



EXECUTIVE REGULATORY OVERSIGHT COMMITTEE
Lee County Administration Building
2115 Second Street, Fort Myers
First Floor Conference Room

WEDNESDAY, MARCH 8, 2017
2:00 P.M.

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Approval of Minutes – July 13, 2016
3. Proposed Reclaimed Water Ordinance – Utilities
4. Growth Management (Land Use & Transportation) LDC Amendments
5. Adjournment – Next Meeting Date: May 10, 2017

Persons with disabilities who need an accommodation to participate in the Land Development Code Advisory Committee meeting should contact Pam Hendry, 1500 Monroe Street, Fort Myers FL 33901 (239-533-8348 or Phendry@leegov.com). To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Pam Hendry through the Florida Relay Service, 711.

Draft

MINUTES REPORT EXECUTIVE REGULATORY OVERSIGHT COMMITTEE WEDNESDAY, JULY 13, 2016

Committee Members Present:

Randy Mercer, Chairman	Jim Ink	Matthew Petra
Hal Arkin	Stephanie Kolenut	Michael Reitmann
Bill DeDeugd	Darin Larson	Mike Roeder
Victor Dupont		

Committee Members Absent:

Carl Barraco, Jr. Bill Ennen Tracy Hayden Bob Knight Buck Ward

Lee County Government & Representatives Present:

Dave Loveland, Director, DCD	Jessica Leatherman, Zoning Planner
Ben Dickson, Dev. Services Manager	Michael Jacob, Asst. County Attorney
Tony Palermo, Zoning, Senior Planner	Neysa Borkert, Asst. County Attorney
Nettie Richardson, Zoning Princ. Planner	Pam Hendry, DCD Admin., Recording
Dirk Danley, Jr., Zoning Planner	

Public Participants:

Brenda Thomas, Lee Building Industry Association

Introduction

Mr. Randy Mercer called the meeting to order at 2:00 p.m. in the first floor conference room of the Community Development/Public Works Center, 1500 Monroe Street, Ft. Myers, Florida.

Ms. Neysa Borkert, Assistant County Attorney, reviewed the Affidavit of Posting of Meeting and found it legally sufficient as to form and content.

Approve Meeting Minutes – May 11, 2016

Mr. Jim Ink made a motion to approve the May 11, 2016 meeting minutes. Ms. Stephanie Kolenut seconded. The motion carried unanimously.

LDC Regular Two-Year Cycle of Amendments: Ch. 12, Ch. 32 & Ch. 34

Mr. Mercer said in the ordinance evaluation guidelines, in “#9 Does the regulation provide prompt and efficient relief mechanisms for exceptional cases?”, the answer was “Variances and deviations are available”. He asked how long a variance would take. Mr. Tony Palermo said administrative variances and deviations can take a week, a month or two months, and public hearing variances and deviations to a planned development are a little more involved and take four, six or eight months. Mr. Mercer asked if there are mechanisms other than those two for Land Development Code (LDC) amendments. Mr. Palermo said not unless you go to court.

Regarding Sec. 12-118 Mr. Palermo said members of EROC did 99% of the hard work in their last meeting in May, and he thanked them for that. He said today there are two left over items for EROC's attention to bring through the process with the LDC usual two-year cycle of amendments that staff and the public go through. He said that EROC recommended approval of all the public amendments and all the staff amendments, and those amendments are now going through to the Local Planning Agency and the County Commission.

Regarding Sec. 12-118(c)(1)(c) Mr. Palermo said one thing the County missed was the scrivener's error staff identified in Chapter 12, to change the word "quality" to "quantity".

Mr. Jim Ink made a motion to approve the amendment. Mr. Hal Arkin seconded. The motion carried unanimously.

Mr. Palermo said the County Attorney's office brought to our attention that some changes were necessary mostly in Chapter 32, and Mr. Michael Jacob will talk about those.

Mr. Jacob said regarding Sec. 32-243 Property Development Regulations (Compact Communities), The Hearing Examiner identified a problem in planned development regulations. Planned developments have their own unique property development regulations (for setbacks, open space, etc.). It is unclear, according to the Hearing Examiner, if there should also be a deviation requested for each property development regulation that differs from property development regulations in Chapter 34 (Planned Developments). The Hearing Examiner made the same argument in regard to Chapter 32 (Compact Community Planned Developments). The purpose of this proposed language is to address the issue as it pertains to Compact Communities in Chapter 32. Planned Developments (per Chapter 34) will be addressed at a future round of amendments.

Mr. Mercer asked if Sec. 32-243(p) was stricken because it's been handled somewhere else now. Mr. Jacob said yes, the 32-243 was a way to get rid of the issue that (p) created unintentionally, which is what criteria do you need.

Mr. Jacob said the other changes under Sec. 32-502 and Sec. 34-933 are designed to effectuate the HEX memo amendments that we already did.

Mr. Roeder said he hopes this problem is fixed in Chapter 34 because he is actually involved in a case where it's become a real issue. Mr. Ink said he recently spent a lot of time discussing that issue of all the deviations. Mr. Jacob said these regulations will help reduce the need for, at least in theory, the argument for deviations. And, if these are acceptable to EROC and go through the process then he would imagine that staff would adopt something similar for the other planned development regulations. Mr. Roeder said he thinks EROC should approve this, he would just like them to see Chapter 34 ASAP. Mr. Ink said not many people do Chapter 32 compact planned development projects, it needs to be in the regular Chapter 34 planned development.

Mr. Dave Loveland said Mr. Roeder referred to the package of Comp Plan amendments that the Board has authorized us to go forward with. We're going to be bringing those forward in a different way than we've done in the past. What we'll attempt to do is take it topic area by topic area in the plan and address each topic all the way through the process. The Comp Plan changes that would come out of our evaluation for that topic, the related LDC changes that would be necessary to go with that, and then any Administrative Code changes that may need to go with it as well, so that each of those come forward as a package. This is so that when people are reviewing the Comp Plan changes and the question that always comes up is how is that going to be addressed. Part of the focus as we go forward with any changes to our Comp Plan is that we want to try to work toward streamlining all of our documents, and we have a lot of situations where we have a lot of regulatory language in our Comp Plan that should be in our LDC, and a lot of procedural language in our LDC that should be in the Administrative Codes. So, we're going to take the opportunity to adjust some of those things as we go along and bring back the whole package of changes so everybody can see how well the pieces fit together that are supposed to work together to implement particular issues. We fully expect that Chapter 34 is going to be subject to some changes as we go through that process related to amending the Comprehensive Plan.

Mr. Mercer asked when the process will start. Mr. Loveland said it's already started. The Board's already authorized the County initiated amendment under those different topic areas so staff is working on preparing those. He said he would imagine those coming forward probably within about six months or so. Mr. Mercer asked if it would pass through EROC and the other appropriate committees. Mr. Loveland said yes, you don't normally go through the plan amendments themselves but you see the LDC changes and the Administrative Code changes, but you'll get an opportunity to see it and it'll be easier presented forward as a package, both for you and for the LPA who typically only deals with the plan amendment. It will enable them to see the LDC changes as well and it should make it easier to digest everything. Mr. Mercer said just because we haven't looked at something before, it doesn't mean we can't help you go through it, if it makes your process easier, let us know and we're happy to help.

Ms. Borkert said this is going to be akin to what we did on our last cycle, how we had some changes to Chapter 2, some transportation changes, and then we included the Administrative Code for their information. So, your recommendation will still be as it pertains to change the LDC, but if there's something that came out of the Comp Plan that didn't make it in, you're reviewing that part and you're providing a recommendation for that specific portion. Everything will be provided so you'll see how it all works together and, hopefully, let us know if something is missing or not working, or if something got left out. We'll obviously have many layers of review of this huge project. You'll get to see the whole picture and how we perceive it working. Mr. Mercer said we've got twenty-three years of working well together, so if there's anything we can do to help facilitate your process, let us know and that may lead to some ease of guiding through the maze.

Mr. Ink asked what topics they will be starting on, and what does a topic mean. Ms. Borkert said it's to be driven by the Comp Plan and Planning. We're taking the future land

use element as it exists now in which there are some use restrictions that need to be shifted down to the LDC, and any procedures will be shifted out of the LDC down to the Administrative Codes. We've already started the process of going through the LDC and shifting things and removing repetitive things. It will be like a one-stop-shop for each thing that you do. If you want a rezoning, here's the Administrative Code on rezoning and everything will be in there, application, nuts and bolts, so you don't have to flip through the LDC to all the different sections. We'd already started that process and are pretty well on the way, but now we're kind of going back and starting at the top with the Comp Plan and coming down. Mr. Ink said so it will be by chapter or parts of a chapter? Ms. Borkert said yes, but in different elements of the Comp Plan. Mr. Loveland said this is the alternative to what had been coming out of 2011 EAR process, which was leaning toward a complete rewrite/reorganization of the Plan, adding a lot of extra density all over the County and there were a lot of aspects that made us think maybe we should step back a little bit. Conditions have changed since 2011 when the EAR was approved. This was a more targeted approach to looking at ways to upgrade the Plan. Mr. Ink said he thinks that process is a really good way to do it, to componentize and carry it all the way through. Mr. Loveland said it helps make sure the consistency across the documents is there by doing it this way because we still run into instances all the time where something was changed in the Comp Plan that never got reflected in the LDC.

Mr. Reitmann said how does that integrate with the various community plans? Mr. Jacob said that'll be another area to address. Mr. Reitmann said that is something that has been a real challenge to say the least. Mr. Loveland said we're going to actually take all the community plan components that are in different parts of the Comp Plan now and have a community planning element.

Mr. Jacob said we'll also go through the process of adopted regulations to determine if there're any liabilities from the standpoint of Bert Harris, inverse condemnation, etc. as well just to make sure we don't run into any other Pine Island type issues after-the-fact. The first piece that will be coming forward will be dealing with Chapter 13 of the Lee Plan which isn't necessarily anything EROC would actually deal with.

Mr. Mike Roeder made a motion to approve and made the suggestion that Chapter 34 be amended as soon as possible. Mr. Darin Larson seconded. The motion carried unanimously.

Mr. Mercer said he will be out of town for the next meeting in September, but will make sure that Tracy Hayden attends.

ADJOURNMENT

The meeting adjourned at 2:21 p.m.

The next meeting was tentatively scheduled for September 14, 2016.

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Proposed Reclaimed Water Ordinance

EROC ORDINANCE EVALUATION GUIDELINES

Proposed Reclaimed Water Ordinance

1. What is the public interest that the ordinance is designed to protect?

The proposed ordinance establishes rules and guidelines governing the use and distribution of reclaimed water which will serve a public interest by enhancing water resource management and providing for protection of public health and safety. Enhancement of reclaimed water resource management will decrease the utilization of potable water resources for irrigation purposes.

2. Can the identified public interest be protected by means other than legislation (e.g., better enforcement, education programs, administrative code in lieu of ordinance, etc.)? If so, would other means be more cost effective?

The control of reclaimed water use, as required by state law, is currently accomplished through formal agreements with each individual reclaimed water customer. Due to the growth in the reclaimed water customer base, the current method of maintaining control of reclaimed water customers is less efficient than control by ordinance.

3. Is the regulation required by State or Federal law? If so, to what extent does the county have the authority to solve the problem in a different manner?

Florida Administrative code 62-610.469, Application/Distribution Systems and Cross-Connection Control (2) states; "Application of reclaimed water on public access facilities shall be controlled by agreement with the wastewater management entity or by local ordinance". Further, referring to permit applications for wastewater treatment facilities, Florida Administrative code 62-610.491, Additional Operation and Maintenance Requirements, (1), (c) states; "As part of the permit application, the applicant shall submit documentation of controls on individual users of reclaimed water through detailed agreements (including copy of the agreement) or by local ordinance (include copy of appropriate ordinance)." There are two options for control, local ordinance or detailed individual agreements. The proposed ordinance is to replace the current more cumbersome and inefficient means of control ~~currently achieved~~ by individual agreements with each customer.

4. Does the regulation duplicate State or Federal program? If so, why?

The proposed ordinance does not duplicate state or federal regulations. Sections of the proposed ordinance reiterate state regulations related to the use of reclaimed water and references to the state regulations are cited in the proposed ordinance. The provisions regarding the use of reclaimed water included in the ordinance are intended to supplement and insure compliance with the state regulations.

5. Does the regulation contain market-based incentives? If not, could that be used effectively?

The proposed ordinance provides ranking incentives for existing and potential reclaimed water users/customers that who contribute to funding certain reclaimed water infrastructure improvements.

6. Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?

The proposed ordinance only applies to current Lee County Utilities (LCU) reclaimed water customers and entities requesting reclaimed water service from LCU, and therefore does not pose a burden affecting the public interest.

7. Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide any form of compensation?

The proposed ordinance does not impose a burden on any property owners. It provides a benefit to the public by establishing the terms and conditions for receiving reclaimed water service and provides controls to protect public health and safety through the proper use of the resource.

8. Does the regulation impact vested rights?

The proposed ordinance will have a minimal impact on the vested rights of entities currently being provided with reclaimed water through a formal agreement with Lee County for the delivery of these services. The vested rights included in these agreements will be transitioned to permits issued by Lee County Utilities to each reclaimed water customer. The permits will include similar terms and conditions to those that are currently included in the formal agreement.

9. Does the regulation provide prompt and efficient relief mechanism for exceptional cases?

The proposed ordinance does not impose burden, therefore a relief mechanism for exceptional cases is not provided. The proposed ordinance does provide an appeal process for entities requesting reclaimed water service that have been denied service or that object to the terms and conditions of a permit for the use of reclaimed water.

10. Even though there is an interest to be protected, is it really worth another regulation?

The proposed ordinance is the most efficient and consistent mechanism for maintaining control of reclaimed water customers of Lee County in accordance with the requirements of State regulations.

11. Has this approach been tried in other jurisdictions? If so, what was the result? If not, what are the reasons?

Other local governments such as Collier County and the City of Cape Coral have enacted similar ordinances governing the use of reclaimed water to its customers. This method of providing control of individual users of reclaimed water customers has served these jurisdictions.

12. If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?

The proposed ordinance will have no effect on the cost of providing reclaimed water to

customers of LCU. There is no difference between the annual cost of providing reclaimed water by the current formal agreements ~~method~~ versus ~~as~~the proposed ~~by~~ ordinance. However, it should be noted using an ordinance with a permit based system to provide for control of reclaimed water customers is more efficient than providing this control through formal agreements. Changing conditions can be addressed through a permit revision, as opposed to revising a formal agreement which results in additional workload for County Attorney's Office staff and review by the Lee County BOCC. Addressing changing conditions through revision of a permit will also provide a quicker response to customer's needs.

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE LEE COUNTY UTILITIES RECLAIMED WATER SYSTEM; PROVIDING FOR SHORT TITLE, PURPOSE AND TERRITORIAL SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITIES OF LEE COUNTY UTILITIES; PROVIDING FOR RESPONSIBILITIES OF RECLAIM CUSTOMERS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, the County operates Publicly Owned Treatment Works (POTW) which produce reclaimed water for beneficial use by entities within unincorporated Lee County; and

WHEREAS, reclaimed water offers an environmentally sustainable method for managing treated wastewater disposal, conserving potable water sources and providing alternative water supplies for beneficial uses; and

WHEREAS, Section 403.064, F.S. encourages the use of reclaimed water, considers its use as being in the public interest and a critical component of meeting the states existing and future water supply needs while sustaining natural systems; and

WHEREAS, as part of a Florida Department of Environmental Protection permit application, Florida Administrative Code 62-610.491 requires that Lee County submit documentation of controls on individual Customers of reclaimed water through detailed agreements, permits, or by local ordinance; and

WHEREAS, application of reclaimed water on public access facilities shall be controlled by permit in accordance with Florida Administrative Code 62-610. 491;

NOW AND THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: SHORT TITLE, PURPOSE AND APPLICABILITY

- A. This Ordinance will be known and cited as the “Lee County Reclaimed Water Ordinance”.

- B. The purpose of this Ordinance is to establish uniform requirements and a program of inspections and permitting for customers of all of Lee County’s Reclaimed Water Systems and enable the County to comply with all applicable Federal and State laws, including the Clean Water Act (33 USC 1251 et seq.), and Chapters 62-600, 62-601, and 62-610 Florida Administrative Code. As part of the program, Lee County Utilities (LCU) shall implement the following objectives:
 - 1. To distribute reclaimed water, generated at a POTW owned and maintained by LCU for beneficial use;
 - 2. To prevent any discharges of reclaimed water resulting in a violation of Federal or State laws governing the use of reclaimed water;
 - 3. To protect the life, health, and safety of the general public and to provide for the equitable distribution of costs, including administration, implementation, and enforcement of the reclaimed water program established herein;
 - 4. To enable LCU’s POTWs to comply with all permits, and all Federal and State laws to which they are subject; and
 - 5. To promote and improve opportunities for the beneficial use of reclaimed wastewater.

- C. The Ordinance is applicable to existing and proposed LCU regional reuse service areas.

SECTION TWO: DEFINITIONS

For the purpose of this article, the following words and phrases are defined and shall have the meaning assigned except in those instances where the context clearly indicates a different meaning. The words "Shall" and "Will" are mandatory and not discretionary. The word "May" is permissive.

- A. Allocation shall mean the amount of reclaimed water provided to a Customer through an issued permit for the delivery and use of reclaimed water. The allocation will initially be based on the availability of reclaimed water and the application rate, as expressed in million gallons per day (MGD) and delivered over a twenty-four (24) hour period. The allocation may change over time at the discretion of LCU.

- B. Applicant shall mean any property owner, person or entity that is requesting for their use reclaimed water service from LCU by applying for a reclaimed water use Permit.
- C. Approved Cross Connection Control Assembly shall mean a mechanical assembly that has been approved to prevent backflow and back-siphonage to LCU's potable and reclaimed water systems, as per the LCU Design Manual.
- D. Available Reclaimed Water shall mean an amount of reclaimed water, above and beyond the amount required to meet existing Customer's demand during low flow/high demand period as determined by LCU.
- E. Calculated Irrigation Demand shall mean the irrigation demand for a given property based on the irrigated acreage and as calculated by the Blaney-Criddle method, or currently accepted method utilized by the SFWMD for water use permitting.
- F. Cross Connection shall mean any physical arrangement whereby LCU's public water system is connected, directly or indirectly, with any other water supply, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other wastes or liquids of unknown or unsafe quality, which may be capable of imparting contamination to the public water system, as a result of backflow. By-pass arrangements, jumper connections, removable sections, swivels or changeable devices, or other temporary or permanent devices, through which or because of which, backflow could occur are considered to be cross-connections.
- G. FDEP shall mean the Florida Department of Environmental Protection
- H. On-site storage shall mean a storage feature owned, operated, and maintained by the Customer and located on the Customer's property.
- I. Point of Delivery (POD) shall mean the location where LCU's reclaimed water system is physically connected to the Customer's reclaimed water system and represents where LCU's responsibility ends and the Customer's responsibility and liability begins. The POD, unless otherwise specified, will be at the point where the downstream section of the meter assembly goes into the ground on the Customer's side of the meter.
- J. Premises shall mean a parcel of real estate or portion thereof including any improvements thereon which is determined by the Coordinator to be a single Customer for the purposes of receiving, using and paying for reclaimed water services.

- K. Public Utilities Director shall mean the person designated by the County Manager to administrate the activities of the Public Utilities Division, supervise the operation of the POTW, maintain records of such operation, prepare operating budgets and make recommendations to Board of County Commissioners concerning activities within his/her responsibility and authority.
- L. Reclaimed Water shall mean wastewater that has received the treatment established by the Florida Administrative Code (FAC), Rule 62-610.460, currently defined as wastewater that meets, at a minimum, secondary treatment and high level disinfection. This definition includes reclaimed water that has been augmented with a supplemental water supply such as ground or surface water.
- M. Reclaimed Water Application Rate shall mean the irrigation application rate generally recommended by the SFWMD, currently being calculated utilizing the Blaney Criddle calculation.
- N. Reclaimed Water Coordinator, hereafter known as the Coordinator, shall mean the person designated by the Lee County Public Utilities Director to manage the reclaimed water program, and who is charged with certain duties and responsibilities established by this Ordinance.
- O. Reclaimed Water System shall mean all LCU owned elements that function to convey and distribute reclaimed water including all land and easements, buildings and structures, transmission and distribution pipes, reservoirs, supplemental water supply production and pumping facilities, metering equipment, equipment and machinery, and other appurtenances necessary to provide reclaimed water to Customers.
- P. Reclaimed Water Customer, hereafter known as Customer, shall mean any existing permitted entity receiving reclaimed water such as, but not limited to, golf courses, homeowners associations or other associations with the legal authority to make binding determinations on behalf of the association, its members, its unit owners, or shareholders of such association, corporations, or owner(s) of developed property.
- Q. Reclaimed Water Use Permit, hereafter known as Permit, shall mean a written instrument between the Customer and the County, by which a Customer agrees to abide by all rules and regulations pertaining to reclaimed water. The Permit designates allocation, point of delivery, areas where reclaimed water will be used, and other contractual obligations.
- R. Reclaimed Water Requirements shall mean any substantive or procedural requirement related to reclaimed water, imposed on a reclaimed water customer.

- S. Reclaimed Water Review Committee shall mean a panel made up of the following individuals whose main function is to review Customer appeals relating to permit issues: Public Utilities Director or designee, Wastewater Manager or designee, Engineering Manager or designee, Coordinator or designee, and County Attorney or designee.
- T. SFWMD shall mean the South Florida Water Management District.
- U. Supplemental Water Supply shall mean a non-potable groundwater, stormwater, or surface water utilized to supplement the supply of reclaimed water by either LCU or a Customer.

SECTION THREE: RECLAIMED WATER AVAILABILITY

- A. Requests for reclaimed water service shall be submitted, in writing to the Coordinator. Requests shall include the following:
 - 1. General Information including name, address, telephone number of the applicant, owner, and any agent or consultant. Physical address and STRAP number of the property to be served;
 - 2. Site specific data required to calculate the initial reclaimed water allocation. This will include irrigated acreage, anticipated demand, and any other desired uses of the reclaimed water, such as cooling towers or dust control;
- B. LCU will determine the availability based on the location and capacity of existing reclaimed water distribution system, flow to the POTW, and current committed reclaimed water capacity.
- C. LCU shall not allocate more reclaimed water than can reasonably be made available during the low flow/high demand period as determined by LCU. The amount of reclaimed water available for allocation to Customers will be determined as follows: The lowest three month running average daily flow of wastewater influent available for treatment; Plus: the daily reliable flow from supplemental water supplies; Minus: the total of all Customer's Permit allocations for the reclaimed water system.
- D. LCU will not add any additional Customers to the reclaimed water system unless a sufficient supply of available reclaimed water exists during the low flow/high demand period.
- E. LCU will not add any additional Customers if the addition will reduce LCU's delivery of reclaimed water to existing Customers.

- F. Upon determination of whether reclaimed water is available, the applicant will be notified. At that time, an applicant wishing to obtain reclaimed water must complete an Application as described below.
- G. If LCU determines that reclaimed water is not available at the time of the Applicant's request the Applicant request will remain on file. The Applicant will be placed on a waiting list for reclaimed water.

SECTION FOUR: RECLAIMED WATER USE PERMIT APPLICATIONS

- A. Time Line For Reclaimed Water Use Permit Applications. Existing and potential new Customers desiring to obtain a permit shall apply as follows:
 - 1. Potential new Customers shall apply for and obtain a permit at least ninety (90) days prior to connecting to the Reclaimed Water System.
 - 2. Existing Customers wishing to apply for an increased allocation shall apply to the Reclaimed Water Coordinator at least ninety (90) days before the new allocation is to be effective.
- B. Reclaimed Water Use Permit Application. Applicants desiring to obtain a permit shall submit, to the Coordinator, a completed application. The application shall include all information necessary to calculate customer allocation. Information required includes the following:
 - 1. General Information including name, address, telephone number of the applicant, owner, and any agent or consultant. Physical address and STRAP number of the property to be served;
 - 2. Site specific information required to calculate the initial reclaimed water Allocation. This will include irrigated acreage, anticipated demand, and any other desired uses of the reclaimed water, such as cooling towers or dust control;
 - 3. Site specific information shall be required including but not limited to:
 - a. A location map showing the general location of the site.
 - b. A site map showing property boundaries, area of property to be irrigated, and the existing or proposed point(s) of delivery
 - c. A legal description of the property that is currently served or is proposed to be served with reclaimed water.
 - d. Identify any supplemental source(s) in use or proposed. If a supplemental source(s) is in use or proposed, provide the SFWMD Water Use Permit Number for this source(s).

- e. Identify any on-site existing or proposed reclaimed water storage structures, including their volume.
 - f. If the applicant's property is located in an area with limited fresh water resources, please provide documentation demonstrating that fresh water resources are limited in the area of the property.
 - g. Submit plans and specifications of the connection to LCU's reclaimed water system as required by the LCU Design Manual.
- 4. Any other information determined by the Coordinator to be necessary to evaluate the Permit application.
 - 5. Certification Statement signed by the property owner.
 - 6. An application will be deemed incomplete until all the required information has been provided to the Coordinator.
- C. Incomplete Applications. The Coordinator will act only on complete applications. Persons submitting incomplete applications shall be notified within thirty (30) days that the application is deficient, the nature of such deficiency and shall be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within the thirty (30) days the Coordinator may deny the Permit or deem the application withdrawn and notify the applicant in writing of such action.
- D. Evaluation of Applications. Upon receipt of a complete application, the Coordinator shall review and evaluate all data furnished by the Applicant and shall deny or issue the Permit with reasonable conditions and requirements.
- E. Reclaimed water will be allocated by the Coordinator using the following criteria :
- 1. the Applicant's commitment to provide system infrastructure;
 - 2. the Applicant's position on the reclaimed water waiting list;
 - 3. whether the Applicant has limited freshwater resources available;
 - 4. the Applicant's commitment to provide water storage that provides a benefit to the reclaimed water system;
 - 5. the Applicant's commitment to provide on-site water storage for their use;
 - 6. the Applicant's SFWMD Permit allocation; and
 - 7. the Applicant's commitment to supplement the supply of reclaimed water with stormwater.

SECTION FIVE: PERMIT REQUIREMENTS

- A. Limitations on Allocation – The initial limitations placed on allocations will be determined at time of issuance of the Permit. If reclaimed water is proposed to be used for landscape irrigation, a Customer's Permit allocation shall not exceed the Customer's

calculated irrigation demand for the development. Allocations for uses other than irrigation of landscape shall be determined and limited based on the water demand for the specific use. The applicant shall provide an analysis, such as an Engineer's report or other documentation requested by LCU, to demonstrate the demand for water for that specific use.

B. Reclaimed Water Storage

1. All applicants with a demand for reclaimed water exceeding 50,000 gallons per day shall provide on-site storage.
2. Reclaimed water storage can take several forms, including but not limited to, the following; a lake or pond isolated from the storm-water treatment system, a lake or pond that is part of a storm-water treatment system with sufficient capacity to serve its function as both storm-water treatment and reclaimed water storage, a Class 5 Underground Injection Control permitted Aquifer Storage and Recovery (ASR) well, or a storage tank. On-site storage facilities shall be designed and operated in accordance with Federal, State and Local regulations pertaining to the storage of reclaimed water.
3. The capacity of on-site storage shall, at a minimum, be equal to the annual average daily demand for the customer being served. An Applicant is encouraged to and may develop storage capacity exceeding the minimum criteria.
4. Storage capacity will be expressed in days. The capacity of reclaimed water storage developed on the customer's site for their use will be calculated based on the aerial extent and operating range of the storage feature. For example, a one acre storage pond that is designed to start filling at an elevation of 10.0 feet and stop filling at 12.0 feet (2 foot operating range) would have a storage volume of 651,658 gallons (43,560 sq.ft. X 2 ft. X 7.48 gal./cu.ft.). If the customer's allocation is 325,829 gallons per day this would represent two days of storage (325,829 X 2 = 651,658).
5. If storage is being provided for use by LCU, the number of days of storage will be calculated based on the current annual average daily flow of reclaimed water being produced by the wastewater treatment facility that will be providing service to the Applicant. For example; if the Applicant proposed providing nine million gallons of storage capacity for LCU's use and the current annual average daily flow to the wastewater treatment plant is three million gallons per day, the Applicant is offering three days of storage. The volume of reclaimed water storage will be calculated as described in Section 5, B, 4 above.

C. Water Meter Requirements

1. Any reclaimed water meter that is less than or equal to three inches in size shall be an in-ground meter.
2. In-ground meters may be located in County owned or maintained right of way or a dedicated easement.
3. Any reclaimed water meters that are greater than 3 inches in size must be an above ground meter that is located on the property owner's site.
4. Property owners that locate meters outside of a County owned or maintained right of way must provide an access easement to Lee County for installation, maintenance, and replacement of each meter or meter station.
5. Based on site specific conditions an easement granted to LCU may be required to accommodate infrastructure that is located on the customer's site.

SECTION SIX: **PERMIT RESTRICTIONS**

A. General

1. Customers shall abide by the Permit and all Federal, State and Local regulations.
2. Customers shall not discharge reclaimed water directly into the Waters of the State without notification to LCU documenting written authorization from SFWMD and FDEP.
3. Reclaimed water service will be discontinued if a Customer does not comply with the requirements of this Ordinance and all applicable rules, laws, and regulations for the application of reclaimed water, including, but not limited to, all applicable regulations included in Florida Administrative Code (F.A.C.) Chapter 62-610.
4. Every permit issued is subject to and limited by the terms of this Ordinance.

B. Cross Connections

1. Cross-connection of reclaimed water systems with any other water supply source or system is specifically prohibited.
2. An approved cross connection control assembly, per the LCU Design Manual, shall be installed on any potable water line serving property also served by reclaimed water.

C. Setback Requirements

1. Plans for subdivisions and commercial sites that include provisions for reclaimed water service shall include a survey of all surrounding property for the purpose of identifying the existence of potable water wells within 200 feet of the boundary of any proposed reclaimed water application area. Reclaimed water application systems will not be considered or permitted within 75 feet of an existing or proposed FDEP or FDOH permitted potable water supply well.

2. Minimum horizontal and vertical pipe separations shall be maintained between reclaimed water mains and existing potable water or sewage mains in accordance with the F.A.C. Chapter 62-610.
3. Reclaimed water irrigation systems located within 100 feet of public eating, drinking, or bathing facilities shall utilize low trajectory spray heads, or methods approved by LCU to reduce aerosol drift.
4. Reclaimed water irrigation systems shall be constructed and operated so as to minimize over-spray onto impervious surfaces, such as sidewalks, roadways, etc. or ponding.

D. Signage and Identification

1. All sites utilizing reclaimed water shall be required to provide County approved public notice signs at all entrances identifying the area as a reclaimed water use area. Non-irrigation Customers of reclaimed water shall provide similar notification signage at the point of reclaimed water use. All signage shall comply with F.A.C. Chapter 62-610.
2. All reclaimed water transmission lines shall be color-coded and/or labeled to specifically identify the piping as reclaimed water lines.
3. All new subdivisions and site plans shall specify the use of pantone purple colored pipe as the standard material for reclaimed water service lines or other materials approved by the LCU Design Manual. All reclaimed water service lines shall include a locking curb stop and tag/label identifying the use of reclaimed water.

E. Prohibited Uses

1. Reclaimed water shall not enter any residential dwelling for any purpose.
2. Reclaimed water shall not be designated as a fire protection source.
3. There shall not be any above ground hose bib connections to the reclaimed water system. All hose bib connections must be located in below grade, locked vaults, and clearly labeled as being non-potable.
4. Reclaimed water shall not be used to fill swimming pools, hot tubs, wading pools, spas, or similar facilities. Tanker trucks used for transporting products intended for human consumption are prohibited from transporting reclaimed water.
5. Use of reclaimed water for any purpose other than those allowed by the F.A.C. Chapter 62-610
6. Reclaimed water for a purpose other than urban landscape irrigation without authorization by LCU.

F. Maintenance. The Customer shall take full responsibility for the design, construction, permitting, financing, compliance, operations, maintenance, and repair of the reclaimed

water system downstream of the POD. This shall include any customer's instrumentation that is required to interface with LCU's reclaimed water meter station. Should the customer not maintain the equipment as required, LCU reserves the right to provide required maintenance and place a charge for time and materials on the Customer's water and sewer bill. Failure to timely pay the charge may result in termination of service to the property.

- G. Reclaimed Water Use Permit Requirements and Restrictions. Issuance of a Permit shall not relieve the customer from complying with all other applicable State, Federal and local laws and regulations. The customer shall be responsible for all costs associated with satisfying Permit conditions, requirements, and restrictions. The customer will be inspected by the Coordinator at least once per year.
- H. Reclaimed Water Use Permit Modifications. The terms, conditions or requirements of any Permit are subject to modification and change by the Coordinator during the term of the permit for good cause, including, but not limited to the following reasons:
1. To incorporate any new or revised Federal, State, or local standards or requirements;
 2. A change in the POTW that requires either a temporary or permanent reduction of the Customer's allocation;
 3. Violation of any terms or conditions of the Permit;
 4. Failure of the Customer to accept the provided allocation;
 5. Misrepresentation or failure to disclose all relevant facts in the Permit Application or in any required reporting; or
 6. To correct typographical or other errors in the Permit;
- I. Duration and Renewal of Reclaimed Water Use Permit. A Permit shall be issued for a specified period of time, up to but not to exceed ten (10) years. To renew a Permit, a Customer shall submit a completed renewal application form as prescribed by the County to the Coordinator not more than ninety (90) days nor less than thirty (30) days prior to the expiration of the current Permit. Conditions governing the issuance of a renewal Permit shall be the same, as those governing the issuance of a new Permit.
- J. Civil Penalties. Each Permit shall contain a section describing potential civil penalties associated with noncompliance. **Applicant's Right To Object.** Upon denial or receipt of the Permit, the applicant shall have thirty (30) days to file in writing objections to the denial or any term or condition of the Permit. If the applicant files no objections within this time, the Permit is deemed to be accepted. If the applicant files no objections to a Permit denial

within this time, the failure to file shall constitute a waiver of the right to file objection to the Permit denial.

