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**POLICY 1.1.10:** The **Commercial** future land use category is located in areas where infrastructure is planned or in place and residential uses are not expected or incompatible due to surrounding land uses, environmental constraints, or proximity to the Coastal High Hazard Area. ~~the nature of surrounding land uses, location along major travel corridors, or where residential development would increase densities in Coastal High Hazard Areas or in Lehigh Acres, where residential uses are abundant and existing commercial areas serving the residential needs are limited. In these locations, the requisite infrastructure needed for commercial development is generally planned or in place. The Commercial category is intended to support all types of commercial uses and limited light industrial uses, excluding outdoor storage, retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will be predominant in the Commercial future land use category. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category. Any redesignation of land to the Commercial future 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 that appropriate site development regulations are incorporated into the development plans of each site. New developments~~Development in this category must connect to a potable water and sanitary sewer system.

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**POLICY 1.1.13:** The **Tradeport** future land use category includes areas of commercial and industrial lands adjacent to the Southwest Florida International Airport (RSW), the airport or other major transportation infrastructure such as Florida's Strategic Intermodal System (SIS). These areas will include developments consisting of light manufacturing or assembly, data centers, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; education and training facilities; and office uses.

Stand-alone retail commercial uses intended to support and complement the surrounding business and industrial land uses are permitted if they are approved as part of a Development of Regional Impact (DRI) ~~or Planned Development~~ rezoning. Stand-alone retail commercial uses are limited to 1 acre ~~out of~~ every 10 Tradeport and preserved wetland acres within the project. To provide an incentive to preserve upland habitat, ~~DRIs 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. Ancillary ~~retail~~ commercial uses related directly to the sale of products manufactured or services provided by the associated light industrial use are not considered stand-alone commercial in Tradeport are allowed if they are part of a planned development. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category.

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**POLICY 1.4.5:** The **Density Reduction/Groundwater Resource (DR/GR)** future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.

1. ~~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 utilizing hydrologic modeling.~~ Impacts of proposed land disturbances on surface and groundwater resources will be analyzed during the rezoning or development order application review using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts

~~on water resources and natural systems. The modeling must also demonstrate that the proposed change will have no significant impacts on present or future water resources or adjacent properties. This can be achieved through the incorporation of increased storage capacity and the inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.~~

- ~~2. 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). Other uses or densities may be appropriate when the Community Plan Area specifically provides otherwise. See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.~~
  3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.
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OBJECTIVE 2.3: FUTURE LAND USE MAP AMENDMENTS. To require formal findings for certain Future Land Use Map amendments.

POLICY 2.3.1: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres, as described in Policy 54.1.9, and all land in the DR/GR land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

POLICY 2.3.2: Future Land Use Map amendments to the existing DR/GR areas within the Southeast Lee Community Plan Area south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density ~~or intensity of land use~~ will be discouraged by the County. Non-residential uses that provide opportunities to support surrounding residential development may be considered when consistent with the Lee Plan and Wellfield Protection Ordinance. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in Ch. 163, Part II, Fla. Stat., the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. ~~analyze~~ the proposed ~~allowable~~ land uses to determine the availability of irrigation and domestic water sources; and,

2. ~~i~~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 being permitted; and,
3. ~~p~~Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. ~~s~~Supply data and analysis specifically addressing urban sprawl.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them.

**POLICY 2.3.3:** 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 of County Commissioners 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.

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**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial, ~~except that~~ unless the Community Plan Area specifically provides otherwise.

- ~~Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.~~

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

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**POLICY 7.1.2:** Industrial development is encouraged through conventional zoning districts when the property is not adjacent to a residential zoning district, and within the Industrial Development, Tradeport, and Industrial Interchange future land use categories. ~~Industrial development outside of the aforementioned industrial future land use categories that meet in these future land use categories requiring rezoning and meeting DCI thresholds must be rezoned to a Planned Development. All rezonings to allow industrial uses outside of the Industrial Development, Tradeport, or Industrial Interchange future land use categories must be rezoned to a Planned Development, except if located within the Mixed Use Overlay. The Planned~~

Development must be designed to arrange uses as an integrated and cohesive unit in order to: promote compatibility and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary facilities and services where they are inadequate to serve the proposed use.

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**OBJECTIVE 17.2: COMMUNITY PLAN AREAS.** To depict the boundaries of community plan areas on the Future Land Use Map (Map 2-A).

