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DIVISION OF PLANNING LEE COUNTY
SOUTHWEST FLORIDA

MEMORANDUM

To: Land Use Staff Review Team FOC

From: Paul O'Connor, AICP, Director

Subject: Initial Review of the Draft Land Use Element

Date: November 30, 2012

Attached is the initial draft of the Land Use Element. It is being sent to the internal core group who participated in the initial workshops and breakout groups. I am asking for your comments by December 10, 2012. I know that is not a lot of time, but fortunately the document is fairly small with a significant amount of struck through language.

Please do not share this with others until we have staff's initial comments and make the necessary revisions.

Attachment: Draft Land Use Element

Distribution List:

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TEXT AMENDMENTS:

Land Use Element

INTENT

The intent of the Land Use Element is to delineate land use categories and policies that promote a varied distribution of land use types reinforcing the distinctions between the urban, suburban, and rural land use types as well as providing for specialized categories such as Conservation Lands and Wetlands. The Element ensures that the character of established neighborhoods are preserved as well as encouraging economic development by providing the opportunity for mixed use communities as well as commercial and industrial uses in appropriate locations. The Element also provides growth management strategies that ensure an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure. Establish development standards that provide clear expectations for new development and infill/redevelopment. (New language)

GOAL 1: ~~FUTURE~~ LAND USE MAP. To maintain and enforce a ~~Future~~ Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, ~~and~~ discourage urban sprawl, encourage mixed use, and ensure that the character of established neighborhoods are preserved. (Edited from Goal 1)

OBJECTIVE 1.1: LAND USE MAP. Designate on the Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban, suburban and rural development activities as well as opportunities for economic diversity and employment. These designations are based upon historic and developing growth patterns and existing or future availability of public facilities and services. (New, Incorporates much of Objective 1.1)

POLICY 1.1.1: The ~~Future~~ Land Use Map contained in this element is hereby adopted as the pattern for future development and ~~substantial~~ redevelopment within the unincorporated portion of Lee County. ~~Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs and Town of Fort Myers Beach are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities.~~ Residential densities, nonresidential intensities and incentives for promoting a mixture of uses are described in the following policies and summarized in Table 1(a). (Modified from Policy 1.1.1)

OBJECTIVE 1.2: ~~FUTURE~~ URBAN AREAS. ~~Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities.~~ Promote urban development that results in an interconnected form that promotes multi-modal transportation opportunities, varied housing options, and active park and public spaces. Encourage the utilization of maximum densities and intensities while discouraging the use of densities below the minimum density range for each land use category. Provide opportunities for additional density through the use of Incentive Density Units. Incentive Density Units can be achieved by participating in various county programs such as the provisions for the transfer of development rights (TDR), provision of affordable housing, providing a monetary contribution that can be used to leverage affordable housing, or through construction of accessory apartments. ~~These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)~~ (Modified from Objective 1.1)

POLICY ~~1.1.2~~1.2.1: : ~~The Intensive Development areas are~~ Urban Core Land Use Category. The Urban Core land use category is located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, Downtown Lehigh Acres, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial ~~(see Policy 7.1.6),~~ and office uses are encouraged ~~to be developed as described in Policy 2.12.3., where appropriate.~~ As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. ~~The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).~~ Urban Core areas have the following land use standards:

a. Residential Density Range:
    1. Minimum: Fifteen units per acre (15 du/a)
    2. Maximum: Twenty-five units per acre (25 du/a)
    3. Incentive Density Units: Fifteen units per acre (15 du/a)
    4. Total Maximum Density: Forty units per acre (40 du/a)

b. Non-Residential Intensity:
    1. Minimum Floor Area Ratio: 0.25
    2. Maximum Floor Acre ratio: 4.00

(Modified from Policy 1.1.2)

POLICY 1.2.3: ~~The~~ Central Urban Places. The Central Urban Places land use category areas can best be characterized as the "urban core" of the county. ~~These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers.~~ This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban services ~~service--water, sewer, roads, schools, etc~~. Central urban places include an integrated variety of

~~R~~residential; commercial~~, public and quasi-public,~~ retail, office/professional, ~~and~~ limited light industrial~~; land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre)~~. civic spaces; and parks and recreational resources. Future development in this category is encouraged to be developed in mixed-use forms. As indicated on the Future Land Use Map, Central Urban Places predominantly surround the Urban Core areas and are also located in Central Tice, Iona-McGregor near the gateway to Sanibel and Captiva, and at the eastern gateway to Lehigh Acres. Central Urban Places have the following land use standards:

a. Residential density range:
    1. Minimum: Eight units per acre (8 du/a)
    2. Maximum: Eighteen units per acre (18 du/a)
    3. Incentive Density Units: Seven units per acre (7 du/a)
    4. Total Maximum Density: Twenty-five units per acre (25 du/a)
b. Non-Residential Intensity:
    1. Maximum Floor Acre ratio: 2.00

(Modified from Policy 1.1.3)

POLICY 1.2.4: ~~The Urban Community areas are areas outside of Fort Myers and Cape Coral that~~ Urban Neighborhood Land Use Category. The Urban Neighborhood land use category areas are characterized by a mixture of relatively intense commercial and residential uses, ~~Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island~~ intended to strengthen the county's economic base through expanded job and workforce opportunities; new and innovative investment, research, and production industries; and more diverse and better balanced tax base. ~~Although the Urban Communities~~ While these areas have a distinctly urban character, they should be developed at slightly lower densities due to their proximity to more suburban, mostly residential, areas. ~~As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area,~~ Predominant land uses in the Urban Neighborhoods areas will be residential, commercial, public and quasi-public, and limited light industry ~~(see Policy 7.1.6)~~ with future development in this category encouraged to be developed as a mixed-use~~, as described in Policy 2.12.3., where appropriate~~. ~~Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). Any bonus densities approved on the properties added to the Urban Community future land use category in conjunction with CPA2010-00002 must be achieved through use of the transfer of development rights program.~~ These areas are located in areas that serve to meet their needs for near retail and commercial service uses supporting neighboring residential suburban communities: Urban Neighborhood areas have the following land use standards:

a. Residential density range:
    1. Minimum: Eight units per acre (8 du/a)
    2. Maximum: Eighteen units per acre (18 du/a)

3. Incentive Density Units: Seven units per acre (7 du/a)

b. Total Maximum Density: Twenty five units per acre (25 du/a)

c. Non-Residential Intensity:

1. Maximum Floor Acre ratio: 1.00

(Modified from Policy 1.1.4)

~~**POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.~~ (Policy not needed)

~~**POLICY 1.1.6:** The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.~~ (Policy not needed)

~~**POLICY 1.1.11:** The Sub-Outlying Suburban areas are residential areas that are predominantly low-density development. Generally the requisite infrastructure needed for higher density development is not planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas and are placed within communities where higher densities are incompatible with the surrounding area and where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.~~

~~1. For Lots 6 -11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area:~~

~~a. The property may be developed at a gross density of one dwelling unit per acre; however, a gross density of up to two dwelling units per acre is permitted through the planned development zoning process, in which the residential development is clustered in a manner that provides for the protection of flowways, high quality native vegetation, and endangered, threatened or species of special concern. Clustered development must also connect to a central water and sanitary sewer system.~~

~~b. A maximum of one hundred and twenty (120) residential dwelling units, along with accessory, and accessory active recreation uses are permitted through the use of clustering and the planned development zoning process. The dwelling units and accessory uses must be clustered on an area not to exceed thirty two (±32) acres, which must be located on the northwestern portion of the property. No development may occur~~

~~in the flowway, with the exception of the improvement of the existing road access from the site to Pine Road. The remainder of the property will be designated as preserve/open space, which can be used for passive recreation, and environmental management and education. In addition, the developer will diligently pursue the sale or transfer of the preserve/open space area, along with development rights for thirty (30) of the maximum one hundred and twenty (120) residential dwelling units, to the State, County, or other conservation entity.~~

(Policy not needed)

OBJECTIVE 1.3: SUBURBAN DEVELOPMENT AREAS. Provide for the development of suburban areas through land use standards that support a diverse suburban lifestyle with residential communities; economic centers with commercial, office, and professional businesses; civic areas; and park and recreational resources. Encourage well connected suburban communities through an interconnected system of roadways, pedestrian and bike connections, and open space areas, which support a residential lifestyle, provide compatibility for homes, and protect established residential neighborhoods from incompatible development. Suburban areas help define the developed areas of the county by establishing mainly residential areas located between more densely developed urban areas and less developed rural communities and environmental areas. Suburban areas enable opportunities for diverse housing, economic, and park options by providing for additional densities, integrated mixed-use developments, and interconnected land uses. As identified on the Land Use Map, Map 1, there are four suburban land use categories. (New)

POLICY 1.3.1: Suburban Six. The Suburban Six land use category is intended to develop moderate density suburban land use areas that are characterized by a mixture of residential neighborhoods, commercial shops and services, civic uses, and park and recreational facilities. Additional density is available in this suburban land use category through the use of Incentive Density Units. Suburban Six areas have the following land use standards:

a. Residential density range:
   1. Minimum: Four units per acre (4 du/a)
   2. Maximum: Six units per acre (6 du/a)
   3. Incentive Density Units: Four units per acre (4 du/a)
   4. Total Maximum Density: Ten units per acre (10 du/a)

b. Non-Residential Intensity Range:
   1. Maximum Floor Acre ratio: 0.50
   2. Retail development is limited to uses that serve the Suburban community.

(New)

POLICY 1.3.2: Suburban Four. The Suburban Four land use category is intended to allow the development of moderately low density suburban areas that provide diverse housing options in locations near the more urban areas supported by a mix of land uses that support a strong residential lifestyle including commercial shops and entertainments uses, professional and office businesses and services, civic places, and park and recreational resources. Suburban Four areas have the following land use standards:

a. Residential Density Range:

1. Minimum: Two units per acre (2 du/a)
2. Maximum: Four units per acre (4 du/a)
3. Incentive Density Units: Not allowed
4. Total Maximum Density: Four units per acre (4 du/a)

b. Non-Residential Intensity Range:
1. Maximum Floor Acre ratio: 0.30
2. Retail development is limited to uses that serve the Suburban community.

(New)

POLICY 1.3.3: Suburban Two. The Suburban Two areas are intended to develop low-density residential neighborhoods which do not have the public infrastructure resources needed for higher density development. Suburban two land use areas are placed within communities where there is a desire to retain a low-density community character without large commercial, office, or industrial developments. Suburban Two areas have the following land use standards:

a. Residential density range:
1. Minimum: No minimum dwelling units per acre
2. Maximum: Two units per acre (2 du/a)

b. Non-Residential Intensity Range:
1. Maximum Floor Acre ratio: 0.25
2. Retail development is limited to uses that serve the Suburban community.

(New)

POLICY 1.3.4: Coastal Suburban Community. The Coastal Suburban Community areas are intended to develop low-density residential neighborhoods in a coastal environment subject to storm events. These areas are mainly located adjacent to the Gulf of Mexico, the Caloosahatchee River, Estero Bay, and on Pine Island. The majority of the property within this category is located in the Coastal High Hazard zone and therefore increased or Incentive Density is not permitted. Coastal Suburban Community have the following land use standards:

a. Residential density range:
1. Minimum: No minimum dwelling units per acre
2. Maximum: Three units per acre (3 du/a)

b. Non-Residential Intensity Range:
1. Maximum Floor Acre ratio: 0.25
2. Retail development is limited to uses that serve the Suburban community.

(New)

OBJECTIVE 1.4: ECONOMIC DIVERSIFICATION/RESEARCH AND ENTERPRISE CATEGORIES. Provide sufficient lands to create and maintain a strong, vibrant local economy while maintaining environmental/natural resources and the quality of life. Maintain a series of land use categories that accommodate commercial, industrial, and research and development uses to provide employment areas and to help diversify the economy of the county. Protect and allow the expansion of major economic engines such as the Southwest Florida International Airport and Florida Gulf Coast University, and surrounding commercial and industrial uses. As identified on the Land

Use Map, Map 1, there are five Economic Diversification/Research and Enterprise land use categories.