- K. **Appeal.** Should an applicant decide to file a written objection, an appeal will proceed as follows:

Written Objections: The Public Utilities Director shall submit to the Reclaimed Water Review Committee the proposed Permit conditions and the applicants written objection thereto at a meeting of the committee. The Reclaimed Water Review Committee shall schedule a hearing within ninety (90) days following the submission by the Public Utilities Director of the proposed Permit and written objections, unless such time be extended for just cause or agreed to by the Parties. The Public Utilities Director shall notify the applicant of the date, time, place and purpose of the hearing scheduled before the Committee. The Committee shall determine whether the proposed conditions are reasonable or whether the basis for denial is founded on competent substantial evidence. The Committee may establish or revise the relevant Permit conditions as it deems advisable to ensure compliance by the applicant with this Ordinance, applicable law or regulation and a Permit will be issued to the applicant accordingly.

- L. Revocation of Reclaimed Water Use Permit: Any Permit issued under the provisions of this Ordinance is subject to be modified, suspended or revoked in whole or in part for cause shown including, but not limited to any one of the following:

1. Violation of any terms or conditions of the Permit or other applicable law or regulation;
2. Obtaining a Permit by misrepresentation or failure to disclose, fully, all relevant facts;

- M. No person shall maliciously, willfully, or deliberately break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is part of the reclaimed water system.

SECTION SEVEN: PERIODIC EVALUATION OF PERMITTED CUSTOMERS

- A. LCU will evaluate the usage of reclaimed water by existing customers annually to assess whether a permitted Customer is utilizing their full allocation. Since reclaimed water is a valuable and finite resource, LCU wishes to allocate it to Customers who will capitalize on the resource. In the event that a Customer is found to have used less than 75% of their allocation over the course of the past year, LCU will contact the Customer to discuss potential causes for the disproportion. LCU will work with the Customer to resolve any issues that may be causing the disproportional use. If, after a reasonable amount of time,

the Customer is unable or unwilling to rectify the disparity between the Permit allocation and the actual use, LCU reserves the right to decrease the Permit allocation.

- B. In addition, Customers will periodically be evaluated according to the following criteria:
1. any actions or lack of actions that have compromised LCU's regulatory compliance;
 2. the Customer's compliance with their existing reclaimed water permit;
 3. whether the Customer has limited fresh water resources available;
 4. the Customer's historical use of reclaimed water as it relates to their permitted allocation;
 5. the volume of reclaimed water storage provided by the Customer that provides a benefit to the reclaimed water system.
 6. the volume of reclaimed water storage provided for their use;
 7. the Customer's SFWMD water use permit allocation and their compliance with that permit, if any;

These criteria will be utilized for decisions regarding delivery of reclaimed water at the discretion of LCU.

SECTION EIGHT

SUSPENSION OR TERMINATION OF SERVICE

- A. LCU may interrupt, temporarily suspend or discontinue service to the entire reclaimed water system, or any portion thereof as may be deemed necessary and appropriate by LCU or by any regulatory authority, which may include, but is not limited to: unavailability of source water due to a lack of influent to the wastewater reclamation facilities, process failure, noncompliant reclaimed water, equipment or material failure in the System, emergency system repairs or maintenance..
- B. LCU will not be liable to Customers for failure to deliver reclaimed water for any reason.
- C. If reclaimed water demand exceeds the reclaimed water supply, reclaimed water service will be limited. During these times, every effort will be made by LCU to provide each Customer their pro-rata share of available reclaimed water. The pro-rata share will be calculated in the following manner:

$$\frac{\textit{Customer's Permit Allocation}}{\textit{Total of All Permit Allocation}} \times \textit{Available Amount of Reclaimed Water}$$

- D. LCU has the necessary facilities and capability to augment LCU's reclaimed water system with certain non-potable water resources in order to enhance the application of reclaimed water with supplemental water for irrigation or other approved purposes. All aspects of LCU's use of such supplemental water to enhance the reclaimed water system, such as timing, volumes, blending, and distribution will be exclusively at LCU's considered discretion.

SECTION NINE: ENTRY AND INSPECTION

- A. Entry: All permitted Customers shall allow the Coordinator and other duly authorized employees of the County bearing proper credential and identifications access at all reasonable times to the premises for the purpose of inspection, observations, records examination, measurement, and testing in accordance with the provisions of this Ordinance. The refusal of any Customer to permit entry to or upon the premises of the Customer for the purposes of inspection shall constitute a violation of a condition of the Permit and the terms of this Ordinance and may result in termination of service.
- B. Inspection: The Coordinator or the Coordinator’s designee may inspect the facilities of any Customer, to ascertain compliance with this Ordinance and all other requirements.

SECTION TEN: FEES

- A. Applicable charges or fees shall be set forth to provide for the recovery of costs from Customers of reclaimed water.
- B. Customers shall be responsible for payment of rates fees and charges as adopted by the Lee County BOCC.

SECTION ELEVEN: ENFORCEMENT AND PENALTIES

- A. This Ordinance may be enforced by the Coordinator or Lee County Code Enforcement Officer. Whenever the Coordinator determines or has reasonable cause to believe that a violation of the provisions of this Ordinance or the Permit issued in accordance with this Ordinance has occurred, the Coordinator shall:
 - 1. Provide written Notice of the Violation identifying the nature of the violation, the method for abating the violation, and, if the violation cannot be abated within 10 days, a reasonable time to comply. If the violation is not corrected within the time specified in the Notice of Violation, the Coordinator may terminate the delivery of reclaimed water without further notice. The delivery of reclaimed water will be restarted once the Coordinator finds that the violation has been corrected.
 - 2. If the type of violation will result, or has resulted, in the discharge of reclaimed water into the Waters of the State, or has the potential to result in LCU noncompliance with POTW Operating Permits Issued by DEP, the delivery of reclaimed water will be terminated immediately, without providing time for correcting the violation. Notice of the Violation will be provided in accordance with subsection 1 above. The delivery of reclaimed water will be restarted once the Coordinator finds that the violation has been corrected..

3. Failure of the Coordinator or their designee to provide any of the notices of violation referred to in Section 10, above shall not in any way, relieve the Customer from any consequences of wrongful or illegal operation of their reclaimed water system.
 4. Notice must be provided in accordance with one of the following:
 - a. Certified mail, and at the option of the County return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database;
 - b. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation;
 - c. Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;
 - d. Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or,
 - e. In the case of commercial premises, leaving the notice with the manager or other person in charge.
- B. At the discretion of the Coordinator, the following alternative enforcement methods may be utilized for enforcement of this Ordinance or the terms and conditions of the Permit.
1. Citation:

A person may be issued a civil citation by the Coordinator or Lee County Code Enforcement in accordance with § 162.21, F.S., (et. seq.) when, based upon personal investigation, the Coordinator or Code Enforcement Officer has reasonable cause to believe that the person has committed an infraction in violation of this Ordinance and that the county court will hear the charge
 2. Other Actions: Nothing contained in this Ordinance shall prohibit the County from enforcing this Ordinance by any other means including, without limitation, Code Enforcement Actions, a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this Ordinance.
- C. Emergency Termination of Service: In the event of an actual or threatened unlawful discharge of reclaimed water which may present an imminent endangerment to the health and welfare of persons or the environment, the Public Utilities Director shall terminate the service of such Customer or Customers as necessary to abate the condition. The Public Utilities Director will restore service as soon as the emergency situation has been corrected.

SECTION SIXTEEN:

EFFECTIVE DATE

This Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner _____ made a motion to adopt the foregoing ordinance, seconded by Commissioner _____. The vote was as follows:

John Manning	_____
Cecil L Pendergrass	_____
Larry Kiker	_____
Brian Hamman	_____
Frank Mann	_____

DULY PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Franklin B. Mann, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: _____
Office of the County Attorney

**Growth Management
(Land Use &
Transportation)
LDC Amendments**

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: LDCAC & EROC Members **DATE:** February 22, 2017
FROM: Mikki Rozdolski, Planning Manager

**RE: Growth Management (Land Use & Transportation)
Land Development Code (LDC) Amendments**

On May 17, 2016 the Board of County Commissioners (BOCC) authorized Staff to proceed with amendments to the Lee Plan and LDC grouped into the following topics: administrative, capital improvements element, community planning, conservation and coastal management, growth management (land use and transportation), planning horizon, public safety, water dependant overlay, and water management (quality and supply). The proposed amendments are the result of a coordinated planning review intended to better align with the BoCC strategic planning initiatives, streamline, eliminate potential liabilities, reduce redundancy/conflict within and between Lee Plan Goals, and, relocate regulatory provisions from the Lee Plan to the Land Development Code.

The first set of amendments is based on growth management (land use and transportation) which were discussed with the BOCC at their November 15, 2016 and January 24, 2017 work sessions. There is BOCC consent to move these amendments forward through the full public hearing process including review by the Land Development Code Advisory Committee, the Executive Regulatory Oversight Committee, and the Local Planning Agency. Following committee review, two public hearings will be held by the Board to adopt the proposed amendments.

Summary of Amendments

Amendments regarding growth management are proposed to the Lee Plan, LDC and Administrative Code (AC)11-9. The Lee Plan and AC11-9 amendments are provided for context during committee review of the proposed LDC amendments, but do not require committee approval. The growth management amendments are based on the following three objectives:

1. Integrate land use and transportation planning;
2. Encourage dense and intense development in appropriate locations and facilitate infill development and redevelopment; and
3. Organization/Remove unnecessary or redundant language.

A summary of the proposed Lee Plan, LDC and AC amendments that correspond with each objective are provided below.

Integrate land use and transportation planning

- The proposed Lee Plan amendments make a distinction between Future Urban, Suburban, and Non-Urban areas based on transportation mode and anticipated users.

- The proposed LDC amendments require roadway and pedestrian ways to be designed differently based on location in a Future Urban, Suburban, and Non-Urban area.
- The proposed AC11-9 amendments reflect LDC amendments.

Encourage dense and intense development in appropriate locations & facilitate infill development and redevelopment

- The proposed Lee Plan amendments:
 - Utilize the Mixed-Use Overlay as targeted areas for dense, intense and mixed-use development;
 - Support development at maximum allowable densities; and
 - In certain urban areas, allow density to be calculated from both residential and commercial project areas.
- The proposed LDC amendments:
 - Facilitate urban design within the Mixed-Use Overlay by providing alternative development regulations for conventional zoning districts that allow a variety of uses.
 - Delete Ch 32, Compact Communities, in its entirety and incorporate certain key concepts, such as form-based and mixed-use, into Ch 10, Development Standards, and Ch 34, Zoning, and relocate community-specific regulations to Ch 33, Community Planning.

Organization/Remove unnecessary or redundant language

- The proposed Lee Plan amendments:
 - Relocate policies to provide rational continuity throughout Lee Plan;
 - Revise language to provide clarification to certain policies;
 - Relocate appropriate portions of the Southeast Lee County TDR Program to the LDC to be consistent with other Lee County TDR Programs.
 - Relocate regulatory language to the LDC; and
 - Remove redundant policies and update cross-references
- The proposed LDC amendments:
 - Revise regulations to eliminate inconsistencies and update cross-references; and
 - Relocate procedural language to administrative codes.
- The proposed AC11-9 amendments reflect LDC amendments.

Attachments

For Review:

- Summary of LDC Amendments
- Draft LDC Amendments

For Reference:

- Summary of Lee Plan Amendments
- Draft Lee Plan Amendments
- Draft AC11-9

SUMMARY
Growth Management LDC AMENDMENTS

Chapter 2

LDC Sec. 2-142: Bonus Density applicability (Page 1)

Change: Updated language to remove references to LDC Chapter 32, and update with clarified language.

Reason: Removal of Chapter 32 from LDC.

LDC Sec. 2-143: Bonus Density definitions (Page 1)

Change: Definitions added: Receiving Area, Sever, and Sending Area.

Reason: Incorporate definitions to clarify text language regarding Bonus Density.

LDC Sec. 2-147: Procedure to approve Bonus Density (Page 1)

Change: Clarification of the process for administrative approval of Greater Pine Island TDUs.

Reason: Clarification/cleanup of Greater Pine Island amendments.

LDC Sec. 2-148: Establishment of the TDR Program (Page 2)

Change: Clarify where Southeast Lee County TDUs can and cannot be used, establish uses allowed within agricultural easements when development rights are severed.

Reason: Make consistent with the changes in the Lee Plan.

LDC Sec. 2-153, 154: Computation of Southeast Lee County TDUs, and density and intensity equivalents for Southeast Lee County (Page 4)

Change: Clarify conversion computations for Southeast Lee County TDUs and how to apply intensity equivalents of TDU's for Mixed Use, Rural Golf Course and Future Urban areas.

Reason: Clarify Southeast Lee County TDU calculations.

Chapter 10

LDC Sec 10-1: Definitions and Rules of Construction (Page 6)

Change: Definitions added for Bus Stop, Bus Route, Complete Streets, Context Design, Cycle Track, Intermodal Facility, Lee Tran System Map, Leescape Master Plan, Shared Lane, Shared Street, Traffic Control Devices, Transfer Center, Transfer Location; updated language for site-related improvements.

Reason: Provide definitions for added language or to clarify meaning within chapter 10.

LDC Sec 10-8: Specific Requirements (Page 8)

Change: Allow parking spaces in urban land use categories to be located so that they can back out onto streets.

Reason: LDC language cleanup and additional language to address parking in urban form.

LDC Sec 10-104: Development Orders – Deviations and Variances (Pages 8)

Change: Format the types of deviations that the Development Services Director.

Reason: LDC language clean up.

LDC Sec. 10-256: Bikeways and pedestrian ways (Page 9)

[10-256 (a)-(b)]

Change: Removal of reference to the unincorporated bikeways/walkways facilities plan, and add reference the Greenways Multipurpose Recreational Trails Master Plan; removal of language referencing Florida Greenbook, ADA accessibility guidelines, and Plans Preparation Manual; and update language.

Reason: Update references to Lee Plan Policies; remove duplicate references to development criteria resources for bikeways and walkways; and to clarify language.

[10-256 (b)(1)]

Change: Clarify language on when construction of sidewalks is required; Update language to require bikeways and pedestrian facilities to connect to adjacent easements and stub outs, along street frontages for non-buildable lots, common areas, stormwater ponds, etc.; cleanup of language for impact fee credits for bike and pedestrian facilities.

Reason: Update references to Lee Plan.

[10-256 (b)(2)]

Change: Allow bicycle/pedestrian facilities to be located in private easements if approved by Development Services Director; clarify location requirements by public, state, and private easements; and reformatting.

Reason: To allow alternative locations for bicycle/pedestrian easements, and update language for the locational requirements for bicycle/pedestrian ways for developments on public, state, and private easements.

[10-256 (b)(3)]

Change: Adds reference to cross-sections for design criteria. Provide general standards for construction of bikeways and pedestrian ways. Delete standards incorporated into design tables.

Reason: Cleanup/streamline LDC.

[10-256 (b)(4)]

Change: Minor amendments to add transit facilities and clarify maintenance requirements along non-county maintained roadways.

Reason: Cleanup/streamline LDC.

[10-256 (b)(5)]

Change: Updated title. Clarify calculations of fee-in-lieu.

Reason: Cleanup/streamline LDC.

[10-256 (d)]

Change: Delete

Reason: Remove duplication with 10-256(b).

LDC Sec 10-282: Design Standards Liability Insurance Requirement (Page 16)

Change: To add reference to the requirements of the Administrative Code AC-11-12.

Reason: To ensure compliance with all Lee County requirements.

LDC Sec 10-285: Design Standards Connection Separation (Page 16)

[10-285(a)]

Change: Add language to clarify connection separation is applicable to county maintained streets and privately maintained streets; and expand connection separation table to

differentiate between future urban areas, future suburban areas, and future non-urban areas; change measurement requirement from centerline to measured from edge to edge; removal of redundant language.

Reason: To develop regulations that better address urban/suburban/non-urban forms.

[10-285(g)]

Change: Removal of section regarding median turn lane.

Reason: Removal of language duplicated within the Administrative Code.

[10-285(h)]

Change: Removal of section regarding controlled access roads.

Reason: Removal of language duplicated within the Administrative Code and LDC Sec 10-298.

[10-285(i)]

Change: Removal of section regarding access points for future expressways.

Reason: Removal of language duplicated within the LDC Sec 10-299.

LDC Sec 10-288: Design Standards Turn Lanes (Page 18)

Change: Updated language that clarifies when turn lanes are created, the design must include or replace bike lanes or paved shoulders that existed prior to the design of the turn lane; proposed bike lanes must be similar to the existing materials of the bike lane/paved shoulder; changed language about developing turn lanes when the property does not have sufficient frontage.

Reason: To clarify the requirements for the development of turn lanes.

LDC Sec 10-296(a): Street Design and Construction Standards Generally (Page 19)

Change: Clarify that 'all public and private roads' must be designed to accommodate all expected users.

Reason: LDC language cleanup.

LDC Sec 10-296(b): Street Design and Construction Standards Rights-of-way width (Page 19)

Change: Updated language to reference design criteria being contained within this section; replaced Table 2 of standard ROW widths to differentiate between future urban, suburban, and non-urban areas; removed minimum radius for horizontal curves, and language updated to

explain this table and how to interpret it; add reference to storm water management in 10-328 and 10-355; and removal of 'Table 3 – Specifications'.

Reason: To comply with requirements of the Lee Plan, and to update LDC standards to context specific design standards; Specifications Table has been moved and updated.

LDC Sec 10-296(d): Street Design and Construction Standards All Roads (Page 21)

[10-296(d)(1)] – Horizontal Curves

Change: Addition of minimum radius for horizontal curves.

Reason: Moved from section 10-296(b).

[10-296(d)(2)] – Grading and Centerline gradients

Change: Update language to approval of grading and centerlines on public rights of way by Lee County DOT Director, private rights of way to Development Services Manager.

Reason: Delineate responsibilities to appropriate designee.

[10-296(d)(5)] - Landscaping

Change: Add language to LeeScope Master Plan, Tree/Plant Installation, requirement for at least 75 percent native plants, tree requirements, mulch requirements, soil and soil conditions.

Reason: To specify landscape requirements to both public and private rights of way.

[10-296(d)(6)] – Signs and Pavement Markings

Change: Remove references to Traffic Control Devices and relevant design standards.

Reason: LDC language cleanup and remove references that are no longer relevant.

[10-296(d)(7)] – Bicycle and Pedestrian Facilities

Change: Add cross reference to LDC Sec 10.256.

Reason: Provide cross-reference for ease of use.

[10-296(d)(8)] – Transit Facilities

Change: Language added to describe development requirements for transit facilities and coordination requirement with LeeTran.

Reason: Addition of new design Language to clarify requirements for transit facilities in regard to street design.

[10-296(d)(9)] –On-Street Parking

Change: Language added to address requirements for on street parking including delineation of responsibilities for approval for on-street parking for public and private rights of way, agreement requirement for developer installed on street parking on public rights-of-way, and design and location requirements.

Reason: Addition of new design language to address characteristics of new urban form.

[10-296(d)(10)] - Medians

Change: Addition of language regarding design requirements for medians.

Reason: Language moved from LDC and administrative code.

[10-296(d)(11)] – Pavement Design

Change: Addition of design language for streets, including a table that describes requirements Friction course, structural course, base, and subgrade based on street classification.

Reason: Language has been moved and condensed from other sections within LDC Chapter 10.

LDC Sec 10-296(e): Street Design and Construction Standards Arterial Roads (Page 24)

Change: Section has been removed.

Reason: Language has been re-organized and condensed into LDC Sec 10-296(d)(11).

LDC Sec 10-296(f): Street Design and Construction Standards Major Collector Roads (Page 25)

Change: Section has been removed.

Reason: Language has been re-organized and condensed into LDC Sec 10-296(d)(11).

LDC Sec 10-296(g): Street Design and Construction Standards Minor Collector Roads (Page 26)

Change: Section has been removed.

Reason: Language has been re-organized and condensed into LDC Sec 10-296(d)(11).

LDC Sec 10-296(h): Street Design and Construction Standards Local and Access Roads (Page 26)

Change: Section has been removed.

Reason: Language has been re-organized and condensed into LDC Sec 10-296(d)(11).

LDC Sec 10-296(i): Street Design and Construction Standards Street and Bridge Development Categories (Page 27)

Change: Section has been removed.

Reason: Language has been re-organized into LDC Sec 10-300.

LDC Sec 10-296(l): Street Design and Construction Standards Horizontal curve for changes

Change: Section has been removed.

Reason: Language has been re-organized and condensed into LDC Sec 10-296(d)(1).

LDC Sec 10-296(q): Street Design and Construction Standards On Road and Off Road Bikeways

Change: Section has been removed.

Reason: LDC language cleanup.

LDC Sec 10-296(v): Street Design and Construction Standards Compact Communities

Change: Section has been removed.

Reason: Chapter 32 has been removed from the LDC.

****Numbering restarts at 10-296(e) ** (Pages 29-51)**

LDC Sec 10-296(e): Street Design and Construction Standards Road Design

[10-296(e)(1)] – Urban Roadways

Change: Add construction standards for urban roadways including lane width requirements, transit facilities, landscaping, street furniture, bicycle/pedestrian facilities, street lighting, and roadway design criteria; addition of requirements and cross sections for Urban Principle Arterials, Urban Minor Arterials, Urban Major Collectors, Urban Minor Collectors, Urban Local and Access Streets, Urban Shared Streets, Urban Bicycle Boulevards, and Urban Cycle Tracks.

Reason: Introduce context specific design requirements for roadway design.

[10-296(e)(2)] – Suburban Roadways

Change: Add construction standards for suburban roadways including lane width requirements, transit facilities, landscaping, bicycle/pedestrian facilities, street lighting, and roadway design criteria; addition of requirements and cross sections for Suburban Principle Arterials, Suburban

Minor Arterials, Suburban Major Collectors, Suburban Minor Collectors, Suburban Local and Access Streets, and Suburban Cycle Tracks.

Reason: Introduce context specific design requirements for roadway design.

[10-296(e)(3)] – Non- Urban Roadways

Change: Add construction standards for non-urban roadways including transit facilities, landscaping, bicycle/pedestrian facilities, street lighting, and roadway design criteria; addition of requirements and cross sections for Non-Urban Principle and Minor Arterials, Non-Urban Major Collectors, Non-Urban Minor Collectors, Non-Urban Local Streets, Urban Shared Streets, Urban Bicycle Boulevards, and Urban Cycle Tracks.

Reason: Introduce context specific design requirements for roadway design.

LDC Sec 10-296(f) Street Design and Construction Standards Conformance with State

Change: Clarify language for consistency with state construction standards.

Reason: Clean-up of LDC Language.

LDC Sec 10-296(j) Street Design and Construction Standards Intersection design

[LDC Sec 10-296(j)(1)] – Angle of intersection

Change: Update reference to angle of intersection table; table has been edited to include Principal or Minor Arterial and Principal or Minor Collector road classifications.

Reason: Clean-up of LDC Language.

[LDC Sec 10-296(j)(2)] - Minimum Edge of Pavement Radius

Change: Update reference to Angle of intersection table; table has been edited to include Principal or Minor Arterial and Principal or Minor Collector road classifications.

Reason: Clean-up of LDC Language.

LDC Sec 10-296(m): Street Design and Construction Standards Privately Maintained Accessways

Change: Update language to reference non-urban areas.

Reason: Clean-up of LDC Language.

LDC Sec 10-296(n): Street Design and Construction Standards Work in County Right-of-Way

Change: Update reference to Minimum Edge of Pavement Radius at Driveways table; table has been edited to include Principal or Minor Arterial and Principal or Minor Collector road classifications.

Reason: Clean up of LDC Language.

LDC Sec 10-300: Minimum specifications for bridge improvements (Page 52)

Change: Change format of specification requirements for bridge improvements from a table to subsections to simplify and reduce length. There are no substantive changes to the requirements.

Reason: Section is a consolidation of requirements throughout Chapter 10.

LDC Sec. 10-412: Open Space, Buffering, and Landscaping Purpose and Intent (Page 56)

Change: Remove 'screen and buffer harsher visual aspects of urban development'

Reason: to assist in creating more urban development within designated areas within the county.

LDC Sec. 10-415: Open Space calculations (Page 55)

Change: Removal of reference to Compact Communities within the calculation table.

Reason: Chapter 32: Compact Communities has been removed from the LDC and Lee Plan.

LDC Sec. 10-416: Open Space calculations (Page 57)

Change: Removal of reference to Compact Communities within the landscape standards and in buffer requirements.

Reason: Chapter 32: Compact Communities has been removed from the LDC and Lee Plan.

LDC Sec. 10-425: Open Space and landscape requirements in the Mixed Use Overlay (Page 59)

Change: Incorporate landscaping requirements including: open space, general tree requirements, indigenous vegetation, landscaping of parking areas, building perimeter plantings and buffers for properties within the Mixed Use Overlay.

Reason: Development of alternative development regulations to incentivize more dense development within areas of the Mixed Use Overlay.

LDC Sec. 10-441: Public Transit Applicability of Division (Page 60)

Change: Change reference to the Lee Plan to Lee Plan Map 3C; clarify language.

Reason: To update references to the Lee Plan.

LDC Sec. 10-442: Public Transit Required Facilities (Page 60)

Change: Add Landing Pad to what is required for transit stops, and clarify language for location requirements for transit facilities.

Reason: To comply with ADA standards for transit stops.

LDC Sec. 10-443: Public Transit Waiver of Construction Requirement (Page 61)

Change: Move requirements for exceptions and requiring fee-in-lieu when a waiver is approved to the administrative codes.

Reason: Clean up of LDC language.

LDC Sec. 10-602: Design Standards for Commercial Buildings Applicability (Page 61)

Change: Remove reference to Chapter 32 (Compact Communities) references.

Reason: LDC Chapter 32 has been removed.

LDC Sec. 10-610: Design Standards for Commercial Buildings and Developments (Page 61)

Change: remove reference to bikeways/walkways facilities plan; addition of requirements for connection to bicycle/pedestrian facilities adjacent to development; clarifies that pedestrian access must be independent of the vehicular entrance; and removal of redundant reference for administrative deviation.

Reason: Update out of date cross references, clarify pedestrian connection requirements and requirements to provide connections to adjacent uses.

LDC Sec. 10-620: Design Standards and Guidelines for Commercial Buildings (Page 62)

Change: Addition of Surface and storm water management designed as a physical or visual amenity as a large project site design element.

Reason: Allow for more compact forms of development.

LDC Sec 10-706 thru 10-711 (Page 62)

Change: Sections have been removed.

Reason: Information has been consolidated and moved into previous sections of Chapter 10.

Chapter 12

Section 12-116: (Mining and Excavation) Transportation Issues (Page 63)

Change: Removal of reference to 'Category "A" Standards'.

Reason: Reference is no longer relevant, and standards reference is satisfied with reference to 10-296.

Chapter 32

Change: Entire Chapter to Be Deleted.

Reason: Compact Communities have been removed from Lee Plan.

Chapter 33

LDC Sec. 33-1053: Coastal Rural approval procedures (Page 64)

Change: Update reference for Special Exception to 2-148(d).

Reason: Section was moved from Chapter 33 to Chapter 2.

LDC Sec. 33-1201: Transfer of Development Units Agricultural Uses (Page 65)

Change: Remove entire section and move to Chapter 2.

Reason: Cleanup of LDC.

LDC Sec. 33-1603: North Fort Myers Town center Architectural Standards (Pages 67)

Change: Remove section regarding architectural standards which includes references to Chapter 32.

Reason: North Fort Myers Town center is no longer subject to Chapter 32, as it has been removed from the LDC.

LDC Sec. 33-1604: North Fort Myers Town center Use Regulations (Page 67)

Change: Remove reference to Chapter 32 and update language to clarify that development in the North Fort Myers Town Center may use Sec. 33-1596 and Table 33-1604.

Reason: North Fort Myers Town center is no longer subject to Chapter 32, as it has been removed from the LDC.

Chapter 34

LDC Sec. 34-145: HEX Functions and Authority (Page 67)

Change: Simplify language for Hearing Examiner duties for Bonus Density cases; remove references for Compacts PDs and Chapter 32.

Reason: LDC Clean up and removal of outdated cross references.

LDC Sec. 34-341: Planned Development Employment of PD Designation (Pages 68)

Change: Remove reference to Chapter 32 (Compact Planned Development) references; removal of Mixed Use Interchange Lee Plan Policy.

Reason: LDC Chapter 32 has been removed, and updating to make consistent with Lee Plan.

LDC Sec. 34-373: Planned Development Employment of PD Designation (Pages 69)

Change: Remove references to Chapter 32 (Compact Planned Development) references; remove redundant language referencing Private Recreational Planned Development's.

Reason: LDC Chapter 32 has been removed, LDC language cleanup.

LDC Sec. 34-651: Agricultural Districts Purpose and intent (Page 70)

Change: Remove references to Chapter 32 (Compact Planned Development) references.

Reason: LDC Chapter 32 has been removed.

LDC Sec. 34-652: Agricultural Districts Applicability (Page 70)

Change: Remove references to Chapter 32 (Compact Planned Development) references

Reason: LDC Chapter 32 has been removed.

LDC Sec. 34-653: Agricultural Districts Purpose Use Regulations Table (Page 70)

Change: Removal of accessory uses on easements that created TDR Credits, Compact Communities, and residential subdivisions; remove TDR Credits, Chapter 32, and Subdivisions in Southeast Lee County notes from the table.

Reason: TDR Credits have been moved to Chapter 2; and LDC Chapter 32 has been removed.

LDC Sec. 34-654: Agricultural Districts Property Development Regulations Table (Page 71)

Change: Remove references to Chapter 32 (Compact Planned Development); and remove Note 6 – Coastal Rural Land Use Category in Greater Pine Island additional regulations.

Reason: LDC Chapter 32 has been removed, and to comply with LDC Chapter 2 changes.

LDC Sec. 34-712: Residential Districts Applicability (Page 72)

Change: Removal of reference to 34-715 for Multiple Family Districts.

Reason: LDC Language cleanup.

LDC Sec. 34-715: Multiple Family Districts Property Development regulations (Page 72)

Change: Added language to allow for alternative development regulations for Multiple Family Zoning districts within the Mixed-Use Overlay; removal of Note 6 – Coastal Rural Land Use Category in Greater Pine Island additional regulations.

Reason: Implementation of alternative regulations for the Mixed-Use Overlay to incentivize mixed use activity, and comply with LDC Chapter 2 changes.

LDC Sec. 34-841: Commercial Districts Purpose and Intent (Page 74)

Change: Add the ability to convert property to C-1A, C-1, or C-2 zoning districts when within the Mixed-Use Overlay.

Reason: Allow for a wider range of uses and continued redevelopment through conventional zoning within the Mixed-Use Overlay.

LDC Sec. 34-843: Commercial Districts Applicability (Page 75)

Change: Remove reference 34-845.

Reason: LDC Language cleanup.

LDC Sec. 34-844: Commercial Districts Use Regulations Table (Pages 75)

Change: Add multiple-family buildings as a permitted use for properties zoned C-1A and within the Mixed-Use Overlay.

Reason: To permit this use within this zoning district within the Mixed-Use Overlay.

LDC Sec. 34-845: Commercial Districts Property Development Regulations Table (Pages 76)

Change: Added language to allow for alternative development regulations for Multiple Family Zoning districts within the Mixed-Use Overlay.

Reason: Implementation of alternative regulations for the Mixed-Use Overlay to incentivize mixed use activity.

LDC Sec. 34-931: Planned Development Districts Purpose and Intent (Page 80)

Change: Removal of reference to Objective 4.1 of the Lee Plan from Mixed Use Planned Development District; removal of some language from Private Recreational Planned Developments within DR/GR uplands; and remove references of Chapter 32 (Compact PDs); and removal of Mining Excavation Planned Developments redundant information.

Reason: Remove outdated cross references to Lee Plan; LDC Chapter 32 has been removed; LDC Language Cleanup

LDC Sec. 34-934: Planned Development Use Regulation Table (Page 80)

Change: Remove reference to Chapter 32 and the use of Compact Community Planned Developments from the List of planned developments; Compact Community use has been removed from potential schedule of uses; and permit agricultural uses in planned development rezoning until development commences.

Reason: LDC Chapter 32 has been removed; moved from Lee Plan Policy 9.2.2.

LDC Sec. 34-935: Planned Development Property Regulations (Page 81)

Change: Remove references to Chapter 32 (Compact Planned Development).

Reason: LDC Chapter 32 has been removed.

LDC Sec. 34-936: Planned Development general conditions for all land uses (Page 80)

Change: Remove references to Chapter 32 (Compact Planned Development).

Reason: LDC Chapter 32 has been removed.

LDC Sec. 34-1495: Density Limitations for specific areas (Page 81)

Change: Remove entire section from LDC.

Reason: Duplication of Lee Plan language.

LDC Sec. 34-1743: Residential Project Walls (Page 81)

Change: Remove references to Chapter 32 (Compact Planned Development).

Reason: LDC Chapter 32 has been removed.

LDC Sec. 34-2015: Parking Location and Design Generally (Page 82)

Change: Added language to allow off-site parking in certain cases; allow commercial parking lots as an allowable use in Commercial (C-1, C-2, and C-2A) zoning districts; removal of reference to site location standards in Lee Plan Policy 6.1.2(5).

Reason: Create a more urban form of development within Future Urban Areas and remove outdated Lee Plan references.

LDC Sec. 34-2020: Parking Required Spaces (Page 82)

Change: Addition of parking reduction multiplier for properties within the Mixed-Use Overlay including a table to for different multipliers based upon the land use within the overlay.

Reason: Implementation of alternative regulations for the Mixed-Use overlay to incentivize mixed use activity.

Chapter 2

ARTICLE IV. - BONUS DENSITY

DIVISION 1. - GENERALLY

Sec. 2-142. Applicability of article.