**POLICY 17.2.1:** Each community plan area boundary must be rationally related to the condition(s) identified in the individual community plan.

**POLICY 17.2.2:** Expansion of an existing community plan area boundary must be supported by data and analysis demonstrating all of the following:

- A specific condition addressed in the community plan also exists outside and immediately contiguous to the existing community plan area;
- Expansion of the community plan area boundary would not be duplicative or contrary to the provisions of the lee plan;
- Expansion of the community plan area boundary requires authorization by the property owner whose property will be added to the community plan area;
- Expansion of the community plan area boundary will advance the objectives of the community plan; and
- Expansion of the community plan area boundary must be contiguous to the existing community plan area and must not create an enclave.

POLICY 17.2.3: Contraction of an existing community plan area may occur when data and analysis show that the proposed subtraction area is not rationally related to the surrounding Community Plan Area. Contraction may not occur in a way that creates an enclave.

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**GOAL 33: SOUTHEAST LEE COUNTY.** Protect Southeast Lee County’s natural resources through public and private acquisition and restoration efforts. Development incentives will be utilized as a mechanism to preserve, enhance, and protect natural resources, such as regional flow-ways and natural habitat corridors, in the development of privately owned land. ~~Allowable land uses will include conservation, agriculture, public facilities, low density or clustered residential, natural resource extraction operations, and private recreation facilities; allowable land uses must be compatible with protecting Southeast Lee County’s environment.~~ New uses may be permitted when developed in accordance with the goals, objectives, and policies in the Lee Plan, the Wellfield Protection Ordinance, and other environmental protection requirements.

**OBJECTIVE 33.1: WATER, HABITAT, AND OTHER NATURAL RESOURCES.** Protect and restore natural resources within Southeast Lee County, including, but not limited to, surface and ground water, wetlands, and wildlife habitat.

**POLICY 33.1.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture.

**POLICY 33.1.2:** The Southeast Lee Community Plan Area Overlays identify DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing wildlife corridors or conservation areas (see Map 1-D). ~~Within these tiers, density~~ The County will utilize tiers of incentives as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.

**POLICY 33.1.3:** Pursue acquisition (~~partial or full interest~~) of land via public investment, land swaps, conservation easements, or donation of critical lands within Southeast Lee to augment publicly-owned conservation lands to improve water resources, natural ecosystems, and wildlife connections. ~~within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.~~

**POLICY 33.1.4:** Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and natural resource priority. On individual sites, restoration can be carried out in stages:

1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or establishing control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.
2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.

**POLICY 33.1.5:** Lee County recognizes the importance of maintaining agricultural lands within Southeast Lee County for local food production, water conservation and storage, land conservation, wildlife habitat, and wetland restoration. The continued use of ever-evolving agricultural best management practices will protect native soils and potentially improve the quantity and quality of water resources, allowing sustainable agriculture to be integrated into restoration planning for Southeast Lee County.

**POLICY 33.1.6:** On existing farmland, the County will offer incentives to encourage the continuation of agricultural operations. Incentives will include the ability to concentrate all existing development rights while farming continues on the remainder of the tract; and, the ability to sever and sell all development rights while farming continues on the entire tract. Other incentives may be provided to agricultural operations that implement and maintain best management practices.

Continued agricultural use may be a desirable long-term use even within land designated ~~on the Priority Restoration Strategy~~ in a Southeast Lee Community Plan Area Overlay as potentially eligible for protection (see Policy 9.1.7).

**POLICY 33.1.7:** Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.

**POLICY 33.1.8:** The County supports a comprehensive and coordinated effort to manage water resources in a manner that includes the protection and restoration of natural systems within Southeast Lee County.

**POLICY 33.1.9:** The County shall dissuade residential development in Southeast Lee above what is permitted under the incentive programs included in Goal 33. Residential development shall not be permitted at a density of more than one unit per gross acre, regardless of land use category.

**OBJECTIVE 33.2: ~~RESIDENTIAL AND MIXED-USE DEVELOPMENTS~~ SOUTHEAST LEE COMMUNITY PLAN AREA OVERLAYS.** Southeast Lee Community Plan Area Overlays (Southeast Lee Overlays) denote areas utilizing the development programs in this objective to incentivize natural resources, land conservation, and restoration. Designate on a Future Land Use Map overlay areas that should be protected from adverse impacts of mining (Existing Acreage Subdivisions), specific locations for concentrating existing development rights on large tracts (Mixed Use Communities), specific properties which provide opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections (Environmental Enhancement and Preservation Communities), and vacant properties with existing residential approvals that are inconsistent with the DR/GR future land use category (Improved Residential Communities).

