

COMMUNITY PLAN

BACKGROUND INFORMATION

THE LEE PLAN

2005 CODIFICATION

As Amended through December 2005



LEE COUNTY
SOUTHWEST FLORIDA

Department of Community Development
Division of Planning
P.O. Box 398
Fort Myers, FL 33902-0398

December 2005

THE PAGES CONTAINED HEREIN INCLUDE ORDINANCE 89-02 AND ALL AMENDMENTS AS ENACTED BY ORDINANCES 90-09, 90-43, 90-44, 91-10, 91-19, 92-35, 92-41, 92-47, 92-48, 92-51, 93-05, 93-25, 94-23, 94-29, 94-30, 95-27, 96-19, 97-05, 97-13, 97-17, 97-22, 98-02, 98-09, 98-26, 99-15, 99-16, 99-17, 99-18, 99-19, 00-08, 00-22, 01-24, 02-02, 02-03, 02-04, 02-05, 02-06, 02-29, 03-01, 03-02, 03-03, 03-04, 03-05, 03-06, 03-07, 03-12, 03-15, 03-19, 03-20, 03-21, 03-26, 04-15, 04-014, 04-16, 05-19, and 05-21.

THE COUNTY HAS TAKEN EVERY PRECAUTION TO ENSURE THE ACCURACY OF THESE REVISIONS, HOWEVER, IF A DISCREPANCY EXISTS, THE OFFICIAL ADOPTED AMENDING ORDINANCE SHALL RULE.