This article applies to all unincorporated areas of the County. Incorporated municipalities may elect to participate in the bonus density programs through the use of an approved interlocal agreement.

The creation and redemption of TDR credits will take place on a voluntary basis between consenting parties. Landowners are not required to create or convey TDR credits. However, TDR credits must be created, conveyed, or redeemed in accord with this code to be recognized by Lee County.

~~The Southeast Lee County TDR programs, established in chapter 32, operates independently from the TDR program described in this article except for when TDUs created from lands within Southeast Lee County are used outside of Southeast Lee County. TDUs created pursuant to chapter 2 may be used only on receiving parcels defined in chapter 2.~~

Development rights authorized and severed by another governmental unit may not be used in the County unless permitted by Interlocal Agreement.

Sec. 2-143. Definitions.

(a) The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Receiving parcel means a parcel of land on which a development right is used.

Receiving Area means land where TDU credits can be used to add development rights that have been severed from a TDR sending area

Sever means the permanent separation of development rights from the bundle of rights possessed by the fee owner of real property.

Sending Area means land where TDU credits can be obtained in exchange for severing development rights

Sec. 2-147. Procedure to approve bonus density.

(a) *remains unchanged*

(b) *Bonus density approval types.*

(1) thru (4) remain unchanged

(5) Greater Pine Island TDU. The Director may administratively approve the use of Greater Pine Island TDUs to increase the density and intensity of existing planned developments in accordance with the following:

- a. The request does not exceed the standard maximum total density allowed by the Lee Plan for the land use category; and
- b. The project is located within the Intensive Development, Central Urban, or Urban Community future land use categories.
- c. The director's written findings conclude that, in addition to the minimum requirements provided in Sec. 2-146, the proposed development:
 - 1. does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity; and
 - 2. will not decrease required open space, buffering, landscaping and preservation areas.
 - 3. will not cause adverse impacts on surrounding land uses.
- d. The applicant must submit a revised master concept plan depicting the location of the proposed density and/or intensity, and addresses the impacts on surrounding land uses, public infrastructure, and onsite environmental resources.
- e. The director's written approval may include conditions to mitigate anticipated adverse impacts. An administrative decision denying an application for increased density pursuant to this article may not be appealed. If denied, the applicant must file a rezoning application for public hearing to use the TDUs.
- f. An application for increased density and/or intensity in a planned development may be required to go through the public hearing process: (1) at the discretion of the director, or (2) an application to rezone the property with increased density and/or intensity was denied by the Board of County Commissioners within the previous two (2) years.

(c) thru (d) remain unchanged.

DIVISION 3. - CREATION OF TRANSFERABLE DEVELOPMENT UNITS

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

- (a) The transfer of development rights program provides that a TDU may be established from property that:
 - (1) *remains unchanged.*
 - (2) Contains jurisdictional wetlands as defined through the use of the unified state delineation methodology; ~~or~~
 - (3) Located within the Greater Pine Island Planning Community; or
 - (4) Is designated as Density Reduction/Groundwater Resource (DR/GR) by the Lee Plan and is within the Southeast Lee County community.
- (b) TDUs may not be established from land that is:

- (1) thru (3) remain unchanged
- (4) developed with uses not identified in sub-section(d) 33-1204; or
- (5) remains unchanged
- (6) Zoned private recreational facilities planned development (PRFPD); or-
- (7) Designated on Lee Plan Map 14 as a Future Limerock Mining area; or
- (8) Designated on Lee Plan Map 17 as an Existing Acreage Subdivision.

- (c) The sending parcel may only be used consistent with its conservation easement or written governing instrument. The governing instrument must expressly identify the restriction of property use, including the maximum number of residential units that can be developed on the subject property upon severance of the TDUs. The governing instrument must identify the non-residential uses permitted under with chapter 33 sub-section (d) and property maintenance and management activities, including removal and control of invasive exotic plants as identified in section 10-420, after the transfer of development rights. Wetland impacts, including impacts associated with permitted non-residential uses, property maintenance, and management activities, are prohibited in perpetuity.
- (d) TDUs may be created with assurances of continued agricultural uses through agricultural easements or other recorded instrument. The governing instrument must indicate that all non-agricultural development rights have been permanently severed by the land owner for transfer to other land and specifically list any activities from Table 2-148(d) that may occur on property if proper approvals are obtained:

Table 2-148(d)

	<u>Special Notes or Regulations</u>	<u>AG-2</u>
<u>Agricultural uses</u>	<u>34-2, 34-2441 et seq.</u>	<u>P</u>
<u>Agricultural accessory uses and buildings</u>	<u>Note (1), 34-1171 et seq., 34-2441 et seq.</u>	<u>P</u>
<u>Agritourism activity</u>	<u>34-2, 34-1711</u>	<u>P</u>
<u>Animals, reptiles, marine life:</u>		
<u>Animals (excluding exotic species)</u>	<u>34-1291 et seq.</u>	<u>P</u>
<u>Keeping, raising or breeding of domestic tropical birds (df) for commercial purposes</u>	<u>34-2, 34-1291 et seq.</u>	<u>P</u>
<u>Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)</u>	<u>34-1291 et seq.</u>	<u>P</u>
<u>Keeping, raising or breeding of marine life which that requires the storage of brackish or saline water in man-made ponds</u>	<u>34-1291 et seq.</u>	<u>P</u>
<u>Caretaker's residence</u>	<u>Notes (2) and (3)</u>	<u>P</u>
<u>Communication facility, wireless</u>	<u>34-1441 et seq.</u>	<u>Refer to 34-1441 et seq.</u>

		<u>for regulations</u>
<u>Consumption on premises</u>	<u>Note (4), 34-1264 et seq.</u>	<u>AA/SE</u>
<u>Essential services</u>	<u>34-1611 et seq., 34-1741 et seq.</u>	<u>P</u>
<u>Essential service facilities, Group I (34-622(c)(13))</u>	<u>34-1611 et seq., 34-1741 et seq., 34-2141 et seq.</u>	<u>P</u>
<u>Farm labor housing</u>	<u>Note (5), 34-1891 et seq.</u>	<u>SE</u>
<u>Food and beverage service, limited</u>	<u>Note (4), 34-2, 34-1711</u>	<u>P</u>
<u>Produce stands, Temporary and Permanent</u>	<u>34-1711 et seq.</u>	<u>P</u>
<u>Research and development laboratories, Group I</u>	<u>34-622(c)(41)</u>	<u>P</u>
<u>Stable, boarding or private</u>	<u>34-1291 et seq.</u>	<u>P</u>
<u>Temporary uses</u>	<u>34-3041 et seq.</u>	<u>TP</u>
<u>U-pick operations</u>	<u>34-1711 et seq.</u>	<u>P</u>

Notes:

- (1) Limited to uses and buildings customarily incidental to agricultural uses, including the processing and packaging of agricultural products primarily grown on the premises.
- (2) Not permitted in Airport Noise Zones B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1004 as applicable.
- (3) Only in conjunction with a bona fide agricultural use.
- (4) Only when accessory to an agritourism activity permitted in accordance with LDC § 34-1711.
- (5) Not permitted in Airport Noise Zone B. Mobile homes or park trailers are also not permitted in Airport Noise Zone B.
- (6) Not permitted in Airport Noise Zone B.

Sec. 2-153. Computation of Southeast Lee County TDUs.

- (a) One (1) TDU may be established per twenty (20) acres of wetlands encumbered by a conservation easement restrictive covenant, or other instrument that severs the development rights from the parcel(s).
- (b) Density Reduction/Groundwater Resource (DR/GR): TDU credits may be established for DR/GR lands as follows:
 - (1) One (1) TDU may be created for each ten upland acres encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) In lieu of the credits in subsection (b)(1), one TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in sec. 10-1.

(3) For each TDU credit allowed by the base rates set forth in this section, two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7, in the Priority Restoration Strategy (Lee Plan Map 1, Page 4).

(c) Land cleared of native vegetation after July 1, 2010, cannot create TDU credits by conservation easement for 25 years from time of clearing. However, such land is not disqualified from generating TDU credits when land is encumbered by an agricultural easement.

(d) Fractional TDU credits of no less than a 0.1 increment may be created in accordance with the formulas in this article. Fractional TDR credits may not be redeemed unless aggregated to form a whole TDR credit.

Sec. 2-154. Density and Intensity Equivalents of Southeast Lee County TDUs.

(a) In Mixed-Use Communities in Southeast Lee County identified on Lee Plan Map 17, each TDU credit may be redeemed for a maximum of one (1) dwelling unit plus a maximum of 800 square feet of non-residential floor area.

(b) In Rural Gulf Course Communities in Southeast Lee County identified on Lee Plan Map 17, each TDU credit may be redeemed for a maximum of one (1) dwelling unit or two bed and breakfast bedrooms.

(c) In the Future Urban Areas outside of Southeast Lee County each TDU may be redeemed for two (2) dwelling units. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these Future Urban Areas.

(d) Wetland TDUs may not be used to increase commercial intensity.

Sec. 2-1553. TDR Program amendments.

Remainder of section remains unchanged.

Chapter 10

Sec. 10-1. Definitions and rules of construction.

- (a) *Remains unchanged*
- (b) Definitions

Bus Stop means a designated location along a bus route(s) for passengers to board, alight, or transfer to transit vehicles.

Bus Route means a designated route on the LeeTran System Map or Lee Plan Map 3C, Financially Feasible Transit Network map.

Complete Streets means a transportation facility designed to be safe, convenient and accessible for all users including drivers, bicyclists, transit vehicles and riders, and pedestrians of all ages and abilities depending on context of the surrounding area.

Context Design means designing a transportation facility that maintains safety and mobility while preserving scenic, aesthetic, historic and environmental resources while maintaining safety and mobility.

Cycle track means an exclusive bicycle facility that is physically separated from motor vehicle and pedestrian traffic.

Development Review Director means the County staff person or his designee assigned to oversee the development review process. He shall oversee the intake of applications for completeness, oversee the review of plans for compliance with this chapter, and issue notifications to applicants. This term is synonymous with the terms "Development Services Manager", "Development Review Coordinator" and "County Engineer" as they are used in this chapter.

Intermodal Facility means a transfer center serving as a hub for several modes of transportation that local or regional service such as rail, a bus system, or taxi service.

Lee County unincorporated bikeways/walkways facilities plan means the network of existing and planned bicycle and pedestrian facilities adopted by the Board and depicted in Lee Plan Map 3D. Planned facilities are specifically defined in Exhibit I to Administrative Code 11-9.

LeeTran System Map means the map maintained by LeeTran depicting existing bus routes and transfer locations.

LeeScope Master Plan means the Plan adopted by the Lee County Board of County Commissioners on October 27, 1998, as amended, that sets forth the design, implementation and maintenance criteria for landscaping County roadways.

Pedestrian way or Walkway means a path specifically designed for preferential or exclusive use by pedestrians.

Principal Perimeter Street means street the network of streets that may provide access to the proposed or existing development.

Road capital improvement includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project, including but not limited to:

- (1) thru (5) unchanged;
- (6) Construction of bicycle, pedestrian and transit facilities, on-street parking, curbs, medians and shoulders; and
- (7) ~~Construction of on road bikeways and bikepaths~~Reserved; and
- (8) unchanged.

Site-related road improvements means road capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- (1) thru (4) unchanged;
- (5) ~~Access or frontage roads that are not shown as having been considered in impact fee calculation and so identified on figure 2 in the March 1989 report entitled "Lee County Impact Fee Transportation Data Final Report," which document has been placed on file with the clerk of courts and which is incorporated in this section by reference are not required by the county and enable a parcel to achieve site location standards for commercial development, or provide frontage for newly created lots that would not normally have frontage; and~~
- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development;
- (7) Connections or improvements to bicycle and pedestrian facilities and along parcel frontage of public streets.
- (8) Connections or improvements to transit facilities within one-quarter mile of parcel frontage as measured along the principal perimeter street.

Shared Lane means a motor vehicle lane with pavement markings that indicate to drivers that they are to share the roadway with bicyclists to assist in lateral positioning. Shared Lanes are usually less than 14 feet wide on streets with a posted speed of 35 miles per hour or less.

Shared Street means a street or right-of-way for people walking, bicycling and driving with priority for pedestrian use. These are usually specially designed spaces such as pedestrian streets on urban local streets with extremely low vehicle speed.

Traffic Control Devices means a sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Transfer Center means a transfer location that functions as a hub, has a primary structure that may have on-site transit employees/parking, and provides designated spaces for staging multiple transit vehicles.

Transfer Location means a bus stop designated on the LeeTran System Map at the intersection of several transit routes where passengers may board, alight, or transfer between routes.

Remainder of section remains unchanged.

Sec. 10-8. Specific requirements.

A development order will be issued when the development is designed so as to reasonably achieve the following:

(1) *remains unchanged.*

~~(2) *Traffic pattern.* There must be adequate ingress and egress to the development. Except for single family and two family developments, and certain multi family buildings as provided in section 34 2020(a), Note (3), proposed structures must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions. Reserved.~~

Remainder of section remains unchanged.

ARTICLE II. ADMINISTRATION

DIVISION 2. DEVELOPMENT ORDERS

Subdivision II. Procedures

Sec. 10-104. Deviation and variances.

(a) Provisions where deviations are authorized. The Development Services Director is hereby authorized to grant deviations from the technical standards in the following sections of this chapter.

(1) through (3) remain unchanged

- (4) Section 10-296(b), Table 2 (right-of-way widths for County maintained specifications for streets);
- (5) Section 10-296(e), Table 3 (wearing surface, base, subgrade, cross-section widths rights-of-way widths for privately maintained streets);
- (6) Section 10-296 (d)(3)(4) (drainage and 10-296(e) through (i) road specifications);
- (7) Reserved; Section 10-296(l) (horizontal curves);
- (8) Section 10-296(o)(j) (intersection designs);
- (9) Section 10-296(p)(k) (culs-de-sac);
- (10) through (23) remain unchanged

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 1. - GENERALLY

Sec. 10-256. - Bikeways and pedestrian ways.

- (a) ~~Unincorporated bikeways/walkways facilities plan.~~ All development and redevelopment proposed within Future Urban Areas or Future Suburban Areas as defined by the Lee Plan, or along trails depicted on arterial and collector roadways depicted on the unincorporated bikeways/walkways facilities plan (Lee Plan Maps 3D-1 and 3D-2) or the Greenways Multipurpose Recreational Trails Master Plan, (Lee Plan Map 22) (hereafter referred to as "the plan" for purposes of this section) must be required to provide for bikeways and pedestrian ways. Construction of bicycle and pedestrian facilities shown on the plan along the frontage, or an acceptable alternate location approved by the Development Services Director, of subject property are deemed to be site related improvements.
- (b) ~~All bikeway/walkways required by this section must be designed and constructed following the criteria set forth in this section, the plan, Administrative Code 11-9, the ADA accessibility guidelines, the Florida Greenbook (for County roads) and the Plans Preparation Manual (for state roads).~~
- (c) ~~Requirements for Provision of bikeways and pedestrian ways for County and state maintained roadways.~~
 - (1) *General.*
 - a. All new development along County and state maintained roadways and redevelopment of existing property must construct the required bikeway and pedestrian facilities. resulting in a 25 percent or greater increase in either:
 - 1. ~~Building size or floor area; or~~
 - 2. ~~Residential dwelling units;~~

~~are required to construct bikeways and pedestrian ways in accord with section 10-256(b).~~
 - b. ~~When any portion of the property to be developed is located within one-quarter mile (as measured along the principal perimeter street) of a collector or arterial road shown on the plan as requiring either a bikeway or pedestrian way, or within a quarter mile (as measured~~

~~along the principal perimeter street) of an existing bicycle or pedestrian facility, the developer must construct a similar facility within the existing road right-of-way from the subject property to the existing ~~or proposed~~ facility. This section will not require the purchase of right-of-way or easements by Lee County where none exist ~~and will only apply where the required new facility can be constructed along a collector or arterial road.~~~~

- c. When any portion of a proposed residential subdivision is located within one-quarter mile (as measured along the principal perimeter street) of an existing ~~or proposed~~ bicycle or pedestrian generator such as schools, parks, playgrounds, shopping centers or employment centers, or transit facilities, the developer must construct a bikeway or pedestrian way ~~not less than eight feet in width~~ within the existing road right-of-way connecting the subdivision to the pedestrian generator. This section will not require the purchase of right-of-way or easements by Lee County where none exist ~~and will only apply where the required new facility can be constructed along a collector or arterial road.~~
- d. In instances where a proposed development or redevelopment is within one-quarter mile of an existing collector or arterial road shown on the plan as requiring a bikeway bicycle or pedestrian way facility and is also within one-quarter mile of an existing facility in the opposite direction on the same principal perimeter street, only one connecting link will be required. The Director of Development Services will determine which link would be most beneficial to the intent and purpose of this code.
- e. ~~When any portion of the parcel located along an arterial or major collector is developed, bikeways and pedestrian ways are required. Material, width and type of facility will be determined by the standards outlined in section 10-256(b) and existing conditions within a quarter mile of the surrounding area of the proposed development. When any portion of a parcel along a minor collector or local street is developed with office or commercial uses, sidewalk is required. The developer must construct or bond the required bicycle and pedestrian ways along all street frontages including non-buildable lots, common areas, stormwater ponds and other similar areas prior to issuance of a certificate of compliance for a project's infrastructure.~~
- f. *Impact fee credit.* Upon ~~County~~ acceptance of the required county or state bicycle or pedestrian facility or a bond or other security assuring construction of the facility, the applicant will be entitled to road impact fee credits, park impact fee credits, or both for facilities that do not ~~beyond the~~ abutting the subject property boundaries as noted in subsections 10-256**(be)**(1)b, c and d only. ~~If the proposed development includes facilities extending beyond the requirements as outlined and described in administrative code 11-9, the applicant will be entitled to impact fee credits. This option is subject to approval through the development order process.~~

(2) *Location.*

- a. All new development and redevelopment must construct the required bikeway and pedestrian facilities in the abutting road right-of-way, or alternate on-site location may be approved in accordance with sec 10-256(b)(2)d.

~~The developer must construct a bikeway or pedestrian way within the existing boundaries of the public road right of way on County maintained roads unless an alternative location is approved by the Department of Transportation.~~

~~The Department of Transportation may approve an alternate location that will allow a facility to be constructed outside County maintained roads. the public road right of way on property owned or controlled by the developer of the project incurring the requirement to construct if:~~

- ~~1. The developer grants the County no less than an easement interest, meeting standard County title acquisition requirements, over the property deemed necessary to support the facility;~~
- ~~2. The proposed easement area abuts or closely parallels the existing County right-of-way;~~
- ~~3. The easement area is a minimum two feet wider than the width of the required bikeway or pedestrian way;~~
- ~~4. The easement area is perpetually open to the public; and~~
- ~~5. The easement is granted without cost to the County.~~

~~The County will accept maintenance of the constructed facility upon issuance of the certificate of compliance in accord with this section and section 10-256(e)(4).~~

- b. The developer must construct ~~bikeways~~ bicycle or pedestrian ways facilities on state roads within the boundaries of the state road right-of-way subject to approval and issuance of a general use permit by FDOT. ~~Facilities along state road rights of way~~ may not be constructed in easements abutting the state roadway unless approved by FDOT prior to local development order approval. A copy of the written FDOT approval must be submitted to the County.
- c. The developer Residential subdivisions with County maintained streets must construct bicycle and pedestrian ways in private subdivisions internal to the development as follows:
 1. A pedestrian way is required along one side of all ~~County maintained~~ streets internal to a residential development ~~where the proposed gross density exceeds four dwelling units per acre. The pedestrian way and~~ must extend from intersection to intersection; and
 2. A pedestrian way is required along one side of all ~~County maintained~~ cul-de-sac streets that serve two dwelling units or more. The pedestrian way must extend from the intersection to the end of the cul-de-sac. Exceptions to this requirement are:
 - i. Where the construction will encroach upon the required setback from a conservation or preservation area; or
 - ii. Where the proposed street forms an exterior boundary to the subdivision, ~~and;~~
 3. A sidewalk is required along both sides of all streets internal to a development with non-residential uses and must extend from intersection to intersection.
- d. ~~Waiver of requirement to allow a Alternative plan approval. Alternate on-site locations must be approved by the Development Services Director, along non-County maintained right-of-ways, or by the Department of Transportation Director, along County maintained roads as provided below: The Development Services Director, or the Department of Transportation Director for required pedestrian or bicycle facilities in a County maintained right of way, may waive compliance with the provisions of section 10-256(be)(2)a. thru e. where the developer provides an alternative plan for an internal bikeway/pedestrian way circulation system that is functionally equivalent to the standards set forth in this section and connects with existing facilities in accord with the requirements set forth in 10-256(be)(21)a. and be.~~
 1. The alternative plan must be submitted and approved in conjunction with the development order supporting subdivision plat approval. The alternative plan must be drawn to a scale sufficient to depict and describe the following:

- ~~1-(a)~~ The location of all lots, along with the number and type of dwelling units on each lot; and
- ~~2-(b)~~ The location, width and type of each proposed bikeway and pedestrian way including those facilities intended to connect to bikeways and pedestrian ways off-site.
2. The developer grants an easement meeting County standards over the property deemed necessary to support the facility;
3. The proposed easement area abuts or closely parallels the existing or proposed County right-of-way;
4. The easement area is a minimum two feet wider than the width of the required bikeway or pedestrian way;
5. The easement area is perpetually open to the public; and
6. The easement is granted without cost to the County.

The County will accept maintenance of the constructed facility abutting County-maintained roads upon issuance of the certificate of compliance for the required facility.

(3) *Construction standards.*

All streets must be designed as depicted on the cross-sections in Sec. 10-296(e), in accordance with current Americans with Disabilities Act (ADA) Accessibility Guidelines, and County administrative codes, except where bicycles and pedestrians are specifically prohibited.

- a. *Curb ramps.* Curb ramps (i.e. wheelchair ramps) are required at all intersections where pedestrian ways intersect roadway curb and gutter. Curb ramps must be consistent with FDOT design standards. Detectable surfaces must be set and anchored in the concrete.
- b. *Obstructions.* Pedestrian ways must be maintained with a minimum four feet wide path, clear of obstacles. Shared use path must maintain a minimum eight-foot path with a vertical clearance of eight feet.
- c. *Time of construction.* All bikeway and pedestrian ways must be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the County as assurance of completion of the improvements. As an alternative to posting surety, the Director may accept a phasing plan that provides for the continuous extension of the sidewalk facility and establish a bona fide construction schedule for the facility prior to issuance of a building permit for vertical construction on property adjacent to the proposed facility.
- d. *On-road.* On-road bicycle facilities are established at the discretion of the Director of Transportation. Options include bicycle lanes, shared lanes and bicycle boulevards. Bicycle lanes and shared lanes must be installed consistent with The Florida Greenbook Chapter 9. If shared lanes are indicated in the design context Tables 4 through 13, and the posted speed limit is above 35 MPH, then either bicycle lanes or shared road signs can be installed in place of shared lanes. Preformed thermoplastic material pavement markings must be used for the

demarcation of bicycle lanes.

- e. There may be no curves or sudden elevation changes in the bikeway or pedestrian way that may present a hazard to the user. Sidewalks and shared use paths must be constructed as per FDOT and national standards. When possible, development must be designed to promote bicycle and pedestrian street crossings at traffic control signals, crosswalks or intersections.
- a. ~~All construction proposed within County right of way must be done in accord with an approved Lee County Department of Transportation Right of way Permit. The permit application must include a detailed plan of the existing and proposed conditions. The application is subject to comment and revision prior to issuance of the permit.~~
- b. ~~Curb ramps (i.e. wheelchair ramps) are required at all intersections where pedestrian ways intersect roadway curb and gutter. Curb ramps must be designed and constructed in accord with section 10-256(b).~~
- e. ~~*Obstructions.* A minimum 48 inch wide sidewalk, clear of obstacles, must be maintained within a pedestrian way (i.e. sidewalk five feet or less). Pedestrian ways narrowed for some distance (i.e. distance sufficient to clear the obstruction on either side) to the 48 inch minimum by the installation of a permanent obstacle must provide a passing space of at least 60 inches long by 60 inches wide every 200 linear feet. Permanent obstacles such as utility poles, signs, mailboxes and similar items located within the pedestrian way on County maintained streets must maintain a minimum eight foot height clearance above the pedestrian facility.~~
~~If permanent obstacles such as utility poles, signs, mailboxes and similar items are located within a facility that is wide enough to accommodate two way traffic (i.e. eight feet wide or greater) on a County maintained street, then a minimum six foot wide pathway must be maintained within the facility.~~
- d. ~~There may be no unsafe curves or sudden elevation changes in the bikeway or pedestrian way that may present a hazard to the user. When possible, development must be designed to promote bicycle and pedestrian street crossings at traffic control signals, crosswalks or intersections.~~
- e. ~~*On road.* Where an applicant proposes to widen an existing roadway that has existing paved shoulders, undesignated bike lanes, bike lanes or wide outside lanes the applicant must design the roadway improvements to include and accommodate, at minimum, the existing level of bicycle/pedestrian facilities. For example, a new turn lane improvement would be required to include and replace the existing width of paved shoulders.~~
~~Where the roadway is proposed for widening and the plan shows proposed paved shoulders, undesignated bike lanes, bike lanes or wide outside lanes adjacent to the roadway, those lanes must be constructed to County specifications as set forth in AC 11-9.~~
- f. ~~*Off road.* All bikeways and pedestrian ways constructed along arterial and collector roads must be constructed of six inch thick Portland cement concrete or a minimum one and one-half asphaltic concrete of FDOT type S-III on a four inch limerock base and six inch type B sub grade. Bikeways and pedestrian ways constructed of Portland cement along local roads must be a minimum of four inches thick and a minimum of six inches thick at driveway crossings. Relief from the required six inch thickness is available through the administrative deviation process. The material used for construction must be the same as the existing facilities within one quarter mile of the proposed development. The developer may submit an alternative design, subject to the approval of the Director of Development Services, provided the alternative is structurally equal to or better than the options set forth in this subsection.~~

~~g. *Time of construction.* All bikeway and pedestrian ways must be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the County as assurance of completion of the improvements. As an alternative to posting surety, the Director has the discretion to accept a phasing plan that will provide for the continuous extension of the sidewalk facility and establish a bona fide construction schedule for the facility prior to issuance of a building permit for vertical construction on property adjacent to the proposed facility. The County will not require construction of the bikeway or pedestrian way where the right-of-way is scheduled for improvement within two years pursuant to the current CIP and the scheduled right of way improvement would result in the destruction of the facility. A fee-in-lieu contribution will be required in those instances. The amount of the funds will be determined by the established criteria in administrative code 11-9. If a County or state project is under construction or has been bid, the required fee in lieu contribution will be based upon the actual bid price of the facility as submitted by the contractor awarded the project.~~

(4) *Maintenance.*

- a. *Facilities constructed within County owned right-of-way.* The County ~~Department of Transportation~~ will maintain transit, bikeway and pedestrian way facilities located within the County right-of-way boundary that are built to the standards set forth in this code, Lee County administrative codes and other applicable regulations.
- b. *Facilities constructed within an easement granted to the County.* The County will also maintain bikeway and pedestrian way facilities constructed adjacent to the County right-of-way within a perpetual right-of-way easement on privately held property where:
 1. The facilities are constructed in compliance with the standards set forth in this section;
 2. An easement instrument, along with the legal description and sketch of the easement area is submitted by the applicant for review and approval by the County Attorney's Office prior to issuance of development order approval;
 3. Upon completion of the facilities and prior to issuance of the final development order certificate of compliance allowing the facility to be opened for public use, the easement is formally approved and maintenance responsibility is accepted by the Board of County Commissioners; and
 4. The approved easement is recorded in the public records, at the property owner's expense, prior to issuance of the final development order certificate of compliance allowing public use of the sidewalk.
- c. Bikeways and pedestrian ways along non-county maintained roadways must be maintained by the property owner's association through operation and maintenance covenants or by the government entity legally responsible.

(5) *Waiver of construction requirement (Fee in Lieu).*

- a. Notwithstanding the provisions of subsections 10-256(a) and (b) a bikeway and pedestrian way will not be required where the Development Services Director, along with a recommendation from the Director of the Department of Transportation, determines that:
 1. Construction of the bikeway or pedestrian way would be contrary to public safety; or
 2. ~~Factors suggest~~ There is an absence of need, as defined in AC 11-9; ~~or~~

- ~~3. The facilities can be established through "other available means" as defined in AC 11-9.~~
- b. As a condition of granting the waiver, the applicant is required to make a fee-in-lieu contribution for required facilities equal to the estimated cost of constructing the improvement. The cost estimate must include: design; mobilization, clearing, and grubbing; embankment; drainage including inlets, grates, headwalls, pipes and mitered ends; sidewalk and grading; bridge, gravity wall and handrail; and finish items including sod, and miscellaneous driveway work. The amount of the fee must be ~~determined in accord with the provisions set forth in AC 11-9~~ and paid prior to the issuance of a development order.
- c. Projects adjacent to a County facility with an active construction bid, the actual bid price will be accepted. The linear-foot fee is to be calculated using the line items from the bid tabulation submitted by the contractor building the project.
- d. The fee-in-lieu will be deposited in a CIP subfund, Countywide Bicycle and Pedestrian Facilities, created for expenditure on a bicycle or pedestrian facility within the same road impact fee district as the proposed development.
- ~~(d) *Provision of bikeways and pedestrian ways on non-County maintained roads.*~~
- ~~(1) *General.* Development of any portion of a parcel located along a privately maintained arterial or major collector that is open to the public requires the construction of sidewalks and pedestrian ways in accord with section 10-256. A sidewalk is required to support development of office or commercial uses along a privately maintained minor collector or local street that is open to the public.~~
- ~~(2) *Location.* The bikeway or pedestrian way may be located within the road right of way or within an easement if approved by the affected utility and the division Director.~~
- ~~(3) *Construction standards.*~~
- ~~a. All facilities must be coordinated with the bikeway/pedestrian way system of the surrounding area. Bikeways and pedestrian ways in a proposed development must connect to existing facilities on adjacent property where easements or stub outs exist. Pedestrian ways along non-buildable lots, common areas, storm water ponds and other similar areas must be constructed by the developer prior to issuance of a certificate of compliance for the infrastructure unless the developer posts a bond or other surety acceptable to the County as assurance of completion of the improvements. Pedestrian ways along buildable lots will be the responsibility of the lot owner and must be constructed prior to issuance of a certificate of occupancy for any building on the lot. To ensure compliance, the covenants for the development must reflect that the lot owner must construct the required pedestrian way prior to requesting a certificate of occupancy.~~
- ~~b. All sidewalks constructed within the development must be a minimum of four feet in width and constructed of either (1) four inch thick Portland cement concrete, or (2) a minimum of one and one half inch asphaltic concrete of FDOT type S-III on a four inch limerock base and six inch type B sub-grade. For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternative design, subject to the approval of the Director, provided it is structurally equal to or better than, the options set forth above.~~
- ~~(4) *Maintenance.* Bikeways and pedestrian ways along privately maintained roadways must be maintained by the property owner's association through the operation and maintenance covenants.~~
- ~~(5) *Waiver of requirement to construct sidewalks and pedestrian ways along privately maintained roadways.* Where the Director of Development Services determines that a waiver from the requirement to construct facilities along privately maintained roads is appropriate, a fee in lieu~~

~~contribution will be required. The fee will be established based upon certified engineer's cost consistent with the provisions set forth in Administrative Code 11-9. The fee in lieu contribution must be paid prior to the issuance of a development order.~~

ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

DIVISION 2. TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

Sec. 10-282. - Liability insurance requirement.

~~All construction proposed within county maintained right-of-way must be performed in compliance with Lee County Administrative Code AC-11-12. As a condition applicable to the issuance of a development order requiring a Lee County DOT right of way permit to construct improvements within County owned or controlled right of way property, tThe applicant must obtain liability insurance coverage for the benefit of Lee County as specified in AC-11-12 as a condition of development order approval. The condition must require the insurance to be effective coincident with the start of construction. Proof of insurance must be submitted to the County upon commencement of construction. The amount and type of coverage must be in accord with Lee County Risk Management standards in affect at the time the insurance is obtained. The insurance coverage must remain in affect until the approved project obtains a certificate of compliance or the County formally accepts the right of way improvements for maintenance.~~

Sec. 10-285. Connection separation.

- (a) ~~Generally. Connections of~~Motor vehicle connection(s) to a county maintained road from ~~privately-maintained~~ streets, access roads or accessways must be separated in accordance with the minimum standards of ~~Lee Plan Policy 40.1.2 in Table 1, and consistent and with criteria contained for exceptions in the additional provisions of this section~~the Administrative Code.

TABLE 1. CONNECTION SEPARATION

Roadway Functional Classification	Centerline Minimum Distance (feet)		
<u>Controlled Access Arterial</u>	<u>Sec. 10-298</u>		
<u>Limited Access Road/Expressway</u>	<u>Sec. 10-299</u>		
<u>Future Urban, Suburban or Non-Urban Areas as defined in the Lee Plan</u>	<u>Future Urban Areas (Posted Speed >45/<45)</u>	<u>Future Suburban Areas</u>	<u>Future Non-Urban Areas</u>
<u>Principal Arterial</u>	<u>440/440</u>	<u>660</u>	<u>660</u>
<u>Minor Arterial</u>	<u>440/330</u>	<u>440</u>	<u>660</u>
<u>Major Collector</u>	<u>330/245</u>	<u>330</u>	<u>330</u>
<u>Minor Collector</u>	<u>245/125</u>	<u>245</u>	<u>330</u>
<u>Local</u>	<u>60/60</u>	<u>125</u>	<u>125</u>
<u>Access roads or accessways</u>	<u>40</u>	<u>40</u>	<u>60</u>

Separation distance will be measured from the edge of the outermost lane of the nearest roadway/connection to the nearest edge of pavement of the proposed intersecting connection. When different future land use categories exist on opposite sides of the road, the greater separation requirement must be used. Connection separation on a multilane roadway funded in the capital improvement program will be measured based on the roadway design, design typical section or typical section set forth in sec. 10-707296(e). The connection separation distances, measured edge to edge, must be determined on both sides of the roadway for undivided roadways. Existing and approved access points must be depicted on both sides of the road along the project frontage and to the nearest access point beyond the project frontage in each direction. The distance between the end of the driveway turning radius and turn lane tapers or turning radii of an adjacent intersection of public roads may also be considered.