**POLICY 33.2.1:** Existing acreage subdivisions are shown on Map 2-D. These subdivisions should be protected from adverse external impacts.

**POLICY 33.2.2:** Map 2-D identifies ~~future locations for the areas designated as Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts.~~ The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.3.
  - a. The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community when TDUs are used.

- b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within the Mixed-Use Communities identified on Map 2-D will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.
  - c. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community, provided it does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 2-D.
  - d. Commercial uses developed as part of a Mixed-Use Community will be consistent with Objective 33.4 Policy 33.2.5 and ~~will not exceed the allowable total square footage for commercial uses in Southeast Lee County.~~
2. Contiguous property adjacent to the Mixed-Use Community located within the Lehigh Acres Community Plan Area may sum allowable dwelling units for the entire property. The resulting allowable dwelling units may be allocated across the project regardless of the underlying future land use category, provided:
    - a. The project is developed as a Planned Development, and
    - b. The project maintains 60% open space.
  3. Central water and wastewater services are required to develop a Mixed-Use Community.

**POLICY 33.2.3:** Properties within Southeast Lee County that have existing approvals for residential development inconsistent with the current DR/GR or Wetlands density requirements may have a negative impact on surface and sub-surface water resources, impact habitat, and may encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts, additional densities may be granted if strict criteria ~~improving to~~ improve the adverse impacts are followed.

1. ~~These properties may be designated on Map 2-D as~~ Properties identified as “Improved Residential Communities,” on Map 2-D must ~~provided they meet all of the following requirements:~~
  - a. ~~Abut~~ Be adjacent lands designated as future urban areas;
  - b. ~~Be a~~ Be adjacent to and eligible for public water and sewer services;
  - c. ~~Can p~~ Provide two direct accesses to an arterial roadway, and;
  - d. ~~Is n~~ Not already be designated on Lee Plan Map 2-D as an Existing Acreage Subdivision or a Mixed-Use Community.
2. In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:
  - a. Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in Southeast Lee County than the existing development approvals.
  - b. Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.
  - c. Active and passive recreational amenities.
  - d. Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following.

- (1) Lower irrigation demand.
  - (2) Eliminates private irrigation wells
  - (3) Protects Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.
  - (4) Uses Florida Friendly Landscaping with low irrigation requirements in common elements.
  - (5) Connects to public water and sewer service, and must connect to reuse water when available.
  - (6) Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.
  - (7) Designed to accommodate existing or historic flow-ways.
  - e. Includes an enhanced lake management plan, that addresses at a minimum the following issues:
    - (1) Best management practices for fertilizers and pesticides
    - (2) Erosion control and bank stabilization
    - (3) Lake maintenance requirements
    - (4) Public well field protection
  - f. Indigenous Management Plans must address human-wildlife coexistence.
3. Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:
- a. 2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.
  - b. 2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.
  - c. 1.5 dwelling units for every additional acre of onsite property put under a conservation easement.
  - d. 1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the planned development rezoning process.
  - e. 2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.
  - f. 2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flow-way identified in the Lee Plan.
  - g. 1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the County to extinguish density on other Southeast DR/GR parcels.
  - h. 1 dwelling unit for every \$8,500 the applicant provides to the County to construct a planned large mammal roadway crossing in the Southeast DR/GR area.

The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future “Improved Residential Communities” proposed to be added to Map 2-D must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria g. or h. are used to account for the increased density.

**POLICY 33.2.4:** ~~Lands that provide a significant regional hydrological and wildlife connection~~ Development in Southeast Lee must have the potential to improve, preserve, and/or restore regional strategic surface and groundwater resources and indigenous wildlife habitats. These lands, located

~~along Corkscrew and Alico Roads, Lands within the Environmental Enhancement and Preservation Community Overlay (EEPCO) must~~ provide ~~important~~ hydrological connections to the ~~Flint Pen Strand and the Stewart Cypress Slough~~ regional watersheds, as well as ~~important~~ wildlife habitat connections to ~~publicly- or privately-owned conservation lands between existing CREW and Lee County properties, or strategic infrastructure connections to benefit the county's water resources.~~ As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species, additional densities and commercial uses may be granted if the project is found to be consistent with and demonstrates through a planned development rezoning the following:

- ~~1.~~ These lands ~~are~~ must be within the “Environmental Enhancement and Preservation Communities” Overlay as designated on Map 2-D of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities Overlay must have the potential to provide important hydrological connections to the regional watersheds, important wildlife habitat connections, or strategic infrastructure connections to benefit the county's water resources. All EEPCO properties must have access to a county- or state-maintained arterial roadway. Inclusion of a property on Map 2-D does not guarantee approval of density above what's permitted in DR/GR without demonstrating the requirements of #3 below. be consistent with the criteria below:
  - ~~• Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and~~
  - ~~• Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the Overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,~~
  - ~~• Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.~~
2. ~~The property is~~ Properties within the EEPCO must be rezoned to a planned development that meets the following. The planned development must also include the applicable requirements in #3 in order to determine appropriate density incentives.:
  - a. Planned development must include a minimum of 60% open space, not including previously mined lakes, which will be used to accommodate the following:
    1. Restore and accommodate existing and historic regional flow-ways where they currently or previously existed;
    2. Restore and accommodate existing and historic groundwater levels;
    3. Restore and preserve wetlands;
    4. Restore and preserve indigenous upland habitats;
    5. Provide critical wildlife connections to adjacent conservation areas; and
    6. Provide a 100-foot buffer along Corkscrew Road East of Alico Road.
  - b. Includes an enhanced lake management plan, that:
    1. Applies best management practices for fertilizers and pesticides;
    2. Provides erosion control and bank stabilization; and
    3. Establishes lake maintenance requirements.
  - c. Develop a site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of

- hydrological improvements and water budget narrative, replanting plan, habitat restoration plan, success criteria, long-term monitoring and maintenance.
- d. Preservation areas must be platted in separate tracts and dedicated to an appropriate maintenance entity. For projects larger than 1,000 acres, a CDD or a master ~~home owners~~ homeowners association must be created that will accept responsibility for perpetually maintaining the preservation requirements identified in the planned development, prior to issuance of a certificate of compliance (CC) for the first local development order.
  - e. Record a Conservation Easement for a minimum of 55% of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third-party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from the first development order approval.
  - f. Indigenous management plans must address human-wildlife coexistence.
    - g. Uses Florida Friendly Landscaping with low irrigation requirements in common elements.
    - h. The stormwater management system must demonstrate through design or other means that water leaving the development meets state and federal water quality standards. The developer must obtain authorization from the Division of Natural Resources prior to the discharge of stormwater from the development into the County's MS4 system directly or indirectly.
    - i. Irrigation and fertilizers (or other chemicals) for agricultural purposes must be entirely eliminated at the time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.
    - j. Protects public wells through compliance with the requirements of the Well Field Protection Ordinance.
    - k. Each planned development within the Overlay will be required to mitigate the traffic impacts of the planned development and provide its proportionate share of the needed roadway improvements in accordance with Administrative Code (AC) 13-16. The proportionate share amount can be offset, in accordance with AC 13-16, by the dedication of needed right-of-way or the construction of improvements that would measurably lessen the need for roadway improvements, or by payment of impact fees, or use of impact fee credits, or as otherwise set forth in a written agreement between Lee County and the Developer. Prior to a final determination of a Project's proportionate share amount, compliance may be met through an enforceable instrument that obligates the property owners within a planned development to pay the Project's proportionate share, with said instrument being recorded prior to the issuance of any development order. For the developments known as WildBlue (CPA2014-00004) and Corkscrew Farms (CPA2015-00001) if the instrument is recorded prior to the final determination of the proportionate share amount, the proportionate share payment may not exceed \$1,600 per unit above the road impact fee amount.
    - l. Connect to public water and sewer service. Connect to reuse water if available at time of development order approval.
    - m. Obtain written verification as to adequate public services for the planned development, from the sheriff, EMS, fire district, and Lee County School District.
    - n. Demonstrate that the planned development will not result in significant detrimental impacts on present or future water resources.