CHRONOLOGY OF ADOPTED AMENDMENTS TO THE LEE PLAN

COMPREHENSIVE PLAN OR PLAN AMENDMENT	ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE	NOTICE/ STATEMENT OF INTENT ISSUED	DETERMINATION	REMEDIAL ORDINANCE NUMBER
1989 Lee Plan	89-02	01/31/89	03/01/89	03/24/89	NON-COMPLIANCE	90-43 & 90-44
Gateway DRI	90-09	03/07/90	03/14/90	04/24/90	COMPLIANCE	NA
Settlement Agreement for 1989 Plan	90-43	09/06/90	09/17/90	10/25/90	COMPLIANCE	NA
Dennis 90-03 SS	90-44	09/12/90	09/17/90	10/25/90	COMPLIANCE	NA
1990/1991 Cycle	91-10	04/03/91	04/10/91	05/29/91	COMPLIANCE	NA
1991/1992 Cycle	91-19	07/09/91	07/18/91	08/30/91	NON-COMPLIANCE	92-51
Paluck 92-04 SS	92-35	08/07/92	08/18/92	09/30/92	NON-COMPLIANCE	Pending
Tenth University	92-41	09/15/92	09/21/92	12/23/92	COMPLIANCE	NA
Wildlife Corridor	92-47	10/27/92	11/09/92	12/16/92	COMPLIANCE	NA
Compliance Agreement	92-48	10/27/92	11/09/92	12/16/92	COMPLIANCE	NA
For 90/91 Cycle						
Conn 93-01 SS	92-51	12/09/92	12/21/92	02/15/93	COMPLIANCE	NA
1992/1993 Cycle	93-05	02/22/93	02/26/93	05/21/93	COMPLIANCE	NA
Pelican Landing DRI 93-03	93-25	09/20/93	01/24/94	11/11/93	COMPLIANCE	NA
FGCU/Sheridan 93-10, 93-11	94-23	08/29/94	11/14/94	10/24/94	COMPLIANCE	NA
1993/1994 Cycle and EAR amendments	94-29	10/26/94	01/09/95	12/20/94	COMPLIANCE	NA
Wood Bridge 95-01 SS	94-30	11/01/94	07/25/96	12/29/94	PARTIAL COMPLIANCE	Pending
Raymond Lumber 96-01 SS	95-27	12/20/95	01/20/96	NA	COMPLIANCE	NA
Remedial Amendments	96-19	10/02/96	11/02/96	NA	NA	NA
96-02 thru 96-06						
Gargiulo Compliance Agreement	97-05	03/05/97	04/02/97	04/02/97	COMPLIANCE	NA
PAT 97-03						
PAM 97-01 SS	97-17	08/26/97	09/30/97	09/30/97	COMPLIANCE	NA
PAM 97-02 SS	97-13	06/24/97	07/25/97	NA	NA	NA
PAM 97-04 SS	97-22	11/25/97	12/26/97	NA	NA	NA
EAR Addendum Amendments	98-02	01/13/98	02/13/98	NA	NA	NA
PAM 98-01 SS	98-09	06/03/98	07/30/98	07/30/98	COMPLIANCE	NA
PAM 98-02 SS	99-02	04/13/99	02/04/00	NA	COMPLIANCE	NA
1998/1999 Cycle	98-26	11/24/98	12/25/98	NA	NA	NA
PAT 98-08	99-15	11/22/99	1/19/00	1/19/00	COMPLIANCE	NA
PAT 98-34	99-16	11/22/99	1/19/00	1/19/00	COMPLIANCE	NA
PAM/T 98-07	99-17	11/22/99	1/19/00	1/19/00	COMPLIANCE	NA
PAM 99-25 SS	99-18	11/22/99	01/19/00	1/19/00	COMPLIANCE	NA
PAM 99-23	99-19	11/22/99	12/23/99	NA	NA	NA
PAM 99-26 SS	00-08	05/04/00	06/26/00	06/26/00	COMPLIANCE	NA
1999/2000 Cycle	00-16	08/08/00	09/08/00	NA	NA	NA
CPA2001-08 SS	00-22	11/01/00	12/26/00	12/26/00	COMPLIANCE	NA
2000/2001 Cycle	01-24	12/13/01	1/13/02	NA	NA	NA
Coconut Point DRI CPA 2000-30	02-02, 03, 04, 05, 06	01/10/02	03/27/02	03/05/02	COMPLIANCE	NA
2001/2002 Cycle	02-29	10/21/02	01/09/03	12/18/02	COMPLIANCE	NA
CPA2003-01 SS	03-01, 02, 04, 05, 06, 07	01/09/03	04/01/03	03/11/03	COMPLIANCE	NA
CPA2003-03 SS	03-12	05/06/03	06/06/03	NA	NA	NA
2002/2003 Cycle	03-15	06/24/03	07/25/03	NA	NA	NA
Miromar Lakes DRI CPA2001-03	03-19, 20, 21	10/23/03	01/12/04	12/22/03	COMPLIANCE	NA
CPA2003-05 SS	03-26	12/15/03	03/06/04	02/14/04	COMPLIANCE	NA
North Point DRI CPA2003-04	04-15	09/22/04	10/23/04	NA	NA	NA
CPA2003-02	04-014	09/20/04	12/07/04	11/16/04	COMPLIANCE	NA
CPA2001-18	04-16	09/22/04	12/10/04	11/19/04	COMPLIANCE	NA
2004/2005 Cycle	03-03	01/09/03	12/24/04	03/11/03	COMPLIANCE	NA
CPA2004-13	05-19, 21	10/12/05	01/09/06	12/19/05	COMPLIANCE	NA
	05-20	10/12/05		12/19/05	NON-COMPLIANCE	Pending
SS = Small Scale Amendment pursuant to F.S. 163.3187(1)(c)						

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is expected in Sanibel as the community is nearly built out today. (Added by Ordinance No. 99-15)

- 15. South Fort Myers** - This Community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2020.

The residential areas of this community will also continue to develop through the year 2020 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market. This community will grow from a 1996 permanent population of 46,000 to approximately 52,000 in 2020. In 2020, this community will still be 4,000 permanent residents from its build out population. While this community is not as heavily influenced by the seasonal population as the communities to the south, in season, South Fort Myers is expected to have a population of over 60,000 in the year 2020. (Added by Ordinance No. 99-15)

- 16. Pine Island** - This community includes Greater Pine Island as described under Goal 14 along with surrounding smaller islands and some unincorporated enclaves near Cape Coral. Its future, as seen by Pine Islanders, will be a matter of maintaining an equilibrium between modest growth, a fragile ecology, and a viable and productive agricultural community. Pine Island will continue to be a haven between urban sprawl approaching from the mainland and the wealth of the outer islands; a quiet place of family businesses, school children, farmers, and retirees enjoying the bounties of nature; a place devoid of high-rises, strip malls, and gated communities. Traffic constraints caused by the narrow road link to the mainland will limit future development, allowing the islands to evacuate from storms and protecting natural lands from unsustainable development. Wildlife and native vegetation will be protected; loss of wildlife habitat will be reversed; sidewalks and bike paths will connect neighborhoods for young and old alike. Architectural standards for commercial buildings will encourage "Old Florida" styles, and historic buildings will be treasured. Pine Island will continue to be a place where people, nature and agriculture exist in harmony, a place not very different from what it is today, an island as state-of-mind as much as a physical entity, its best features preserved and enhanced. Pine Islanders are historically vigilant about protecting their community and will work to ensure that their plans are carried out. (Added by Ordinance No. 99-15, Amended by Ordinance No. 03-03, 05-21)

