

Chapter 2 – Administration

ARTICLE IV. - BONUS DENSITY

DIVISION 3. - CREATION OF TRANSFERABLE DEVELOPMENT UNITS

Sec. 2-148. - Establishment of transfer of development rights program.

- (a) The transfer of development rights program provides that a TDU may be established from property that:
- (1) Are designated wetlands under the comprehensive plan;
 - (2) Contains jurisdictional wetlands as defined through the use of the unified state delineation methodology;
 - (3) Is located within the Greater Pine Island Planning Community; or
 - (4) Is designated as Density Reduction/Groundwater Resource (DR/GR) by the Lee Plan and is located within the Southeast Lee County Planning Community area; or
 - (5) Is designated as Sub-Outlying Suburban, Rural, Open Lands, or DR/GR by the Lee Plan and is located within the Northeast Lee County Community Plan area.

(b) through (d) remain unchanged.

Sec. 2-155. – Computation of Northeast Lee County TDUs

- (a) One TDU may be established per five acres of preserved or restored wetlands.
- (b) Sub-Outlying Suburban: TDU credits may be established for lands designated Sub-Outlying Suburban on the Future Land Use Map of Lee County as follows:
- (1) Two TDUs may be created for each one acre of upland encumbered by an agricultural easement meeting the requirements of section 2-148.
 - (2) Three TDUs may be created for each one acre of indigenous or restored native vegetated upland encumbered by a conservation easement.
- (c) Rural: TDU credits may be established for lands designated Rural on the Future Land Use Map of Lee County as follows:
- (1) One TDU may be created for each one acre of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) Two TDUs may be created for each one acre of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.

- (d) Open Lands: TDU credits may be established for lands designated Open Lands on the Future Land Use Map of Lee County as follows:
- (1) One TDU may be created for each five acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) One TDU may be created for each 2.5 acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.
- (e) Density Reduction/Groundwater Resource: TDU credits may be established for lands designated Density Reduction/Groundwater Resource on the Future Land Use Map of Lee County as follows:
- (1) One TDU may be created for each ten acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) One TDU may be created for each five acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.
- (f) Two TDUs may be created from a single-family lot or parcel designated as Wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII of the Lee Plan.

Sec. 2-156. - Density and intensity equivalents of Northeast Lee County TDUs.

- (a) One Northeast Lee County TDU will be equal to two dwelling units when transferred to eligible receiving lands located outside of the Northeast Lee County Community Plan area.
- (b) The transfer of Northeast Lee County TDUs within the Northeast Lee County Community Plan area is prohibited.

Sec. 2-1575. – TDR program amendments.

- (a) *through (b) remain unchanged.*

Secs. 2-1586—2-190. - Reserved.