~~Driveways to a single residential building of two dwelling units or less on local streets may be spaced closer than the connection spacing requirements specified for local streets in table 1. Where residential lots are proposed for subdivision on arterial or collector streets as allowed under sec. 10-174(4), the Director may authorize lesser separation distance if joint access agreements are provided to preserve or maximize driveway connection separation distances. Access to residential thru lots must be to the local street, adjacent side street or joint access. All lots in urban areas with access alternatives will not be permitted direct motor vehicle access to an arterial or major collector. Residential lots in suburban and non-urban areas with access alternatives will not be permitted to access directly on to an arterial or collector. On local streets, where frontage dimensions of existing platted commercial or industrial lots do not accommodate required connection separation distances, the Director will assign the access point to accommodate spacing and safety concerns.~~

(b) thru (f) remain unchanged.

~~(g) Approval of connection locations along multi-lane divided roadways, or along roadways that the Director of Transportation has verified will be multi-lane divided roadways, does not guarantee that the connection is permitted a crossover through the median divider. In these instances, approval of the median opening or turning movement will be determined on a case-by-case basis. The purpose of this subsection is to make it clear that even though a parcel may be entitled to access to the County road system, there is no entitlement to a median opening or left-in movement in CONJUNCTION with an approved access point.~~

~~(h) The requirements of this section do not apply to roads declared by the Board of Commissioners to be controlled access roads with designated access points. Those roads will be treated as set forth below:~~

Controlled access roads

~~(1) Only those access points identified in a duly adopted controlled access road resolution may be approved by the Development Services Director. The Director of the Department of Transportation is authorized to modify the exact location of approved access points in accordance with section 10-298 and the administrative code regulating controlled access roadways.~~

~~(2) Applicants for additional permanent access points, turning movements, or median openings beyond those already designated by resolution, must submit a study to the department of transportation in accordance with the administrative code regulating controlled access roadways.~~

~~(i) Access points for future expressways. If a public need is shown, access points for future expressways may be addressed at the time of expressway design. For facilities that may be designated controlled or limited access, the access points will be determined and the access rights along with the corridor will be purchased at the time of right of way purchase.~~

~~(h) (j)~~ The County retains the right and authority to modify or restrict access, turning movements, median openings and use of traffic control devices on or affecting County rights-of-way as it deems necessary to address operational and safety issues. This provision is applicable to existing as well as future development in Lee County. No deviation or variance may be granted from this subsection.

Sec. 10-288. - Turn lanes.

Access to streets, roads, or accessways will not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety and welfare of the public or to reduce adverse traffic impacts on the adjacent street system. Turn lanes must be designed in accordance with standards set forth in the County Administrative Code. Turn lane design must accommodate bicycle and traffic in a manner similar to Illustration 10-288, and must include or replace existing widths of paved shoulders or bicycle lanes. An existing development may request a one-time exception wherein only the expansion will be used to calculate the traffic generated by the development for the purpose of determining whether turn lanes are required. After utilization of the one-time exception, the further expansion of a facility will be added to the existing facility for the purpose of calculating traffic generation and the entire development (existing and expansion) will be deemed a new development.

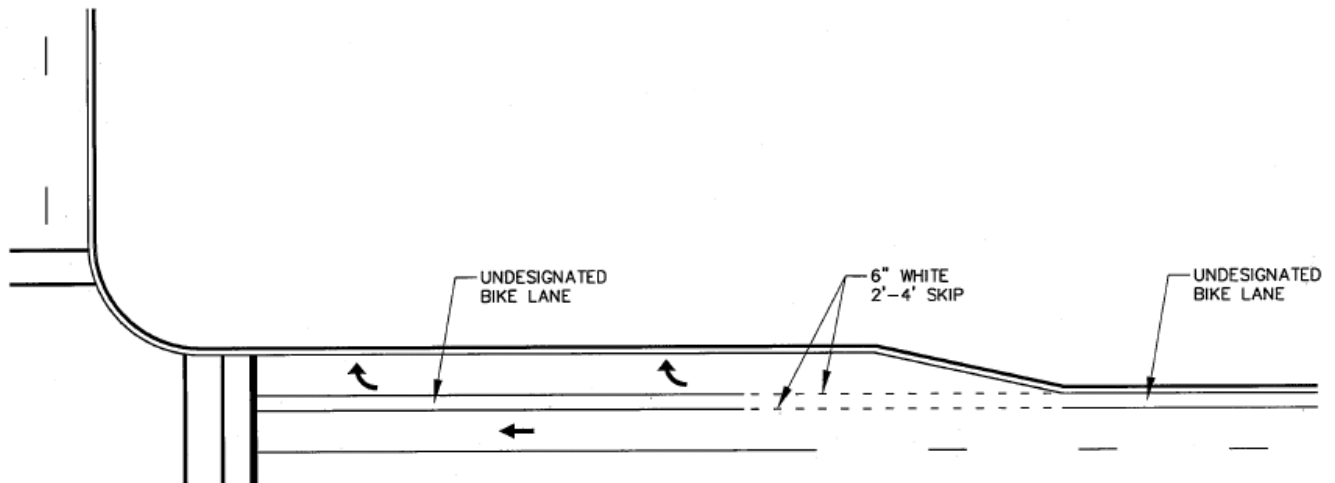


ILLUSTRATION 10-288
DRIVEWAY OR INTERSECTION
SEPARATE RIGHT TURN LANE
WITH UNDESIGNATED BIKE LANE
N.T.S.

Wherever turn lanes are installed, the surface pavement and base materials type and thickness of the added lane must match ~~the surface materials of the existing lanes.~~ If the addition of a turn lane requires a

lateral shift of the centerline or other lanes, the entire pavement area must be re-surfaced to create matching surfaces throughout. New and replacement pavement markings must be provided.

On arterial or collector streets with restrictive medians, ~~where an access road is not required by the County,~~ existing parcels with insufficient road frontage to meet the minimum connection spacing required in section 10-285 Table 1 may be required to provide extend a continuous and utilize an adjacent existing right-turn lane ~~on the adjacent arterial or collector street.~~

Sec. 10-296. Street design and construction standards.

- (a) *Generally.* All public and private streets must be designed to accommodate all expected users, constructed and improved in accordance with the specifications set out in this section, as well as the other requirements of this division. In addition, the following standards and criteria will be applicable: American Association of State and Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, as modified by Florida Department of Transportation (FDOT) Florida Greenbook, FDOT Design Standards, FDOT Drainage Manual and FDOT Standard Specifications, current editions, with supplements, and such other applicable publications, editions and amendments as may be adopted by the state department of transportation, and sound engineering judgment. Construction on State facilities must be done in accord with applicable State statutes and regulations.
- (b) *Right-of-way width.* All public and private roads and streets established and constructed in accordance with this chapter must have ~~minimum~~ right-of-way widths or roadway easements complying with the requirements of Table 2 and design criteria within this section. ~~for streets proposed for County maintenance or table 3 for proposed private streets.~~

TABLE 2.

RIGHT-OF-WAY WIDTH SPECIFICATIONS FOR COUNTY MAINTAINED STREETS

TABLE INSET:

	Arterial	Collector Street	Local Street	Access Street
Standard right-of-way widths:				
Closed drainage	150'	100'	50'	45'
Open drainage	150'	100'	60'	50'
Design speed				
Rural section:				
With speed 55		40-45	N/A	N/A
Without speed 70		45-50	N/A	N/A
Urban section:				
With speed 35-40		30-35	N/A	N/A
Without speed 35-50		40-45	N/A	N/A

Functional Classification	Right-of-Way Widths (feet) Based on Future Land Use Map		
	Designation		
	Future Urban Areas	Future Suburban Areas	Future Non-Urban Areas
Principal Arterial	100-170	100-200	125-300
Minor Arterial	100-150	100-200	125-300
Major Collector	80-140	100-150	125-150
Minor Collector	80-130	74-140	100-140
Local & Access Streets	40-100	40-100	40-100

Notes:

1. ~~The minimum radius for horizontal curves is to be determined by the ultimate number of lanes, design speed and superelevation rate. The minimum distance between reverse curves is to be determined by the ultimate number of lanes, design speed and horizontal curvature.~~
Refer to AASHTO and FDOT for specific design criteria.
21. ~~This table identifies standard right of way widths for new roads in developing areas and desirable right of way widths for improvements in developed area. Table 2 represents a range of overall right-of-way widths for arterials, collectors, local and access streets in land use categories identified on the Lee Plan Future Land Use Map. The overall width varies based on the presence and width of cross-sectional elements identified in this chapter. The standard right-of-way width for County maintained streets may be reduced will be determined by the Director of Transportation on public roadways and by the Director of Development Services on privately maintained roadways. Right-of-way width for new streets will be based upon demonstration of considerations such as provision of sufficient width for the future number of lanes identified in Lee Plan Map 3DA, required median, turn lanes, signs, streetlights, adequate clear zone for the design speed, bicycle and pedestrian facilities, transit facilities, on-street parking, drainage facilities, backslope or slope easements and other roadway appurtenances. These roadway design elements may be modified on existing streets to fit within available right-of-way pursuant to sec. 10-296(d)(3).~~
32. The access street standard applies to frontage streets. The local street standard applies to all other access streets, including reverse frontage streets.
3. Stormwater management and utility easements will be provided in accordance with sections 10-328 and 10-355, respectively.

TABLE 3.

~~SPECIFICATIONS FOR PRIVATELY MAINTAINED STREETS~~

TABLE INSET:

	Local Street	Access Street
Minimum right-of-way/easement		
One-way:		
Closed drainage, rear lot drainage or inverted crown	30'	30'
Open drainage	40'	35' ^a

Two-way:		
Closed drainage or inverted	40'	40'
Open drainage	45'	40'^a
Minimum distance between	N/A	N/A
Minimum centerline radius for horizontal curves	50'^b	50'^b
Minimum grade of streets with:		
Closed drainage	0.2%	0.2%
Inverted crown	0.4%	0.4%
Open drainage	0.0%	0.0%

^aThis standard applies to frontage streets. The local street standard applies to all other access streets, including reverse frontage roads.

^bIf the centerline radius is less than 100 feet, the inside lane width must be increased by two feet at the center of the curve.

(c) *Remains unchanged.*

(d) *All roads.*

(1) Horizontal Curves. The minimum radius horizontal curves will be determined by the ultimate number of lanes, design speed and superelevation rate. The minimum distance between reverse curves will be determined by the ultimate number of lanes, design speed and horizontal curvature. Refer to AASHTO and FDOT for specific design criteria.

(2) Grading and centerline gradients. Per plans and profiles approved by the Director of the Department of Transportation for publicly maintained roadways or the Director of Development Services for privately maintained roadways.

Typical street cross sections are shown in section ~~10-296(e)~~10-707 through 10-711.

(3) Deviations and Exceptions. A deviation from these standards for road design must meet the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications. Deviations in accordance with sec. 10-104 on County-maintained roadways are also subject to review by the Director of the Department of Transportation.

(4) Drainage.

a.-f. *Remains unchanged.*

(5) Landscaping.

a.-b. *Remains unchanged.*

c. LeeScope Master Plan. Site-related roadway improvements in right-of-way with existing county-maintained landscaping will require relocation or replacement of county-maintained (including MSTBU's) plant materials, irrigation lines, pumps, etc. consistent with the LeeScope Master Plan. Site-related improvements on a county-maintained roadway that is a landscaping corridor identified in the LeeScope Master Plan must accommodate the planned landscaping.

d. Tree/Plant Installation. A tree's growth habit must be considered in advance of planting to avoid potential conflicts (e.g. views, signage, overhead power lines, lighting, buildings, circulation). Trees may not be placed where they will interfere with drainage, subsurface or overhead utilities, or where they will require frequent pruning to avoid interference with overhead power lines. Horizontal separation between underground utilities to required street trees will five feet for Palm Trees and 10 feet for shade trees. When this requirement cannot be achieved, additional preventative measures to protect the underground utilities must be provided at the discretion of the Development Services Director.

e. At least 75 percent of the trees must be native Florida species.

f. Trees must be a minimum 10 feet in height, have two-inch caliper (at 12 inches above the ground) and a four-foot spread at the time of installation. Palm trees must have a minimum of ten feet of clear trunk at planting.

g. Mulch requirements. A two-inch minimum layer, after watering in, of mulch or other recycled materials must be placed and maintained around all newly installed trees. Each tree must have a ring of mulch no less than 24 inches beyond its trunk in all directions. The use of cypress mulch is prohibited.

h. Soil Conditions. Plant materials must be installed in soil conditions conducive to proper growth of the plant material. Prior to planting, limerock located in the planting area must be removed and replaced with native or growing quality soil before planting.

(5)(6) *Signs and pavement markings, street lighting and traffic control devices.*

f. *thru b. remain unchanged.*

c. *Street and intersection improvements; traffic control devices.*

1. *Remains unchanged.*

2. Traffic control devices and acceleration, deceleration, turning and additional lanes must be specifically indicated on the development order plan. These traffic control devices must be designed and shown on the development order plans as per MUTCD standards. ~~Additional lane and turn lanes must be as indicated by the Florida Greenbook and sound engineering practice. For streets in the County, turn lanes must be as indicated in the County Administrative Code, the turn lane policy and sound engineering practice.~~

3. ~~Traffic control devices installed in accord with Table 9-4-11b may be mounted on a nonstandard type of support system as described in the Traffic Control Devices Handbook (FHWA publication), provided that mounting height, location standards and all other standards as described in sections 2A-24 through 2A-27 of the MUTCD are not compromised, and all such supports must be of break away design. The sign support system may not provide borders around the sign that have the effect of changing the required shape, message, or border area of the sign. An enforceable agreement providing for maintenance and upkeep of the signs by the installer must be provided to the County Department of~~

~~Transportation. This agreement must include the name, address and phone number of a contact person who will represent the installing party.~~

~~(6)~~(7) Bicycle and Pedestrian Facilities. Bicycle and pedestrian facilities must be provided in accordance with sec. 10-256.

~~(7)~~(8) Transit facilities.

- a. Design and location of the bus stop sign, landing pad, bus bay, shelter, lighting, bench, bicycle parking, and other amenities, will be coordinated with LeeTran and must be consistent with the current edition of the FDOT Accessing Transit Design Handbook, and the Lee County Administrative Code regarding street design,
- b. A bus may stop within a lane of travel or may utilize a bus bay that allows the transit vehicle to exit the lane of travel for boarding or alighting. The minimum requirements for a bus stop are a bus stop sign and a boarding and alighting area that provides a well-drained, non-slippery surface with adequate space for passenger movement on and off buses. Passenger amenities may include a landing pad, bench, bike parking, trash receptacle, and shelter. Passenger amenities will be installed adjacent to the bus stop pursuant to FDOT design criteria.
- c. Bus bays will be installed in the required streetside component of the applicable roadway cross-section provided in sec. 10-296.

(9) On-street parking.

- a. On-street parking facilities may be permitted on privately-maintained roadways at the Director's discretion as specified in this section. The Director of the Department of Transportation will determine where on-street parking is appropriate on county-maintained roads
- b. The County reserves the option to operate and maintain on-street parking on county-maintained roadways, including collection of parking fees.
- c. As a part of the review and approval of on-street parking on existing and proposed county-maintained streets, the developer must provide a written agreement, subject to review by the county.
- d. Where approved, on-street parking, will be located adjacent to the curb and gutter or paved shoulder as identified in the cross-sections in section 10-296(e). On-street parking space width will be eight feet for parallel parking, twelve feet for disabled parking, and twenty feet for angle parking. Any relocation of roadway elements such as curb and gutter, roadway drainage structures, transit facilities, landscaping, street furniture, utilities, bicycle and pedestrian facilities, as a result of adding parking spaces to meet development parking requirements, will be considered a site-related improvement. On-street parking spaces will be separated from turn lane tapers and intersection turning radius to provide adequate sight distance. Parking spaces may alternate with other intermittent streetside cross-section features such as wider planting areas for canopy trees, transit facilities, and pedestrian bulb-outs.

- (10) Medians. All multi-lane roadways must have a median designed and constructed consistent with the American Association of State and Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, as modified by Florida Department of Transportation (FDOT) Florida Greenbook, FDOT Design Standards and FDOT Standard Specifications, current editions. Median width will be based on clear recovery area, median landscaping requirements set forth in Section 10-296(e), and posted speed.
- (11) Pavement design. New construction or reconstruction of streets and roadways must be in accordance with Table 3 unless an alternate pavement design based on traffic type and volume performed by a registered professional engineer demonstrates the same or better structural integrity. Roadway pavement design criteria will also apply to travel lanes, turn lanes, median openings, bicycle lanes, on-street parking, and bus-pullout bays.

TABLE 3.

PAVEMENT DESIGN SPECIFICATIONS

	<u>Friction Course</u>	<u>Structural Course</u>	<u>Base</u>	<u>Subgrade</u>
<u>Principal Arterial</u>	<u>One inch type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5</u>	<u>Two and one half inch asphaltic concrete FDOT type S-1 or SUPERPAVE 12.5</u>	<u>FDOT Optional Base Group 9 (ten inches of compacted limerock)</u>	<u>Twelve inch thick stabilized subgrade LBR40</u>
<u>Minor Arterial</u>	<u>One inch type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5</u>	<u>Two and one half inch asphaltic concrete FDOT type S-1 or SUPERPAVE 12.5</u>	<u>FDOT Optional Base Group 9 (ten inches of compacted limerock)</u>	<u>Twelve inch thick stabilized subgrade LBR40</u>
<u>Major Collector</u>	<u>One inch type S-III (section 331, FDOT specifications) OR SUPERPAVE 9.5</u>	<u>One and one half inch asphaltic concrete FDOT type S-1 or SUPERPAVE 12.5</u>	<u>FDOT Optional Base Group 6 (eight inches of compacted limerock)</u>	<u>Twelve inch thick stabilized subgrade LBR40</u>
<u>Minor Collector</u>	<u>None</u>	<u>One and one half inch asphaltic concrete FDOT type S-1 or SUPERPAVE 12.5</u>	<u>FDOT Optional Base Group 6 (eight inches of compacted limerock)</u>	<u>Twelve inch thick stabilized subgrade LBR40</u>
<u>Local and Access Street</u>	<u>None</u>	<u>One and one half inch asphaltic concrete FDOT type S-1 or SUPERPAVE 12.5</u>	<u>FDOT Optional Base Group 6 (eight inches of compacted limerock)</u>	<u>Twelve inch thick stabilized subgrade LBR40</u>

<u>Shared Streets/ Bicycle Boulevard</u>	<u>None</u>	<u>Six inch Portland Cement concrete, or one inch asphaltic concrete FDOT type S-III, or SUPERPAVE 9.5</u>	<u>FDOT Optional Base Group 4 (six inches of compacted limerock)</u>	<u>Six inch thick stabilized subgrade LBR40</u>
<u>Shared Use Path/ Sidewalk/ Cycle Track</u>	<u>None</u>	<u>Six inch Portland Cement concrete, or one inch asphaltic concrete FDOT type S-III, or SUPERPAVE 9.5</u>	<u>FDOT Optional Base Group 1 (four inches of compacted limerock)</u>	<u>Six inch thick stabilized subgrade LBR40</u>

~~(e) *Arterial roads.* The following provisions are in addition to those set forth in section 10-296(d).~~

- ~~(1) *Pavement width.* Required pavement widths must provide for on road or off road bikeways and will depend on the type of street drainage planned. Typical median width and representative cross sections are shown in section 10-707. Cross sectional elements such as median width, lane width and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director of Transportation on County maintained roadways and the Director of Development Services on privately maintained roadways.~~
- ~~(2) *Subgrade.* Twelve inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
- ~~(3) *Base.* Minimum of eight inches compacted limerock or an alternative design for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with limerock.~~
- ~~(4) *Wearing surface.* Two and one half inch asphaltic concrete of FDOT type S-1. A skid-resistant surface plus one inch of S-III in conformance with the provisions of section 331, FDOT specifications is required for the surface course. The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway. The Applicant may submit a request for an administrative deviation in accord with section 10-104(a)(5) for an alternative design, including but not limited to SUPERPAVE and Portland cement concrete, for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with asphaltic concrete.~~

~~(f) *Major collector roads.* The following provisions are in addition to those set forth in section 10-296(d).~~

- ~~(1) *Pavement width.* Required pavement widths must provide for on road or off road bikeways and will depend on the type of street drainage planned. See sections 10-707 and 10-708. Cross sectional elements such as median width, lane width and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director of Transportation on County maintained roadways and the Director of Development Services on privately maintained roadways.~~

- (2) ~~Subgrade. Twelve inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
- (3) ~~Base. Minimum of eight inches compacted limerock or an alternative design for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with limerock.~~
- (4) ~~Wearing surface. One and one half inch asphaltic concrete of FDOT type S-1 plus one inch of S-III. The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway. However, the applicant may submit a request for an administrative deviation in accord with section 10-104(a)(5) for an alternative design, including but not limited to SUPERPAVE and Portland cement concrete, for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with asphaltic concrete.~~
- (g) ~~Minor collector roads. The following provisions are in addition to those set forth in section 10-296(d.)~~
 - (1) ~~Pavement width. Required pavement widths must provide for on road or off road bikeways and will depend on the type of street drainage planned. See sections 10-707 and 10-708. Cross sectional elements such as median width, lane width and shared use path width may be revised consistent with the standards and criteria in the Florida Greenbook. Revisions are subject to approval of the Director of Transportation on County maintained roadways and the Director of Development Services on privately maintained roadways.~~
 - (2) ~~Subgrade. Twelve inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
 - (3) ~~Base. Minimum of eight inches compacted limerock or an alternative design for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with limerock.~~
 - (4) ~~Wearing surface. One and one half inch asphaltic concrete of FDOT type S-1. The wearing surface for turn lanes that are added to existing roadways must match the materials and surface of the existing roadway. However, the applicant may submit a request for an administrative deviation in accord with section 10-104(a)(5) for an alternative design, including but not limited to Portland cement concrete, for public or private streets. The design will be reviewed by the Department of Transportation subject to structural analysis for comparison with asphaltic concrete.~~
- (h) ~~Local and access streets. The following provisions are in addition to those set forth in section 10-296(d.)~~
 - (1) ~~Pavement width. Required pavement widths must provide for on road or off road bikeways and will depend on the type of street drainage planned. Pavement widths will be as indicated in the County Administrative Code relating to bikeways and associated roadway widths. See section 10-709. In order for the roadway to be accepted for maintenance by the County, the provisions of this section must be met.~~
 - (2) ~~Subgrade. Six inch stabilized subgrade LBR 40.~~
 - (3) ~~Base. Six inch limerock base or equivalent.~~
 - (4) ~~Wearing surface.~~
 - a. ~~For roads to be publicly maintained. One and one half inch asphaltic concrete of FDOT type S-III or FDOT type S-I as outlined in section 10-296(i). However, the applicant may submit a request for an administrative deviation in~~

~~accord with section 10-104(a)(5) for an alternative design, including but not limited to Portland cement concrete. The design will be subject to structural analysis for comparison with asphaltic concrete. The applicant may install two three quarter inch thick courses of asphalt concrete with the second course to be placed after substantial buildout of the development. Assurance of completion is required for the second course of asphalt. This provision is subject to the approval of the Director of Development Services in consultation with the Director of the Department of Transportation.~~

b. ~~For roads to be privately maintained. One inch asphaltic concrete of FDOT type S-III is required on category B and C streets. However, no asphaltic concrete wearing course is required for category D streets though it is acceptable. The use of paver block is permitted subject to the approval of the Director at the time of development order approval. If the paver block is approved as part of the original development order, no administrative deviation under 10-104 is required.~~

(i) ~~Street and bridge development categories. For purposes of interpreting the specifications contained herein and section 10-706, development categories are defined as follows:~~

(1) ~~Category A includes commercial and industrial developments and all developments not described in categories B, C and D.~~

a. ~~Pavement width one way traffic. 14 foot pavement for one way traffic with one way traffic with curb and gutter drainage.~~

b. ~~Pavement width two way traffic. 24 foot pavements for two way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.) See section 10-710.~~

c. ~~Access streets. 22 foot pavements. See section 10-711.~~

d. ~~Subgrade. 12 inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~

e. ~~Base. Minimum of eight inches compacted limerock or an alternative reviewed by the Department of Transportation on a County maintained road subject to structural analysis for comparison with limerock.~~

f. ~~Wearing surface. One and one half inch asphaltic concrete of FDOT type S-1. However, the applicant may submit a request for an administrative deviation in accord with section 10-104(a)(5) for an alternative design, including but not limited to Portland cement concrete, for public or private streets. The design will be subject to structural analysis for comparison with asphaltic concrete.~~

(2) ~~Category B includes residential developments of five or more dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.~~

a. ~~Pavement width for one way traffic. 14 foot pavement for one way traffic with swale drainage or valley gutter drainage, or 16 foot pavements for one way traffic with curb and gutter drainage. (19 feet minimum from face of curb to face of curb on nonmountable curbs.)~~

b. ~~Pavement width two way traffic. 20 foot pavements for two way traffic with swale drainage or valley gutter drainage or 24 foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.) See section 10-710.~~

c. ~~Access street. 22 foot pavement. See section 10-711.~~

- d. ~~Subgrade. Six inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
 - e. ~~Base. Minimum of six inches compacted limerock or an alternative reviewed by the Department of Transportation on a County maintained road subject to structural analysis for comparison with limerock.~~
 - f. ~~Wearing surface.~~
 - 1. ~~For roads to be publicly maintained. One and one half inch asphaltic concrete of FDOT type S III or FDOT type S I. The applicant may install two three quarter inch thick courses of FDOT type S III asphalt concrete with the second course to be placed after substantial buildout of the development. Assurance of completion is required for the second course of asphalt. An alternative design reviewed by the Department of Transportation on a County maintained road, including but not limited to Portland cement concrete, may be utilized subject to structural analysis comparison. This provision is subject to the approval of the director of development services in consultation with the Director of the Department of Transportation.~~
 - 2. ~~For roads to be privately maintained. One inch asphaltic concrete of FDOT type S III is acceptable.~~
- (3) ~~Category C includes residential developments of more than 0.40 but less than five dwelling units per acre, except for such developments on islands where direct vehicular access to the mainland by a bridge, causeway or street system is not attainable.~~
- a. ~~Pavement width for one way traffic. 14 foot pavement for one way traffic with swale drainage or valley gutter drainage, or 16 foot pavements for one way traffic with curb and gutter drainage. (19 feet minimum from face of curb to face of curb on nonmountable curbs.)~~
 - b. ~~Pavement width for two way traffic. 20 foot pavements for two way traffic with swale drainage or valley gutter drainage or 24 foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.)~~
 - e. ~~Access street. 20 foot pavement. See section 10-711.~~
 - d. ~~Subgrade. Six inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
 - e. ~~Base. Six inches compacted limerock or an alternative reviewed by the Department of Transportation on a County maintained road subject to structural analysis for comparison with limerock.~~
 - f. ~~Wearing surface.~~
 - 1. ~~For roads to be publicly maintained. One and one half inch asphaltic concrete of FDOT type S III or FDOT type S I. The applicant may install two three quarter inch thick courses of FDOT type S III asphalt concrete with the second course to be placed after substantial buildout of the development. Assurance of completion is required for the second course of asphalt. An alternative design reviewed by the Department of Transportation on a County maintained road, including but not limited to Portland cement concrete, may be utilized subject to structural analysis comparison. This provision is subject to the approval of the Director of Development Services in consultation with the Director of the Department of Transportation.~~

- ~~2. For roads to be privately maintained. One inch asphaltic concrete of FDOT type S III is acceptable.~~
- (4) ~~Category D includes residential development of 0.4 or less dwelling units per acre, and all residential developments, regardless of size, located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable.~~
- ~~a. Access street. 20 foot pavement. See section 10-711.~~
- ~~b. Subgrade. Six inch thick (minimum) stabilized subgrade LBR 40. If the LBR value of the natural soil is less than 40, the subgrade must be stabilized in accordance with section 160 of the FDOT standard specifications.~~
- ~~c. Base. Six inches compacted limerock, shell rock, or soil cement or an alternative subject to structural analysis for comparison.~~
- ~~d. Wearing surface.~~
- ~~1. For roads to be publicly maintained. One and one half inch asphaltic concrete of FDOT type S III or FDOT type S I. The applicant may install two three quarter inch thick courses of FDOT Type S III asphalt concrete with the second course to be placed after substantial buildout of the development. Assurance of completion is required for the second course of asphalt. An alternative design, including but not limited to Portland cement concrete, may be utilized subject to structural analysis comparison. This provision is subject to the approval of the Director of Development Services in consultation with the Director of the Department of Transportation.~~
- ~~2. For roads to be privately maintained. One inch asphaltic concrete of FDOT type S III is acceptable. However, no asphaltic concrete wearing course is required.~~
- (e) Road design. All roadways will be designed and constructed in accordance with this section.
- (1) Urban roadways. Roadway segments in or abutting Future Urban Areas identified in the Lee Plan will be designed in accordance with this section. Design criteria will be determined by the existing functional classification of the adjacent roadway identified in AC-11-1 and the future land use designation of the property identified in the Lee Plan Future Land Use Map.
- a. Lane width. The required lane width for roadways with two-way traffic and no existing or planned transit or freight route(s), must be as specified in Table 4. The required lane width for one-way streets is 14 feet. For roadways with an existing or planned transit route, the required lane width for lanes utilized by the transit vehicle is 12 feet. Where freight or large truck traffic is frequent (shown as a primary or secondary truck route on the MPO Freight Plan or greater than 1 percent of the daily volume), the lane width will be 11 feet.
- b. Transit facilities. Bus bays, shelters, and benches will be provided consistent with the Table 4 in this chapter. All bus stops in and will have:
- i. A sign with route number(s)
- ii. An 8 feet by 30 feet minimum concrete landing pad. The landing pad will have a maximum 2 percent cross-slope and connected, or be a part of, an existing pedestrian way.
- iii. Bicycle parking
- c. Tree wells/planting strips. Dimensions, plant materials specifications and irrigation must comply with the Lee Scape Master Plan and AC-11-12. The planting area may

utilize islands or areas between on-street parking spaces to provide adequate area for tree growth with dimensions shown in Table 4 as minimums. The planting strip area depicted in cross-sections include two feet for curb and gutter.

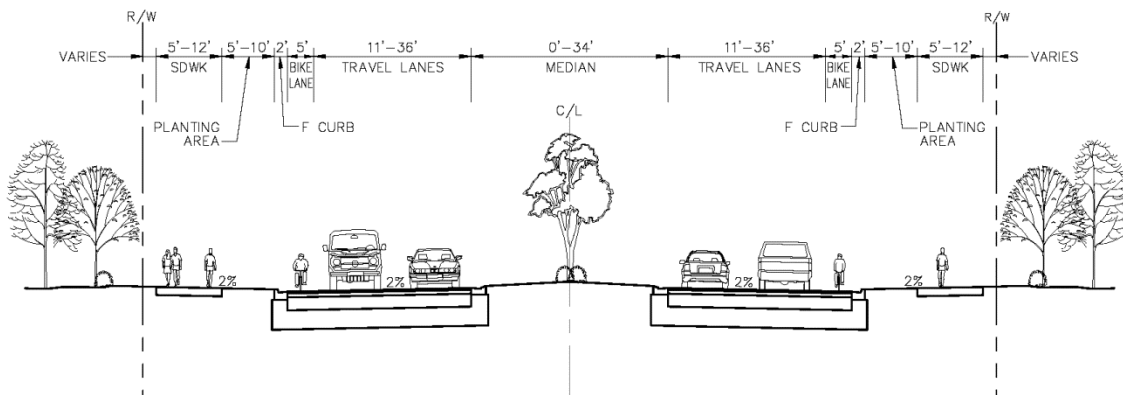
- d. Tree and Palm spacing. Small trees (under 30 feet at mature height) must be provided at a rate of 5 trees for every 100 linear feet. Medium sized trees (30 feet to 40 feet at mature height) must be provided at a rate of 4 trees for every 100 linear feet. Large trees (over 40 feet at mature height) must be provided at a rate of 3 trees for every 100 linear feet. Trees should be spaced evenly along the frontage and not clustered. Adjustments to the placement of trees up to 10 feet is permitted to avoid conflicts with utilities and building visibility. Palm trees may only be substituted for a maximum of 50% of the required small trees.
- e. Street Furniture. May be installed in the streetside planting area in accordance with the Administrative Code.
- f. Bicycle and Pedestrian Facilities. Include a shared use path when depicted on the Lee Plan Maps 3D or 22. Where a shared use path or greenway is not depicted, pedestrian facility width dimensions will be governed by the design tables contained in this section.
- g. Streetlighting. Must be provided in accordance with AC-11-2. When streetlighting is required in or abutting coastal areas or environmental preserves, the lighting must be constructed utilizing environmentally friendly techniques.
- h. Mixed Use Development. Must use commercial roadway context design criteria.
- i. Roadway design criteria.
 - 1. Urban principal arterials.
 - i). Pavement design. Must be in accordance with Table 3.
 - ii). Context design. Urban principal arterial roadway segments must be designed in accordance with the criteria set forth in Table 4.