- 17. Lehigh Acres** - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow through the year 2020 at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2020. The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population. Lehigh will continue to struggle

planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

POLICY 1.4.6: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of the 2020 Program or the 2020 ordinances. (Added by Ordinance No. 98-09, Amended by Ordinance No. 02-02)

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties 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, 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	Maximum density if undeveloped land will be continued in agricultural use on existing farmland
0%	1 DU/ 10 acres	1 DU/ 10 acres
5%	1 DU/ 9 acres	
10%	1 DU/ 8 acres	1 DU/ 9 acres
15%	1 DU/ 7 acres	
20%	1 DU/ 6 acres	1 DU/ 8 acres
30%	1 DU/ 5 acres	1 DU/ 7 acres
40%	1 DU/ 4 acres	1 DU/ 6 acres
50%	1 DU/ 3 acres	1 DU/ 5 acres
60%	1 DU/ 2 acres	1 DU/ 3 acres
70%	1 DU/ 1 acre	1 DU/ 2 acres

Existing farmland is depicted on Map 21. Areas for buffers, lakes, and utilities may consist of up to 10% of the upland preserve areas. (Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21)

GOAL 14: GREATER PINE ISLAND. To manage future growth on and around Greater Pine Island so as to maintain the island's unique natural resources, character and its viable and productive agricultural community and to insure that island residents and visitors have a reasonable opportunity to evacuate when a hurricane strike is imminent. For the purposes of this plan, the boundaries of Greater Pine Island are indicated on the Future Land Use Map. (Amended by Ordinance No. 94-30, 05-21)

OBJECTIVE 14.1: NATURAL RESOURCES. County regulations, policies, and discretionary actions affecting Greater Pine Island will permit no further degradation of estuarine and wetland resources and no unnecessary loss of native upland vegetation and wildlife habitat. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.1.1: The county will not approve or support any new canals on Greater Pine Island or any new artificial channels in natural waters within one mile of Pine Island. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.1.2: Lee County will map the seagrass beds around Greater Pine Island, and will regulate boating activities around Greater Pine Island and marina siting on Greater Pine Island in such a way as to prevent the net loss of seagrasses due to "prop dredging." (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 14.1.3: Lee County will, by 1996, explore the possibility of estimating the aerial extent and maturity of mangroves in Greater Pine Island for the purpose of providing baseline data necessary to ensure that the cumulative impact of mangrove alteration does not decrease the combination of aerial extent and maturity of mangroves relative to the baseline data. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 14.1.4: Maintenance dredging of old channels and canals may be permitted in those cases where the original channel (or canal) depth and width can be accurately determined.

POLICY 14.1.5: New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots. For agriculture, this requirement:

- will be implemented through the notice-of-clearing process in chapter 14 of the Land Development Code;
- will include a requirement to use this area as a riparian forest buffer with an adjoining filter strip wherever farmland abuts wetlands; and
- if native vegetation does not currently exist, native tree cover will be established within three years of issuance of the notice of clearing.

(Amended by Ordinance No. 00-22, 03-03)

POLICY 14.1.6: The county will continue to purchase environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.1.7: Lee County will design a program within one year to assess the condition of septic tank drainfields along saltwater canals in St. James City, Bokeelia, and Flamingo Bay if grant funding can be obtained and if property owners are willing to cooperate with the study. This program would analyze whether current soil conditions or the density, age, or condition of drainfields are likely to be degrading tidal water in the canals. If serious degradation is taking place, Lee County will assess the feasibility of various corrective measures. (Amended by Ordinance No. 94-30, 00-22, 03-03)

POLICY 14.1.8: The county reclassified all uplands on Pine Island previously designated as Rural to a new Coastal Rural designation on the Future Land Use Map. The purposes of this redesignation was to provide a clearer separation between rural and urban uses on Pine Island, to discourage the unnecessary destruction of native upland habitats, and to avoid placing more dwelling units on Pine Island that can be served by the limited road capacity to the mainland. The Coastal Rural designation is designed to provide land owners with maximum flexibility while accomplishing these public purposes. (Added by Ordinance No. 03-03)