POLICY 1.4.1: Commercial. The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the county. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in ~~##Chapter XIII~~ Housing Element of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Lee Plan Policies 28.2.11 and 29.1.8 specify portions of the North Fort Myers and Fort Myers Shores Planning Communities, where the maximum permitted FAR is 0.26 and 0.25 respectively. Development in this future land use category is not required to comply with the site location criteria provided in ~~Goal 6~~ the Land Development Code, when appropriate site development regulations are incorporated into the planned development.
(Modified from Policy 1.1.10)

POLICY 1.4.2: ~~The~~ Industrial /Research Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas, the other ~~Future~~ Urban Areas will include a broad combination of residential, commercial, public and limited industrial land uses, the Industrial Research Development areas ~~is~~ are to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations) and office complexes (if ~~specifically~~ related to ~~adjoining~~ industrial uses and research and

development activities) that constitute a growing part of Florida's economic development sector. New limerock mining and fill dirt operations must be approved through the Mine Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 138± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting the ~~neighboring~~ industrial ~~uses~~ neighborhood are allowed if the following criteria are met:

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

(Modified from Policy 1.1.7)

POLICY 1.4.3: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2030~~05~~. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Stand alone retail commercial uses intended to support and compliment the surrounding business and industrial land uses are permitted if 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, Developments of Regional Impact 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, flowways or occupied listed species habitat. Ancillary retail commercial uses, related directly to the sale of products manufactured or services provided in the Tradeport, are allowed if they are part of a Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in ##Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Limerock mining may be approved through the Mine Excavation Planned Development rezoning process for the land designated Tradeport on the Future Limerock Mining map (Map 14.) Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July~~

~~28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area.~~ (Modified from Policy 1.2.2)

POLICY 1.4.4: Airport Lands include the existing facility and projected growth areas for the Southwest Florida International Airport and Page Field General Aviation Airport through the year 2030. The Airport Lands comprising the Southwest Florida International Airport includes airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses at Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the recharge capability of land being developed. Airport expansion beyond the present boundaries will be subject to necessary amendments to the Lee Plan.

a. All development on Airport Lands comprising Southwest Florida International Airport must be consistent with Map 3F and Table 5(a). Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020.
b. Future development on Airport Lands comprising Page Field General Aviation Airport must be consistent with Objective 1.9 and related policies as well as Map 3G and Table 5(b).
c. If the airport master planning process precipitates a substantive change to the Airport Layout Plan (Map 3F or Map 3G), then the Port Authority must amend Map 3F or Map 3G, as appropriate, prior to obtaining local development approval.
d. The non-aviation related development areas have been depicted on the approved Airport Layout Plan sheets (Maps 3F and 3G). These uses will be constructed upon Airport lands with long term leases. All development within the non-aviation land use areas will be subject to mitigation requirements for wetland impacts. Mitigation of wetland impacts will be in accordance with the U.S. Army Corps of Engineers and South Florida Water Management District requirements. To the greatest extent reasonably possible, development of non-aviation land use areas must avoid wetland impacts. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Lee County Land Development Code.

(Modified from Policy 1.4.4)

~~**POLICY 1.2.3:** Airport Noise Zones are subject to varying levels of airport-related noise; see Policy 1.7.1 for details of these overlay zones.~~ (Policy moved to the Transportation Element)

POLICY 1.4.5: The Airport AOPD zoning resolution must be amended before any non-aviation related uses can be developed at the Southwest Florida International Airport. The intensity of the proposed aviation and non-aviation land uses at Southwest Florida International Airport must be consistent with Lee Plan Table 5(a). The Page Field General Aviation Airport project must be rezoned to AOPD prior to development of the new non-aviation uses proposed in Map 3G and Table 5(b).

~~**POLICY 1.2.5:** Map 3F, as currently incorporated into the Lee Plan, includes transportation improvements that exceed those shown on the balance of the Transportation Map Series maps. The direct access improvements to I-75 depicted on Map 3F, which are being pursued by the Port Authority to benefit the midfield terminal, include an interchange at I-75 and grade separation at Treeline Avenue/Ben Hill Griffin Parkway. These future improvements are the Port Authority's desired access to the airport. The Port Authority will be responsible for achieving consistency between Map 3F and the balance of the Transportation Map Series concerning access to I-75. The Port Authority will serve as the lead agency for achieving direct access to I-75.~~ (Policy moved to the Transportation Element)

~~**POLICY 1.2.6:** Any future airport expansion or development of aviation-related or non-aviation related uses will provide appropriate buffer areas, as determined by Lee County, for the protection of groundwater resources in the Southeast and Northeast quadrants of the airport property.~~ (Policy moved to the Transportation Element)

~~**POLICY 1.2.7:** Future non-aviation areas depicted on the Airport Layout Plan (Map 3F) will be developed, to the greatest extent possible, only within existing upland areas. Impacts to wetlands in the future non-aviation areas will be minimized by site design, whenever possible, in compliance with the Lee County Land Development Code. Development within the non-aviation area, as designated on Map 3F, is limited to a maximum of 300 acres north of runway 6-24 and approximately 52 acres within the midfield terminal area. All development must be in compliance with Map 3F and the intensities outlined in Table 5(a). Development of additional acreage will require prior Lee Plan amendment approval.~~ (Policy moved to the Transportation Element)

POLICY 1.4.8: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University Board of Trustees.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on **##(insert here the date of adoption of CPA 2009-01)**. Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under the University Community Goal ~~18~~##. (Edited from Policy 1.1.9)

OBJECTIVE 1.5: INTERSTATE HIGHWAY INTERCHANGE AREAS. Designate on the ~~Future~~ Land Use Map ~~specialized~~ two categories for land adjacent to the interchanges of Interstate 75. ~~It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures.~~ ~~Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, University Village, and Mixed Use.~~ Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas. (Modified Objective 1.3)

~~**POLICY 1.3.1:** The Industrial Interchange areas allow combinations of light industry, research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate.~~ (Policy not needed)

POLICY 1.5.1: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. ~~But~~ because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. In order to assure maximum beneficial use of these critical access points, avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities, development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Residential uses are only permitted in accordance with Chapter XIII or as provided in Policy _____. (Revised Policy 1.3.2, Includes portions of Objective 1.3)

~~**POLICY 1.3.3:** The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.~~ (Policy not needed)

POLICY ~~1.3.4~~1.5.2: The ~~Industrial Commercial~~ Employment Interchange areas are designated to permit a mixture of light industrial research, and office uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels are appropriate. ~~and/or commercial uses. This category does not permit heavy industrial uses. Within areas expanded beyond the existing Industrial Commercial Interchange boundaries (on January 1, 2007), retail commercial uses will be limited to 20% of the total floor area and light industrial uses will be a minimum of 50% of the total floor area.~~ (Modifies Policy 1.3.4)

~~**POLICY 1.3.5:** The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S.~~ (Policy not needed)

~~**POLICY 1.3.7:** The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The County reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.~~

~~Access Control Standards for Luckett Road and Bonita Beach Road~~

~~1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline~~

of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.

2. The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.

3. Connections and median openings consistent with the above spacing standards may still be denied in the location requested when the Lee County Traffic Engineer determines, based on the engineering and traffic information provided in the permit application, that the safety or operation of the interchange or the limited access highway would be adversely affected.

4. Connections and median openings existing prior to 1998 that do not meet the standards are allowed to remain (unless they need to be closed for operational safety reasons), but cannot expand movements, except in the case of County roadway extensions.

Access Control Standards for Alico Road

The access on Alico Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:

STATION	DISTANCE(1)	MEDIAN OPENING?	MOVEMENT	CONNECTION
160+59.33	n/a	Yes	All	Oriole Road
170+54.54	995.21 ft.	Yes(2)	All	Alico Int. Park DRI
177+74.54	720 ft.	Yes	All	Three Oaks Parkway
222+81	n/a	Yes	EB to NB Left-in(3) Rt-in/Rt-out from N&S	Coca-Cola Bottling Co. (N) University Plaza (S)
234+44	1163 ft.	Yes	All	Ben Hill Griffin Pkwy.

(1) Distance measured from next connection to the west.

(2) Unsignalized only. Subject to future restrictions if traffic signal warranted.

(3) A WB to SB left-in may be allowed if sufficient right-of-way is provided and an analysis demonstrating acceptable operation is submitted to and approved by LCDOT.

Access Control Standards for Corkscrew Road

~~The access on Corkscrew Road is limited to the following movements and locations, from west to east and excluding the area within the interstate limited access right-of-way:~~

~~STATION~~	~~DISTANCE[1]~~	~~MEDIAN OPENING?~~	~~MOVEMENT~~	~~CONNECTION~~
~~172+84~~	~~n/a~~	~~Yes~~	~~All~~	~~Three Oaks Parkway~~
~~179+44~~	~~660 ft.~~	~~Yes~~	~~EB to NB Left-in[2]~~ ~~Rt-in/Rt-out from N&S~~	~~Corkscrew Crossing (#1)~~
~~185+29~~	~~585 ft.~~	~~Yes~~	~~All~~	~~Corkscrew Crossing (#2)~~
~~187+83~~	~~254 ft.~~	~~No~~	~~Rt-in/Rt-out from N[3]~~	~~Pic-N-Run Entrance~~
~~190+34~~	~~253 ft.~~	~~Yes~~	~~EB to NB Left-in~~	~~Estero Int. Com. Park (#3)~~
~~194+29~~	~~395 ft.~~	~~Yes~~	~~WB to SB Left-in~~ ~~NB to WB Left-out~~	~~Corkscrew Woodlands~~
~~221+47~~	~~n/a~~	~~Yes~~	~~U-turns only~~	~~None~~
~~230+14~~	~~867 ft.~~	~~Yes~~	~~EB to NB Left-in~~	~~Miromar Outlet Mall~~
~~236+73~~	~~660 ft.~~	~~Yes~~	~~All~~	~~Ben Hill Griffin Pkwy.~~

~~[1] Distance measured from next connection to the west.~~

~~[2] A WB to SB left-in may be allowed at this location if necessary.~~

~~[3] The previously-approved driveway for the Pic-N-Run may remain provided there is not other access; however, if Pic-N-Run establishes a connection to the frontage road system and other access locations, the driveway must be removed.~~

~~[4] The Right-in/Right-out from the south already exists at Station 230+65. This connection may be shifted west to any point between Stations 226+30 and 230+65 if proven not to be a traffic safety hazard.~~ (Policy not needed, issue will be addressed in the Land Development Code.)

POLICY 1.5.3: Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the county in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, county staff will estimate the possible right-of-way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Formerly Policy 1.3.6)

Objective 1.6: PLACE BASED CATEGORIES. Designate on the Land Use Map the two land use categories that have specific development plans and requirements and to not allow additional categories in the future. (New Objective)

POLICY 1.6.1: In the future no new placed based categories will be added to the Land Use Map. (New Policy)

POLICY 1.6.2: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. (Edited from Policy 1.7.12)

Define a land use category and reference the highlighted below in the Communities Element or wait and see what happens with the rezoning and delete the entire category.

GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDANT (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort through well planned redevelopment.

OBJECTIVE 31.1: To ensure that Destination Resort Mixed Use Water Dependant categories are located in the most appropriate areas.

POLICY 31.1.1: These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

POLICY 31.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and depressed/underutilized water dependent waterfronts.

2. Located in Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 8 acres of contiguous lands under unified control.
3. Areas within costal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.

POLICY 31.1.3: Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.

OBJECTIVE 31.2: GROWTH MANAGEMENT. Destination Resort Mixed Use Water Dependent (DRMUWD) land use category must be consistent with the growth management principles and practices provided in the following policies.
POLICY 31.2.1: All new development in this land use category must be reviewed and rezoned as a Planned Development.

