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

- a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.
- b. Connections to adjacent residential neighborhoods will not be precluded by the mixed use development's design.
- c. Buffering of uses internal to a mixed uses development are not required.
- d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

(Former Policy 4.3.7)

~~**POLICY 4.3.9:** The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~ (Deleted policy)