OBJECTIVE 14.2: ROAD IMPROVEMENTS. The county will continually monitor traffic levels on Pine Island Road to insure that the sum of the current population plus development on previously approved land plus new development approvals will not exceed the capacity of existing and committed roadways between Pine Island and mainland Lee County. (Amended by Ordinance No. 00-22)

POLICY 14.2.1: The minimum acceptable level-of-service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is hereby established as LOS "D" on an annual average peak hour basis and LOS "E" on a peak season, peak hour basis. This standard will be measured at the county's permanent count station on Little Pine Island and using the methodology described in the 1985 Highway Capacity Manual, Special Report 209. (Amended by Ordinance No. 00-22)

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county will keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations will reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road reaches 810 peak hour, annual average two-way trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

- When traffic on Pine Island Road reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code), or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.
(Amended by Ordinance No. 00-22, 03-03)

POLICY 14.2.3: In addition to enforcing the restrictions in Policy 14.2.2, the county will take whatever additional actions are feasible to increase the capacity of Pine Island Road. The following measures will be evaluated:

- The construction of left-turn lanes at intersections with local roads in Matlacha.
- Improvements to Burnt Store Road and Pine Island Road to the east of Burnt Store that will prevent premature closure of those roads during an evacuation, closures which now limit the number of Greater Pine Island and Cape Coral residents able to evacuate.

(Amended by Ordinance No. 94-30, 00-22, 03-03)

POLICY 14.2.4: The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. Wherever possible, this path should be designed as a major public amenity similar to the high-quality design used for the bicycle path north of Pineland that was completed in 2001. (Added by Ordinance No. 03-03)

POLICY 14.2.5: Lee County will investigate the merits of creating a concurrency exception area for a portion of Pine Island Center. The concurrency exception area will promote the expansion of public transportation to and from the Greater Pine Island area. (Added by Ordinance No. 05-21)

OBJECTIVE 14.3: RESIDENTIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.3.1: Due to the constraints on future development posed by the limited road connections to mainland Lee County, bonus densities of any kind are not permitted in Greater Pine Island. This prohibition includes housing density bonuses, off-site transfers from environmentally critical areas, and transfer from on-site wetlands at rates above the standard density rates for environmentally critical areas.

POLICY 14.3.2: When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities.

POLICY 14.3.3: The county's Land Development Code will continue to state that no building or structure on Greater Pine Island will be erected or altered so that the peak of the roof exceeds thirty-eight (38) feet above the average grade of the lot in question, or forty-five (45) feet above mean sea level, whichever is the lower. No deviations from these height restrictions may be granted through the planned development process. These height restrictions will not be measured from minimum flood elevations nor will increases in building height be allowed in exchange for increased setbacks. Industrial buildings must also comply with these height restrictions. (Amended by Ordinance No. 94-30, 00-22, 03-03)

POLICY 14.3.4: The county Zoning Regulations will continue to allow storage of commercial fishing equipment at a fisherman's private residence as a permitted use in residential districts on Pine Island. Reasonable restrictions not having the effect of prohibiting such storage may be developed. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.3.5: The county will amend its land development code to provide specific regulations for neighborhood connectivity and walls and gates on Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These regulations would require interconnections between adjoining neighborhoods wherever feasible and would no longer allow perimeter walls around larger developments. (Added by Ordinance No. 03-03)

OBJECTIVE 14.4: COMMERCIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

POLICY 14.4.2: Commercial development at other locations on Greater Pine Island should be limited to marinas, fish houses, minor commercial uses to serve local residents, and uses to serve island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.3: The county will expand the commercial design standards in its land development code to provide specific architectural and site design standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would promote but not mandate rehabilitation over demolition; require smaller rather than larger buildings; avoid standardized franchise buildings; preserve mature trees wherever possible; place most parking to the side and rear; require large windows and forbid most blank walls; and encourage metal roofs and other features of traditional "Old Florida" styles. The new commercial design standards will reflect the different characteristics of Bokeelia, Pineland, Matlacha, and St. James City. (Added by Ordinance No. 03-03)