POLICY 31.2.2: Destination Resort Mixed Use Water Dependant land use location must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and have no adverse effects such as noise, lighting, or odor on surrounding land uses and natural resources.

POLICY 31.2.3: Adjacent contiguous properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.

POLICY 31.2.4: Applications for Destination Resort Mixed Use Water Dependant development will be reviewed and evaluated as to their impacts on, and may not negatively affect, adjacent, existing residential, commercial or conservation activities.

POLICY 31.2.5: The Lee County Land Development Code (LDC) must be amended to include specific property development regulations for this category. The LDC provisions will encourage joint use of parking, access easements, and storm-water retention facilities where appropriate.

POLICY 31.2.6: The maximum height for buildings is 180 feet. Buildings that utilize multiple stories of enclosed parking under the residential or hotel use may add up to an additional 50 feet of building height, up to a maximum of 230 feet.

OBJECTIVE 31.3: COMMERCIAL LAND USES. Ensure that new development areas create a unified and pleasing aesthetic/visual quality through landscaping, architecture, lighting and signage, while providing additional employment opportunities, and eliminating uses that are not compatible with the adjacent uses. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of redevelopment for the areas with increased mixed use opportunities to service the needs of the community and surrounding areas. Commercial land uses must be

designed to be compatible Old Florida or other Florida Vernacular styles of architecture and the historic identity of the area.

POLICY 31.3.1: The property owners of lands designated DRMUWD will utilize innovative open space design, mixed use concept that integrate well designed pedestrian/bicycle connections to commercial and, locations on or a walk-able distance to mass transit service.

POLICY 31.3.2: The cost for the provision and expansion of facilities for potable water and sanitary sewer that benefits development in the DRMUWD area will be borne by those who benefit. Funding may include (but is not limited to), impact fees, special taxing or benefit districts, or Uniform Community Development Districts.

POLICY 31.3.3: The DRMUWD is an area which provides the associated support development and synergism to create a viable mixed use destination type development with water dependant uses as part of the mix. This land use category allows a mixture of land uses related to and justified by the development of a destination resort. Predominant land uses within this area are expected to be residential, commercial, transitory lodging, office, public, recreation, and development all with a water related uses. The following is a list of water dependant uses that will be allowed in this category.

Water related Permitted Uses:

1. Aids to navigation
2. Bait and tackle shops
3. Boat launch and or moorage facilities, Marina, and boat charter services
4. Communication facilities essential to service water dependant uses.
5. Facilities for refueling and providing other services for boats, ships and related marine equipment
6. Laboratory research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Marine related specialty shop
8. Office in conjunction with a permitted or conditionally permitted use
9. Public waterfront access
10. Research and education observation
11. Storage of Marine equipment
12. Stores for sale and rental of marine supplies and equipment
13. Utilities
14. Wholesale and retail markets for marine estuarine products
15. Grocery store/ships store
16. Restaurants
17. Processing of seafood in conjunction with retail sales operation
18. Boat repair and building
19. Boat terminal facilities
20. Uses not listed as permitted but shown to be water dependent or water related by the applicant and approve by the Director of Community Development.

POLICY 31. 3.4: The following uses are prohibited within the DRMUWD:

- •Drive thru facilitates
- •Big box retailers and single free standing retail facilities greater than 20,000 square feet.

POLICY 31.3.5: Commercial developments must provide interconnection opportunities with adjacent uses to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to, bike paths and pedestrian access ways.

POLICY 31.3.6: The category must be developed with a mix of uses not to exceed:

- •Residential (Maximum of 271 dwelling units)
- •Lodging (Maximum of 450 hotel rooms)
- •Office (Maximum of 10,000 square feet)
- •Retail (Maximum of 98,000 square feet)
- •Marina (Maximum of 850 wet or dry boat slips)
- •Civic (Maximum of 10,000 square feet)

POLICY 31.3.7: To reduce the impact on wildlife such as sea turtles and migrating birds, projects must be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques. Techniques may include:

1. Utilizing fully shielded, full cut off luminaries; down style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences.
2. Up-lighting is prohibited. Mercury vapor or metal halide lamps are also prohibited.
3. Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

OBJECTIVE 31.4: RESIDENTIAL USES. This land use category will enhance the character of the area by evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

POLICY 31.4.1: This land use category will provide opportunities for publica ccess to the water and will include provisions for bicyclists/pedestrians. At a minimum, one public access easement must be provided to the waterfront per development.

POLICY 31.4.2: Road capacity improvements necessary to serve demands generated outside the community will be designed to minimize the impacts on the community.

OBJECTIVE 31.5: COMMUNITY CHARACTER. Land Development Code provisions will incorporate regulations, policies and actions affecting the character and aesthetic appearance of the development to help create a visually attractive community.

POLICY 31.5.1: In order to maintain a Marine identity for the community, commercial developments must use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

POLICY 31.5.2: In order to preserve/enhance/restore the heritage and natural beauty of the area, this land use category will provide an educational component with the objective of educating the public on its unique quality and rich history and how to protect the area. This will be done with descriptive display, multimedia presentations and other proven means to educate and inform.

OBJECTIVE 31.6: COORDINATION OF MASS TRANSIT. The developer(s) will coordinate with Lee County to ensure consistency with the TDP (Transit Development Plan).

POLICY 31.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations. Mixed use Developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

POLICY 31.6.2: Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate alternative modes of transportation. When possible, connections to adjacent developments must be provided.

POLICY 31.6.3: Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, vehicular connections to adjacent developments will be made to provide alternative access to the non-residential and mixed use components of the development.

POLICY 31.6.4: Water access-Each development must provide at a minimum one designated public access easement point to the water.

OBJECTIVE 31.7: INCORPORATION AND UTILIZATION OF MULTIMODAL AND ALTERNATIVE MODES OF TRANSIT. The development will establish a comprehensive approach to multimodal and alternative modes of transportation for its residents and guests. These will include, but will not be limited to, mass transits stops (minimum of one), or shuttle service to a stop, bicycle rental, integrated network of sidewalks and board walks, airport shuttle services and water-taxi transportation facilities.

POLICY 31.7.1: Each development will establish a water taxi /shuttle service to and from the property. The shuttle will be open to guests, residents and outsiders wanting an alternative access to the water. Hours of operation will be determined based on market conditions, but will at a minimum provide three (3) round trips daily.

POLICY 31.7.2: Each development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both.

POLICY 31.7.3: Where Projects are intersected by public roadways a grade separation may be provided for safe pedestrian and bicycle access between the properties. The purpose of this policy is to safely move pedestrian and bicycles across the road. Examples of grade separation would involve taking the bicycle/pedestrian facilities up and over the road or involve in taking the road over the pedestrian/bicycles paths.

POLICY 31.7.4: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street meeting Lee Tran standards or better. Improvements to bring Main Street up to Class A road standards, subject to deviations where appropriate, will be provided by the developer. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

OBJECTIVE 31.8: SERVICE AREA AND EQUIPMENT. Ensure that service and function areas are planned and designed to have the least amount of impact on the general public and adjacent neighbors. This can be accomplished by providing adequate space and incorporating these elements into the project at an early stage.

POLICY 31.8.1: Materials, supplies, or equipment must be stored inside a closed building or behind a suitable barrier so as not to be visible to the general public or to an adjoining site. Loading doors and service areas must be screened, or buffered by landscaping, so as not to be visible from any street or from any adjoining residential site. Adequate area must be provided on site for loading and maneuvering of trucks and other vehicles so that operations will not be carried out in the street.

POLICY 31.8.2: Screening devices must be of a height at least equal to that of the material or equipment screened. The design, material, textures, and colors of screening devices must be architecturally compatible with those of the building and with the landscaping. The design of these elements will appear seamless with the building and/or landscaping. Frequently, planting material can provide an effective screen offering the same opaqueness of a wall. Plantings should be considered to soften the "hardness" of man-made screens.

OBJECTIVE 31.9: INTERGOVERNMENTAL COORDINATION WITH THE TOWN OF FORT MYERS BEACH. Due to the unique location and proximity to the town of Fort Myers Beach the development will commit to working with the town to propose and resolve concerns.

POLICY 31.9.1: The developer will establish a dialogue with the town to review parking and access issue during the Development order process.

POLICY 31.9.2: The developer will provide a liaison and resources to any harbor planning committee to coordinate activities in and around the Harbor.

OBJECTIVE 31.10: Development and Redevelopment in the Destination Resort Mixed Use Water Dependent category in the Coastal High Hazard Areas must mitigate hurricane sheltering and evacuation impacts consistent with the following policy.

POLICY 31.10.1: An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
    a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
    b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
    c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
    d. Equipped with emergency power and potable water supplies to last up to five days.
    e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

~~**OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT AREAS.** Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2030. Designate on the Future Land Use Map existing and proposed development areas for Page Field General Aviation Airport. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the respective Airport Layout Plans suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas.~~ (Moved to Transportation Element)

OBJECTIVE 1.7: NON-URBAN AREAS. ~~Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time~~. Promote the unique character of Lee County's rural places while protecting its vital environmental lands through the implementation of rural land use categories. Rural character communities convey a sense of rural lifestyle including: farm lands and ranches, large lot or clustered residential development, ample

wooded areas, open spaces, river fronts, and environmentally sensitive lands. Through these land use categories ensure that the diverse character of these areas are supported including provisions for low population density rural communities, existing and evolving commercial agricultural operations, open space and environmental lands preservation, and natural habitat protection. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.
(Revised Objective 1.4, Parts of Policy 1.4.4 were added)

POLICY 1.7.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. ~~Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).~~ Rural areas must adhere to the following land use standards:

a. Minimum Density: No minimum dwelling units per acre (0 du/a)
b. Maximum Density: One dwelling unit per acre (1 du/a)
c. Transfer Density: How do we want to address this issue?

(Modified from Policy 1.4.1)

POLICY 1.7.2: The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Edited from Policy 1.4.3)

POLICY 1.7.3: 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, minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

Percentage of the on site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland	Maximum density if undeveloped land will be permanently preserved or restored as native habitats	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 acres	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. (Edited Policy 1.4.7)

POLICY 1.7.4: The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. Except for those services as provided in compliance with other sections of this plan, they are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre). (Edited from Policy 1.4.2)

POLICY 1.7.5: Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 107.1.1.4). (Edited from Policy 1.4.4)

POLICY 1.7.6: The Density Reduction/Groundwater Resource (DR/GR) 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. Only minimal public facilities exist or are programmed.