TABLE 4.
URBAN PRINCIPAL ARTERIAL

<u>Lee Plan Future Land Use Designation</u>		<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
<u>Existing/Proposed Land Use</u>		<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>11 feet</u>	<u>12 feet</u>	<u>11 feet</u>	<u>12 feet</u>	<u>12 feet</u>
<u>On-Road Bicycle Facility</u>		<u>5 foot bike lane</u>	<u>5 foot bike lane</u>	<u>5 foot bike lane</u>	<u>5 foot bike lane</u>	<u>5 foot bike lane</u>
<u>Transit Facility</u>		<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>

	<u>Pedestrian Facility Width</u>	<u>12 feet</u>	<u>10 feet</u>	<u>8 feet</u>	<u>6 feet</u>	<u>5 feet</u>
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iii). Cross-Section drawings. The following cross-section applies to an urban principal arterial. All urban arterial cross-section drawings reflect closed drainage facilities.



10-296(e)(1)i.1.iii).1).
URBAN PRINCIPAL ARTERIAL

2. Urban minor arterials.

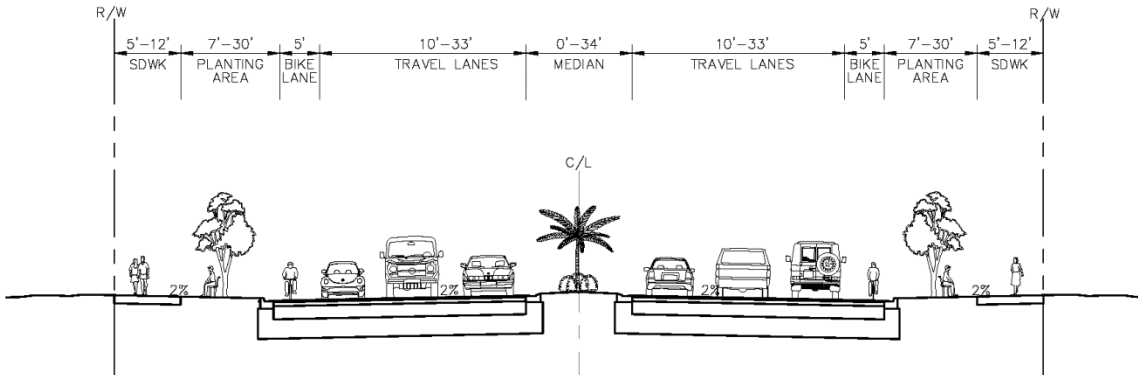
- i). Pavement design. Must be in accordance with Table 3.
- ii). Context design. Urban arterial roadway segments must be designed in accordance with the criteria set forth in Table 5.

TABLE 5.
URBAN MINOR ARTERIAL

<u>Lee Plan Future Land Use Designation</u>	<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
<u>Existing/Proposed Land Use</u>	<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>	<u>10 feet</u>	<u>11 feet</u>	<u>11 feet</u>	<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility</u>	<u>Shared lane</u>	<u>5 foot Bike lane</u>	<u>Shared lane</u>	<u>5 foot bike lane</u>	<u>5 foot bike lane</u>
<u>Transit Facility</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>6 foot strip</u>
				<u>6 foot strip</u>	<u>5 foot strip</u>

<u>Pedestrian Facility Width</u>	<u>12 feet</u>	<u>10 feet</u>	<u>8 feet</u>	<u>6 feet</u>	<u>5 feet</u>
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iii). Cross-Section drawings. The following cross-section applies to an urban minor arterial. All urban arterial cross-section drawings reflect closed drainage facilities.



10-296(e)(1)i.2.iii.1).
URBAN MINOR ARTERIAL

3. Urban major collectors

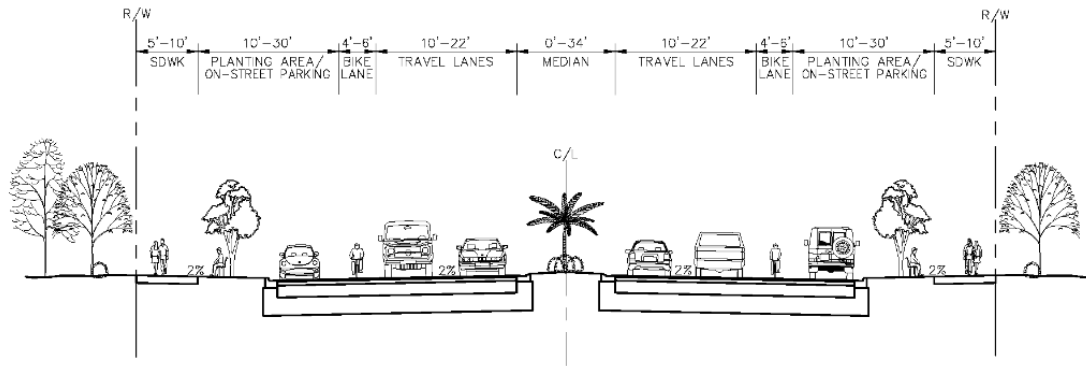
- i). Pavement design. Must be in accordance with Table 3.
- ii). Context design. Urban major collector roadway segments must be designed in accordance with the criteria set forth in Table 6.

TABLE 6.
URBAN MAJOR COLLECTOR

<u>Lee Plan Future Land Use Designation</u>		<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
<u>Existing/Proposed Land Use</u>		<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility</u>		<u>Shared lane</u>	<u>5 foot bike lane</u>	<u>Shared lane</u>	<u>5 foot bike lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Shelter, bench</u>	<u>Shelter, bench</u>	<u>Shelter, bench</u>	<u>Bus bay, shelter, bench</u>	<u>Shelter, bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility</u>	<u>10 feet</u>	<u>8 feet</u>	<u>8 feet</u>	<u>6 feet</u>	<u>5 feet</u>

	<u>Width</u>				
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iii). Cross-Section. The following cross-section applies to an urban major collector. All urban major collector cross-section drawings reflect closed drainage facilities.



10-296(e)(1)i.3.iii).1).
URBAN MAJOR COLLECTOR

4. Urban minor collectors

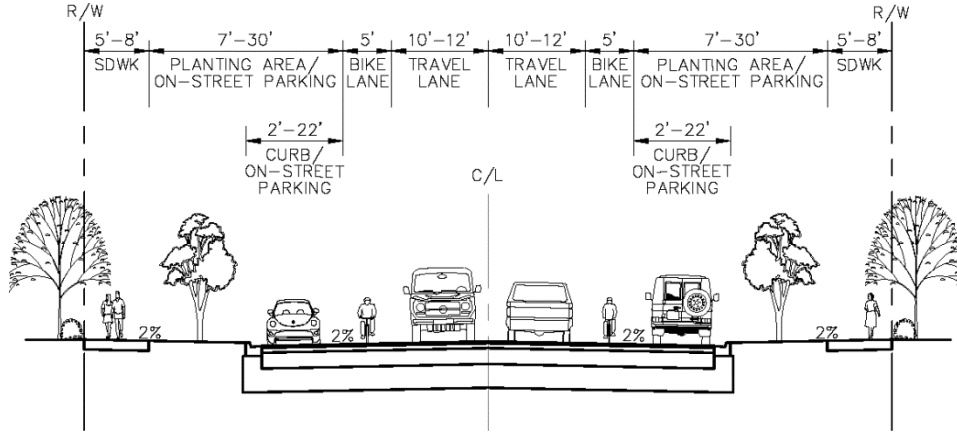
i). Pavement design. Must be in accordance with Table 3.

ii). Context design. Urban minor collector roadway segments must be designed in accordance with the criteria set forth in Table 7.

TABLE 7.
URBAN MINOR COLLECTOR

<u>Lee Plan Future Land Use Designation</u> <u>Existing/Proposed Land Use</u>		<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
		<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility</u>		<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Shelter, bench</u>	<u>Shelter, bench</u>	<u>Bench</u>	<u>Shelter, bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>8 feet</u>	<u>8 feet</u>	<u>8 feet</u>	<u>6 feet</u>	<u>5 feet</u>

iii). Cross-Section drawings. The following cross-section applies to an urban minor collector. All urban minor collector cross-section drawings reflect closed drainage facilities.



10-296(e)(1)i.4.iii).1).
URBAN MINOR COLLECTOR

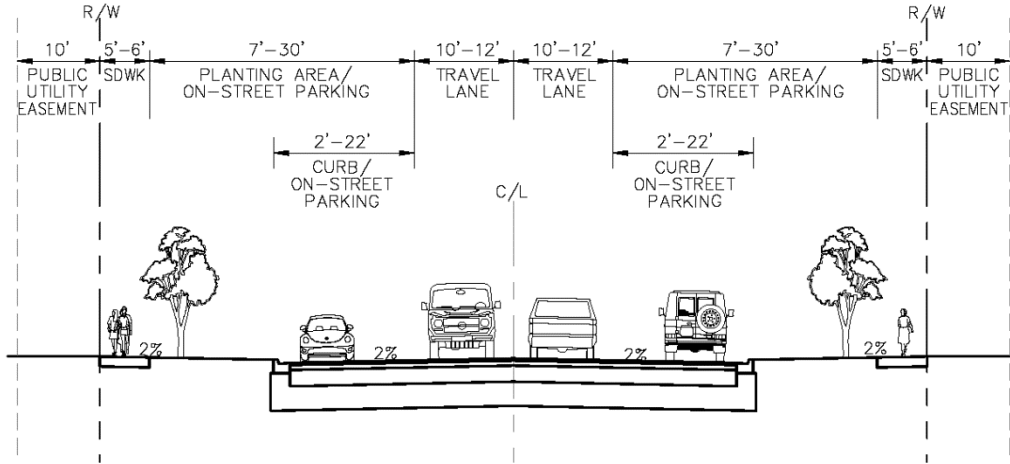
5. Urban local and access streets

- i). Pavement design. Must be in accordance with Table 3.
- ii). Context design. Urban local and access street roadway segments must be designed in accordance with the criteria set forth in Table 8.

TABLE 8.
URBAN LOCAL AND ACCESS STREETS

<u>Lee Plan Future Land Use Designation</u>		<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
<u>Existing/Proposed Land Use</u>		<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility</u>		<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Bench</u>	<u>Bench</u>	<u>Bench</u>	<u>Bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>6 foot strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>6 feet</u>	<u>6 feet</u>	<u>5 feet</u>	<u>6 feet</u>	<u>5 feet</u>

iii). Cross-Section drawings. The following cross-section applies to an urban local roadway. All urban local street cross-section drawings reflect closed drainage facilities.



10-296(e)(1)i.5.iii).1).
URBAN LOCAL/ACCESS STREET

6. Urban Shared streets

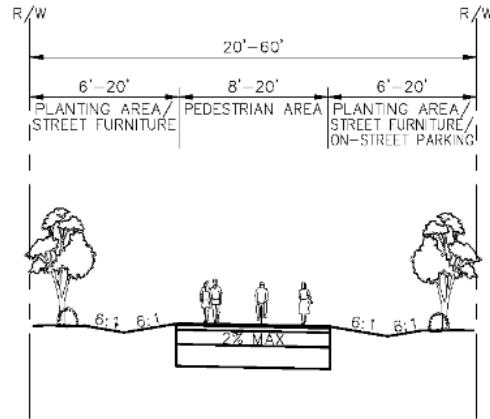
i). Pavement design. Must be in accordance with Table 3.

ii). Context design. Urban shared street roadway segments must be designed in accordance with the criteria set forth in Table 9.

TABLE 9. URBAN SHARED STREET

<u>Lee Plan Future Land Use Designation</u>		<u>Intensive</u>	<u>Central Urban</u>		<u>Urban Community</u>	
<u>Existing/Proposed Land Use</u>		<u>All</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>
<u>On-Road Bicycle Facility</u>		<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Bench</u>	<u>Bench</u>	<u>Bench</u>	<u>Bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 ft - 20 ft strip</u>	<u>8 ft - 20 ft strip</u>	<u>6 ft - 10 ft strip</u>	<u>8 ft - 20 ft strip</u>	<u>6 ft - 10 ft strip</u>
	<u>Pedestrian Facility Width</u>	<u>12 ft - 20 ft</u>	<u>10 ft - 16 ft</u>	<u>8 ft - 12 ft</u>	<u>10 ft - 16 ft</u>	<u>8 ft - 12 ft</u>

- iii). Cross-Section. The following cross-section applies to an urban shared street. All urban shared streets are designed with open drainage graded to drain to planting areas and a design speed of 5 MPH. Motor vehicle use on shared streets is limited to emergency vehicles, local traffic or deliveries. Restriction of vehicular traffic to be determined by LCDOT.



10-296(e)(1)i.6.iii).1).
URBAN SHARED STREET
OPEN DRAINAGE, 5 MPH

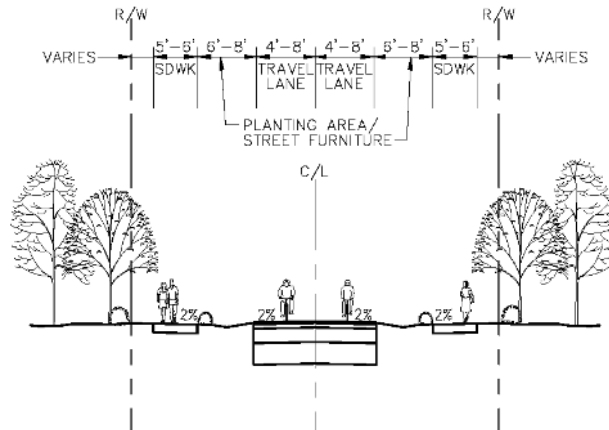
7. Urban Bicycle Boulevards

- i). Pavement design. Must be in accordance with Table 3.
 ii). Context design. Urban bicycle boulevard roadway segments must be designed in accordance with the criteria set forth in Table 10.

TABLE 10.
URBAN BICYCLE BOULEVARDS

<u>Lee Plan Future Land Use Designation</u>		<u>Intensive</u>	<u>Central Urban</u>	<u>Urban Community</u>
<u>Existing/Proposed Land Use</u>		<u>All</u>	<u>All</u>	<u>All</u>
<u>On-Road Bicycle Facility</u>		<u>8 ft bike lane</u>	<u>6 ft – 8 ft bike lane</u>	<u>4 ft – 6 ft bike lane</u>
<u>Transit Facility</u>		<u>Bench</u>	<u>Bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>	<u>8 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>6 feet</u>	<u>6 feet</u>	<u>5 feet</u>

iii). Cross-Section. The following cross-section applies to an urban bicycle boulevard. All urban bicycle boulevards are designed with open drainage graded to drain to planting areas with a design speed of 20 MPH with speed restrictions. Motor vehicle use on bicycle boulevards is limited to emergency vehicles only.



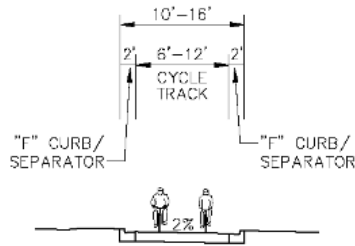
10-296(e)(1)i.7.iii).
URBAN BICYCLE BOULEVARD
OPEN DRAINAGE, 20 MPH

8. Urban Cycle Tracks

i). Pavement design. Must be in accordance with Table 3.

4). Bicycle Facility Width. The width of a one-way urban cycle track will be a minimum of 6-feet to 8-feet for bicycle traffic. The width of a two-way urban cycle track will be 12 feet.

ii). Cross-Section. The following cross-section applies to an urban cycle track. All urban cycle tracks are designed with closed drainage systems.



10-296(e)(1)i.8.ii).
URBAN CYCLE TRACK
CLOSED DRAINAGE

(2) Suburban roadways. Roadway segments in or abutting Future Suburban Areas identified in the Lee Plan will be designed in accordance with this section. Design criteria will be determined by the existing functional classification of the roadway identified in AC-11-1 and the future land use identified in the Lee Plan Future Land Use Map.

a. Lane width. For roadways with two-way traffic and no existing or planned transit route(s), the required lane width must be as specified in the context design tables. The required lane width for one-way streets is 14 feet. For roadways with an existing or planned transit route, the required lane width for lanes utilized by the transit vehicle is 12 feet.

b. Transit facilities. Bus bays, shelters and a bench will be provided consistent with Table 4 in this chapter and will have:

i. A sign with route number(s)

ii. An 8 feet by 30 feet minimum concrete landing pad. The landing pad will have a maximum 2 percent cross-slope and will be connected by an accessible route to, or be a part of, an existing pedestrian way.

iii. Bicycle parking.

c. Tree wells/planting strips. Dimensions, plant materials specifications irrigation must comply with AC-11-12 with closed drainage dimensions shown in Table 4 as minimums. If an open drainage cross-section is being utilized, the plantings must occur outside of the minimum clear zone/recovery area based on Florida Greenbook Table 3-12. The planting area may utilize islands or areas between on-street parking spaces to provide adequate area for tree growth.

d. Tree and Palm Spacing. Small trees (under 30 feet at mature height) must be provided at a rate of 4 trees for every 100 linear feet. Medium sized trees (30 feet to 40 feet at mature height) must be provided at a rate of 3 trees for every 100 linear feet. Large trees (over 40 feet at mature height) must be provided at a rate of 2

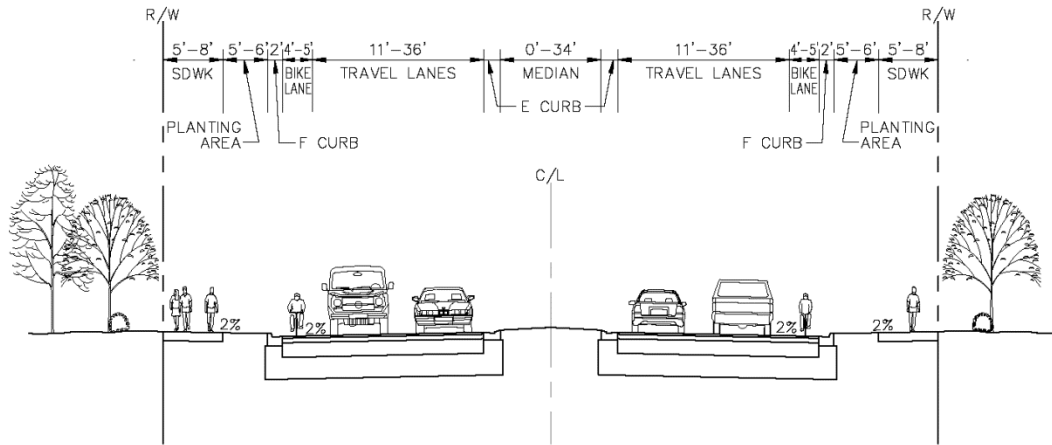
trees for every 100 linear feet. Trees should be spaced evenly along the frontage and not clustered. Adjustments to the placement of trees up to 10 feet is permitted to avoid conflicts with utilities and building visibility. Palm trees may only be substituted for a maximum of 50% of the required small trees.

- e. Bicycle and Pedestrian Facilities. Include a shared use path when depicted on the Bikeways/Walkways facilities plan Map 3D of the Lee Plan or Greenways Plan Maps 22 of the Lee Plan. Where a shared use path or greenway is not depicted, pedestrian facility width dimensions will be governed by design tables contained in this section.
- f. Streetlighting. Must be provided in accordance with AC-11-2. When streetlighting is required in or abutting coastal areas or environmental preserves, it must be constructed utilizing environmentally friendly techniques.
- g. Mixed use development. Must use commercial roadway context design criteria.
- h. Roadway design criteria.
 - 1. Suburban arterials
 - i). Pavement design. Must be in accordance with Table 3.
 - ii). Context design. Suburban arterial roadway segments must be designed in accordance with the criteria set forth in Table 11.

TABLE 11.
SUBURBAN PRINCIPAL ARTERIAL

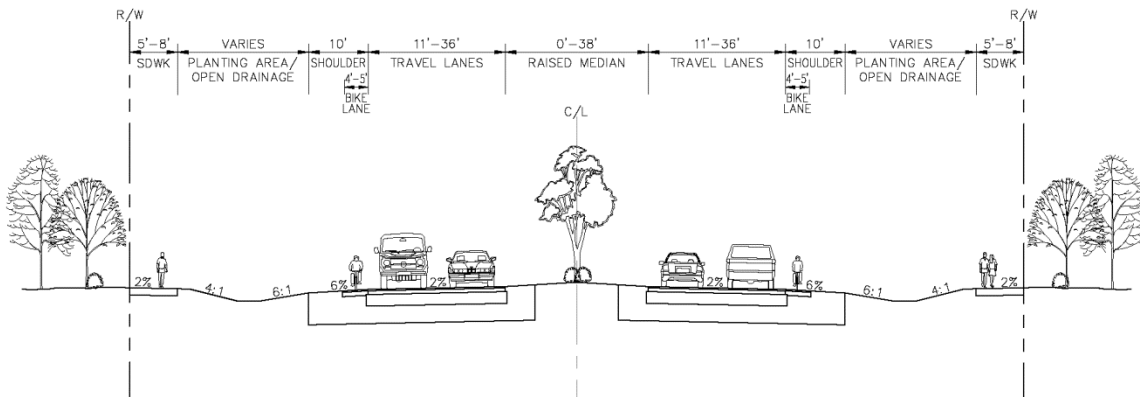
<u>Existing/Proposed Land Use</u>		<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>12 feet</u>	<u>12 feet</u>
<u>On-Road Bicycle Facility</u>		<u>5 foot bike lane</u>	<u>5 foot bike lane</u>
<u>Transit Facility</u>		<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>8 feet</u>	<u>6 feet</u>

- iii). Cross-Sections.
 - 1). The following cross-section applies to suburban principal arterials with closed drainage.



10-296(e)(2)h.1.iii).1).
SUBURBAN PRINCIPAL & MINOR ARTERIAL
CLOSED DRAINAGE

2). The following cross-section applies to suburban principal arterials with open drainage.



10-296(e)(2)h.1.iii).2).
SUBURBAN PRINCIPAL & MINOR ARTERIAL
OPEN DRAINAGE

2). Suburban minor arterials
 i). Pavement design. Must be in accordance with Table 3.

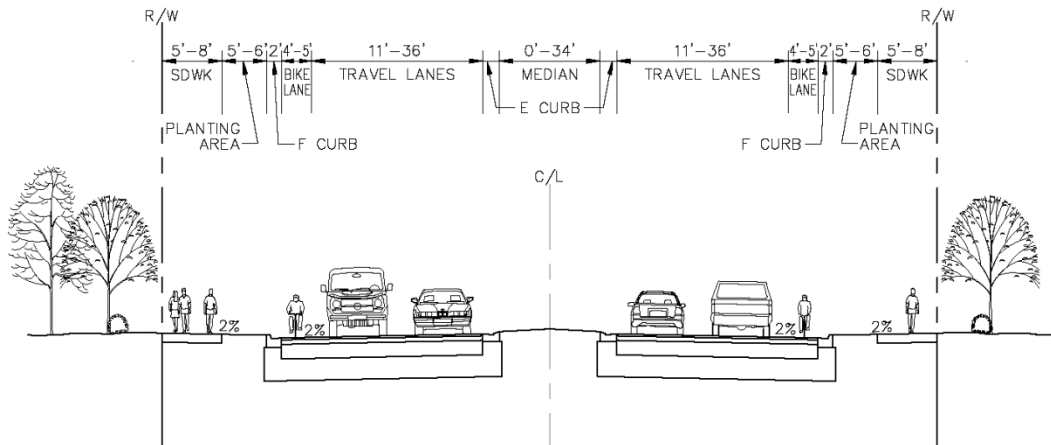
ii). Context Design. Suburban minor arterial roadway segments must be designed in accordance with the criteria set forth in Table 12.

TABLE 12.
SUBURBAN MINOR ARTERIAL

<u>Existing/Proposed Land Use</u>		<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility⁽¹⁾</u>		<u>5 foot bike lane</u>	<u>5 foot bike lane</u>
<u>Transit Facility</u>		<u>Bus bay, shelter, bench</u>	<u>Bus bay, shelter, bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>8 feet</u>	<u>6 feet</u>

⁽¹⁾Where identified in Table 9, on-road bicycle lanes are required where the posted speed limit is greater than or equal to 35 MPH. On-road bicycle lanes will be 5 feet in width when adjacent to a turn lane.

iii). Cross-Section. The following cross-section applies to a suburban minor arterial with closed drainage.



10-296(e)(2)h.1.iii).1).
SUBURBAN PRINCIPAL & MINOR ARTERIAL
CLOSED DRAINAGE

3. Suburban major collectors

i). Pavement design. Must be in accordance with Table 3.

ii). Context design. Suburban major collector roadway segments must be designed in accordance with the criteria set forth in Table 13.

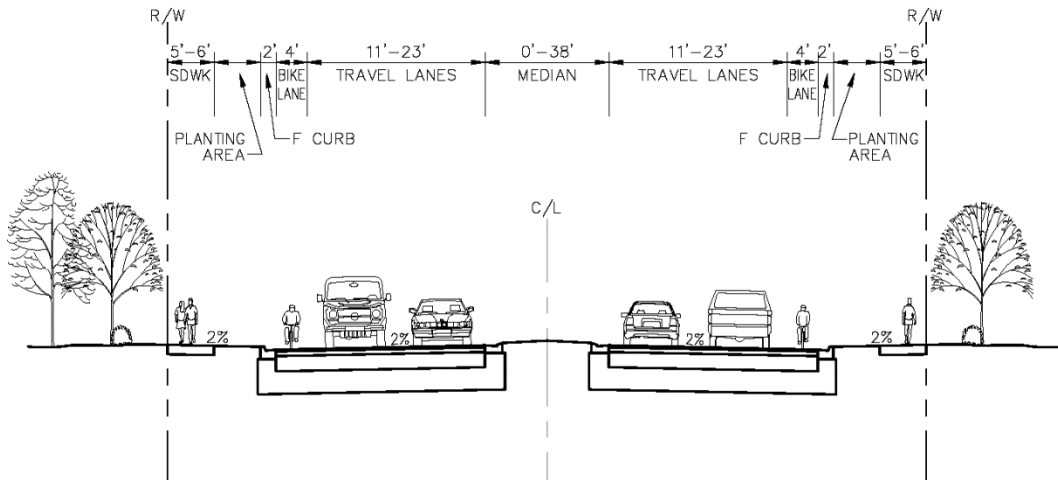
TABLE 13.
SUBURBAN MAJOR COLLECTOR

<u>Existing/Proposed Land Use</u>		<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility⁽¹⁾</u>		<u>Shared lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Shelter, bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>6 feet</u>	<u>5 feet</u>

⁽¹⁾Where identified in Table 10, on-road bicycle lanes are required where the posted speed limit is greater than or equal to 35 MPH.

iii). Cross-Sections.

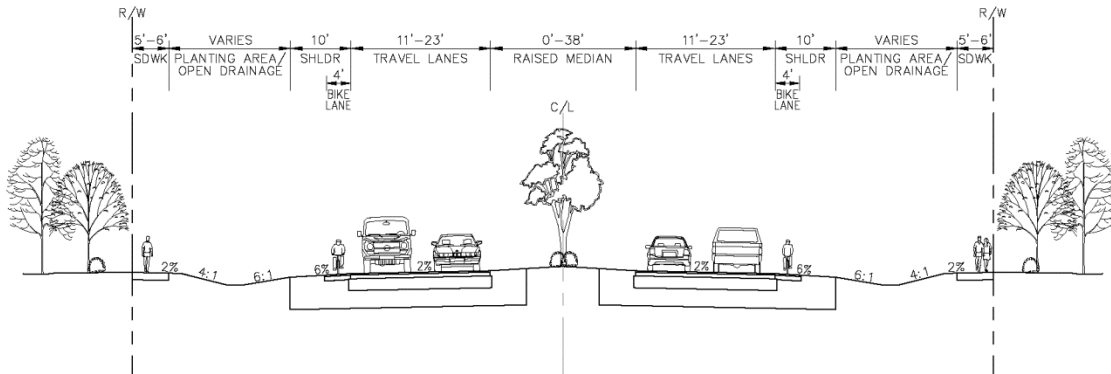
1). The following cross-section applies to a suburban major collectors with closed drainage.



10-296(e)(2)h.2.iii).2).

SUBURBAN MAJOR COLLECTOR WITH CLOSED DRAINAGE

2). The following cross-section applies to suburban major collectors with open drainage.



10-296(e)(2)h.2.iii).
SUBURBAN MAJOR COLLECTOR WITH OPEN DRAINAGE

4. Suburban minor collectors

i). Pavement design. Must be in accordance with Table 3.

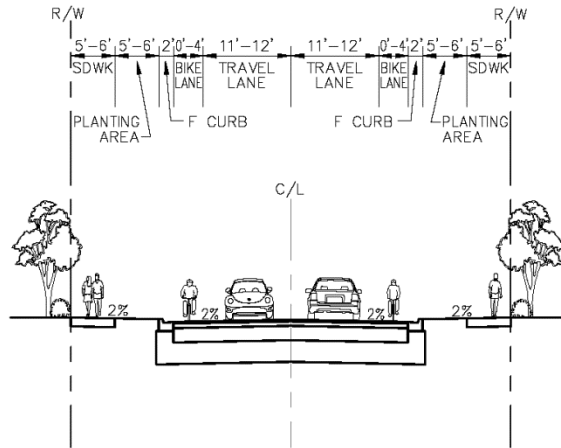
ii). Context design. Suburban minor collector roadway segments must be designed in accordance with the criteria set forth in Table 12.

TABLE 14.
SUBURBAN MINOR COLLECTOR

<u>Existing/Proposed Land Use</u>		<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>11 feet</u>	<u>11 feet</u>
<u>On-Road Bicycle Facility</u>		<u>Shared lane</u>	<u>Shared lane</u>
<u>Transit Facility</u>		<u>Shelter, bench</u>	<u>Bench</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>6 feet</u>	<u>5 feet</u>

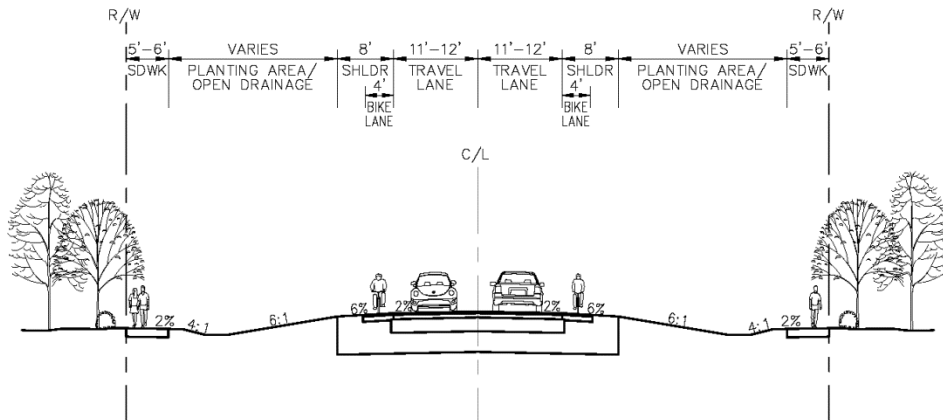
iii). Cross-Sections.

1). The following cross-section applies to a suburban minor collector with closed drainage.



10-296(e)(2)h.3.iii).2).
SUBURBAN MINOR COLLECTOR WITH CLOSED DRAINAGE

2). The following cross-section applies to suburban minor collectors with open drainage.



10-296(e)(2)h.3.iii).1).
SUBURBAN MINOR COLLECTOR WITH OPEN DRAINAGE

5. Suburban local streets

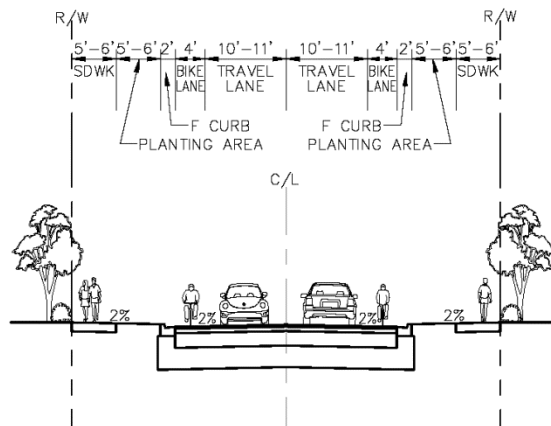
- i). Pavement design. Must be in accordance with Table 3.
- ii). Context design. Suburban local street roadway segments must be designed in accordance with the criteria set forth in Table 15.

TABLE 15.
SUBURBAN LOCAL STREET

<u>Existing/Proposed Land Use</u>		<u>Commercial</u>	<u>Residential</u>
<u>Lane Width</u>		<u>11 feet</u>	<u>10 feet</u>
<u>On-Road Bicycle Facility</u>		<u>None</u>	<u>None</u>
<u>Transit Facility</u>		<u>None</u>	<u>None</u>
<u>Streetside</u>	<u>Planting Strip</u>	<u>6 foot strip</u>	<u>5 foot strip</u>
	<u>Pedestrian Facility Width</u>	<u>6 feet</u>	<u>5 feet</u>

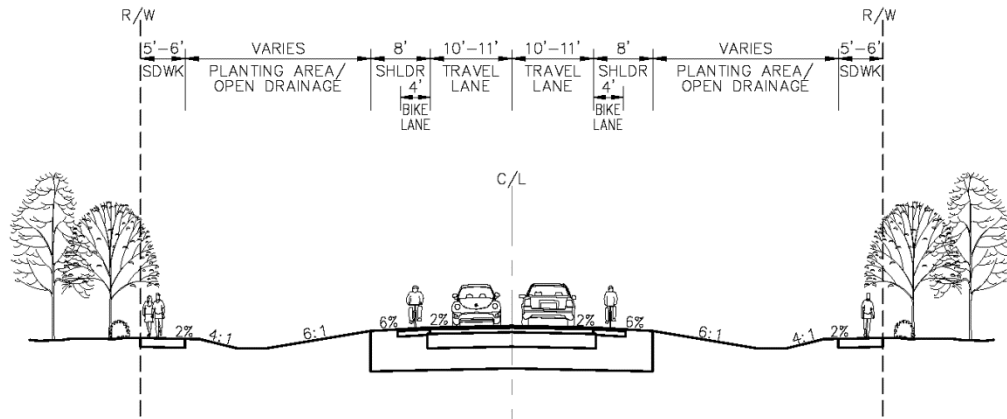
iii). Cross-Sections.