3. In recognition of the private investment towards restoration, preservation, enhancement, and protection of regional flow-ways and natural habitat corridors, the interconnection(s) with existing off-site conservation areas, and the significant enhancement, preservation, and protection of these lands, ~~additional density above what is permitted in the DR/GR may be approved based on the following criteria through planned developments meeting the criteria and requirements outlined above as follows:~~ Sites previously used for mining within the EEPKO must propose strategies from below that go beyond what was required in their approved restoration plan to qualify for additional density.
- a. ~~Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.~~ One (1) dwelling unit per one (1) acre shall be approved when the proposed development includes five (5) of the following, with no more than two (2) of those five (5) from any one category below:
1. Flooding Mitigation and Aquifer Recharge:
    - i. Development design provides for the creation, preservation, or re-establishment of flowways to mitigate flooding and enhance water recharge in the region. Flowway creation, preservation, or re-establishment providing a regional benefit may be completed off-site.
    - ii. Development design must provide a stormwater management system that provides capacity to store a 100-year storm event.
  2. Minimize the Need for Irrigation:
    - i. Landscaping utilizes drip irrigation and 100% drought-tolerant native plantings throughout the development and limits the use of turfgrass within all common areas to no more than 40%.
    - ii. Centralized irrigation system that meets the Water Conservation Ordinance and prohibits the construction of individual irrigation wells on residential lots. The development's irrigation must utilize stormwater ponds and, if necessary, be resupplied from an alternative aquifer or a blend of multiple aquifers to reduce demand on aquifers used by adjacent County or private wells.
    - iii. Connect to and utilize reuse water for 100% of the development's irrigation needs.
  3. Wildlife:
    - i. Restore and preserve wildlife connections to adjacent conservation areas.
    - ii. Provided wildlife connection(s) must be a minimum of 300 feet wide and designed to allow mammals to traverse the project property and connect to adjacent conservation areas.
    - iii. The development must be designed to provide internal wildlife crossings to conservation areas. Wildlife crossings must be designed to accommodate all wildlife, including mammals, when habitat exists.
  4. Wetlands and Native Habitat:
    - i. All wetlands are preserved and restored.
    - ii. Creation, restoration, and preservation of upland habitat that supports protected species. Upland habitat must comprise a minimum of 20% of required open space and have a minimum width of 40 feet.
- b. ~~Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.~~ One (1) unit per two (2) acres shall be approved when the proposed development includes ## of the ## included in section a above.

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- ~~c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres. One (1) unit per three (3) acres shall be approved when the proposed development includes ## of the ## included in section a above.~~
- ~~d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lakes).~~
- ~~f.d. Additional dwelling units may be approved in the planned development by using any combination of the following:~~
- ~~1) Utilize the Southeast Lee County TDR program to transfer dwelling units from Southeast Lee County lands located outside of the planned development pursuant to Policy 33.3.2.~~
  - ~~2) Provide all of the following as part of the planned development for a density increase of 5% per strategy for a maximum increase of up to 15%:~~
    - ~~i. A minimum of 65% open space, not including previously mined lakes; and~~
    - ~~ii. Exclusive use of irrigation ponds and greywater infrastructure for irrigation~~
    - ~~iii. Additional strategies from subsection “a” above. Significant regional hydrological connections that further Lee County’s flood mitigation and flow way restoration efforts by providing:~~
      - ~~a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flow ways (to be considered site-related improvements); and~~
      - ~~b. Enhanced on-site surface water storage and flood attenuation.~~
- ~~e. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire planned development (i.e., all areas within the boundary of the planned development, whether uplands, wetlands, or lakes).~~
4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with Objective 33.XX, all of the following:
- ~~a. The project is a minimum of 2,000 acres;~~
  - ~~b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;~~
  - ~~c. Wetlands may not be impacted by the commercial development area;~~
  - ~~d. The project will be consistent with Policy 33.2.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;~~
  - ~~e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on site), or any other use that is not compatible with protecting Southeast Lee County’s environment;~~
  - ~~f. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1½ inches of treatment, ½-inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County’s nearest production well(s) and the commercial development; and~~
  - ~~g. The human wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.~~

~~**POLICY 33.2.5:** Commercial uses may only be permitted if incorporated into a Mixed Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 2-D. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.~~

**OBJECTIVE 33.3: SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (Southeast Lee County TDR) PROGRAM.** To protect water resources and natural habitat of Southeast Lee County, Lee County may incorporate Southeast Lee County’s purchase and transfer of development rights programs into the LDC.