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 (except as provided in Policies 33.1.3 and 33.3.3) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to upstream, downstream, and adjacent property. Offsite mitigation can be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.
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 density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3 and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.
    a. For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.
    b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
    c. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies.
3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. 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 16 of the Lee Plan. (Edited from Policy 1.4.5)

OBJECTIVE 1.8: CONSERVATION LANDS. Identify on the Land Use Map all of the lands that are used for conservation purposes by some binding mechanism such as statutory requirements, funding and/or grant conditions, mitigation preserve areas required for land development approvals, or by agreement from the property owner. (New Objective)

POLICY 1.8.1: The Conservation Lands Upland 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 Uplands 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 (~~Including uses~~ 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. (Modified Policy 1.4.6)

POLICY 1.8.2: The Conservation Lands Wetlands include wetlands that are owned and used for long range conservation purposes. Conservation Wetlands will be subject to the provisions of both the Wetlands category described in Objective 1.5## and the Conservation Lands category described above. ~~in this policy~~. The most stringent provisions of either category will apply to wetland conservation lands. (New, Includes provisions of Policy 1.4.6)

~~**OBJECTIVE 1.6: NEW COMMUNITY.** Designate on the Future Land Use Map areas which are suitable for the development of large scale multi-use communities developed pursuant to an overall master plan. This category is also considered a Future Urban Area.~~ (Objective not needed)

~~**POLICY 1.6.1:** New Community areas are lands that are capable of being planned and developed as a cohesive unit in order to better achieve conservation of important environmental resources and to initiate areawide surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the county (other than those associated with the delay in placing property improvements on the tax rolls).~~

~~New Communities will not exceed a residential density of six dwelling units per gross acre and must have at least the following characteristics:~~

~~1. The land will be developed under a well conceived overall master plan;~~

~~2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;~~

~~3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;~~

~~4. The land must be developed in such a manner as to protect environmentally sensitive areas;~~

~~5. The land must be developed as a free standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);~~

~~6. Off site impacts must be mitigated; and,~~

~~7. On site levels of service must meet the county wide standards contained in this plan.~~

(Policy not needed)

OBJECTIVE 1.9: SPECIAL USE CATEGORIES. Indicate on the Land Use Map categories that can occur in both Urban and Non-Urban areas. Identify public facilities and wetlands as Land Use categories. (New Objective)

POLICY 1.9.1: The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, ~~airports,~~ public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Edited Policy 1.1.8)

POLICY 1.9.2: Wetlands are ~~Designate on the Future Land Use Map~~ those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal ~~11~~## of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

a. When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary.
b. Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands (see The Conservation Lands future land use category). (Edited Objective 1.5, Policies 1.5.2 and 1.5.3)

OBJECTIVE 1.10: SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories. (Formerly Objective 1.7)

POLICY 1.10.1: The Airport Noise Zones cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

a. Airport Noise Zone A is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development.
b. Airport Noise Zone B does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that lawfully existed as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured

home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

c. Airport Noise Zone C allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

d. Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone. (Formerly Policy 1.10.1)

~~**POLICY 1.7.2:** The Development of Regional Impact overlay is an informational tool showing all of the Lee County property subject to Development Orders approved pursuant to Chapter 380 of the Florida Statutes. Development in these areas is regulated by the terms of the applicable development orders.~~ (Policy not needed)

POLICY 1.10.2: The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S. (Edited from Policy 1.7.3)

~~**POLICY 1.7.4:** Certain lands are designated as Future Urban Areas because of special needs for the provision of Privately Funded Infrastructure. Development in these areas may occur in accordance with the provisions of Goal 3 and its subsequent objectives and policies.~~ (Policy not needed)

POLICY 1.10.3: The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island ~~under Goal 12~~, in the Greater Pine Island area, as established through the Communities Element, ~~under Goal 14~~, and for other areas in Lee County in the Conservation and Coastal Management Element. (Edited fron Policy 1.7.3)

POLICY 1.10.4: The Planning ~~Communities~~ Districts Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning ~~Community~~ District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the

acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

a. For each Planning ~~Community~~ District the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning ~~Community~~ District.
b. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning ~~Community~~ District. For limerock mining in Planning ~~Community~~ District #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).
c. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning ~~Community~~ District Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning ~~Community~~ District Map and the Acreage Allocation Table system might be improved. (Edited from Policy 1.7.6)

~~**POLICY 1.7.7:** The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of public acquisition activities in the county.~~ (Policy not needed)

POLICY 1.10.5: The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Edited from Policy 1.7.8)

POLICY 1.10.6: The Urban Infill and Redevelopment overlay (Map 15) designates areas that have been targeted for economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core, in accordance with F.S. 163.2517. These areas have the opportunity to receive additional funding to implement the planning program through the Urban Infill and Redevelopment Assistance Grant Program through the Florida Department of Community Affairs. (Edited from Policy 1.7.9)

POLICY 1.10.7: The Irrigation Well overlay (Map ##)~~in Bonita Springs (as defined in this plan)~~ is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may

not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map). (Edited from Policy 1.7.9)

~~**POLICY 1.7.11:** The Airport Mitigation Lands overlay (Map 3M) depicts lands owned by Lee County that were acquired for the purpose of mitigating environmental impacts attributable to development of the Southwest Florida International Airport. Activities performed in these areas must be in accordance with state and federal permitting agency requirements. This Overlay is intended soley as an informational tool designed to identify the location of the lands and the purpose for which the land was acquired. The Overlay does not restrict the use of the land in and of itself. Use of these lands will be determined by permit requirements. In all cases, the use of this land will be consistent with the underlying Future Land Use category.~~ (Policy addressed by the Transportation Element.)

~~**POLICY 1.7.12:** The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.~~ (Policy addressed to policies in the place based categories.)

POLICY 1.10.8: The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See ~~Objective 33.1 and following policies~~ additional Southeast Lee County goal and policies within the Communities Element. (Edited from Policy 1.7.13)

POLICY 1.10.9: The Southeast DR/GR overlay (Map 17) is described in Policies 33.3.1 through 33.3.3. This overlay affects only Southeast Lee County and identifies three types of land:

a. "Existing Acreage Subdivisions": existing rural residential subdivisions that should be protected from adverse external impacts such as natural resource extraction.
b. "Rural Golf Course Communities" potential locations for the concentration of development rights on property zoned Private Recreational Facilities Planned Development and located in the Density Reduction/Groundwater Resource area.
c. "Mixed-Use Communities" locations where this concentration of development rights from large contiguous tracts with the Density Reduction/Groundwater Resource area that can be supplemented by transfer of development rights from non-contiguous tracts in the Density Reduction/Groundwater Resource area. See ~~Objective 33.1 and following policies~~ additional Southeast Lee County goal and policies within the Communities Element. (Edited from Policy 1.7.14)

POLICY 1.10.10: The Historic Surface and Groundwater Levels Overlay (Map 25) depicts the best available analysis of historic wet-season water depths and hydroperiods for Southeast Lee County as of March 2010. This depiction is based on detailed ecological analyses of 1953 aerial photography as described in the 2008 report, *Ecological Memorandum of the Density Reduction/Groundwater Resource Area*, by Kevin L. Erwin, Consulting Ecologist, Inc. For purposes of determining compliance with Policy 1.4.5, additional evidence as to historic water levels and hydroperiods may be submitted during the rezoning or development review processes as a basis for site-specific hydrological analysis for project design. (Edited from Policy 1.7.15)

POLICY 1.10.11: The Research and Enterprise Diamond depicts an area targeted for the creation of a livable, economically diverse hub for sustainable businesses. Located within a 40-square-mile area of south Lee County, businesses in the Diamond will benefit from existing and planned infrastructure in transportation, education and recreation. Resources, such as the Southwest Florida International Airport, JetBlue Park, and Florida Gulf Coast University, establish a prime location for creating synergies among research, renewable energy, enterprise opportunities, and clean economic growth. Infill development to create more walkable, transit-oriented communities that meet Lee County's complete streets objectives will be incentivized. (New)

GOAL 2: GROWTH MANAGEMENT. ~~To provide for an economically feasible plan which~~ eCoordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated ~~Future~~ Urban Areas on the ~~Future~~ Land Use Map ~~through the assignment of very low densities to the non-urban categories~~. (Edited Policy 2.1.1)

POLICY 2.1.2: Support appropriate infill and redevelopment by allowing sufficient densities and intensities to offset higher per acre land costs of infill development, compared with the land costs of greenfield development and to create a distinct sense of place. Infill and redevelopment may include new construction, reuse, or rehabilitation of residential and non-residential uses occurring on scattered sites in developed areas. (New Policy)

POLICY 2.1.3: Consistent with Goal 1 of this element, Non-Urban Areas will support the county's lowest densities, while providing for the needs and demands of rural uses and residents. Conversion of lands within the Non-Urban Areas to an Urban Area is discouraged; however rural

mixed use centers may be identified within the Land Use Map series. Rural mixed use centers will be required to rezone to a compact communities planned development. (New Policy)

POLICY 2.1.4: New land uses will be permitted only if they are consistent with the Land Use Map and the goals, objectives, policies, and standards of this plan. (Formerly Policy 2.1.2)

POLICY 2.1.5: All land use categories ~~and Planning Community Map areas~~ permit the consideration of churches and schools (except in the Conservation Lands Categories ~~Wetlands~~ and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Edited from Policy 2.1.3)

POLICY 2.1.6: ~~In order to e~~Ensure that public school locations are proximate to urban residential areas and are consistent with county growth policies ~~proposals for new schools are subject to the objectives and policies~~ contained under Goal 66. (Edited from Objective 2.10)

POLICY 2.1.7: Assisted living facilities, as defined ~~Any facility licensed~~ under Chapter ~~10~~58A-5 F.A.C. ~~(e.g. an adult congregate living facility)~~ will be deemed a residential use and limited to locations ~~and densities~~ appropriate for residences. Density equivalents will be established based on the characteristics of the assisted living facility. [Section 34-1494 of the LDC permits Assisted Living Facilities in areas inconsistent with this policy and should be corrected…LDC amendment needed per Pam H.](Modified from Policy 2.1.4)

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the ~~Future~~ Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits, ~~(~~as defined in Florida Statute, ~~F.S. 163.3164(7))~~ will be granted only when consistent with ~~the provisions of Sections 163.3202(2)(g) and 163.3180,~~ Florida Statutes and this plan ~~the county's Concurrency Management Ordinance~~. (Edited Objective 2.2)

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of ~~the~~ adequate public facilities, including: road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Edited Policy 2.2.1)

POLICY 2.2.2: Map 1 of the ~~Future~~ Land Use Map series indicates the uses and density ranges that ~~will~~ may ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon ~~of 2030~~. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

a. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; ~~and~~
b. Whether a given proposal is for land so far beyond existing development, or if there are not adequate public facilities to serve the proposed development, ~~that~~ approval should be delayed in an effort to encourage compact and efficient growth patterns; and
c. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that adequate public facilities ~~the minimum acceptable levels of service (see Policy 95.1.3)~~ will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time~~, as required by Lee County's concurrency management system~~. (Modified Policy 2.2.2)

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

POLICY 2.2.4: Consistent with t~~T~~he Capital Improvements ~~Program~~ Element, ~~will~~ give the highest priority to ~~the~~ planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the ~~Future~~ Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Detailed ~~Other~~ infrastructure planning priorities are contained in ~~Policy 38.2.4 and Policy 95.1.1~~ the Capital Improvements Element. (Edited from Objective 2.3)

POLICY 2.2.5: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit. Such funding may include (but is not limited to) impact fees, special taxing or benefit districts, community development districts, dedication of land and facilities, in-lieu-of fees, and capital construction, operation, and maintenance funds. (Amended by Ordinance No. 00-22) ~~**POLICY 2.3.3:**~~ All facility provision from the special funding sources identified in this ~~P~~policy ~~2.3.2~~ must be consistent with this plan. (Edited from Policy 2.3.2)

POLICY 2.2.7: The Planning ~~Communities~~ Districts Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the Lee Plan's planning horizon ~~year 2030~~. Acreage totals are provided for land in each Planning ~~Community~~ District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee

County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

~~1~~a. For each Planning ~~Community~~ District the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning ~~Community~~ District.

~~2~~b. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning ~~Community~~ District. For limerock mining in Planning ~~Community~~ District #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).

c. Availability of public facilities will be evaluated prior to any amendments to Table 1(b).