- 1). The following cross-section applies to suburban local streets with closed drainage.



10-296(e)(2)h.4.iii).2).
SUBURBAN LOCAL STREET WITH CLOSED DRAINAGE

- 2). The following cross-section applies to suburban local streets with open drainage.

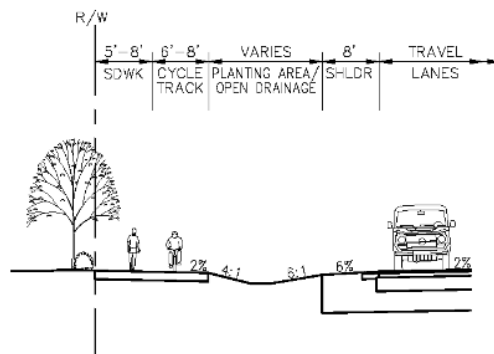


10-296(e)(2)h.4.iii).1).
SUBURBAN LOCAL STREET WITH OPEN DRAINAGE

5. Suburban Cycle Tracks

i). Pavement design. Must be in accordance with Table 3.

ii). Cross-Sections. The following cross-section applies to a suburban cycle track. All suburban cycle tracks are designed with open drainage systems.

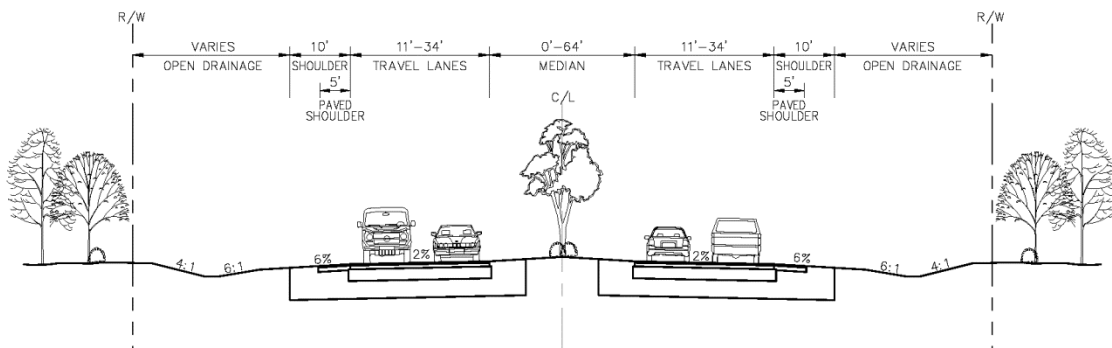


10-296(e)(2)h.5.ii).
SUBURBAN CYCLE TRACKS WITH OPEN DRAINAGE

(3) Non-urban roadways. Roadway segments in or abutting to Future Non-Urban Areas identified in the Lee Plan will be designed in accordance with this sub-section. Design

criteria will be determined by the existing functional classification of the roadway identified in AC-11-1 and the future land use.

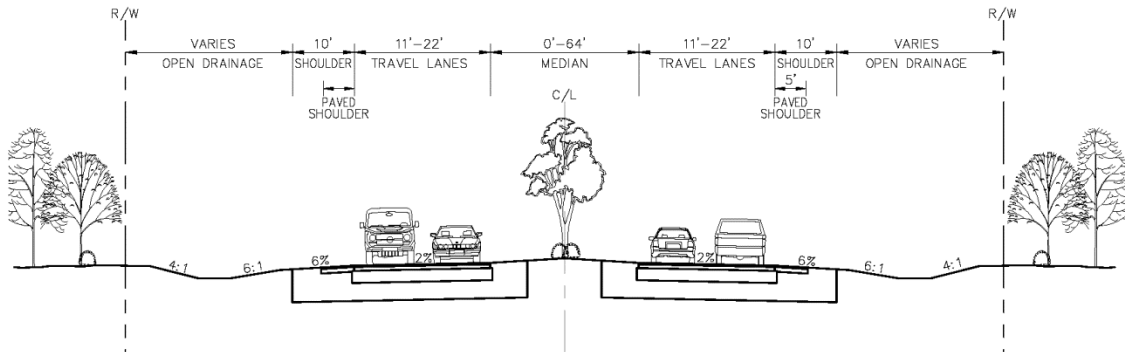
- a. Transit facilities. All bus stops in non-urban land use categories will have:
 - i. A route number(s) sign
 - ii. A minimum 8 feet by 5 feet minimum concrete landing pad on a flush shoulder area with stabilized subgrade. The landing pad will have a maximum 2 percent cross-slope and will be accessible.
- b. Tree and Palm Spacing. No street trees are required in the planting strips along non-urban roadways. Any trees provided in planting strips on non-urban roadways must comply with the clear zone requirements indicated in the Florida Greenbook Table 3-12.
- c. Bicycle and Pedestrian Facility. A separated bicycle and pedestrian facility is required where depicted on Lee Plan Maps 3D or 22.
- d. Roadway design criteria.
 1. Non-urban principal and minor arterials
 - i). Pavement design. Must be in accordance with Table 3.
 - ii). Cross-Sections. Non-urban arterial roadway segments must be designed in accordance with the criteria set forth in the following cross sections. All non-urban arterial cross-section drawings reflect open drainage. The following cross-section applies to non-urban principal and minor arterials.



10-296(e)(3)d.1.iii).
NON-URBAN PRINCIPAL & MINOR ARTERIAL

2. Non-urban major collectors
 - i). Pavement design. Must be in accordance with Table 3.
 - ii). Lane width. Non-urban major collector roadway segments must be designed with 11 feet wide lanes and 5 feet wide paved shoulders.

iii). Cross-Section. All non-urban major collector cross-section drawings reflect open drainage design. The following cross-section applies to non-urban major collectors.

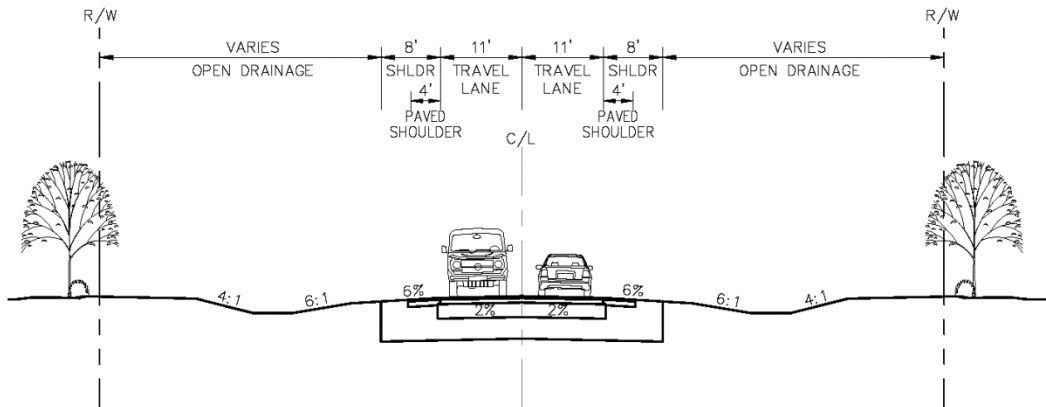


10-296(e)(3)d.2.iii).
NON-URBAN MAJOR COLLECTOR

3. Non-urban minor collectors

i). Pavement design. Must be in accordance with Table 3.

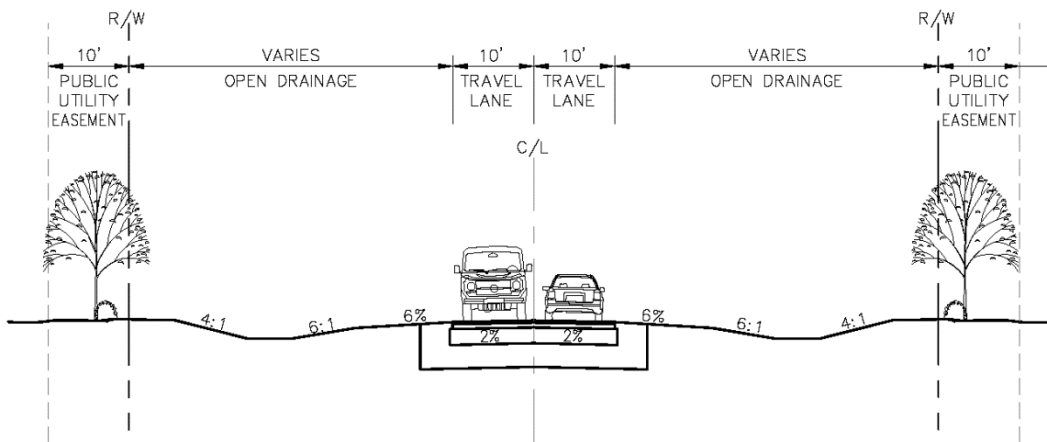
ii). Cross-Section. All non-urban minor collector cross-section drawings reflect open drainage. Non-urban minor collector roadway segments must be designed in accordance with the following cross section.



10-296(e)(3)d.3.iii).
NON-URBAN MINOR COLLECTOR

4. Non-urban local streets

- i). Pavement design. Must be in accordance with Table 3. Asphaltic wearing course is not required for residential development of 0.4 or less dwelling units per acre, and all residential developments located on islands where direct vehicular access to the mainland by bridge, causeway or street is not attainable.
- ii). Context design. Non-urban local street roadway segments must be designed with 11 feet wide travel lanes adjacent to commercial land uses and 10 feet wide travel lanes adjacent to residential uses. Travel lane width may be reduced to 9 feet on a non-urban local street adjacent to residential uses where daily traffic volumes will be less than 400 vehicles per day and with design speed 35 MPH or lower, open drainage and an 8 feet wide shoulder.
- iii). Cross-Section. All non-urban local street segments reflect open drainage. The following cross-section applies to non-urban local streets.



10-296(e)(3)d.4.iii).
NON-URBAN LOCAL STREET

- (fj) Conformance with state construction standards. All construction materials, methods and equipment must conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.
- (gk) Dedication of right-of-way and completion of improvements. Remains unchanged.
- ~~(l)~~ Horizontal curve for changes in direction. Horizontal curves must be used for all changes in direction consistent with AASHTO and FDOT standards.
- ~~(hm)~~ Existing nonconforming access routes. Remains unchanged.
- ~~(in)~~ State roads. Remains unchanged.
- (je) Intersection design. Remains unchanged.

- (1) The angle of intersection of intersecting streets must be in accordance with the requirements of table 4 Table 16.

TABLE-4 16.
ANGLE OF INTERSECTION

Street Type	Intersecting Street Type	Angle (degrees)	
		Minimum	Maximum
Local or access	Local or access	75	105
	<u>Major or Minor</u> Collector	80	100
	<u>Principal or Minor</u> Arterial	85	95
<u>Major or Minor</u> Collector	<u>Major or Minor</u> Collector	85	95
	<u>Principal or Minor</u> Arterial	85	95
<u>Principal or Minor</u> Arterial	<u>Principal or Minor</u> Arterial	85	95

- (2) The inside edge of the pavement at street intersections must be rounded with a minimum radius as shown in table 5 Table 17.

TABLE-5 17.
MINIMUM EDGE OF PAVEMENT RADIUS AT INTERSECTING STREETS

Street Type	Intersecting Street Type	Minimum Radius (feet)	
		Residential	Commercial/Industrial
Local	Local	25	30
	Collector	30	35
	Arterial	40	45
Collector	Collector	40	50
	Arterial	50	60
Arterial	Arterial	50	60

Street Type	Intersecting Street Type	Minimum Radius (feet)					
		Residential			Commercial/Industrial		
		Urban	Suburban	Non-Urban	Urban	Suburban	Non-Urban
Local	Local	10	25	25	15	30	30
	<u>Major or Minor</u> Collector	15	30	30	15	35	35
	<u>Principal or Minor</u> Arterial	20	40	40	20	45	45

<u>Major or Minor Collector</u>	<u>Major or Minor Collector</u>	<u>25</u>	<u>40</u>	<u>40</u>	<u>20</u>	<u>50</u>	<u>50</u>
<u>Principal or Minor Arterial</u>	<u>Principal or Minor Arterial</u>	<u>25</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>50</u>
<u>Principal or Minor Arterial</u>	<u>Principal or Minor Arterial</u>	<u>25</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>50</u>

These values apply to a street type having two lanes without a median. Whenever the street type is divided by a median, the minimum pavement width is 14 feet on each side of the median and the edge of pavement radius will be determined by a special study using a WB-40 vehicle that negotiates the turn without encroaching on the median. Greater radii may be required where school buses will be routed or if an engineering study determines that traffic conditions warrant a larger radius.

- (3) *Remains unchanged.*
- (kp) *Culs-de-sac. Remains unchanged.*
- ~~(q) *On road and off road bikeways. All County maintained arterial, collector and local streets must be designed and constructed in accordance with the County Administrative Code policy relating to on road and off road bikeways and associated roadway width.*~~
- (lf) *Privately maintained accessways.* The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:
 - (1) Parking lot aisles (as defined in chapter 34);
 - (2) Parking lot accesses (as defined in chapter 34);
 - (3) Driveways (as defined in this chapter); and
 - (4) Accessways in non-urban areas that meet the following three requirements:
 - a.-c. *Remain unchanged.*
- (ms) *Streets and driveways in wetland areas.* Notwithstanding other provisions of this chapter, new roads or driveways permitted in wetland areas in accordance with the Lee Plan ~~policy 41.2.2~~ must be culverted or bridged to maintain the pre-development volume, direction, distribution and surface water hydroperiod.
- (nt) *Work in County right-of-way.*
 - (1)-(3) *Remain unchanged.*
 - (4) The inside edge of the pavement at the driveway connection to the street must be rounded with a minimum radius consistent with the requirements of ~~as shown in table 6~~ Table 18. A deviation from these standards may be issued administratively pursuant to sec. 10-104.

TABLE-6 18.
MINIMUM EDGE OF PAVEMENT RADIUS AT DRIVEWAYS

Street Drainage	Intersecting Street Type	Minimum Radius (feet)	
		Residential	Commercial/Industrial
Closed (curb and gutter)	Local	N/A	N/A
	<u>Major or Minor Collector</u>	30 <u>(10 in urban area)</u>	35 <u>(10 in urban area)</u>
	<u>Principal or Minor Arterial</u>	40 <u>(10 in urban area)</u>	45 <u>(10 in urban area)</u>
Open (no curb and gutter)	Local	25	30
	<u>Major or Minor Collector</u>	30	35
	<u>Principal or Minor Arterial</u>	40	45

(o~~u~~) *Roundabouts. Remains unchanged.*

(p~~v~~) *Compact communities. Sections 32 221 et seq. provide modified street design standards for compact communities.*

Sec. 10-300. - Minimum specifications for bridge improvements.

All plans, specifications and submittals for bridge improvements must be submitted to the Director of Development Review, who will review the submittals in conjunction with the County Engineer.

(1) Structural design criteria. The criteria for the design of bridge improvements are as follows:

- a. Vehicular bridge and culvert crossings. The structural design of all members of vehicular bridges and culverts must be in accordance with the requirements of the American Association of State Highway and Transportation Officials, referred to in this section as AASHTO standard specifications for highway bridges and the state department of transportation standard specifications for road and bridge construction.
- b. Pedestrian and utility crossings. These crossings must be designed according to sound engineering principles.

(2) Design loading. The loading for the design of waterway crossings are as follows:

- a. Vehicular bridge and culvert crossings. The loading of a vehicular bridge must be one of the following as designated by the AASHTO specifications:
 - i. All streets: L-93.
 - ii. Wind load: AASHTO adjusted to 120 miles per hour for structures over 30 feet in height.
- b. Pedestrian crossings.
 - i. Live load: At the option of the design engineer subject to approval of the Development Review Director.
 - ii. Dead load: As designed.
 - iii. Wind load: Pursuant to The Florida Building Code

- c. Utility crossings.
 - i. Live load: At the option of the design engineer subject to approval of the Development Review Director.
 - ii. Dead load: As designed.
 - iii. Wind load: The Florida Building Code

(3) The dimensions of all waterway structures must be no less than the following:

- a. Width.
 - i. Vehicular bridges. Requirements described in the AASHTO standard specifications for highway bridges.
 - ii. Pedestrian crossing. A minimum clear width between handrails of five feet is required.
 - iii. Utility crossing. A utility crossing must be designed wide enough for the facility it supports.
 - iv. Culverts. Box culvert crossings must be designed to conform to the roadway requirements of vehicular bridges over the entire cross section, including roadway width, curb height, sidewalk, handrail and drainage.
- b. Length.
 - i. Bridges or utility crossings. The length of structure must be a function of the waterway to be crossed. In no case may the clear length between abutments be less than the sum of the following measured along the centerline of the roadway or structure:
 - 1. Waterway bottom width.
 - 2. Horizontal projection of approved bank slope.
 - 3. Berms: width as required by the preliminary approval.
 - 4. Plus additional width as may be required for future widening of channel.
 - 5. Or as required for drainage.
 - ii. Culverts. The culvert section should be selected to suit the special conditions of the proposed location, such as canal capacity, pipe cover, design water elevation, drainage area, etc. Culverts under roads must be long enough to accommodate the roadway, shoulders, rails or barriers, and side slopes.
- c. Height elevation.
 - i. Bridges or utility crossings. The Development Review Director and any other controlling agency, such as the U.S. Coast Guard, will establish the minimum design water elevation of the waterway to be crossed and the minimum clear vertical distance between the design water elevation and the lowest point of the superstructure. A survey of all upstream boat heights may be required.
 - ii. Culverts. The County Engineer must approve the design water elevation. The cover over a culvert must be as required by the design loading on the particular type of culvert to be used.
- d. Utilities. Provisions must be made in or on all bridges for all applicable present and future utilities as specified by the County Engineer. However, utilities may be hung from the bridge only as a last resort.

(4) Geometrics.

- a. Location and alignment. All bridges must be designed with abutments and intermediate bents parallel with the waterway flow, and all culverts must be located parallel with the waterway flow.
- b. Horizontal curves. When a bridge is located on a horizontal curve, the bridge must be designed and constructed concentric to the centerline curve. When a box culvert is located on a horizontal curve and the roadway is directly on the culvert and there are no headwalls, the culvert must be long enough to accommodate the roadway plus shoulders and rail or barrier. If the headwalls are used and act as curbs, they must be cast concentric to the centerline curve. If the roadway is placed on fill, the culvert must be long enough to accommodate the roadway, shoulders, rail or barrier, and side slopes.
- c. Approach grades and vertical curves. If the design elevation of a bridge or culvert structure differs from the connecting roadway elevation, the connection must be made with approach grades not to exceed four percent with an appropriate vertical summit curve over the bridge and vertical sag curves at each approaching roadway connection. All AASHTO nonpassing sight distance requirements must be met.

(5) Materials and tests.

- a. Bridge structures. All permanent bridge structures must be designed for and constructed of reinforced concrete, prestressed concrete or approved structural metal. This includes both substructure and superstructure. An exception may be made for footbridge piling, in which case timber may be used, provided it meets the requirements of the County Building Code.
- b. Culverts in County-maintained roadways. All culverts under County-maintained roadways must be reinforced concrete pipe or other approved material. All pipes must conform to Florida Department of Transportation standard specifications. The distance from the finished pavement centerline to the top of the culvert must be at least 36 inches.. If a higher strength pipe is approved by the Director of the Department of Transportation, the minimum distance may not be less than 18 inches.
- c. Backfill at bridge approaches. All bridge approach embankments must be compacted to a density of no less than 96 percent of the maximum dry density as determined by AASHTO T-180 designation for an approved backfill material.
- d. Material test. All material used in a bridge or culvert structure may be subjected to tests. Tests, if required by the County Engineer, must be paid for by the developer. Minimum tests must be for concrete slump and compression strength in accordance with state department of transportation standard specifications.
- e. Unusual design. The County Engineer may require tests of structural members of an unusual design. Tests, if required by the County Engineer, must be paid for by the developer.

(6) Design criteria.

- a. Vehicular and pedestrian bridges. All components and loading requirements of the bridge construction must conform to the current AASHTO standard specifications for highway bridges.
- b. Pedestrian bridge railings. Handrails for pedestrian bridges must be so designed to withstand a load of 100 pounds per linear foot simultaneously applied horizontally and vertically. Handposts must be designed to withstand a load of 100 pounds per linear foot applied to the top rail in the directions producing the maximum movement.
- c. Special protection in addition to handrails. For certain locations the County Engineer may require additional protection for the safety of pedestrians.
- d. Approach slabs. All vehicular bridges with a surface elevation equal to the roadway elevation must be provided with reinforced concrete approach slabs equal to the bridge

roadway width and extending a minimum of 15 feet from the abutment as measured parallel with the centerline of the roadway.

- e. Drainage.
 - i. On bridges. The bridge roadway must slope a minimum of 3/16 inch per foot from crown to curb. All two-lane bridges must have a drainage structure equivalent to a four-inch pipe located no greater than 20 feet center to center each side. These drains must be located to prevent the discharge of water against any portion of the structure.
 - ii. On approaches and embankments. Drainage facilities must be provided for the bridge approaches that are adequate to prevent erosion of the embankment. This may require curbs, gutters and spillways along roadway edges from the bridge to the bottom of the approach embankment.
- f. Guardrail. Florida Department of Transportation approved guardrails must be provided in accordance with state department of transportation standards. Greater lengths may be required if deemed necessary by the County Engineer.
- g. Concrete reinforcement cover. All cover requirements of the American Concrete Institute (ACI) 318 Code must be followed. In extreme sea exposure conditions, the County Engineer may require special additional cover.
- h. Penetration and cover for piles.
 - i. Penetration into soil.
 - 1. Freestanding piles (intermediate bents). All freestanding piles must have a minimum penetration of one-third of their length but not less than ten feet in firm material; provided, however, that penetration is sufficient to develop the required capacity of the pile.
 - 2. Fully supported piles (abutments). Where stable bank slopes are provided, the minimum tip elevation of the piles must be equal to the elevation of the channel bottom. Where vertical bank slopes may occur, the minimum tip elevation of the piles must be ten feet below the channel bottom.
 - ii. Penetration into pile cap. The minimum penetration of a pile into a cap is 12 inches, provided adequate anchorage is obtained.
 - iii. Concrete cover. The minimum cover between the exterior face of piling and the nearest exterior face of pile cap must be six inches.
- i. Bridge abutments. The abutments of vehicular bridges must be constructed upon pile foundations or any other engineered system that is proved to be adequate and accepted by the County Engineer.
- j. Concrete retaining slabs. All retaining walls or retaining slabs designed to support the embankment adjacent to a bridge structure must be provided with a positive means of anchorage to the abutments or pile caps. The retaining walls and slabs must be designed to resist all loads that are expected to come upon them, including all live loads required by AASHTO standard specifications for highway bridges.
- k. Test borings for bridges.
 - i. Vehicular bridges. A minimum of two test borings are required for each bridge location. These borings must be made as close as possible to the location of two

of the pile bents of the proposed structure. The borings must be performed under the control of a registered engineer and two copies of the results must be attached to the plans submitted to development review for approval. In addition to the two test borings, the County Engineer may require other test borings in order that complete subsurface conditions can be determined.

ii. Pedestrian bridges. The procedure for pedestrian bridges is the same as required above for vehicular bridges except that a minimum of one test boring is required for each bridge location. This requirement may be waived in the case of small crossings at the discretion of the County Engineer.

(7) Utilities on bridges. Provisions must be made on all bridges for utility crossings such as water mains, sewer mains, telephone, cablevision or power conduits, and gas mains. Any or all of these requirements for utility support may be waived by the County Engineer.

DIVISION 6. - OPEN SPACE, BUFFERING AND LANDSCAPING

Sec. 10-412. - Purpose and intent.

The purpose and intent of the landscape code is to:

(1) thru (4) remain unchanged

~~(5) Screen and buffer the harsher visual aspects of urban development;~~

~~(5)-(6)~~ Improve environmental quality by reducing and reversing air, noise, heat, and chemical pollution through the preservation of native vegetation, relocation of native trees and installation of landscaping; and

~~(6)-(7)~~ Promote water conservation and xeriscape principals by requiring the use of native plants, organic mulch, reduction of turf areas, and appropriate irrigation.

Sec. 10-415. - Open space.

(a) *Open space calculations.* All development must contain the minimum percentage of open space as outlined in the following table below:

OPEN SPACE REQUIREMENT		
Type of Development	Open Space as % of Development Area	
	Small Developments ⁽¹⁾	Large Developments ⁽¹⁾
<i>Residential:</i> Type of dwelling units as defined in section 34-2 located in conventional zoning districts with conventional zoning district lot coverage.		

Single-family residence or mobile home on a single lot with a minimum lot size of 6,500 sq. ft.	None	None
Duplex on a single lot with a minimum lot size of 7,500 sq. ft.	None	None
Two-family attached each on an individual lot with a minimum lot size of 3,750 sq. ft. per unit	None	None
All other residential ⁽²⁾	35%	40%
<i>Industrial</i> ⁽²⁾	10%	20%
<i>Other</i> : All other uses including, but not limited to commercial, places of worship, recreational vehicle parks, community facilities, schools (excluding Lee County School District), etc. ⁽²⁾	20%	30%
<i>Note</i> : Multiple use sites with conventional zoning must comply with each corresponding use percentage in this table.		
<i>Planned Development Zoning</i> : Planned developments must provide open space as required in chapter 34 and per the approved master concept plan and resolution. Consistency with the master concept plan is in addition to the requirements of this provision, unless deviations have been granted.		
<i>Compact Communities</i>: Development constructed in accordance with chapter 32 of this Code will provide open spaces in accordance with the provisions of that chapter.		

(b) thru (d) remain unchanged

Sec. 10-416. - Landscape standards.

(a) remains unchanged.

(b) *Building perimeter plantings*. All new development in commercial zoning districts and commercial components of planned development districts and DRIs must provide building perimeter plantings equal to ten percent of the proposed building gross ground level floor area. These planting areas must be located abutting three sides of the building with emphasis on the sides most visible to the public, not including the loading area.

The perimeter planting areas must consist of landscape areas, raised planters or planter boxes that are a minimum of five feet wide. These landscape areas must include shrubs and ground cover plants with a minimum of 50 percent coverage of the landscape area at the time of planting. Trees and shrubs must meet the size requirements of section 10-420(d). Groundcover plants must be a minimum one-gallon container size. General trees may be planted within the building perimeter planting areas, especially effective are clusters (three or more) of sabal palms. Turfgrass is discouraged and is limited to ten percent of the landscape area. Water management areas may not be a part of this five-foot planting area.

Pedestrian access ways may cross and loading areas may be placed in the perimeter planting area, but may not be used to meet minimum planting area or open space requirements.

An enlarged perimeter landscape area is required in the front of shopping centers and freestanding retail uses that constitute a large development. An area that is at least five percent of the size of the vehicular use area must be developed as green space within the front of shopping centers and retail establishments and be an enlargement to the front building perimeter planting area. However, it is not a requirement that this area directly abut the front of the building. The enlarged perimeter planting areas must consist of landscape areas, raised planters or planter boxes that are a minimum of five feet wide. These enlarged perimeter planting areas must include trees, shrubs and ground cover plants with a minimum of four trees per 100 linear foot of building and 50 percent coverage of the landscape area at the time of planting. The trees placed around the building will be applied to the general tree requirement. Trees may be installed in clusters and do not need to be located within a 100 linear foot segment. Clusters of trees at the corners of buildings or framing entrances are especially effective. Trees and shrubs must meet the size requirements of section 10-420(d). Groundcover plants must be a minimum 1-gallon container size. Taller palms (16- to 20-foot clear trunk) must be used when building height is greater than 35 feet. Turfgrass is discouraged and is limited to ten percent of the landscape area. Water management areas may not be a part of this enlarged planting area.

This five percent green space area may be used to meet open space requirements if they are in compliance with section 10-415(c), but may not be used to reduce the perimeter planting areas on the sides and rear of the building. These areas must be designed for scenic, noncommercial recreation purposes and be pedestrian-friendly and aesthetically appealing. They may include the following: limited turfgrass, mulch, decorative plantings, landscape, walkways within the interior of the green space area not used for shopping, fountains, manmade watercourses (but not water retention areas), park benches, site lighting, sculptures, gazebos, and any other similar items.

~~Building perimeter planting standards are not applicable for buildings in compact communities that are constructed on any lot types shown in chapter 32, article II.~~

(c) *remains unchanged*

(d) *Buffering adjacent property.* Buffering and screening applies to all new development. Existing landscapes that do not comply with the provisions of this section must be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded, except for restriping of lots/drives, the building square footage is increased, or there has been a discontinuance of use for a period of one year or more and a request for an occupational license to resume business is made.

(1) *thru (2) remains unchanged*

(3) *Buffer requirements.* The following table provides the required buffer type when a proposed use is abutting an existing use or, in the absence of an existing use, the existing zoning.

BUFFER REQUIREMENTS											
Permitted or Existing Uses											
Proposed Uses		AG	SF-R	MF-R	CO	WOR	IND	STP	RO	REC	PRE
		AG	---	---	---	---	---	---	---	---	---

SF	---	---	---	---	---	---	---	---	B	F(2)
MF	---	B	---	---	---	---	---	D	B	F(2)
CO	---	C/F	C/F	A	A	---	---	D	A	F(2)
WO	---	C/F	C/F	A	A	---	---	D	A	F(2)
IND	---	(1)	(1)	---	(1)	---	---	D	---	F(2)
STP	C/F	E	E	E	E	C/F	---	D	---	F(2)
REC	---	C/F	C/F	A	A	---	---	D	F	F(2)
PRE	---	F	F	---	---	---	---	---	F	---

Notes for Buffer Requirements Table:

1. All uses or activities must provide a Type E buffer unless the Director determines that the proposed use or activity will not have an adverse impact on adjacent property. If the Director determines that a Type E buffer is not required, a Type F buffer must be constructed.
2. The required buffer landscaping must be 100 percent native.
3. ~~For development in compact communities constructed in accordance with chapter 32, these buffer requirements do not apply under the following circumstances:~~
 - a. ~~Between lots within a compact community.~~
 - b. ~~Around the perimeter of a compact community that is approved administratively (see chapter 32, article IV).~~
4. thru 11. remain unchanged.

10-425. – Open space and landscape requirements in the Mixed Use Overlay.

Properties located within the Mixed Use Overlay as delineated on Map 1, Page 6 of the Lee Plan and described in Objective 11.2 must provide the following minimum open space and landscape requirements. The landscape requirements for specific uses identified in Sec. 10-424 must be provided.

- (a) Open space. Large developments must provide a minimum of 20% open space and small developments must provide a minimum of 10% open space with the following exceptions:
 1. Planning Communities governed by Chapter 33; and
 2. Open space requirements may be reduced through the use of Greater Pine Island Transfer of Development Units (TDUs) in accordance with Chapter 2.

- (b) General tree requirements. One canopy tree must be provided per 1,000 square feet of required open space. No palm trees may be used to count toward general landscape requirements. Root barriers or other soil structure material must be incorporated into the landscape design to minimize damage to pavement, where appropriate.
- (c) Indigenous vegetation. Indigenous requirements must be consistent with Sec. 10-415(b).
- (d) Landscaping of parking and vehicle use areas. Landscaping must be consistent with Sec. 10-416(c).
- (e) Building Perimeter. Commercial development within the Mixed Use Overlay is required to provide building perimeter planting on only the two sides of the building which are most visible to the public. All other requirements of 10-416(b) must be met.
- (f) Buffers. Projects within the Mixed Use Overlay must provide the following buffers:
 1. 5' wide buffer along right of ways planted with five trees per 100' linear feet. The required building perimeter planting may be used in lieu of buffer if adjacent to the right of way.
 2. 10' wide buffer with type B plantings is required along property lines which abut single family residence(s).
 3. Buffers are not required along property lines unless specified in 1. and 2. above.

Secs. 10-425~~6~~—10-440. - Reserved.

DIVISION 7. PUBLIC TRANSIT

Sec. 10-441. - Applicability of division.

Except as provided in section 10-443, all proposed developments which are wholly or partially within one-half mile of a public transit route, as shown in the ~~mass transit element of the Lee Plan Map 3C~~, and which meet or exceed one of the thresholds set forth in this division, ~~shall be~~ are required to provide public transit facilities meeting requirements of sec. 10-296, as set out in this division as site related improvements.

Sec. 10-442. - Required facilities.

- (a) Residential developments exceeding 100 living units and commercial establishments with less than 30,000 square feet of total floor area ~~shall be~~ are subject to the following:
 - (1) A paved walkway to the nearest bus stop ~~shall~~ must be provided if the bus stop is within one-fourth mile of the vehicular entrance to the property, the developer must install signage, a landing pad and bicycle storage rack within the road right-of-way or dedicated easement if the bus stop is not so equipped.

- (2) If there is no bus stop within one-fourth mile of the property and the property abuts the bus route, the developer ~~shall~~must provide signage, ~~and~~ a bicycle storage rack and landing pad for a new bus stop within the road right-of-way or dedicated easement.
- (b) Residential developments exceeding 500 living units and commercial establishments with 30,000 square feet or more of total floor area shall be subject to the following:
 - (1) A paved walkway to the nearest bus stop ~~shall~~must be provided if the bus stop is within one-fourth mile of the vehicular entrance to the property, as well as installation of a bicycle storage rack, signage and a landing pad within the road right-of-way or dedicated easement.
 - (2) If there is no bus stop within one-fourth mile and the property abuts the bus route, the developer shall provide for a bus stop, including a shelter, signage, walkways, bicycle rack, landing pad, ~~and~~ lighting and a bus pull-off area within the road right-of-way or dedicated easement so passengers can get on or off the bus out of the line of traffic.

Sec. 10-443. – ~~Exceptions~~ Waiver of construction requirement.