**POLICY 33.3.1** The new programs may create incentives for property owners within Southeast Lee County to transfer development rights associated with their parcels to receiving lands outside the planning community; or, residential areas identified on Map 2-D; Southeast DR/GR Residential Overlay as specified in Policy 33.3.2.

**POLICY 33.3.2:** The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (Southeast Lee County TDUs).
  - a. Up to one Southeast Lee County TDU may be created per five acres of preserved or indigenous wetlands.
  - b. Up to two Southeast Lee County 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.
  - c. Southeast Lee County TDU credits may be established from DR/GR designated lands as follows:
    - 1) Up to one Southeast Lee County TDU may be created for each ten upland acres encumbered by an agricultural easement.
    - 2) Up to one Southeast Lee County TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
    - 3) For each Southeast Lee County TDU credit allowed by c.1) or c.2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6 and 7 in the Priority Restoration Strategy (Map 1-D).
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
  - a. In Mixed-Use Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.
  - b. In Improved Residential Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit.
  - c. In Rural Golf Course Communities in Southeast Lee County identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit or two bed and breakfast bedrooms.
  - d. In Environmental Enhancement and Preservation Communities identified on Map 2-D, each Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit per 10 acres using credits from DR/GR sending areas and a maximum of one dwelling unit per 20 acres using credits from wetland sending areas.

- e. No more than 2,000 dwelling units may be placed on receiving parcels identified in subsections a. through d. above using the Southeast Lee County TDR program.
  - f. In the Intensive Development, Central Urban, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed for up to two dwelling units. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these future urban areas.
3. The LDC may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.

**POLICY 33.3.3:** The County will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; County-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program.

OBJECTIVE 33.4: NON-RESIDENTIAL USES. Provide adequate commercial, industrial, and office uses to support the Southeast Lee County Community Plan Area by allowing non-residential uses within a Southeast Lee Community Plan Area overlay, as depicted in Map XXXX or as an independent development outside of an overlay. These non-residential uses are intended to provide employment opportunities and reduce the number and duration of vehicle trips while safeguarding natural resources. Commercial uses are limited to Neighborhood Commercial.

POLICY 33.4.X: Non-residential uses may be permitted through a planned development that demonstrates the following:

1. Connections to public water and sewer services. When available, non-residential development must also connect to public reuse infrastructure.
2. Minimizes pollutants associated with some non-residential uses. The following are examples of uses that are not appropriate within SE Lee when located within a wellfield protection zone: auto parts stores, data centers, lawn and garden supply stores, fuel pump stations, dry cleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County’s environment, as determined by Lee County Natural Resources.
3. Provides a minimum of 40% open space. A project may provide off-site mitigation by acquiring and transferring property acceptable to the county, specifically properties depicted on Map XXXXX, to Lee County Natural Resources for an open space credit of up to 25%. On-site Open space shall be designed around the following to the maximum extent possible:
  - Restoration and accommodation of existing and historic regional flow-ways;
  - Restoration and preservation of wetlands;
  - Restoration and preservation of indigenous upland habitats;
  - Providing or enhancing critical wildlife connections to adjacent conservation areas;
  - Providing an enhanced lake management plan that establishes surface and groundwater monitoring and maintenance plans, applies best management practices for fertilizers and pesticides, and provides erosion control and bank stabilization.
4. Develop a site-specific ecological and hydrological restoration plan which includes, at a minimum, the following: preliminary excavation and grading plans, analysis of hydrological improvements and water narrative, replanting plan, habitat restoration plan, success criteria, and a mechanism for long-term monitoring and maintenance.

5. Include a human-wildlife coexistence plan that, at a minimum, includes bear-proof trash and recycling containers, underground grease traps, enhanced outdoor lighting standards that do not illuminate conservation areas, and educational materials.
  6. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1½ inches of treatment, ½ inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered within the most restrictive wellfield protection zone as defined in the Wellfield Protection Ordinance. Groundwater quality monitoring well(s) must be provided and located between Lee County’s nearest production well(s) and the commercial development when the property is within XXXX.
  7. Properties along Corkscrew Rd must provide a 100-foot-wide buffer along the Corkscrew right-of-way.
  8. Landscaping utilizes drip irrigation, uses drought-tolerant native plants, and limits the use of turfgrass within all common areas to no more than 30%.
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#### XIV. Glossary

INDUSTRIAL, LIGHT --

INDUSTRIAL USE --

LAND DISTURBANCES –

NON-RESIDENTIAL USE --