~~3~~d. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County ~~must~~ will conduct a comprehensive evaluation of Planning ~~Community~~ District Map and the Acreage Allocation Table system, including but not limited to~~,~~:

1. Determine the appropriateness of land use distribution, problems with administrative implementations, if any~~,~~;
2. Identify ~~and~~ areas where the Planning ~~Community~~ District Map and the Acreage Allocation Table system might be improved~~.~~;
3. Calculate an estimate of the carrying capacity of the Land Use Map; and
4. Determine the constraints to continual development as a quality of life characteristic. (Modified from Policy 2.4.3)

OBJECTIVE 2.3: ~~FUTURE~~ LAND USE MAP AMENDMENTS. Regularly examine the ~~Future~~ Land Use Map in light of new information and changed conditions, and make necessary modifications. (Edited from Objective 2.4)

POLICY 2.3.1: The county will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the ~~Future~~ Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code. (Edited from Policy 2.4.1)

POLICY 2.3.2: Analyses of the amendments to the land use element or the Land Use Map will include, but are not limited to the following:

a. Availability of adequate public facilities and services;

b. The amount of land required to accommodate anticipated growth, including employment opportunities;

c. The projected permanent and seasonal population of the area;

d. The suitability of the plan amendment for its proposed use considering the character of the land, soils, topography, natural resources, and historic resources on site;

f. The compatibility of uses adjacent to or proximate to the proposed amendment; and

g. Protection of natural and historic resources. (New Policy)

POLICY 2.3.3: Unless a finding of overriding public necessity is made by three members of the Board of County Commissioners, no land use map amendments that increase density may be made to the Non-Urban Areas. (New Policy)

POLICY 2.3.4: Amendments to the land use element or the Land Use Map will discourage the proliferation of urban sprawl. (New Policy)

POLICY 2.3.5: 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 Density Reduction/ Groundwater Resource 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. (Edited from Policy 2.4.2)

POLICY 2.3.6: ~~Future~~ Land Use Map Amendments to the existing DR/GR areas 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. 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 163 Part II Florida Statutes, ~~Rule 9J-5 of the Florida Administrative Code,~~ 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~~a. Analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,

~~2~~b. Identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,

~~3~~c. Present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,

4d. Supply data and analysis specifically addressing the urban sprawl criteria listed in ~~Rule 9J-5.006(5) (g), (h), (i) and (j), FAC~~ Florida Statutes 163 Part II.

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. (Edited from Policy 2.4.3)

Deleted Policies from current Future Land Use Element Goal 2:

~~**POLICY 2.3.1:** Specific level-of-service standards and capital improvement priorities will be detailed in the relevant elements of this plan and carried out through a capital improvements program as described in the Capital Improvements element.~~ (Policy not needed.)

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board 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. (Policy not needed.)

OBJECTIVE 2.5: ANNEXATION POLICY. The county will strive to negotiate interlocal agreements with the incorporated municipalities to resolve planning issues relating to areas outside the cities' limits which they would like to target for annexation. Urban Reserve boundaries adopted in such agreements will be designated on the Future Land Use Map (see Policies 1.7.3 and 152.1.4). (Objective moved to the Administrative Element)

OBJECTIVE 2.6: REDEVELOPMENT. Future redevelopment activities will be directed in appropriate areas, consistent with sound planning principles, the goals, objectives, and policies contained within this plan, and the desired community character. (Policy not needed.)

POLICY 2.6.1: Community redevelopment activities will be conducted by the Lee County Community Redevelopment Agency within approved redevelopment areas according to adopted redevelopment plans. (Policy not needed.)

POLICY 2.6.2: Redevelopment activities will be comprehensive in approach and include the following components:

- Study of incompatible land uses;
- Correction of outdated zoning classifications;
- Elimination of substandard or unsafe buildings;
- Traffic circulation and parking;
- Economic revitalization;
- Protection of adjacent residential neighborhoods and historic and natural resources;
- Signage;
- Landscaping;
- Urban Design/Master Planning;
- Affordable Housing.

(Policy not needed.)

POLICY 2.6.3: Within the Charleston Park CRA residential, commercial and industrial uses which meet the needs of the low-income residents and which are suitable to the scale and location of the community and will be compatible with the residential character of the community and consistent with the adopted CRA plan will be permitted. (Policy not needed.)

OBJECTIVE 2.7: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance. (Policy not needed.)

OBJECTIVE 2.8: COASTAL ISSUES. Development in coastal areas is subject to the additional requirements found in the Conservation and Coastal Management element of this plan, particularly those found under Goals 105, 109, 110, 111, 112, and 113. (Policy not needed.)

~~**OBJECTIVE 2.9: SCENIC CORRIDORS.** By 1995, formally consider the establishment of specialized design standards along specified arterial and collector roads.~~ (Objective addressed through the Transportation and Parks and Recreation Elements.)

~~**POLICY 2.9.1:** The county will identify key road segments which, with specialized design and landscaping standards, could become scenic landmarks. These segments may be relatively undeveloped arterial or collector roads or may be older roads along which revitalization or historic preservation efforts would be appropriate.~~ (Policy addressed through the Transportation and Parks and Recreation Elements.)

~~**POLICY 2.9.2:** A study will be conducted in cooperation with interested parties to identify and evaluate alternative design themes and land use patterns. The study will recommend specific incentives, development regulations, and funding sources to implement a scenic corridor program.~~ (Policy addressed through the Transportation and Parks and Recreation Elements.)

~~**OBJECTIVE 2.10: SCHOOL LOCATION**~~ (Addressed by Development Location Objective 2.1)

~~**OBJECTIVE 2.11: CARRYING CAPACITY.** Understand the carrying capacity of the future land use map and integrate the concept into planning strategies.~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**POLICY 2.11.1:** During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information.~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**POLICY 2.11.2:** Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**POLICY 2.11.3:** Evaluate a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**POLICY 2.11.4:** Evaluate science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**POLICY 2.11.5:** Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.~~ (Addressed by Development Location Objective 2.1 and associated policies)

~~**OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT** - The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial.~~ (Objective not needed.)

POLICY 2.12.1: The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. (Policy not needed.)

POLICY 2.12.2: Future development within the Tradeport and Industrial Development future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate. (Policy not needed.)

POLICY 2.12.3: Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). When residential use is one of three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary terms: "Mixed Use", "Mixed Use Building", and "Density". (Policy not needed.)

GOAL 3: PRIVATELY FUNDED INFRASTRUCTURE. To assist in the provision of a full range of privately funded urban infrastructure in specified Future Urban areas which have existing or projected deficits in one or more essential services. (Policy not needed.)

OBJECTIVE 3.1: FUNDING MECHANISMS. The Future Land Use Map will include overlays designating specific geographic areas which are permitted urban-level densities and intensities because most necessary infrastructure will be provided through the creation of multifunction taxing and/or benefit districts, community development districts, direct developer provision, or an effective combination of similar financing mechanisms. (Policy not needed.)

POLICY 3.1.1: The county will establish taxing/benefit districts where appropriate for the designated areas in accordance with the provisions of general law. Such a district may be limited to specific types of infrastructure upon a formal finding by the Board of County Commissioners that more appropriate mechanisms have been identified to provide the remaining facilities and services; a district may also be limited to a geographic area smaller than the overlay zone upon a formal finding by the board that this reduction will not substantially increase infrastructure costs which must be paid by general county revenues. (Policy not needed.)

POLICY 3.1.2: With initial funds from each designated area or other source, an examination will be made (under direction of the county) of the infrastructure needs for that area. A detailed plan for the provision of needed facilities will then be prepared. (Policy not needed.)

POLICY 3.1.3: The infrastructure to be provided through this program in each designated area may include any or all of the following facilities and services as appropriate: collector and arterial roads, surface water management (see Policy 60.2.2), water and sewer mains and treatment, fire and EMS service, parks, etc. (Policy not needed.)

~~**POLICY 3.1.4:** A committee of landowners in each designated area may be established to provide input into this process.~~ (Policy not needed.)

~~**POLICY 3.1.5:** Where proposed development projects had been approved contingent upon the private provision of infrastructure that now will be provided through a different mechanism, the developer may apply through the zoning process to have such conditions Modified or deleted.~~ (Policy not needed.)

~~**POLICY 3.1.6:** Rezonings to permit increased densities that are granted after the effective date of this policy (March 1, 1989) but before the district (or equivalent funding mechanism) has been established and an infrastructure plan has been prepared will be subject to a special requirement that further development orders will be granted only upon a clear showing that the development will not cause the mandatory levels of service in Policy 95.1.3 to be exceeded. The granting of a development order will not release the property owner from any obligations under the privately funded infrastructure overlay. This requirement will not apply if it would preclude the constitutionally mandated reasonable use of a parcel of land.~~ (Policy not needed.)

OBJECTIVE 2.4 WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order. (Formerly Goal 11)

POLICY 2.4.1: WATER STANDARDS.

a. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.);
b. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility;
c. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
d. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C;
e. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service; and
f. If a development lies outside any service area as described above, the developer may:
    1. request that the service area of an adjacent water utility be extended to incorporate the property;
    2. establish a community water system for the development; or
    3. develop at an intensity that does not require a community water system.

(Formerly Standard 11.1)

POLICY 2.4.2: SEWER STANDARDS.

a. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system;

b. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the developmen;

c. If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service;

d. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service; and

e. If a development lies outside any service area as described above, the developer may:
   1. Request that the service area of an adjacent sewer utility be expanded to incorporate the property;
   2. Establish a self-provided sanitary sewer system for the development;
   3. Develop at an intensity that does not require sanitary sewer service; or
   4. If no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities.

(Formerly Standard 11.2)

POLICY 2.4.3: TRAFFIC STANDARDS.

a. A traffic impact statement must be submitted to and accepted by the county ~~DOT~~ for the following developments applications:
   1. Comprehensive Plan Amendment;
   2. Developments of Regional Impact (D.R.I.'s);
   3. Planned Developments (as specified in the Zoning Regulations); and
   4. Developments requiring a county development order, as specified in the Land Development Code.

b. The form, content, and level of detail required in the traffic impact statement will be established by Lee County by ordinance, administrative code, or other regulations. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:
   1. If the development meets or exceeds the established thresholds, the traffic impact statement will provide a comprehensive assessment of the development's impacts on the surrounding road system; and

2. If the development does not meet or exceed these thresholds, the traffic impact statement will provide information regarding traffic generation and impacts at the development's access points to the adjacent street system.

(Edited from Standard 11.3)

POLICY 2.4.4: ENVIRONMENTAL REVIEW STANDARDS. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

GOAL 3: LAND USE FORM. Achieve the county's vision of establishing distinct places through land use practices and standards that guide the form of developments. (New goal)

OBJECTIVE 3.1: MIXED-USE PLACES. Facilitate the development of mixed-use places that feature a complimentary mix of uses, promote livability, walkability, and multi-modal transportation services, and provide a variety of economic, housing, and recreational opportunities in targeted locations as designated on the Land Use Map. (New objective)

POLICY 3.1.1: Establish and implement a Mixed-Use Overlay to target locations where the county will promote the development of mixed-use centers. Prioritize mixed-use overlay locations according to the following considerations:

a. Opportunity to improve connections to surrounding neighborhoods, economic centers, parks and public spaces, and civic areas;
b. Redevelopment opportunities for established development areas—particularly on grayfield or brownfield sites;
c. In close proximity to: multi-modal transportation facilities; schools; recreation opportunities; and residential, shopping and employment centers;
d. Ability to improve the transportation system—e.g.: increased pedestrian, bicycle, and service; reduced travel distances; internal trip capture; and improved transit accessibility;
e. Large amounts of underutilized commercial space with suburban-oriented parking lots; or
f. Sites identified through community planning efforts, MPO plans, or Lee Tran transit plans.