POLICY 14.4.4: The county will expand its current sign regulations to include specific standards for Greater Pine Island if an acceptable proposal is submitted by the Greater Pine Island community. These standards would reduce the size of ground-mounted signs, discourage or

disallow internally lit box signs, allow wall signs on buildings near the right-of-way, and allow small directional signs on Stringfellow Road for businesses not visible from the road. (Added by Ordinance No. 03-03)

POLICY 14.4.5: The county will establish a prioritized schedule for an effort to rezone land to zoning districts that properly reflect its development potential under the Lee Plan. (Added by Ordinance No. 03-03)

OBJECTIVE 14.5: HISTORIC RESOURCES. Lee County will continue to formally designate historic resources and archaeological sites on and around Greater Pine Island. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.1: The county will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.2: Public acquisition of historic structures and archaeological sites will be considered in conjunction with other public purposes such as parks or preservation of environmentally sensitive lands. (Amended by Ordinance No. 00-22)

POLICY 14.5.3: The county will evaluate the effects of county regulations (such as zoning, road setbacks, and other development regulations) on designated historic districts and other districts of local concern, and will modify such regulations where necessary to protect both the interests of owners of historic structures and the health, safety, and welfare of the general public. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.5.4: The county will update its historic sites survey of Greater Pine Island if an update is determined to be needed. The county will consider formal local designation of additional historic buildings, especially in St. James City, Pineland, and Bokeelia, and will identify potential buildings or districts for the National Register of Historic Places. (Added by Ordinance No. 03-03)

OBJECTIVE 14.6: AGRICULTURAL USES. To promote and preserve the rural character of Pine Island, Lee County will strive to foster a viable and productive agricultural community on the island. Lee County will incorporate several land use "tools" such as purchase and transfer of development rights programs into the Lee County Land Development Code to preserve agricultural uses on Pine Island. (Added by Ordinance No. 05-21)

POLICY 14.6.1: Lee County will maintain a map (Map 21) of all existing farmland on Pine Island. These mapped existing farmlands and Pine Island lands containing indigenous vegetation are the primary targeted sending areas for the creation of transfer of development rights (TDR) on Pine Island. (Added by Ordinance No. 05-21)

POLICY 14.6.2: Lee County, by 2009, will evaluate creating a Purchase of Development Rights Program with the objective of preserving Pine Island agricultural uses. (Added by Ordinance No. 05-21)

POLICY 14.6.3: By 2007 Lee County will amend the Lee County Land Development Code to establish a Pine Island Transfer of Development Rights (TDR) program to supplement the existing wetland TDR program. The program will be encouraged for properties depicted on Map

21 as well as other Pine Island lands as promoting reduced densities in the Coastal High Hazard Area. (Added by Ordinance No. 05-21)

POLICY 14.6.4: The property owners of lands designated Intensive Development, Central Urban, or Urban Community are eligible to receive Pine Island TDRs. The property owners of lands designated Suburban and Outlying Suburban are eligible to receive Pine Island TDRs consistent with the Lee Plan's definition of Density and if approved through the planned development rezoning process. The land development code will maintain several approval processes such as by right, administrative and planned development approval. Developments receiving TDR units will be evaluated for the following criteria: compact site design, innovative open space design, well designed pedestrian/bicycle connections to commercial and employment areas, locations on or a walkable distance to mass transit service, and mixed use buildings. Utilization of in-fill and brownfield sites are encouraged. Land Development Code incentives will be given to projects that incorporate concepts from traditional neighborhood design, transit oriented development, and new urbanism principles. (Added by Ordinance No. 05-21)

POLICY 14.6.5: Participation in the Pine Island TDR by right and administrative approval processes for receiving sites requires that the subject property be already conventionally zoned in a zoning district that would permit the proposed development consistent with allowable densities and with the zoning district's lot size, setback, open space and height requirements. The by right process will be limited to adding one additional dwelling unit to a receiving parcel that is one acre or less in size. If the receiving parcel is larger than one acre, TDR units may be used to add one dwelling unit per acre by right. The resulting density may not exceed the maximum total density range for the land use category of the subject site. (Added by Ordinance No. 05-21)

POLICY 14.6.6: Adding Pine Island TDR units in excess of one dwelling unit per acre in conventional zoning districts requires administrative approval. The Lee County Department of Community Development director may administratively approve the use of TDR units to increase the density of a proposed development provided that the proposed development is: in compliance with the Lee Plan; zoned for the type and number of dwelling units proposed to be constructed; designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; in a location where the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; in a location outside of the Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council; not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest, and; will not decrease required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses. (Added by Ordinance No. 05-21)