- ~~(a) This division shall not be interpreted to mean that a developer is required to purchase additional private property for the purpose of constructing the walkway required by this division.~~
- ~~(b) Where the proposed right of way is greater than the existing right of way to the extent that the construction of the facilities prior to the road widening is not practical, the developer may post a security with the Director of Lee Plan for the cost of constructing or erecting the facilities.~~
- ~~(c) The Director may waive the requirements of section 10-442 where a developer has provided bikeways or pedestrian ways and those facilities provide equivalent access to the nearest bus stop.~~
 - (a) Notwithstanding the provisions of section 10-442, the facility will not be required where the Development Services Director, along with a recommendation from the Director of LeeTran, determines that:
 - (1) Construction of the facility would be contrary to public safety; or
 - (2) There is an absence of need.
 - (b) As a condition of granting the waiver, the applicant is required to make a fee-in-lieu contribution in accordance with sec. 10-256(b)(5).

ARTICLE IV. DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS

Sec. 10-602. Applicability.

- (a) Applicability. Provisions of this article are applicable to all new development and for renovations and redevelopments (as provided below) in all commercial zoning districts as well as in commercial components of planned development districts and DRIs. However, places of worship (df) are specifically excluded; ~~and commercial and mixed use buildings that are built in compact communities on any of the lot types set forth in article II of chapter 32 must comply with the standards in chapter 32.~~

Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential use, all exposed parking spaces on the top level of the garage must provide additional design treatments, at the Director's discretion, to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque

covers and permanent landscaping. In addition, surfaces of exposed parking aisles and drives must be comprised of specialty pavers or colored stamped concrete having nonreflective matte surface.

(b) thru (c) remain unchanged

Sec. 10-610. - Site design standards and guidelines for commercial developments.

(a) Purpose and intent. The purpose and intent of these provisions is to supplement and enhance existing regulations and to require ~~encourage~~ the design of developments that will provide safe, convenient, and efficient access for vehicles while also providing safe, convenient, and efficient passage for pedestrians from the public right-of-way to the commercial building or development, and between buildings within the commercial development. It is further the purpose and intent of these provisions to require parking, lighting, and lighting fixtures to be designed, installed, and maintained in a consistent and coordinated manner for the entire site (including their out parcels) and integrated and designed so as to enhance the visual appearance and impact on the community. The Development Services Director is hereby authorized to grant deviations from the technical standards in this subsection, subject to the criteria set forth in section 10-104.

(b) thru (c) remain unchanged.

(d) Pedestrian walkways and bicycle parking.

(1) Pedestrian access standards.

a. Pedestrian ways, linkages or paths internal to the project must provide access between parking areas, building entries, surrounding streets, external sidewalks, transit stops, other uses, and out parcels. The pedestrian facilities must provide safe access through the project from external sidewalk facilities or bus stops to the building entry.

b. If external sidewalk facilities identified on the official bikeways/walkways facilities plan are not in existence at the time of development, then the project must construct the internal pedestrian facilities up to the property line, and external sidewalks consistent with section 10-256. Use of the internal pedestrian facilities as open space is subject to the limitations set forth in sec. 10-415(d)(2)d.

c. Pedestrian and/or bicycle connections to adjacent development must be provided. Connections to adjacent residential neighborhoods and vacant tracts of land will not be precluded by the development's design.

(2) thru (3) remain unchanged.

(e) remains unchanged

(f) Project entrance.

(1) thru (2) remain unchanged.

(3) Projects must include sidewalks access independent of vehicular entrance. must be provided along the entrance to a commercial development generating more than 300 trip ends during the peak hour of the generator.

~~(4) An administrative deviation may be granted from this section by the Director of Development Services in consultation with the Department of Transportation Director.~~

Sec. 10-620. - Design standards and guidelines for commercial buildings.

(a) thru (b) remain unchanged.

(c) Facades.

(1) *remains unchanged.*

(2) Architectural design.

a. *thru b. remain unchanged.*

c. On large projects one of the following site design elements:

1. Integration of specialty pavers, or stamped concrete along the building's walkway. Said treatment must constitute a minimum of 60 percent of walkway area; or
2. Fountains, reflection ponds or other water elements, a minimum of 150 square feet in area for every 300 lineal feet of primary facade length; or
3. Surface and stormwater management facilities designed as physical or visual amenities that provide open space or an aesthetic feature; or
43. Any alternative treatment or combination of the above elements that the Development Services Director finds meets the intent of this section.

(3) *remains unchanged.*

(d) Roof treatments.

(1) *and (2) remain unchanged.*

(3) Roofs must be designed to also meet at least two of the following requirements:

- ~~a. Parapets used to conceal roof top equipment and flat roofs;~~
- ba. Three or more roof slope planes per primary facade. (See Illustration 9 below);
- be. Sloping roofs, which do not exceed the average height of the supporting walls, must have an average slope equal to or greater than 4V:12H but not greater than 12V:12H;
- cd. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs must have a minimum of two changes): or
- de. Three-dimensional cornice treatment which must be a minimum of ten inches in height with a minimum of three reliefs.

(4) Prohibited roof types and materials. The following roof types ~~of materials~~ are prohibited:

Remainder of section remains unchanged.

ARTICLE V. ILLUSTRATIONS, TABLES AND DIAGRAMS

~~Sec. 10-706. Minimum specifications for bridge improvements.~~

~~Sec. 10-707. Four and six lane arterial roadways.~~

~~Sec. 10-708. Collector streets.~~

~~Sec. 10-709. Public local streets.~~

~~Sec. 10-710. Private local streets.~~

~~Sec. 10-711. Access streets.~~

Secs. 10-106 – 10-711. Reserved.

ARTICLE II. MINING AND EXCAVATION

Section 12-116. Transportation Issues.

(a) remains unchanged

(b) Site related improvements.

(1) through (2) remains unchanged

(3) The mining operation must provide paved access connections to the County’s roadway network. Paved access connections must:

a. Satisfy the minimum street construction standards ~~Category “A” standards~~ as set forth in section 10-296 ~~for industrial development specified in this Code.~~

b. remains unchanged

Chapter 32

~~Chapter 32 – COMPACT COMMUNITIES~~

~~(Chapter deleted in its entirety.)~~

Chapter 33

ARTICLE III. - GREATER PINE ISLAND

DIVISION 5. COASTAL RURAL DEVELOPMENT REGULATIONS

Sec. 33-1053. - Coastal Rural approval procedures.

(a) *Approval procedures for commercial developments.* All commercial development or redevelopment within the Coastal Rural land use designation must be approved in the form of a planned development, except where permitted by right or special exception in accordance with section ~~33-1201~~2-148(d).

(b) thru (d) remain unchanged.

DIVISION 7. - ~~USES~~Reserved

Sec. ~~33-1201.~~ Uses.

The following use regulations apply to agriculturally zoned ~~existing~~ parcels, where all the residential development rights have been severed pursuant to the Greater Pine Island Transfer of Density Rights (TDR) Program in accordance with chapter 2, article IV.

	Special Notes or Regulations	AG-2
Agricultural uses	34-2, 34-2441 et seq.	P
Agricultural accessory uses and buildings	Note (1), 34-1171 et seq., 34-2441 et seq.	P
Agritourism activity	34-2, 34-1711	P
Animals, reptiles, marine life:		
— Animals (excluding exotic species)	34-1291 et seq.	P
— Keeping, raising or breeding of domestic tropical birds (df) for commercial purposes	34-2, 34-1291 et seq.	P
— Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)	34-1291 et seq.	P
— Keeping, raising or breeding of marine life which requires the storage of brackish or saline water in man-made ponds	34-1291 et seq.	P
Caretaker's residence	Notes (2) and (3)	P
Communication facility, wireless	34-1441 et seq.	Refer to 34-1441 et

		seq. for regulations
Consumption on premises	Note (4), 34-1264 et seq.	AA/SE
Essential services	34-1611 et seq., 34-1741 et seq.	P
Essential service facilities, Group I (34-622(c)(13))	34-1611 et seq., 34-1741 et seq., 34-2141 et seq.	P
Farm labor housing	Note (5), 34-1891 et seq.	SE
Food and beverage service, limited	Note (4), 34-2, 34-1711	P
Produce stands, temporary and permanent	34-1711 et seq.	P
Research and development laboratories, Group I	34-622(c)(41)	P
Stable, boarding or private	34-1291 et seq.	P
Temporary uses	34-3041 et seq.	TP
U-pick operations	34-1711 et seq.	P

Notes:

- (1) ~~Limited to uses and buildings customarily incidental to agricultural uses, including the processing and packaging of agricultural products primarily grown on the premises.~~
- (2) ~~Not permitted in Airport Noise Zone B unless required to support a noise compatible use and constructed in compliance with limitations for dwelling unit type set forth in section 34-1004 as applicable.~~
- (3) ~~Only in conjunction with a bona fide agricultural use.~~
- (4) ~~Only when accessory to an agritourism activity permitted in accordance with LDC section 34-1711.~~
- (5) ~~Not permitted in Airport Noise Zone B. Housing units consisting of mobile homes or park trailers are also not permitted in Airport Noise Zone B.~~

~~(6) Not permitted in Airport Noise Zone B.~~

ARTICLE VIII. NORTH FORT MYERS PLANNING COMMUNITY

DIVISION 4. TOWN CENTER LAND DEVELOPMENT PROVISIONS

~~Sec. 33-1603. Architectural standards.~~

~~In addition to the requirements of section 10-620, all commercial, public and vertical or horizontal mixed use buildings or development within the North Fort Myers Town Center must comply with "Urban Design Guidelines" applicable to Neighborhood Centers in North Fort Myers (section 32-805). These standards are applicable utilizing conventional zoning, planned development zoning, and/or Compact Communities per Chapter 32.~~

Sec. 33-1604. - Use regulations.

~~In addition to uses permitted per Table section 32-244 for Compact Communities, the following uses per Table 32-1604 are permitted when utilizing Compact Communities per Chapter 32 within the North Fort Myers Town Center. Live-Work units are also a permitted use in the North Fort Myers Town Center.~~

~~Development utilizing conventional zoning or planned development zoning may utilize uses per Subdivision IV "Commercial Corridor Use Regulations" section 33-1596.~~

~~All development within the North Fort Myers Town Center may allow uses described in Subdivision IV "Commercial Corridor Use Regulations" sec. 33-1596 and Table 33-1604.~~

~~Remainder of section remains unchanged.~~

Chapter 34

DIVISION 4. - HEARING EXAMINER

Sec. 34-145. - Functions and authority.

(a) thru (c) remain unchanged

(d) Zoning matters.

(1) remains unchanged

(2) Functions. The hearing examiner has the duty and responsibility to make recommendation to the Board on applications for the following requests:

a. thru d. remain unchanged

e. Use of Bonus Density in conjunction with a rezoning. ~~Applications to increase density above the Lee Plan standard density range through the use of affordable housing bonus density units or Transfer Development Rights.~~

f. remains unchanged

(3) remains unchanged

(4) *Findings/review criteria.*

a. Before recommending approval for:

1. *remains unchanged*

2. *Planned Development Rezoning*. The Hearing Examiner must also find:

a) thru c) remain unchanged

~~d) Compact PD in Southeast Lee County. The regulating plan will be similar in performance to the conceptual regulating plan, under section 32-405; and~~

e)d) Mine excavation planned development. The request meets the following:

Remainder of section remains unchanged.

ARTICLE IV. - PLANNED DEVELOPMENTS

DIVISION 1. - GENERALLY

Sec. 34-341. - Employment of planned development designation.

(a) The Lee Plan requires Developments of County Impact to be developed as planned developments. These Developments of County Impact, defined in subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the Division Director determines that it is in the public interest to do so.

~~Development of private recreational facilities in Southeast Lee County requires private recreational facility planned development (PRFPD) district zoning, which must comply with the special regulations set forth in section 34-941 as well as the other requirements set forth in this article.~~

~~Development of Mixed Use Communities in Southeast Lee County that do not qualify for administrative approval in accordance with chapter 32, article IV, may request compact planned development (Compact PD) district zoning as set forth in chapter 32.~~

~~Development of a mining excavation requires mining excavation planned development (MEPD) district zoning, which must comply with the process and regulations set forth in chapter 12.~~

(b) The Lee Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as Developments of County Impact. The Development of County Impact thresholds are further categorized as major or minor planned developments as follows:

(1) *Major planned developments.*

a. A PRFPD ~~or Compact PD~~ in Southeast Lee County;

b. thru h. remain unchanged

~~i Residential uses within the Mixed Use interchange area as specified by Lee Plan Policy 1.3.6;~~

jj. Any combination (mixed use) of the above-listed land uses where the sum of the percentages of each applicable individual threshold is equal to or greater than:

1. 100 percent for two land uses; or
2. 125 percent for three or more land uses;
- kj. Any development of regional impact not included in subsections (b)(1)(b) through (j) of this section;
- lk. Any development which includes the above ground storage of more than 40,000 gallons of petroleum;
- ml. Any development proposed under the New Community land use element of the Lee Plan;
- nm. Any proposed hotel/motel that will contain more than 200 rental units.

(2) thru (5) remain unchanged

DIVISION 2. - APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 34-373. – Application.

- (a) *Minimum required information for planned development zoning applications.* Rezoning applications for all planned developments, with the sole exception of mine excavation planned developments (MEPD) under chapter 12, must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. A MEPD application must be submitted in accord with section 12-110 and is subject to the sufficiency timing provisions outlined in ~~section 34-372(d)~~.

Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

(1) thru (3) remain unchanged

- (4) *Description of existing conditions.* The application for a planned development must be accompanied by:

a. thru e. remain unchanged

- f. ~~Additional submittal requirements for Compact PD district applications are set forth in section 34-931 et seq. and chapter 32.~~

(5) remains unchanged

- (6) *Master concept plan.* All applications must be accompanied by a graphic illustration (master concept plan) of the proposed development. PRFPDs must comply with section 34-941. ~~Compact PDs must comply with chapter 32.~~

If blasting is proposed to be conducted on the property in order to excavate lakes or other site elements, the location of all proposed blasting must be shown. See section 34-202(b)(6) for other required information.

Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size. Both sizes of the master concept plan must be clearly legible, depict the correct scale for the size drawing and be drawn at a scale sufficient to adequately show and identify the following information:

a. thru l. remain unchanged

(7) thru (8) remain unchanged

- (9) *Deviations.* A schedule of deviations and a written justification for each deviation requested as part of the master concept plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be indicated on the master concept plan, ~~or, for Compact PDs, on the regulating plan.~~
- (b) ~~Additional required information for all major planned development zoning. PRFPDs must also comply with the additional requirements contained in section 34-941. Compact PDs must also comply with the additional requirements contained in chapter 32.~~

Remainder of section remains unchanged.

ARTICLE VI. DISTRICT REGULATIONS

DIVISION 2. - AGRICULTURAL DISTRICTS

Sec. 34-651. - Purpose and intent.

The purpose of the agricultural districts is:

- (1) to provide areas for the establishment or continuation of agricultural operations, with residential uses being permitted as ancillary to agricultural uses; and
- (2) to accommodate those individuals who understand and desire to live in an agricultural environment; ~~and~~
- ~~(3) to accommodate compact communities in Southeast Lee County that protect agricultural or natural lands.~~

Sec. 34-652. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the AG districts for any purpose other than as provided in section 34-653, pertaining to use regulations for agricultural districts, and section 34-654, pertaining to property development regulations for agricultural districts, except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620, ~~or chapter 32.~~

Sec. 34-653. - Use regulation table.

Use regulations for agricultural districts are as follows:

TABLE 34-653. USE REGULATIONS FOR AGRICULTURAL DISTRICTS

	Special Notes or Regulations	AG-1	AG-2	AG-3
Accessory uses on tracts encumbered by easements that created TDR credits	Note (26)	P	P	P

Compact community	Note (27)	P	P	P
Residential subdivision	Notes (17) and (28)	P	P	P

Remainder of Table 34-653 remains unchanged

Notes:

(1) thru (25) remain unchanged

~~(26) Certain additional accessory uses may be allowed by Lee County through formal acceptance of agricultural or conservation easements in exchange for TDR credits as provided in 32-307. These additional accessory uses are allowed on the easement property only to the extent they are specifically set forth in the recorded easement.~~

~~(27) Chapter 32, article IV, regulates the potential location and configuration of compact communities on certain agriculturally zoned land in Southeast Lee County. Allowable uses of individual lots within compact communities are set forth in chapter 32, article II.~~

~~(28) Subdivision of acreage in Southeast Lee County into five or more residential lots requires rezoning to a planned development district, except as provided in chapter 32, article IV.~~

~~(269) Minimum property size for a picnic pavilion is 10 acres. Structure is limited to 1,000 square feet with less than 100 square feet for an enclosed bathroom.~~

Sec. 34-654. - Property development regulations table.

Property development regulations for agricultural districts are as follows:

TABLE 34-654.

PROPERTY DEVELOPMENT REGULATIONS FOR AGRICULTURAL DISTRICTS

Table 34-654 remains unchanged

Notes:

(1) Certain projects in agricultural districts may fall within the DR/GR land use category. In such areas, additional density and use restrictions are applicable as provided in the Lee Plan and this Code (e.g., sections 34-653 and chapter 32-). New residential uses are limited to a maximum density of one dwelling unit per ten acres ~~except as provided in chapter 32~~; however, 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 wetlands.

(2) thru (5) remain unchanged.

~~(6) All lots in the "Coastal Rural" land use category in Greater Pine Island (as delineated by policies 1.4.7 and 14.1.8 of the Lee Plan) that are created after May 29, 2007 must comply with the additional~~

~~regulations in section 33-1052. Lots created before that date are not required to comply with the additional regulations in section 33-1052.~~

Secs. 34-655—34-670. - Reserved.

DIVISION 3. - RESIDENTIAL DISTRICTS

Sec. 34-712. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may be hereafter be erected, constructed, moved, altered or maintained in the RM districts for any purpose other than as provided in section 34-714, pertaining to use regulations for multiple-family residential districts, ~~and section 34-715, pertaining to property development regulations for multiple-family districts,~~ except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620 or section 34-713.

Sec. 34-715. - Property development regulations table.

No structure may be hereafter be erected, constructed, moved, altered or maintained in the RM districts in a manner that is not consistent with the property development regulations for multiple-family districts, except as provided for in article VIII (nonconformities) of this chapter, or in Sec. 34-620 or Sec. 34-713.

Properties located within the Mixed Use Overlay as delineated on Map 1, page 6 of the Lee Plan and described in Objective 11.2 may apply the alternative property development regulations under the “MUO” category.

Property development regulations for multiple-family districts are as follows:

TABLE 34-715. PROPERTY DEVELOPMENT REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

	Special Notes or Regulations	RM-2	RM-3	RM-6	RM-8	RM-10	<u>MUO</u>
Minimum lot area and dimensions:	34-1493, 34-1494, 34-2221, 34-2222, 34-2142						
Single-family detached:	Note (7)						
Minimum lot size (square feet)		6,500 (1)	14,500	7,500	6,500	6,500	<u>0</u>
Lot width (feet)		65	75	75	65	65	<u>25</u>
Lot depth (feet)		100	100	100	75	75	<u>0</u>

Duplex, two-family, townhouse:	Note (7)							
Minimum lot size (square feet)	34-713	7,500 (2)	29,000	14,000	10,000	10,000	0	
Lot width (feet)		75	75	75	75	75	25	
Lot depth (feet)		100	100	100	100	100	0	
Multiple-family:	Note (7)							
Minimum lot size (square feet)		10,000	43,500	20,500 (3)	15,000	12,000	0	
Lot width (feet)		100	100	100	100	100	25	
Lot depth (feet)		100	120	120	120	120	0	
Nonresidential uses:								
Lot area (square feet)		10,000	20,000	10,000	10,000	10,000	0	
Lot width (feet)		75	100	75	100	100	25	
Lot depth (feet)		100	100	100	100	100	0	
Minimum setbacks:								
Street (feet)	Notes (4) and (5), 34-2191 et seq.	Variable according to the functional classification of the street or road (see section 34-2192).					0	
Side yard (feet):	Notes (4) and (6), 34-2191 et seq.						0	
Single-family, duplex, two-family attached, townhouse		7	7	7	7	7	0	
Multiple-family and all other uses		20	20	20	20	20	0	
Rear yard (feet)	34-2191 et seq.	20	20	20	20	20	0	
Water body (feet):	34-2191 et seq.							
Gulf of Mexico		50	50	50	50	50	50	
Other		25	25	25	25	25	25	

Special regulations:							
Animals, reptiles, marine life	34-1291 et seq.	Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.					
Consumption on premises	34-1261 et seq.						
Docks, seawalls, etc.	34-1863						
Essential services	34-1611 et seq.						
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142						
Fences, walls, gatehouses, etc.	34-1741 et seq.						
Hotel/motel	34-1801 et seq.						
Nonroofed accessory structures	34-2194(c)						
Railroad right-of-way	34-2195						
Maximum height (feet)	34-2171 et seq.	35	35	35	35	35	<u>As req. by 34-2171 et seq.</u>
		Note: Bonita Beach, Captiva, San Carlos Island, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special limitations (see section 34-2171 et seq.).					
Maximum lot coverage (percent of total lot area)		45%	45%	45%	45%	45%	<u>No maximum</u>

Notes:

(1) thru (3) remains unchanged

(4) Modifications to required setbacks for arterial or collector streets, or for solar or wind energy purposes, are permitted only by variance. See section 34-2191 et seq. Properties within the Mixed Use Overlay must comply with this requirement.

(5) Special street setbacks apply to portions of Colonial Boulevard and Daniels Road. Refer to section 34-2192 (b). Properties within the Mixed Use Overlay must comply with this requirement.

(6) remains unchanged

~~(7) All lots in the "Coastal Rural" land use category in Greater Pine Island (as delineated by policies 1.4.7 and 14.1.8 of the Lee Plan) that are created after May 29, 2007 must comply with the additional regulations in section 33-1052. Lots created before that date are not required to comply with the additional regulations in section 33-1052.~~

DIVISION 6. - COMMERCIAL DISTRICTS

Sec. 34-841. - Purpose and intent.

(a) remains unchanged

(b) *C-1A, C-1 and C-2 commercial districts.* The purpose and intent of the C-1A, C-1 and C-2 districts is to regulate the continuance of commercial and select residential land uses and structures lawfully existing in the C-1A, C-1 and C-2 districts as of August 1, 1986, and as originally permitted by the County Zoning Regulations of 1962, as amended, and 1978, as amended, respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A, C-1 or C-2 districts, unless located within the Mixed Use Overlay as identified on Lee Plan Map 1, Page 6. In no case shall new development be permitted in any existing C-1A, C-1 or C-2 district which is not consistent with the Lee Plan.

(c) thru (o) remains unchanged

Sec. 34-843. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district for any purpose other than as provided in section 34-844, pertaining to use regulations for conventional commercial districts, ~~and section 34-845, pertaining to property development regulations for conventional commercial districts,~~ except as may be specifically provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

Remainder of section remains unchanged

Sec. 34-844. - Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 34-844. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2	C-2A	CN-1	CN-2	CN-3 (21, 23)	C-C	C-G	CS-1	CS-2	C-H	C-T	C-R	C-I	C-P
Multiple	Note (25)	<u>P(35)/E</u>	P	P	E	SE	SE	SE	—	—	SE	SE	—	P	—	—	—

-family building		O			O	(10)	(10)	(10)			(10)	(10)						
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Remainder of Table 34-844 remains unchanged

Notes:

Notes (1) thru (34) remains unchanged

(35) New multiple-family buildings are permitted on properties zoned C-1A only within the Mixed Use Overlay.

Sec. 34-845. - Property development regulations table.

No structure may be hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district in a manner inconsistent with the property development regulations for conventional commercial districts, except as provided for in article VIII (nonconformities) of this chapter, or in section 34-620.

Properties located within the Mixed Use Overlay as delineated on Map 1, page 6 of the Lee Plan and described in Objective 11.2 may apply the alternative property development regulations under the “MUO” category.

Property development regulations for conventional commercial districts are as follows:

TABLE 34-845. PROPERTY DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2, C-2A	CN-1	CN-2	CN-3	CC, CG	C S-1	C S-2	CH	CT	CR	CI	CP	<u>M</u> <u>UO</u>
Maximum density	Note (1)				(2)	(2)	(2)		(2)	(2)						
Minimum lot area and dimensions:	34-2221, 34-2222, 34-2142															<u>0</u>
Minimum lot size:																<u>0</u>
Residential uses (square																<u>0</u>

	feet):																	
	First two units in same building	7,500	7,500	7,500	—	—	7,500	—	—	5,000	—	7,500	—	—	—			
	Each additional unit in same building	—	3,000	2,000	—	—	2,000	—	—	—	—	2,000	—	—	—			
	Nonresidential uses (square feet):																	
	Corner lot	7,500	7,500	10,000	10,000	10,000	10,000	20,000	20,000	5,000	10,000	20,000	39,500	2 acres	None			
	Interior lot	7,500	7,500	10,000	10,000	10,000	7,500	20,000	20,000	5,000	10,000	20,000	33,600	2 acres	None			
	Lot width (feet)	75	75	75	75	100	75	100	100	50	100	100	100	150	—	<u>25</u>		
	Lot depth (feet)	100	100	100	100	100	100	100	100	100	100	100	100	150	—	<u>0</u>		
	Minimum setbacks:	34-1174 et seq. & 34-2191 et seq.											(10)					
	Street (feet)	Notes (3) and (4)		Variable according to the functional classification of the street or road (see section 34-2192).													<u>0</u>	
	Side yard (feet)	Notes (3) and (5)		15	15	15	15	15	10	15	20	10	15	20	15	15	Note (6)	<u>0</u>

Rear yard (feet)		25	25	25	20	20	20	25	20	20	20	25	20	25	Not e (7)	<u>0</u>
Water body (feet):	34-2191 et seq.															
Gulf of Mexico		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.														
Other		25	25	25	25	25	25	25	25	25	25	25	25	25	25	<u>25</u>
Special regulations:		Refer to the sections specified for exceptions or additions to the minimum setback requirements listed in this table.														
Animals, reptiles, marine life	34-1291 et seq.															
Consumption on premises	34-1261 et seq.															
Dairy products (sic 202)	34-2443															
Docks, seawalls, etc.	34-1863															
Essential services	34-1611 et seq.															
Essential service facilities (34-622(c)(13))	34-1611 et seq., 34-2142															
Fences, walls, gatehouses, etc.	34-1741 et seq.															
Fertilizer mixing	34-2443															
Hotel/motel	34-1801 et seq.															

Nonroofed accessory structures	34-2194(c)																
Railroad right-of-way	34-2195																
Outdoor storage or display of merchandise	34-3001 et seq. Note (8)																
Maximum height (feet)	34-2171 et seq.	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
		Note: Bonita Beach, Captiva, San Carlos Islands, Gasparilla Island conservation district, Greater Pine Island and areas within the airport hazard zone have special height limitations (see section 34-2175).															
Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%	40%	40%	40%	40%	50%	40%	40%	40%	40%	40%	40%	40%
																	40% (9)

Remainder of section remains unchanged

DIVISION 9. - PLANNED DEVELOPMENT DISTRICTS

Sec. 34-931. - Purpose and intent.

(a) thru (g) remain unchanged.

- (h) *MPD mixed use planned development district.* To permit planned developments with a mixture of uses in accordance with subsection 34-612(2) as set forth in this chapter ~~and Objective 4.1 of the Lee Plan~~ in order to reduce the number of vehicular trips on the County's arterial and collector road network.
- (i) *Private recreational facilities planned development (PRFPD) district.* The PRFPD district provides specific land development regulations that allow private recreational facilities in suitable areas within DR/GR areas. The PRFPD district can not be requested or approved in any other land use category.

~~The density reduction/groundwater resource (DR/GR) areas include 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 in these areas. Land uses in these areas must be compatible with maintaining historic surface and groundwater levels. Permitted land uses within the DR/GR areas include private recreational facilities when approved as part of a PRFPD district.~~

(j) remains unchanged

~~(k) Compact planned development (Compact PD) district. The Compact PD district is intended for compact neighborhoods with shopping and workplaces nearby. Specific land development regulations are provided in chapter 32.~~

Sec. 34-932. - Regulation of land use in planned developments.

(a) All uses of land, water and structures permitted in a planned development are subject to the general requirements for planned developments, an adopted master concept plan and various special conditions, as required. Mine excavation planned developments are subject to chapter 12, ~~the adopted MEPD resolution, special conditions and the approved engineered mine site plan set. Compact planned developments are subject to chapter 32, the adopted Compact PD resolution, special conditions, and the approved regulating plan.~~

(b) remains unchanged

(c) All special conditions must be reasonably related to the proposed development and to any reasonably expected impacts on public services and facilities and the public safety, health and general welfare. Such special conditions should be pertinent to the mitigation of these impacts. All conditions must be adopted as part of the zoning resolution and as an appendix to the approved master concept plan, or ~~engineered mine site plan set, or regulating plan~~ that governs the planned development.

(d) The standards for use and development of a planned development will be set forth in the zoning or MEPD resolution and its attachments, and, unless modified through the schedule of deviations, where applicable (see section 34-412) ~~or as provided in chapter 32,~~ such standards may not be less restrictive than the minimum standards set forth elsewhere in this chapter, chapter 12, or other applicable development regulations.

(e) remains unchanged

Sec. 34-934. - Use regulations table.

Use regulations for planned development districts are as follows:

TABLE 34-934. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

*** Compact Planned Development Column and Row has been removed from this table

	Special Notes or Regulations	RPD	MHPD	RVPD	CFPD	CPD	IPD Note (37)	AOPD	MPD	MEPD
Agricultural uses and agricultural	<u>Note (48)</u>	—	—	—	—	—	P	P	P	—

accessory uses										
Compact community	Note (48)									

Remainder of Table Remains Unchanged

Notes:

(1) thru (47) remain unchanged

(48) Land uses in the Compact PD district are governed by chapter 32. 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 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 for that tract or phase. (Added by Ordinance No. 00-22) MOVED FROM LEE PLAN POLICY 9.2.2

Sec. 34-935. - Property development regulations.

The provisions of this section do not apply to PRFPDs; property development regulations for PRFPDs are set forth in section 34-941. ~~The provisions of this section do not apply to Compact PDs; property development regulations for Compact PDs are set forth in chapter 32.~~

Remainder of section remains unchanged

Sec. 34-936. - General conditions for all land uses.

(a) remains unchanged

(b) Parking. Unless governed by alternative standards established by special conditions ~~or by chapter 32,~~ parking for any use in this planned development will be governed by article VII, division 26, of this chapter in accordance with the actual use.

Remainder of section remains unchanged.

ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 12. - DENSITY

Sec. 34-1495. - Density limitations for specific areas.

~~Except as may be specifically permitted by the Lee Plan, maximum densities are hereby limited as follows:~~

~~(1) Captiva Island. Maximum density permitted on Captiva Island is three dwelling units per gross residential acre.~~

~~(2) Gasparilla Island. Maximum density permitted on Gasparilla Island is three dwelling units per gross residential acre. Refer to Laws of Fla. ch. 83-385 for a description of affected properties.~~

~~(3) Greater Pine Island. See density limitations for Greater Pine Island in section 33-1085.~~

DIVISION 17. - FENCES, WALLS, GATES AND GATEHOUSES

Sec. 34-1743. - Residential project walls.

(a) thru (b) remain unchanged

~~(c) Residential project fences or walls are not permitted in compact communities regulated by chapter 32. This prohibition does not affect the ability of a residential or mixed use development within a compact community to provide entry features and/or residential development identification signs that comply with chapter 30.~~

DIVISION 26. - PARKING

Sec. 34-2015. - Location and design generally.

(1) *Location.* All required parking spaces must be provided on the same premises and within the same zoning district as the use they serve or within a zoning district that permits the same use, except for off-site parking provided by the following parking facilities:

a. thru b. remain unchanged

~~c. Park and ride lots and park and ride spaces~~ Commercial parking lots within the C1, C-2, and C-2A zoning districts.

(2) *Design.* Parking lots must be designed in accordance with the following:

a. thru e. remain unchanged

~~f. Adjacent commercial uses must provide parking lot interconnections for automobile traffic. Intereconnects between parking lots do not satisfy the criteria for site location standards outlined in Lee Plan Policy 6.1.2(5).~~

g. Traffic pattern. There must be adequate ingress and egress to the development. Except for streets in urban land use categories, single-family and two-family developments, and certain multi-family buildings as provided in section 34-2020(a), Note (3), proposed structures parking spaces must be located so as to avoid backing of vehicles into streets, the intermingling of automotive and pedestrian traffic or the intermingling of traffic flow in opposite directions.

Sec. 34-2020. - Required parking spaces.

All uses are required to provide off-street parking based on the single-use development requirement unless the use is located in a development that qualifies as a multiple-use development, in which case, the minimum required spaces for multiple-use developments may be used. Use of the multiple-use development minimum parking regulations is optional.

Parking for uses not specifically mentioned in this section must meet the minimum parking requirement for the use most similar to that being requested.

a. thru e. remain unchanged

(f) Parking reduction within the Mixed Use Overlay

Minimum required off-street parking. The single-use development parking standard will be multiplied by the factors in table 34-2020(c) to produce the minimum off-street parking requirements for properties within the Mixed Use Overlay. Off-street parking may be provided on the lot it serves or on available spaces within a lot described in 34-2015(1) within 1,320 feet of the primary entrance of the building it serves.

TABLE 34-2020(c). PARKING REDUCTIONS WITHIN THE MIXED USE OVERLAY

	<u>Future Land Use Category</u>		
	<u>Intensive</u>	<u>Central Urban</u>	<u>Urban Community</u>
<u>Residential uses (34-2020(a))</u>	<u>0.40</u>	<u>0.50</u>	<u>0.60</u>
<u>Non-residential uses (34-2020(b))</u>	<u>0.50</u>	<u>0.55</u>	<u>0.60</u>

DRAFT

Summary Growth Management Lee Plan Amendments

Chapter 2 (Future Land Use Element)

Objective 1.1, 1.3 (Page 1)

Change: Amend Objectives 1.1, 1.3, Policies 1.1.5, 1.1.6, 1.1.7, 1.1.10, 1.1.11, and 1.4.3. These amendments help to clarify the distinction between urban and suburban areas within the Lee Plan, update cross references, and eliminate references to commercial site Location Standards.