(Redrafted to address issues from Policies 4.2.1 and 4.2.5)

POLICY 3.1.2: Lee County will facilitate the planning and development of mixed-use centers by working with community members, property owners, and other interested stakeholders—particularly in locations targeted by the Mixed-Use Overlay. Emphasis should be placed on building consensus regarding locations for the Mixed-Use Overlay, education regarding the benefits and concerns related to mixed-use/higher density developments; and adopted of a mixed-use regulating plan in targeted locations. (Redrafted from Policy 4.2.6)

POLICY 3.1.3: Lee County will promote the development of urban communities by prioritizing the planning, development, and funding of mixed-use centers in urban locations. Projects within

urban land use categories, particularly those located within areas that have adopted mixed-use regulating plans, are to be considered a priority for public resources and programs in order that the county may spur the development of these places though a variety of development practices including:

a. Planning and adoption of mixed-use regulating plans located in target locations;
b. Planning, funding, and construction of public services and infrastructure systems (e.g.: transportation systems; utility –potable water, sanitary sewer, and stormwater—systems; parks and public spaces; civic resources, and other;
c. Funding capital improvement projects and other county infrastructure and transportation funding;
d. Identifying additional grant and public resources and programs;
e. Utilizing the county's historic resource, housing, park development, and other like programs;
f. Coordinating with the Economic Development Office and Fort Myers Regional Partnership to promote economic development activities; and
g. Utilizing local community funding resources. (New policy)

POLICY 3.1.4: Promote the development of urban land use categories through by encouraging private developers to develop in a mixed-use and urban form through the following practices:

a. Density and intensity incentives for the implementation of mixed-use character and form principles outlined in the Character and Form Element and Mixed-Use Development objective;
b. Transfer and purchase of development rights programs that allow for additional density and intensity in all urban areas;
c. Administrative approvals for projects that utilize mixed-use regulating plans adopted as part of the Compact Communities Code; and
d. Reduced parking standards for projects that locate in mixed-use locations. (New policy)

POLICY 3.1.5: Incentivize mixed-use developments located within the Mixed-Use Overlay that utilize the Compact Communities Code (CCPD) or by allowing them to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. (Redrafted from Objective 4.3)

POLICY 3.1.6: Promote increased density within mixed-use and urban development by prioritizing properties located with an urban land use category or the Mixed-Use Overlay (not within the Coastal High Hazard Area) as primary Transferable Development Rights (TDR) receiving area. TDRs will be allowed to serve as a method for obtaining allowable bonus densities. (New policy)

POLICY 3.1.7: The Mixed-Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. (Formerly Policy 4.2.4)

POLICY 3.1.8: Any Planned Development project adhering to the Mixed-Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed-Use Overlay zone up to one quarter mile. (Formerly Policy 4.2.2)

Deleted Policies from current Future Land Use Element Goal 4:

~~**GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN.** To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. (Amended by Ordinance No. 94-30, 07-15)~~ (Goal is unified for all land use form issues and no longer a goal just for mixed-use.)

~~**OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. (Amended by Ordinance No. 91-19, 94-30, 07-15)~~ (Only 1 mixed-use objective in the revised Land Use Element.)

~~**POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)~~ (Addressed by the Character and Form Element.)

~~**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)~~ (Addressed by the Character and Form Element.)

~~**OBJECTIVE 4.2: MIXED-USE OVERLAY.** Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. (Added by Ordinance No. 07-15)~~ (Objective not needed.)

~~**POLICY 4.2.1:** The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. (Added by Ordinance No. 07-15)~~ (Replaced by policy 3.1.1)

~~**POLICY 4.2.2:** The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design. (Added by Ordinance No. 07-15)~~ (Addressed by residential mixed-use policies in the Character and Form Element.)

~~**POLICY 4.2.5:** Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay. (Added by Ordinance No. 07-15).~~ (Included as part of Policy 3.1.1 (b))

~~**POLICY 4.2.6:** Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay. (Added by Ordinance No. 07-15)~~ (Replaced by Policy 3.1.2 in order to make it broader and take away specific reference to community planning process.)

~~**POLICY 4.2.7:** Development located in the Mixed Use Overlay applying Chapter 32 - Compact Communities of the Lee County Land Development Code will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7. (Added by Ordinance No. 11-18)~~ Policy not needed.

~~**OBJECTIVE 4.3:** Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings. (Added by Ordinance No. 07-15)~~ (Replaced by Policy 3.1.5)

~~**POLICY 4.3.1:** Developments within the Mixed Use Overlay conforming to Chapter 32 - Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in this objective. (Added by Ordinance No. 07-15, Amended by Ordinance No. 11-18)~~ Policy not needed.

~~**POLICY 4.3.2:** Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.~~

~~a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).~~

~~b. Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.~~

~~c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.~~

~~Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network~~. (Addressed by mixed-use policies in the Character and Form Element.)

~~**POLICY 4.3.3:** Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.~~

~~a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.~~

~~b. Well defined centers and edges with public or civic space creating an element around which other development is located.~~

~~c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.~~

~~d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.~~

~~e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.~~

~~f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.~~

~~g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.~~

~~h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.~~

~~i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.~~

~~j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:~~

~~1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.~~

~~2. limited number and size of signs.~~

~~3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.~~

~~k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.~~

~~l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.(Added by Ordinance No. 07-15)~~ (Addressed by mixed-use policies in the Character and Form Element.)

~~**POLICY 4.3.4:** Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:~~

a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.

b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.

c. Parking lots will be screened from streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.

d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.

e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations. (Added by Ordinance No. 07-15) (Addressed by mixed-use policies in the Character and Form Element.)

POLICY 4.3.5: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

a. Internal traffic circulation system design will include:
   1. traffic calming techniques to maintain safe multi-modal transportation.
   2. an interconnected street grid system extended to adjacent sites at the least intrusive locations.
   3. maximum use of common access drives.
   4. a system of alleyways for service vehicles and access to parking.
   5. convenient access to transit facilities.

b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.

c. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.

d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.

e. Block sizes will be small enough to create an easily dispersed traffic flow. (Added by Ordinance No. 07-15) (Addressed by transportation mixed-use policies in the Character and Form Element.)

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.

b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.

c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards. (Added by Ordinance No. 07-15) Policy addressed by mixed-use policies in the Character and Form Element.

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.

b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.

c. Buffering of uses internal to a Mixed Uses development are not required.

d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity. (Added by Ordinance No. 07-15) Policy addressed by mixed-use policies in the Character and Form Element.

POLICY 4.3.9: The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 07-15) Policy not needed.

OBJECTIVE 4.4: Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions. (Added by Ordinance No. 07-16) (Objective and policies addressed in Conservation and Coastal Management.)

POLICY 4.4.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies. (Added by Ordinance No. 07-16) (Objective and policies addressed in Conservation and Coastal Management.)

POLICY 4.4.2: The permitting measures developed should improve the storage within existing natural and manmade flowways. (Added by Ordinance No. 07-16) (Objective and policies addressed in Conservation and Coastal Management.)

POLICY 4.4.3: The permitting measures should reevaluate the relationship of volume/area to stormwater management and storage. (Added by Ordinance No. 07-16) (Objective and policies addressed in Conservation and Coastal Management.)

POLICY 4.4.4: The permitting measures should link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

~~(Added by Ordinance No. 07-16)~~ (Objective and policies addressed in Conservation and Coastal Management.)

OBJECTIVE 3.2: RESIDENTIAL LAND USES. Support the development of attractive and safe neighborhoods with a variety of price ranges and housing types that accommodate the population needs of Lee County. (New Objective)

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

a. Locate high-density urban and suburban residential developments near mixed-use centers; employment and commercial districts; parks and schools; and multi-modal transportation facilities;
b. Provide interconnections to adjoining developments and the local transportation system whenever possible;
c. Ensure residential communities provide for appropriate open spaces and community facilities (e.g.: urban courtyards, parks, and central public spaces; passive landscaping, buffering, and open spaces; and active playgrounds and recreation areas) that are easily accessible via pedestrian and bicycle connections; provide for the functional needs of the community; and based on the context form and design;
d. Residential developments meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments; and
e. Restrict residential development from being developed in areas with physical constraints or hazards (e.g.: flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; Airport Noise Zone B; industrial land use categories; or other characteristics that may endanger the residential community.). (Redrafted to address issues from Policies 5.1.1 and 5.1.2)

POLICY 3.2.2: Protect existing and ~~future~~ suburban and rural residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments within suburban and rural land use areas. (Edited Policy 5.1.5.)

POLICY 3.2.3: Promote cost effective and timely redevelopment of multi-family developments that were approved and developed prior to the adoption of the 1984 Lee Plan, in excess of the standard density range for their current Land Use Category through the following redevelopment practices:

a. Allow multi-family residential developments that lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984), to be redeveloped at their existing density according to the most appropriate approval process for that case;
b. Utilize planned development zoning process to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans;
c. All proposals for over-density multi-family redevelopment must document existing structures; number of dwelling units; floor area; existing water management systems and outfalls; impervious area; and development approval dates. The documentation must be provided at time of the pre-application and include two site plans—one of the existing development and another of the proposed redevelopment plan;
d. Site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible; and
e. All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species. (Redrafted to address issues from Objective 5.2 and Policies 5.2.1, 5.2.2, 5.2.3, 5.2.4, and 5.2.5)

POLICY 3.2.4: ~~For sites located within the Coastal High Hazard Area, proposed redevelopment must~~ Ensure that multi-family developments redeveloped in accordance with Policy 5.1.4 that are located within the Coastal High Hazard Area address the following considerations

a. Have sufficient elevation to address a storm surge from a land falling category 5 hurricane;
b. Be constructed to withstand winds of 200 mph in accordance with the Florida Building Code;
c. Utilize impact protection for all exterior openings in accordance with the Florida Building Code;
d. Be equipped with emergency power and potable water supplies to last up to five days;
e. Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment; and,
f. Be designed to minimize light pollution, sky glow and light trespass beyond the property lines by using appropriate light fixtures and other light management techniques to reduce the impact on wildlife such as sea turtles and migrating birds. Techniques may include:

~~1. Utilizing fully shielded, full cut-off luminaries; down-style canisters with interior baffles on the balconies; pole lights less than 15 feet in height; bollard type fixtures with louvers; and other techniques acceptable to the Division of Environmental Sciences.~~
~~2. Up-lighting is prohibited. Mercury vapor and metal halide lamps are also prohibited.~~
3. ~~Glass windows and doors must be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.~~ (Edited from Policy 5.2.6)

POLICY 3.2.5: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the ~~Future~~ Land Use Map, the allowable density under this plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:

a. Planned development zoning is utilized;
b. No density is allocated to lands designated as ~~Non-Urban or~~ Environmentally Critical ~~that would cause the density to exceed that allowed on such~~ areas; and

c. ~~The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

d. The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property. (Edited from Policy 5.1.10)

Deleted Policies from current Future Land Use Element Goal 5:

~~GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30, 07-12)~~ (Goal is unified for all land use form issues and no longer a goal just for mixed-use.)