POLICY 14.6.7: The Land Development Code will be amended to specify that Pine Island TDRs may be utilized through the Planned Development approval and amendment rezoning processes for land owners seeking to add additional dwelling units utilizing TDR units. The Code will specify that the application for the rezoning and the request to utilize TDR units may be submitted at the same time for concurrent review. (Added by Ordinance No. 05-21)

POLICY 14.6.8: The generation rate for Pine Island TDRs will be limited by the Land Development Code to two Transfer of Development Rights per acre for the Coastal Rural land use category, to six Transfer of Development Rights per acre for the Future Urban land use categories, and one Transfer of Development Right per five acres of wetland. The Land

Development Code will be amended to establish a creation of development rights process as well as a receiving process. (Added by Ordinance No. 05-21)

GOAL 15: GASPARILLA ISLAND. To provide the necessary facilities and regulations so that the remaining unbuilt portions of the island can be developed consistent with its unique character and hurricane vulnerability. For the purposes of this plan, the boundaries of Gasparilla Island are indicated on the Future Land Use Map.

OBJECTIVE 15.1: COMMUNITY FACILITIES. Lee County will continue to ensure the provision of solid waste and ambulance service to the Lee County portion of Gasparilla Island through the ongoing enforcement of interlocal agreements with Charlotte County. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 15.2: HISTORIC RESOURCES. Lee County will continue to recognize Boca Grande as an historic district pursuant to the Historic Preservation Ordinance. (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 15.3: NATURAL RESOURCES. The county will protect natural and marine resources from potential oil spills at Port Boca Grande. (Amended by Ordinance No. 94-30, 00-22)

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban ⁶	1	3	No Bonus
Rural ¹¹	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁷	No Minimum	1	No Bonus
Open Lands ⁸	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁹	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ¹⁰	1	2.5	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹ See the glossary in Chapter XII for the full definition of "density."

² Adherence to minimum densities is not mandatory but is recommended to promote compact development.

³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories. (Amended by Ordinance No. 05-21)

⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶ In the Outlying Suburban category: north of the Caloosahatchee River and east of Interstate-75; north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; in the Buckingham area (see Goal 17); and, all lands 187.5 feet south of the north section line of Section 33, Township 43 S, Range 26 E in the Caloosahatch Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

⁷ Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

⁸ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), 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. (Amended by Ordinance No. 99-15)

⁹ Higher densities may be allowed under the following circumstances:

(a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or

(c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre. (Amended by Ordinance No. 00-22)

¹⁰ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.

¹¹ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres. (Added by Ordinance No. 02-02)

Table 1(b)
Planning Community Year 2020 Allocations

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development				704	5			371			
	Central Urban	462	15		2,778		3,052		2,498			
	Urban Community	697	930		920	526	8,037			51	327	
	Suburban	2,471	2,250		1,217	636			5,293		1,572	
	Outlying Suburban	396				466			610	49	837	749
	Industrial	7	13		10							
	Public Facilities											
	University Community		860									
	Industrial Interchange											
	General Interchange							15	9		15	12
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Tradeport											
	Airport											
	Rural		160			1,129	10	702	383	57	900	1,251
	Rural Community Preserve									3,046		
	Outer Island	1				37						
	Open Lands								45			1,236
	Density Reduction/ Groundwater Resource							3,573				1,837
	Wetlands											
Unincorporated County Total Residential		4,034	4,228		5,629	2,799	11,099	4,290	9,209	3,203	3,651	5,085
Commercial		782	1,613		1,849	165	452	31	1,158	18	1,399	104
Industrial		298	350		723	64	216	55	209	5	87	3
Non-Regulatory Allocations												
Public		2,970	1,085		3,394	1,722	13,738	7,700	2,015	2,114	4,708	1,462
Active AG						2,313		21,066	381	411	833	1,321
Passive AG			90			960		21,110	4,113	3,867	90	4,393
Conservation		8,879	3,283		128	13,703	1,455	30,882	1,293	359	3,626	798
Vacant		1,912	11		690	4,577	19,561	321	4,242	1,278	5,794	1,310
Total		18,875	10,660		12,413	26,303	46,521	85,455	22,620	11,255	20,188	14,476