~~OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)~~ (Objective not needed)

~~POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)~~ (Addressed as part of Policy 4.1.1)

~~POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.~~ (Addressed as part of Policy 4.1.1)

~~POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)~~ (Redrafted as part of Policy 3.2.1)

~~POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30, 07-09)~~ (Addressed by Goal 1 and airport policies in Transportation Element)

~~POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation~~

~~areas appropriate to their density and design. (Amended by Ordinance No. 94-30)~~ (Addressed as part of Policy 3.2.1)

~~POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)~~ (Addressed as part of Policy 3.2.1)

~~POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.~~ (Addressed by Housing Element)

~~POLICY 5.1.9: A single-family home may be constructed on a bona fide previously subdivided lot regardless of the maximum densities specified in Table 1(a) if such lot complies with the specific rules in Chapter XIII of this plan. (Relocated by Ordinance No. 07-12)~~ (Addressed by Administrative Element)

~~OBJECTIVE 5.2: Redevelopment of Existing Multi-Family Residential Development: To incentivize and promote cost effective and timely redevelopment of multi-family developments that were approved and developed prior to the adoption of the 1984 Lee Plan, in excess of the standard density range for their current Future Land Use Category. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

~~POLICY 5.2.1: Over-density multi-family residential developments that lawfully achieved their density prior to the effective date of the Lee Plan (December 21, 1984), may be permitted to redevelop at their existing density. Over-density multi-family redevelopments will be considered on a case by case basis to determine the approval process to be followed to achieve redevelopment. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

~~POLICY 5.2.2: When rezoning is required, the Planned Development zoning process must be utilized to prevent and mitigate adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

~~POLICY 5.2.3: In order to establish the: exiting structures; number of dwelling units; floor area; existing water management systems and outfalls; and, impervious area on the subject property, all proposals for over-density multi-family redevelopment must provide the county with full documentation verifying this information and establishing development was lawful when initially constructed. The documentation must include two site plans. One depicting existing development and another depicting the proposed plan of redevelopment. This information must~~

~~be provided at a pre-application meeting with County staff. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

~~POLICY 5.2.4: The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

~~POLICY 5.2.5: All wet retention and dry retention areas must be planted with appropriate native trees and herbaceous plant species. (Added by Ordinance No. 10-08)~~ (Objective and Policies replaced by Policies 3.2.3)

OBJECTIVE 3.3 COMMERCIAL LANDS. Provide for the commercial needs of the county through land use standards that direct the planning and design of mixed-use and commercial development at appropriate locations within the county. (New objective)

POLICY 3.3.1: Ensure the commercial developments support the surrounding developments and provide for the economic and commercial needs of the people who live, work, and visit the area by implementing the following mixed-use and commercial land use standards:

a. Prioritize locations in redevelopment and infill in areas where existing commercial development exist;
b. Permit when properly zoned within the Urban Areas;
c. Expand multi-modal transportation options thought the development areas and protect the traffic-carrying capacity of arterial roads;
d. Provide appropriate public space, civic areas, landscaping, open space, and buffering.
e. Incorporate architectural features that enhance the appearance of structures, screen parking areas, and blend with the character of existing or planned surrounding land uses.
f. Protect and enhance the safety of students in development that include existing or planned school areas; and
g. Allow limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) in non-urban areas. (Redrafted to address issues in Policies 6.1.1, 6.1.6, 6.1.8, 6.1.7)

POLICY 3.3.2: Ensure that commercial developments support the character of the county and its many diverse communities and are designed consistent with the context of the surrounding area by reviewing applications for commercial developments according to the following issues:

a. Adjacent land uses and surrounding neighborhoods (rezoning);
b. Proximity to other similar uses (rezoning); and
c. Connectivity, access, traffic (rezoning and development orders);
d. Adequate levels of services and facilities (rezoning and development orders);
e. Landscaping and detailed site planning (development orders);
f. Environmental features (rezoning and development orders); and
g. Development transitions, facility screening, and landscape buffering (planned development rezoning and development orders). (Redrafted to address issues from Policies 6.1.1, 6.1.6)

POLICY 3.3.3: Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments, designed to arrange uses in an integrated and cohesive unit in order to:

a. Provide visual harmony and landscaping;

b. Interconnectivity to reduce dependence on the automobile;
c. Promote pedestrian movement within the development and to adjacent developments;
d. Utilize joint parking, access, and loading facilities;
e. Avoid negative impacts and support the context of surrounding land uses, development forms, and travel circulation;
f. Protect natural resources; and
g. Provide necessary services and facilities ~~where they are inadequate to serve the proposed use~~. (Revised Policy 6.1.3)

POLICY 3.3.4: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development~~; but~~ and encourage ~~permit~~ commercial development ~~to~~ in infill, redevelopment, and previously established development locations ~~on small parcels in areas where existing commercial development would make a residential use clearly unreasonable~~. (Revised Policy 6.1.7 and 6.1.11)

POLICY 3.3.5: Establish land development regulations that define appropriate locations and standards for the design, development, and construction of commercial retail facilities. (Replaced Policy 6.1.2.)

POLICY 3.3.6: The approval or existence of commercial development on one corner of an intersection is not an indication on its own, that all corners of the intersection are appropriate for commercial or mixed use development, nor does the existence of commercial development on an arterial or collector road dictate that all frontage must be similarly used. (Formerly Policy 6.1.10)

POLICY 3.3.7: Limited commercial uses which serve rural areas and agriculturally related needs may be permitted in non-urban areas as follows unless more restrictive provisions exist within this plan.

a. Location: The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions:
    1. At the intersection of an arterial and collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, ~~neighborhood~~ commercial ~~centers~~ development consistent with this policy may be located ~~using the standards for minor commercial centers~~ at or near the intersection of local and collector, or local and arterial, or collector and collector roads; and
    2. As identified within the Community Planning Element;
b. Site Area: Two acres or less; and
c. Range of Gross Floor Area: Less than 30,000 square feet. (Excerpted and edited from Policy 6.1.2)

Deleted Policies from current Future Land Use Element Goal 6:

~~**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county~~ (Goal is unified for all land use form issues and no longer a goal just for mixed-use.)

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Objective not needed)

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).

(Redrafted through Policies 3.3.1 and 3.3.2)

POLICY 6.1.2: Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policy 32.2.4 or located in the Mixed Use Overlay utilizing Chapter 32 – Compact Communities of the Land Development Code.

1. Minor Commercial

a. Major function: Provides for the sale of convenience goods and services.

b. Location: The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. Site Area: Two acres or less.

d. Range of Gross Floor Area: Less than 30,000 square feet.

e. When developed as part of a mixed use planned development, and meeting the use limitations, Modified setback standards, signage limitations and landscaping provisions, retail

~~uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.~~

~~2. Neighborhood Commercial~~

~~a. Major function: Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.~~

~~b. Typical leading tenants: Supermarket and drug store.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

~~d. Site Area: 2 to 10 acres~~

~~e. Range of Gross Floor Area: 30,000 to 100,000 square feet~~

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

~~3. Community Commercial~~

~~a. Major function: Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.~~

~~b. Typical leading tenants: Supermarket, drug store, minor department store, variety store, or discount center.~~

~~c. Location: Must be located as follows (except where this plan provides specific exceptions):~~

~~At the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.~~

~~d. Site Area: 10 to 35 acres~~

~~e. Range of Gross Floor Area: 100,000 to 400,000 square feet~~

~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the~~

junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:
(1) is located on an existing arterial road;
(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and
(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.

4. Regional Commercial
a. Major Function: Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).
b. Typical leading tenants: One or more full-line department stores.
c. Location: Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.
d. Site Area: 35 to 100 acres
e. Range of Gross Floor Area: 400,000 to 1 million square feet or more.
f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:
1) Impacts to flow-ways,
2) Community and Regional Park levels of service,
3) Roadway levels of service,
4) Public Schools,
5) Fire protection services, and
6) Affordable housing.

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:
a. direct access is provided to the development within one-quarter mile of the intersection;
b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and
c. all access points meet Land Development Code requirements for safety and spacing.
d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.

6. Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.

7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 - Compact Communities of the Land Development Code is applied.

8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the Board of County Commissioners in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the Lee Plan by the Board of County Commissioners even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.

9. The location standards in this policy are not applicable in the following areas:

a. In the Interchange land use category

b. In Lehigh Acres where commercial uses are permitted in accordance with Goal 32

~~c. Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 - Compact Communities of the Land Development Code~~

~~d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~

~~10. The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with duly adopted CRA and Community plans.~~

~~11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.~~

~~12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3.~~

~~The map shows some intersections with half-circles and others with full circles. Half-circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.~~

~~Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Department of Transportation, for county maintained roads, and the Division of Development Services, for privately maintained roads. These functional classification lists will be adopted by Administrative Code. For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. The map will be revised annually during the county's regular plan amendment cycle.~~

~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories.~~ (Addressed through LDC, Redrafted Policies 3.3.5 and 3.3.7)

~~**POLICY 6.1.4:** Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.~~ (Addressed through Policy 3.3.1)

~~**POLICY 6.1.5:** The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to:~~

- ~~frontage roads;~~
- ~~clustering of activities;~~
- ~~limiting access;~~
- ~~sharing access;~~
- ~~setbacks from existing rights-of-way;~~
- ~~acceleration, deceleration and right-turn-only lanes; and~~
- ~~signalization and intersection improvements~~ (Addressed by Transportation Element)

~~**POLICY 6.1.6:** The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.~~ (Addressed by Policy 3.3.2 and 3.3.1)

~~**POLICY 6.1.8:** Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural-commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas.~~ (Addressed by Policy 3.3.1)

~~**POLICY 6.1.9:** Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.~~ (Addressed by Policy 3.3.1)

~~**POLICY 6.1.11:** Provide appropriate requirements and incentives for the conversion of strip commercial development into series of discrete, concentrated commercial areas~~. (Addressed by Policy 3.3.4)

~~**POLICY 6.1.12:** Encourage the upgrading or revitalization of deteriorating commercial areas (consistent with approved CRA plans, where applicable), but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access.~~ (Policy not necessary.)

OBJECTIVE 3.4: INDUSTRIAL LAND USES. Provide for the economic needs of the county through land use standards that direct the planning and design of industrial and economic land uses in appropriate locations within the county. (New objective)

POLICY 3.4.1: Provide for the unique land use and transportation needs of industrial and economic land uses through locations that consider their special needs, such as: ~~Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of:~~ commuter access from home-to-work trips; intermodal access by truck, air, deep water, and rail; air and water quality considerations; proximity to supportive and related land uses and utilities; topography; choice and flexibility in site selection; and greenbelt and other amenities; and compatibility with neighboring uses. (Edited from Policy 7.1.3)

POLICY 3.4.2: Permit agriculturally-related industrial uses that directly serve the rural and agricultural community in areas ~~indicated on the Future Land Use Map as Rural or Open Lands,~~ the Rural Communities, Open Lands, Density Reduction/Groundwater Resources Land Use Categories provided they have adequate fire protection, transportation, and wastewater treatment and water supply, and have no adverse effect on surrounding land uses and natural resources. These determinations will be made during the rezoning process. (Edited from Policy 7.1.7)

POLICY 3.4.3: Land that is located outside of the Industrial Development, Tradeport, and Industrial Interchange areas but within the designated urban land uses may be developed for light industrial purposes so long as adequate services and facilities are available; and the use can be conditioned as part of a planned development so that it will not adversely impact surrounding land use and natural resources. ~~the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:~~

~~a. The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands); or~~

~~b. The parcel is located in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange land use categories, and is zoned as a Planned Development.~~ (Modified from Policy 7.1.6)

POLICY 3.4.4: Support the development of industrial areas that provide for the economic needs of the county by reviewing and evaluating the design of industrial developments according to the following conditions:

a. The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities (rezoning and development orders);
b. Air emissions (rezoning and development orders);
c. Impact and effect on environmental and natural resources (rezoning and development orders);
d. Effect on surrounding land use (rezoning);
e. Impacts on water quality and water needs (rezoning and development orders);
f. Drainage system (development orders);
g. Employment characteristics (rezoning);
h. Fire and safety (rezoning and development orders);
i. Noise and odor (rezoning and development orders);
j. Buffering and screening (planned development rezoning and development orders);
k. Industrial traffic is directed away from local residential streets

l. Impacts on transportation facilities and access points (rezoning and development orders);
m. Access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
n. Utility needs (rezoning and development orders); and
o. Sewage collection and treatment (rezoning and development orders). (Redrafted to address issues from Policies 7.1.1, 7.1.4, and 7.1.5)

POLICY 3.4.5: Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as Planned Developments designed to arrange uses as an integrated and cohesive unit in order to:

a. promote compatibility and screening;
b. reduce dependence on the automobile;
c. promote pedestrian movement within the development;
d. utilize joint parking, access and loading facilities;
e. avoid negative impacts on surrounding land uses and traffic circulation;
f. protect natural resources; and
g. provide necessary facilities and services where they are inadequate to serve the proposed use. (Formerly Policy 7.1.2)

POLICY 3.4.6: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Formerly Policy 7.1.8)

> **POLICY 3.4.7:** Provide for the safety and health of the county's residents and natural resources by not permitting bulk storage or production of toxic, explosive, or hazardous materials near residential areas and not permitting the contamination of ground or surface water. (Policy excerpted from Policy 7.1.1 (3))

Deleted Policies from current Future Land Use Element Goal 7:

~~**GOAL 7: INDUSTRIAL LAND USES.** To promote opportunities for well-planned industrial development at suitable locations within the county.~~ (Goal is unified for all land use form issues and no longer a goal just for mixed-use.)

~~**OBJECTIVE 7.1:** All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan.~~ (Objective not needed)

~~**POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:~~

~~1. The development must comply with local, state, and federal air, water, and noise pollution standards.~~
~~2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.~~
~~3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.~~
~~4. Contamination of ground or surface water will not be permitted.~~

~~5. Applications for industrial development will be reviewed and evaluated as to:~~

~~a. air emissions (rezoning and development orders);~~

~~b. impact and effect on environmental and natural resources (rezoning and development orders);~~

~~c. effect on neighbors and surrounding land use (rezoning);~~

~~d. impacts on water quality and water needs (rezoning and development orders);~~

~~e. drainage system (development orders);~~

~~f. employment characteristics (rezoning);~~

~~g. fire and safety (rezoning and development orders);~~

~~h. noise and odor (rezoning and development orders);~~

~~i. buffering and screening (planned development rezoning and development orders);~~

~~j. impacts on transportation facilities and access points (rezoning and development orders);~~

~~k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);~~

~~l. utility needs (rezoning and development orders); and~~

~~m. sewage collection and treatment (rezoning and development orders).~~

~~(Redrafted through Policies 4.3.4)~~

~~**POLICY 7.1.4:** The Future Land Use Map must designate a sufficient quantity of land to accommodate the minimum allocated land area found in Policy 1.7.6 and related Table 1(b), where appropriate. Lee County will monitor the progress of development and the number of acres converted to industrial use as part of every Evaluation and Appraisal Report (EAR). This acreage may be adjusted to accommodate increases in the allocations.~~ (Addressed through Policy 4.3.4)

~~**POLICY 7.1.5:** The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.~~ (Addressed through Policy 4.3.4)

~~**POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.~~ (Addressed through Policy 4.3.4)

~~**POLICY 7.1.10:** All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan.~~ (Policy not needed)

OBJECTIVE 3.5: AGRICULTURAL LAND USES. Support a diverse and robust agricultural economy by protecting agricultural lands from the encroachment of incompatible land uses and discouraging the introduction or expansion of agricultural uses in the Urban Areas.

POLICY 3.5.1: Prioritize the continuation of agricultural land uses by identifying rural agriculture lands on the land use map and establishing policies and practices that support a diverse agricultural economy including:

a. Utilize of an Agricultural Overlay to help identify, inventory, and promote agricultural lands;

b. Evaluate of applications for conversion of agricultural land uses to other land uses;

c. Encourage agricultural operations to meet adopted water quality and surface water management standards through advisory water management plans;
d. Promote energy, water, and soil conservation management practices; and
e. Continue to update and analyze agricultural land use data. (Redrafted to address issues from Objective 9.1, Policies 9.1.2, 9.1.3, and 9.1.5

POLICY 3.5.2: Protect agricultural activities on lands designated as agricultural on the agricultural overlay (see Map X) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. However, in future limerock mining areas (see Map X), agricultural activities may be limited to the interim period prior to mining or may need to coexist with adjoining mining activities and mining pits. (Formerly Policy 9.1.4)

POLICY 3.5.3: Lee County will work ~~with a private agricultural advisory committee, agricultural operators, and landowners~~ to establish and implement incentives to encourage the continuation of existing agricultural operations and improvements to existing agricultural operations as needed to store and treat water and improve ecological values. The county will investigate the feasibility of a Transfer of Development Rights (TDR) bank for agricultural property ~~by 2012~~. (Edited from Policy 9.1.6)

POLICY 3.5.4: Existing agricultural lands within the DR/GR land use category provide important surface and subsurface connections for water and wildlife resources. The county supports the integration of agriculture within a comprehensive and coordinated effort of county and regional agencies to manage the water resources in a manner that includes the protection and restoration of natural systems within Southeast Lee County. (Formerly Policy 9.1.7)

POLICY 3.5.5: Prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from ~~future~~ urban areas. (Edited from Objective 9.2)

POLICY 3.5.6: Rezoning of land to agricultural zoning districts is prohibited in ~~future~~ urban areas, with the exception of those areas designated as Suburban 2. In Suburban 2 areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility with existing and future land uses. (Edited from Policy 9.2.1)

POLICY 3.5.7: Planned development rezonings within the ~~future~~ urban areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Edited from Policy 9.2.2)

Deleted Policies from current Future Land Use Element Goal 9:

~~**GOAL 9: AGRICULTURAL LAND USES.** To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion~~

~~of agricultural uses in the Future Urban Areas.~~ (Goal is unified for all land use form issues and no longer a goal just for mixed-use.)

~~**OBJECTIVE 9.1:** Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.~~ (Addressed through Policy 4.4.1)

~~**POLICY 9.1.1:** In accordance with F.S. 187.201(23)(b)1, nothing in this plan will be construed to permanently prohibit the conversion of agricultural uses to other land uses.~~ (Policy not necessary)

~~**POLICY 9.1.2:** Encourage the utilization of energy, water, and soil conservation management practices in agricultural activities.~~ (Addressed through Policy 4.4.1

~~**POLICY 9.1.3:** Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District.~~ (Addressed through Policy 4.4.1)

~~**POLICY 9.1.5:** Continue to update and analyze agricultural land use data.~~ (Addressed through Policy 4.4.1)

OBJECTIVE 3.6: MARINE-ORIENTED LAND USES. Designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses. (Previously Goal 8)

POLICY 3.6.1: Existing marinas, fish houses, and port facilities indicated on the ~~Future~~ Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing (See Map 12). (Edited from Objective 8.1)

POLICY 3.6.2: All development approvals for marine-oriented land uses must also comply with requirements set forth in the land development code, other comprehensive plan elements. ~~Ports, Aviation and Related Facilities sub-element, Objective 128.5: Marine Facilities Siting Criteria, and Objective 128.6: Marina Design Criteria~~. (Edited from Objective 8.2)

OBJECTIVE 3.7: NATURAL RESOURCE EXTRACTION. Protect containing identified natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and on other natural resources. (Edited Goal 10)

POLICY 3.7.1: Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other commercially valuable natural resources to meet the county's needs and to export to other communities, while providing adequate protection for the county's other natural resources. (Previously Objective 10.1)

POLICY 3.7.2: The sale of overburden from approved limerock mines is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as close as possible to locations of high demand to minimize the distance fill material must be trucked to likely destinations ~~(see also Policy 33.1.5)~~. (Formerly Policy 10.1.1)

POLICY 3.7.3: The future uses of any new or existing natural resource extraction operation must be evaluated at the time the property undergoes planned development zoning review. Site plans should be designed to incorporate proposed future uses, including open space, and to ensure the protection of surface and ground water resources, wildlife, and native plant communities. (Formerly Policy 10.1.2)

POLICY 3.7.4: Reclamation is intended to replace or offset ecological benefits lost during extraction, including the creation of conditions that will support a healthy water body to the extent practicable. Applications for natural resource extraction permits for new or expanding sites, or for future use of such sites, must include a reclamation plan that provides assurance of implementation. This plan must address the reclamation and sustainable management of all existing and future mining pits, preserves, and buffer areas that are or may in the future be related to the mining operation. Reclamation plans in Future Limerock Mining areas (see Map 14) must include littoral shelves suitable for native wetland plants, revegetation of disturbed land, allowance for wildlife movement, and minimization of long-term effects on surrounding surface and groundwater levels. Reclamation plans for mines providing primarily fill material should provide more extensive littoral shelves and describe how shorelines will be configured and managed and how disturbed uplands will be restored or converted to other acceptable land uses. Reclamation plans in or near important surface and groundwater resource areas must also be designed to minimize the possibility of contamination of the surface and groundwater during mining and after completion of the reclamation. (Formerly Policy 10.1.3)

POLICY 3.7.5: Limerock mining may be permitted only in accordance with goals, objective, and policies for Southeast Lee County, ~~Objective 33.1 and its policies~~ contained in the Communities Element. Other natural resource extraction activities such as fill dirt operations (and ancillary industrial uses may be permitted as follows:

a. In areas indicated on the ~~Future~~ Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resource, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In the Density Reduction/Groundwater Resource category, fill dirt operations are further restricted in accordance with other polices within this plan ~~Policy 33.1.5~~.
b. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the ~~Future~~ Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. Ancillary crushing of limerock strata embedded within fill material may be permitted for use on-site. (Edited Policy 10.1.4)

POLICY 3.7.6: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to incorporate reclaimed mining pits into a comprehensive and coordinated effort of county and regional agencies to enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, education, and other appropriate uses, and/or strengthen community environmental benefits. (Formerly Policy 10.1.5)

POLICY 3.7.7: Coordinate mining activities, including evaluation, monitoring, reclamation, and redevelopment, with water supply planning, surface and groundwater management activities, wetland protection, wildlife conservation, and ~~future~~ residential activities. Consider the cumulative and watershed-wide impacts of mining activities, not just the direct impacts of each individual mine in isolation. (Previously Objective 10.2)

POLICY 3.7.8: Natural resource extraction operations must provide a monitoring system to measure surface and groundwater levels and quality to assess any degradation of surface and groundwater resources. Particular attention will be given to potential travel time to wellfields and residential wells. Mining applications are strongly encouraged to include a minimum of three years baseline monitoring and assessments of the likely change in flow, timing of travel, and direction of surface and groundwater systems on-site and in the impacted area. (Formerly Policy 10.2.1)

POLICY 3.7.9: Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments will also include:

a. Potential impacts on the aquatic ecology and water quality of mining pits that will result from mining pit design.
b. Likely post-mining impacts such as runoff or surface and groundwater flow on land uses surrounding the site.
c. Consideration of the primary and secondary impacts at the local and watershed levels. (Formerly Policy 10.2.2)

POLICY 3.7.10: The depth of mining for a proposed excavation will be limited as necessary to prevent any breach of an aquaclude or confining layer. (Formerly Policy 10.2.3)

POLICY 3.7.11: Other limitations on mining pit size, setbacks, and depths will be determined on a case-by-case basis depending on existing neighboring uses, specific hydrogeologic conditions, wetlands and watershed protection, wildlife conservation, and transportation routes including anticipated traffic to and from the mine. (Formerly Policy 10.2.4)

POLICY 3.7.11: Areas that are designated as preserve areas (e.g., buffers, indigenous preservation, and reclaimed littoral shelves) during the mining rezoning process must be protected by the execution of perpetual conservation easements so that these areas will be maintained during mine operation and in perpetuity regardless of ~~future~~ land uses. A timetable

for all environmental remediation including the construction of buffers and reclamation of littoral shelves must be included as part of the mine rezoning application. Lee County must be named in the easement as a grantee with the power and authority, but not obligation, to enforce the terms of the easement. An entity, other than Lee County, should be identified and obligated to maintain the easement in perpetuity. However, Lee County may agree to be primarily responsible for maintenance. (Formerly Policy 10.2.5)

POLICY 3.7.13: The Land Development Code will establish the contents and frequency of monitoring reports from authorized mines. These reports may include surface and groundwater monitoring of water quality and quantity, the areas under active mining, the depths being mined, the quantity and type of mined materials, estimated reserves left for mining, and the annual volume, direction, and destination of the material being transported. Reporting will include the active mining and processing area; the areas where reclamation has been completed; and the areas where invasive exotic removal is underway or completed. (Formerly Policy 10.2.6)

POLICY 3.7.14: Zoning or development order approvals may require that significant adverse impacts identified during mining or post-mining will be subject to adaptive resource management acceptable to Natural Resources whereby corrective measures can be guaranteed through conditions on the next phase's approval. (Formerly Policy 10.2.7)

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