Reason: Cleanup site location standards and clarify urban, suburban and non-urban areas.

Objective 2.12 (Page 3)

Change: Relocate Objective 2.12 to a new Goal 11: Mixed Use Development.

Reason: Move provisions addressing mixed use development to one location.

Goal 4 (Page 4)

Change: Rename existing Goal 4: Sustainable Development Standards to Goal 4: General Development Standards. Lee Plan language from Goal 11: Water, Sewer, and Environmental Review Standards are relocated into this goal, and revised to update cross references to Florida Statutes and remove traffic requirements that are duplicated in the Land Development Code (LDC). Existing language from Objective 4.1 and Policy 4.1.2 are deleted since they are superfluous.

Reason: This change provides better organization of the Lee Plan and removes language that is duplicative of language elsewhere in the Plan or LDC.

Objective 4.2 (Page 5)

Change: Relocate Objective 4.2 to a new Goal 1: Mixed Use Development.

Reason: Move provisions addressing mixed use development to one location.

Objective 4.3 (Page 6)

Change: Delete Objective 4.3 and Policies 4.3.1 through 4.3.9 and move the allowance to calculate residential density from non-residential areas within the Mixed Use Overlay to Goal 11.

Reason: Move provisions addressing mixed use development to one location.

Objective 4.4 (Page 9)

Change: Move Objective 4.4 to the Community Facility and Services Element of the Lee Plan at Objective 61.4.

Reason: This change provides better organization of the Lee Plan.

Policies 6.1.2, 6.1.8 and 9.2.2; Objective 10.3 (Page 9)

Change: Amend Objective 10.3, and Policies 6.1.2, 6.1.8, and 9.2.2. These amendments help to clarify the distinction between urban and suburban areas within the Lee Plan and the commercial uses that may be permitted within non-urban areas.

Reason: Cleanup site location standards and clarify urban, suburban and non-urban areas as well as what commercial uses are permitted within non-urban areas.

Goal 11 (existing)(Page 10)

Change: Incorporate the existing Goal 11: Water, Sewer, and Environmental Review Standards into a new Goal 4: General Development Standards.

Reason: This change provides better organization of the Lee Plan and removes language that is duplicative of language elsewhere in the Plan or the LDC.

Goal 11 (proposed)(Page 11)

Change: Create a new Goal 11 titled “Mixed Use Development.” The proposed Goal includes existing language from Objective 2.12 of Goal 2: Growth Management and Objective 4.2 of Goal 4: Sustainable Development Design. In addition, there is a new policy that allows for the LDC to provide more urban site development standards within the Mixed Use Overlay. These amendments also clarify how density is to be calculated in the Mixed Use Overlay and provides criteria to add properties to the Mixed Use Overlay.

Reason: This change provides better organization of the Lee Plan and encourages infill and redevelopment of the County’s urban and mixed use areas.

Policy 16.2.7 (Page 13)

Change: Amend Policy 16.2.7 to update the cross reference to the Southeast Lee County TDR program.

Reason: Update cross reference.

Objective 21.2; Policies 18.1.7, 20.1.2, 21.2.2 (Page 13)

Change: Amend Objective 21.2, and Policies 18.1.7, 20.1.2, and 21.2.2. These amendments help to clarify the distinction between urban and suburban areas within the Lee Plan and eliminate references to commercial site location standards.

Reason: Cleanup site location standards and clarify urban, suburban and non-urban areas.

Objective 27.2, Policies 27.2.1, 27.2.2, 27.2.3, and 27.5.2 (Page 14)

Change: Amend Objective 27.2 and subsequent policies. The amendments to Objective 27.2, Policy 27.2.3 and 27.5.2 update the cross reference from the Page Park Overlay Map to Map 1, Page 7, the Page Park Mixed Use Overlay Map. Policy 27.2.1 and Policy 27.2.2 are proposed to be deleted. These policies directed Lee County to add Page Park to the Mixed Use Overlay and create LDCs for the Page Park Community. These actions have been completed and the policies are no longer needed in the Lee Plan.

Reason: Update cross references and remove outdated policies.

Policies 28.2.5, 28.2.6 and, 30.1.2 (Page 15)

Change: Amend Policies 28.2.5, 28.2.6 and, 30.1.2. These amendments eliminate references to commercial site location standards.

Reason: Cleanup commercial site location standards.

Policy 32.2.10 (Page 16)

Change: Add new policy to allow the Lehigh Acres Specialized Mixed Use Nodes to develop using Mixed Use Overlay standards.

Reason: Allow for a more urban form of development.

Objective 33.3 and Objective 33.4 (and subsequent policies) (Page 16)

Change: Amend Objective 33.3: Residential and Mixed Use Development within Goal 33 for Southeast Lee County. The updates are primarily to combine the Southeast Lee County Transfer of Development Rights (TDR) Program into one new Objective, Objective 33.4: Southeast Lee County Transfer of Development Rights (TDR) Program. The Southeast Lee County TDR Program was originally established in 2010, and the new Objective does not change the way Transferable Development Units (TDUs) created from Density Reduction/Groundwater Resource (DR/GR) are calculated or the receiving areas where those TDUs can be used. Amend Objective 33.3 to remove references to Chapter 32 of the LDC (Compact Communities), and also provide development alternatives for Mixed-Use Communities identified on Map 17.

Objective 33.4, as proposed, provides the generation rates for the Southeast Lee County TDR program and identifies possible receiving areas. The details of the program are proposed to be in Chapter 2 of the LDC where the TDR programs for Wetlands and Greater Pine Island are currently located.

Reason: This change provides better organization of the Lee Plan, reorganizes the structure of the Southeast Lee County TDR program to be consistent with Lee County's other TDR programs, and eliminates references to Chapter 32 and compact communities.

Chapter 3 (Transportation Element)

Goal 36 and Objective 36.1 (Page 24)

Change: Amend Goal 36 and Objective 36.1 to add reference to the Metropolitan Planning Organization (MPO) transportation maps, which will allow Lee County to coordinate with the MPO to ensure any necessary changes incorporated into MPO Plan remain consistent with Lee Plan. Amendments also eliminate out of date references (Rule 9J-5, project specific policy for Coconut Point DRI in the Village of Estero) or update as needed (the 2030 Long Range Transportation).

Reason: These amendments assure consistency with Chapter 163 of the Florida Statutes, remove redundant language, and relocate regulations and codes to the appropriate place in the LDC or administrative codes.

Objective 36.2 (Page 26)

Change: Delete Objective 36.2, Official Trafficways Map.

Reason: Eliminate out of date map reference (Trafficways Map) and redundancies (with Map 3A and 3B).

Goal 37, Objective 37.1 (Page 26)

Change: Amend Goal 37 and Objective 37.1 to make consistent with Florida Statute 163.3177. Eliminate internal redundancies with Policy 95.1.3. Modify out of date references to concurrency and LOS.

Reason: This change provides better organization of the Lee Plan by relocating regulations and processes to the LDC and removing redundancies.

Objective 37.2 (Page 27)

Change: Amend Objective 37.2 to make consistent with Florida Statute 163.3177, eliminate internal redundancies, modify out of date references to concurrency and LOS, and update improvements that may be made to constrained roads.

Reason: These amendments assure consistency with Chapter 163 of the Florida Statutes, align with BOCC direction, remove redundant language, and relocate regulations and codes to the appropriate place in the LDC or administrative codes.

Objective 37.4 (Page 28)

Change: Amend Objective 37.4 to make consistent with Florida Statute 163.3180 and update procedures (proportionate share) and remove references to concurrency. Relocate regulations and processes (proportionate share to LDC Division 2 and AC-13-17). Align with BOCC strategic planning initiative (integrated transportation and land use planning).

Reason: Remove out of date cross references, and provide better organization of Lee County's regulations

Goal 38, Objective 38.1 (Page 29)

Change: Amend Goal 38 and Objective 38.1 to make consistent with F.S. 163.3180; reduce redundancies within plan (internally to Objective 38.1 and with Goal 39); update procedures; and relocate regulations and processes (LDC 2-275 and AC-11-5 (Road Impact Fees), LDC 10-287 (Development Orders), and AC-3-15 (MSTBU)).

Reason: Align with BOCC strategic planning initiative (integrated transportation and land use planning).

Objective 38.2 (Page 30)

Change: Amend Objective 38.2 to update prioritization for transportation projects; update procedures (concurrency consistency with F.S. 163.3180); reduce redundancies (internal to Objective 38.2 and with Goal 95); relocate regulations and processes (LDC Division 2, and AC-13-17 (Development Agreements)).

Reason: Alignment with strategic planning initiatives, updates administrative procedures, and better organizes the Lee Plan.

Goal 39, Objective 39.1 (Page 31)

Change: Amend Goal 39 and Objective 39.1 for consistency with F.S. 163.3180 and 380.06; reduce redundancies (internal within Objective 39.1 and with Goal 11); relocate regulations and

processes (LDC Chapter 2, Chapter 10, and AC-11-5, for access management and site-related improvements)

Reason: Consistency with state statutes, updates administrative procedures, and better organizes the Lee Plan.

Objective 39.2 (Page 33)

Change: Amend Objective 39.2 to allow for context sensitive design of roadways; encourage higher density development at appropriate locations, infill and redevelopment; and consistency with F.S. 163.3180.

Reason: Alignment with strategic planning initiatives (integrated transportation and land use planning).

Goal 40 (Page 34)

Change: Delete Goal 40 and Objective 40.1.

Reason: Reduce redundancies (combined with Goal 39). Relocate regulations and processes (LDC Chapter 10-285, AC-11-3 access management and frontage roads).

Objective 40.2 (renumbered to Objective 39.3 and Objective 39.4)(Page 35)

Change: Move Objective 40.2 to Objective 39.3 and Objective 39.4 and create amendments that will facilitate infill and redevelopment, system management and efficiency.

Reason: Consistency with F.S. 163.3180, reduce redundancies, and provide better organization of the Lee Plan.

Objective 40.3 (renumbered to Objective 39.5)(Page 36)

Change: Move Objective 40.3 to Objective 39.5 and allow for context sensitive design; system management; reduce redundancies (internal within Objective 39.5); and relocate regulations and processes (LDC Chapter 10-296 (design), LeeScape Master Plan).

Reason: Alignment with strategic planning initiatives (integrated transportation and land use planning).

Objective 40.4 (renumbered to Objective 39.6)(Page 37)

Change: Move Objective 40.4 to Objective 36.6 and allow for context sensitive design; system management; reduce redundancies (internal within Objective 39.6 and with Objective 39.2);

relocate regulations and processes (LDC Chapter 10-256, 10-296 and AC-11-9 (bicycle pedestrian design)).

Reason: Alignment with strategic planning initiatives (integrated transportation and land use planning).

Goal 41 (renumbered to Objective 39.7)(Page 38)

Change: Renumber Goal 41 to Objective 37.1; create amendments that promote infill and redevelopment; reduce redundancies (internal within Objective 41.1 and with Objective 39.2); and, relocate regulations and processes (AC-11-14 traffic calming).

Reason: Alignment with strategic planning initiatives (integrated transportation and land use planning).

Goal 43, Objective 43.1 (Page 39)

Change: Reword Goal 43 to make more concise. Eliminate last clause of Objective 43.1 to eliminate the reference to transit ridership revenues in 1999. Eliminate the rest of the policies (except 43.1.8, which is changed 43.1.3) related to the expansion and maintenance of transit services. Add Policy 43.1.4, which establishes the development and maintenance of a convenient public transit network between the county's communities, the Southwest Florida International Airport, and Florida Gulf Coast University.

Reason: Reduce redundancies (internal within Objective 43.1 and within Objective 39.1 and new Objective 39.4).

Objective 43.2 (Page 41)

Change: Delete Objective 43.2 related to new developments providing access to mass transit in order to reduce redundancies (with Objective 39.1) and relocate regulations to LDC 10-256, 10-442.

Reason: Reduce redundancies (with Objective 39.1).

Objective 43.3 (Page 41)

Change: Add language for disseminating information about mass transit scheduling and service information to coordinate with Transit Development Plan (TDP). Eliminate language regarding transit revenue and ridership.

Reason: Evaluate done by dates and update procedures.

Policy 43.4.1, Policy 43.4.2, Policy 43.4.3, Policy 43.4.4, Policy 43.4.5 (Page 41)

Change: Eliminate policy regarding transit accessibility for elderly and disabled residents.

Reason: Reduce redundancies (Objective 43.1).

Objective 43.5 (Page 42)

Change: Delete.

Reason: Reduce redundancies and improve clarity.

Objective 44.1 (Page 42)

Change: Include language indicating updates will happen as needed, and adds language regarding queue line, exclusive bus lanes, and signal priority for transit vehicles.

Reason: Update procedures for the TDP.

Chapter 8 (Housing)

Policy 135.1.4 (Page 42)

Change: Eliminate, “as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520”.

Reason: Correct an out of date cross reference.

Glossary (Page 43)

Added definitions: Future Suburban Areas, Future Non-urban Areas, Transfer Development Rights (TDR) Program, and Transfer Development Unit (TDU).

Reason: To define terms that are proposed to be added to the Lee Plan.

Deleted Definitions: Corner Store Commercial, Extended Pedestrian Shed, Façade, Form-Based Code, Streetscape, and Village Commercial.

Reason: To delete terms that are no longer used within the Lee Plan.

Amended Definitions

Density, paragraph 3

Change: Eliminate language related to density calculation in areas identified on Mixed Use Overlay Map.

Reason: Duplicates Policy 11.2.8

Density, paragraph 4

Change: Eliminate language related to areas in the Captiva community identified by Policy 13.2.1, pertaining to commercial development that includes commercial and residential uses within the same project or the same building that do not have to exclude the commercial lands from the density calculation.

Reason: Duplicates Policy 13.2.1.

Density, paragraph 5

Change: Eliminate language regarding calculating density in Future Urban land use categories when development is mixed use.

Reason: Duplicates Policy 11.1.2.

Future Urban Areas

Change: Add, “Future urban...that...allow for bonus density, and encourage a mixture of uses: General Interchange, and...” Eliminate language listing land uses after “Urban Community”.

Reason: Clarify urban, suburban and non-urban areas.

Pedestrian Shed

Change: Add, “The extended pedestrian shed is ½ mile, or an 8 or 10 minute walk from the common destination. This is the estimated distance that a person is willing to walk under special circumstances in order to reach a destination.”

Reason: Combine definitions for “extended pedestrian shed” and “pedestrian shed”.

Lee Plan Maps

Map 3D: Existing and Proposed Walkways & Bikeways

Change: Combined Map 3D-1 (Bikeways/Walkways Facility Plan – Planned Facilities) and Map 3D-1 (Bikeways/Walkways Facility Plan – Planned Facilities).

Reason: Reduce redundancies and eliminate out of date information.

Map 19: Commercial Site Location Standards

Change: Delete.

Reason: Cleanup commercial site location standards.

Map 22: Lee County Greenways Master Plan

Changes:

1. Removed; trail cut through Yucca Pens Wildlife Management Area
2. Realigned to existing and planned shared use path along US 41 and Business 41; original trail cut through Prairie Pines Preserve
3. Removed; trail cut through Telegraph Creek Preserve
4. Removed section and realigned to N River Rd; original trail cut through Daniels Preserve at Spanish Creek
5. Removed; trail outside of Lee County boundary
6. Realigned to existing and planned shared use path along SR 80 (Palm Beach Blvd); original trail along FPL easement
7. Realigned to Tice St to Staley Rd to Orange River Blvd to align with planned shared use paths
8. Removed; trail along FPL easement adjacent to Waste-to-Energy facility
9. Realigned to existing shared use path along Lee Blvd; original trail along canal
10. Removed; trail along canal and cut through Hickey's Creek Mitigation Park
11. Realigned to planned shared use path along Greenbriar Blvd to Joel Blvd; Removed section from Joel Blvd east to Lee County line
12. Realigned to planned shared use path along Bell Blvd
13. Removed; trail along canal
14. Removed; trail along canal
15. Added connector trail along existing and planned share use path along SR 80 (Palm Beach Blvd)
16. Removed for map clarity at this scale
17. Streamlined map title to "Lee County Greenways Master Plan"
18. Depicting existing and proposed shared use paths to provide consistency between Map 3D and Map 22
19. Removed from map

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OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS. ~~Designate Areas with varying intensities designated by category on the Future Land Use Map (Map 1) categories of varying intensities to that provide for a full range of urban activities. 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.)~~

POLICY 1.1.5: The Suburban areas future land use category ~~are or will consist of be~~ predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. ~~These areas~~ This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. ~~Commercial development greater than neighborhood centers, and i~~ Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed. (Amended by Ordinance No. 94-30, 16-07)

POLICY 1.1.6: The Outlying Suburban areas future land use category is characterized by ~~their its~~ peripheral location in relation to established urban areas. In general, ~~these areas are this category is~~ rural in nature or contains 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 i~~ 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. (Amended by Ordinance 91-19, 03-20, 07-09)

POLICY 1.1.7: The Industrial Development future land use category areas plays an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. 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-uses~~ 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 Development area future land use category is ~~to be~~ reserved mainly for industrial activities per se, as well as for and selective land use mixtures, such as the combined uses of Appropriate land use mixtures include industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations) and office complex (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New limestone 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, recreational and Retail and commercial service uses ~~supporting neighboring industrial uses~~ are allowed as follows if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises; or
2. ~~Commercial uses are integrated into the primary Research & Development/Industrial development; or,~~
23. ~~Commercial~~ Recreational, service and retail uses may not exceed 20% of the total acreage within the Industrial Development future land use categories of areas per each Planning Community.

(Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12, 10-14, 10-16, 10-20)

POLICY 1.1.10: The Commercial future land use category ~~is 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 ~~of the Plan~~. The Commercial ~~areas~~ future land use category ~~is in~~ 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~~ category 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 be predominate in the Commercial ~~areas~~ future land use category. 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 when appropriate site development regulations are incorporated into the planned development.~~ (Added by Ordinance No. 07-09, Amended by Ordinance No. 10-34)

POLICY 1.1.11: The Sub-Outlying Suburban ~~areas~~ future land use category is characterized by are low density 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~~ This future land use category will be develop at lower residential densities than other Future Urban Areas and are placed in areas within communities where higher densities would be are incompatible with the surrounding area and or where there is a desire to retain a low-density community character. Higher densities, commercial development greater than neighborhood centers, and I-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.

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. ~~Designate Special areas adjacent to the interchanges of Interstate 75 on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial that maximize use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands will be designated on the Future Land Use Map, 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, and University Village. 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. (Amended by Ordinance No. 94-30, 99-18, 00-22, 16-02)~~

POLICY 1.4.3: ~~The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, future land use category requires 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 commercial 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 or suburban 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). (Amended by Ordinance No. 91-19, 94-30)~~

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. (Added by Ordinance No. 09-06)~~

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.

(Added by Ordinance No. 09-06)

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. (Added by Ordinance No. 09-06)

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". (Added by Ordinance No. 09-06)

GOAL 4: SUSTAINABLE GENERAL DEVELOPMENT STANDARDS DESIGN. To pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. 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)

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)

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)

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)

OBJECTIVE 4.1 GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS. To insure Consider that appropriate water, sewer, traffic, and environmental review standards during the rezoning process. Ensure the standards are met prior to issuing a are considered in reviewing rezoning applications and are met prior to issuance of a county Local dDevelopment oOrder.

STANDARD 11.3: TRAFFIC.

1. A traffic impact statement must be submitted to and accepted by the county DOT for the following developments:

- Developments of Regional Impact (D.R.I.'s);

- ~~Planned Developments (as specified in the Zoning Regulations); and~~
 - ~~Developments requiring a county development order, as specified in the Land Development Code.~~
- ~~2. 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. AC 13-17 will need to be updated. Ask Marcus and Andy/Wu to work on revisions.~~
- ~~3. Lee County will establish criteria or thresholds to determine the scope of the traffic impact statement required:~~
- ~~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;~~
 - ~~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. (Amended by Ordinance No. 94-30, 00-22)~~

STANDARD ~~4.1.3~~ 4.4: ENVIRONMENTAL REVIEW FACTORS.

- ~~1. 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 existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (Amended by Ordinance No. 94-30, 00-22)~~
- ~~2. **POLICY 4.1.1:** Development designs will be evaluated to e~~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~~ Ensure development minimizes the need for expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

~~**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)~~

~~**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 through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. (Added by Ordinance No. 07-15)~~

~~**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)~~

~~**POLICY 4.2.3:** Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile. (Added by Ordinance No. 07-15)~~

~~**POLICY 4.2.4:** The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas. Bonus densities within the Coastal High Hazard Area may only be achieved through the site built affordable housing program.~~

~~**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)~~

~~**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)~~

~~**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)~~

~~**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)~~

~~**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 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.

- d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

(Added by Ordinance No. 07-15)

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)

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)~~

~~**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 driveup 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)~~

~~**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 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 4.3.8:** Properties in a Mixed Use Overlay are preferred receiving areas for achieving allowable bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives to encourage a compact and functional development pattern.~~

~~**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)~~

~~**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)~~

~~**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)~~

~~**POLICY 4.4.2:** The permitting measures developed should improve the storage within existing natural and manmade flowways. (Added by Ordinance No. 07-16)~~

~~**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)~~

~~**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)~~

~~**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor eCommercial except that Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River. Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. and Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting~~

roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads. (Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18, 16-07)

~~**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 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. (Amended by Ordinance No. 94-30, 98-09)~~

~~**POLICY 9.2.2:** 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. (Added by Ordinance No. 00-22)~~

GOAL 10: NATURAL RESOURCE EXTRACTION.

OBJECTIVE 10.3: Determine and maintain a balance between the County's petroleum resources and the public health, safety and welfare of the residents of its Future urban areas. (Added by Ordinance No. 98-09, Renumbered by Ordinance No. 10-20)

~~**GOAL 11: 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.~~

~~**STANDARD 11.1: WATER:**~~

- ~~1. 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.).~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. 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.~~

5. ~~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.~~
6. ~~If a development lies outside any service area as described above, the developer may:~~
 - ~~request that the service area of an adjacent water utility be extended to incorporate the property;~~
 - ~~establish a community water system for the development; or~~
 - ~~develop at an intensity that does not require a community water system.~~

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

STANDARD 11.2: SEWER.

1. ~~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.~~
2. ~~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 1/4 mile from any part of the development.~~
3. ~~If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.~~
4. ~~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.~~
5. ~~If a development lies outside any service area as described above, the developer may:~~
 - ~~request that the service area of an adjacent sewer utility be expanded to incorporate the property;~~
 - ~~establish a self-provided sanitary sewer system for the development;~~
 - ~~develop at an intensity that does not require sanitary sewer service; or~~
 - ~~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.~~

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

STANDARD 11.3: TRAFFIC.

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

2. ~~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:~~
- ~~• 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;~~
 - ~~• 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.~~
- (Amended by Ordinance No. 94-30, 00-22)

~~**STANDARD 11.4: ENVIRONMENTAL REVIEW FACTORS.** 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. (Amended by Ordinance No. 94-30, 00-22)~~

GOAL 11: MIXED USE: Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

~~**POLICY 11.1.12.12.3:** Future development within the Intensive Development, Central Urban, and Urban Community future land use categories Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate connectivity can be created to adjacent neighborhoods are is strongly encouraged to be developed ~~ment~~ as a mixed use with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).~~

POLICY 11.1.2: Residential densities may be calculated from the entire project area when the development is consistent with the following:

- At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use).
- The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.

~~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". (Added by Ordinance No. 09-06)~~

OBJECTIVE 11.24.2: MIXED-USE OVERLAY. ~~Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns.~~ **POLICY 4.2.1:** The County will maintain an overlay in the future land use map series identifying locations ~~desirable~~ appropriate for mixed use ~~that are~~ located in ~~close~~ proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.

POLICY 11.2.1—~~Appropriate~~ The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. Located within the extended pedestrian shed of established transit routes; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure.
5. Will not intrude into predominately single-family residential neighborhoods.

(Added by Ordinance No. 07-15)

POLICY 114.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses. 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)

POLICY 114.2.3: At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. 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. (Added by Ordinance No. 07-15)

POLICY 11.2.5: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.

POLICY 11.2.6: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.

POLICY 4.3.811.2.7: Properties in a Mixed Use Overlay are encouraged to utilize preferred areas for achieving allowable bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum total densities, as set forth in this plan, and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

~~POLICY 11.2.8~~OBJECTIVE 4.3: Development, redevelopment, and infill ~~rezonings~~ ~~development~~ 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~~ may 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)

POLICY 16.2.7: Time share, fractional ownership units, or Bed and Breakfast establishments will only be permitted in a designated Rural Golf Residential Overlay area as specified on Map 17 and may only be constructed through transferring density in accordance with ~~Policy 33.3.2(1)~~ the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed-Use Community on Map 17 can be redeemed for one timeshare unit, one fractional ownership unit, or two Bed and Breakfast bedrooms. (Added by Ordinance No. 10-43)

OBJECTIVE 18.1: FUTURE LAND USE

POLICY 18.1.7: A diverse mixture of land uses will be encouraged within the University Community. ~~Compatibility will be addressed through project design, including adequate buffering or other performance measures, therefore allowing adjacent appropriate industrial, residential and commercial land uses where such locations represent good planning. In reviewing zoning requests within the University Community, Lee County will consider noise, odor, visual, security and traffic impacts in determining land use compatibility. Because of the required cooperative master planning with and approval by the Board of Regents, the required compatibility review and the requirement that commercial land uses within the University Village be related to the University, development within the University Community will not be subject to the site location standards set forth in Goal 6 of the Lee Plan.~~ (Amended by Ordinance No. 94-30, 00-22)

GOAL 20: BAYSHORE COMMUNITY.

POLICY 20.1.2: ~~Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The following properties are deemed consistent with Policy 20.1.1: t~~The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93, which is part of the property at 6600 Nalle Grade Road, ~~will be deemed consistent with Policy 20.1.1.~~ (Added by Ordinance No. 03-02)

GOAL 21: CALOOSAHATCHEE SHORES

OBJECTIVE 21.2: COMMERCIAL LAND USES. New commercial uses will be limited to properties already zoned for commercial uses as well as ~~commercial centers designated on Map 19, properties located at the intersection of I-75 and S.R. 80, the intersection of S.R. 31 and S.R. 80, properties located in and in the State Route 80 Corridor Overlay District, the Verandah Boulevard commercial node, lands with and the Commercial, Central Urban and Suburban Future Land Use designation, and Future urban areas including the central urban and suburban categories adjacent to S.R. 80.~~ New commercial zoning must be approved through the Planned Development rezoning process. ~~Existing and Future county development regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.~~ (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

POLICY 21.2.2: ~~In order to protect the rural residential character of Buckingham Road, n~~New retail uses along Buckingham Road will be limited to the intersection of S.R. 80 and Buckingham Road outside the commercial node identified on Map 19, will be prohibited. (Added by Ordinance No. 03-21, Amended by Ordinance No. 11-24)

OBJECTIVE 27.2: MIXED USE OVERLAY. Encourage mixed use developments throughout Page Park in a manner that is consistent with the Page Park Vision Statement, Goal 27, and Map 1, Page 7. the Page Park Overlay Map. (Added by Ordinance No. 09-08)

POLICY 27.2.1: ~~By the end of 2009, the area known as Page Park Community will adopt and be designated as a Mixed Use Overlay on the Lee County Future Land Use Map.~~ (Added by Ordinance No. 09-08)

POLICY 27.2.2: ~~By the end of 2009, the Page Park Planning Panel will propose regulations that encourage and allow mixed use developments within the Page Park Mixed Use Overlay as depicted on Map 1 of the Lee Plan, page 6 of 6, Mixed Use Overlay Map.~~ (Added by Ordinance No. 09-08)

POLICY 27.2.31: Encourage Mmixed use developments with mixed use buildings , as defined in the Lee Plan, and mixed use developments containing both commercial and residential uses within the same structure are strongly encouraged throughout the commercial/mixed use overlay depicted on Map 1, Page 7. areas of Page Park. (Added by Ordinance No. 09-08)

POLICY 27.5.1: ~~By the end of 2009 the Page Park Planning Panel will submit regulations that will provide standards for “live work” housing within Page Park for Lee County to review, amend or adopt.~~ (Added by Ordinance No. 09-08)

POLICY 27.5.21: The County will eEncourage “live-work” housing units within the commercial/mixed use overlay depicted on Map 1, Page 7. Page Park Community’s Mixed Use Overlay, whereby the occupant can live and work from within the same building structure. (Added by Ordinance No. 09-08)

~~**POLICY 27.5.32:** The County will continue to enforce minimum standards of housing and sanitation and require prompt action after the identification of abandoned or dilapidated property that may need to be demolished in accord with the Lee County Land Development Code. (Added by Ordinance No. 09-08)~~

GOAL 28: NORTH FORT MYERS.

OBJECTIVE 28.2: LAND USE: CENTERS AND CORRIDORS.

~~**POLICY 28.2.5:** Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:~~

- ~~• Littleton and North Cleveland Avenue;~~
- ~~• North Tamiami Trail and Del Prado Boulevard;~~
- ~~• North Tamiami Trail and Nalle Grade Road;~~
- ~~• Hancock Bridge Parkway and Orange Grove Boulevard;~~
- ~~• North Tamiami Trail and Pine Island/Bayshore Roads;~~
- ~~• Bayshore Road and Slater Road; and~~
- ~~• Bayshore Road and Hart Road~~

~~For these areas, the community favors neighborhood-serving, mixed use development; pedestrian friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19). (Added by Ordinance No. 09-11)~~

~~**POLICY 28.2.6:** Neighborhood Center Overlay District. Development regulations fFor areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District will be incorporated into the Land Development Code. providing the following:~~

- ~~• Permitted and prohibited uses;~~
- ~~• Standards for building, site, landscape, and sign design;~~
- ~~• Standards for pedestrian and bicycle facilities;~~
- ~~• Building setbacks and build-to-lines;~~
- ~~• Conservation of natural features and native vegetation;~~
- ~~• Requirements for shared access and side/rear yard parking;~~
- ~~• Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and~~
- ~~• Incentives for projects incorporating mixed uses, public amenities, and affordable housing. (Added by Ordinance No. 09-11)~~

GOAL 30: BURNT STORE MARINA VILLAGE

OBJECTIVE 30.1

POLICY 30.1.2: ~~Development and Redevelopment of any uses~~ within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process, ~~in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans.~~ Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system. (Added by Ordinance No. 09-16)

GOAL 32: LEHIGH ACRES

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES

POLICY 32.2.10: Development within Specialized Mixed Use Nodes may use the development standards allowed within the Mixed Use Overlay.

GOAL 33: SOUTHEAST LEE COUNTY

POLICY 33.3.1: Existing acreage subdivisions are shown on Map 17. These subdivisions should be protected from adverse external impacts, ~~such as natural resource extraction.~~ (Added by Ordinance No. 10-43)

POLICY 33.3.2: ~~Unsubdivided land is too valuable to be consumed by inefficient land use patterns. Although additional acreage or ranchette subdivisions may be needed in the future, the Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts into Traditional Neighborhood Developments. The preferred pattern for using existing residential development rights from large tracts is to concentrate them as compact internally connected cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas. Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from major DR/GR tracts into traditional neighborhood developments (see glossary).~~

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Allowable residential development without the benefit of TDR credits is limited to the existing allowable dwelling units from Residential density is calculated from the upland and wetland acreage of the entire contiguous DR/GR Southeast Lee County property tract. The only net increases in dwelling units will be Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUsR credits from TDR sending areas within Southeast Lee County as provided in Objective 33.4Policies 33.3.5 and 33.3.6.

- a. ~~When expanded with transferred development rights, the~~ The maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community as shown on Map 17 when TDUs are used.
 - b. ~~The maximum basic intensity of non-residential development is 75 square feet, per by right clustered dwelling unit.~~
 - b. Properties that concentrate development rights and/or use TDUs created from Southeast Lee County within Mixed-Use Communities identified on Map 17 may be allowed the uses designed in accordance with the property development regulations outlined in the Land Development Code for the C-2A zoning district.
 - c. ~~The a~~Additional ~~intensity that can be created using TDUs~~R-credits may not exceed 300,000 square feet of non-residential floor area ~~in any for the entire~~ Mixed-Use Community.
 - d. ~~These limits on dwelling units and non-residential floor area do not apply to any land in a Mixed-Use Community that is designated Central Urban rather than DR/GR. Numerical limits for Central Urban land are as provided elsewhere in the Lee Plan.~~
2. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided ~~it the property under contiguous ownership~~ does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 17.
 3. Development of a Mixed-Use Community must be served by central water and wastewater services.
 3. ~~In 2010 an exception was made to the requirement in Policy 1.4.5 that DR/GR land uses must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels. Under this exception, construction may occur on land designated as a Mixed Use Community on Map 17 provided the impacts to natural resources, including water levels and wetlands, are offset through appropriate mitigation within Southeast Lee County. Appropriate mitigation for water levels will be based upon site specific data and modeling acceptable to the Division of Natural Resources. Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, restoration of historic ecosystems or other mitigation measures as deemed sufficient by the Division of Environmental Sciences. When possible, it is recommended that wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.~~
 4. ~~To create walkable neighborhoods that reduce automobile usage and minimize the amount of DR/GR land consumed by development, the Land Development Code will specify how each Mixed Use Community will provide:~~
 - a. ~~A compact physical form with identifiable centers and edges, with opportunities for shopping and workplaces near residential neighborhoods;~~
 - b. ~~A highly interconnected street network, to disperse traffic and provide convenient routes for pedestrians and bicyclists;~~
 - c. ~~High quality public spaces, with building facades having windows and doors facing treelined streets, plazas, squares, or parks;~~
 - d. ~~Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility; and~~
 - e. ~~Resiliency and sustainability, allowing adaptation over time to changing economic conditions and broader transportation options.~~

(Added by Ordinance No. 10-43, Amended by Ordinance No. 12-24)

POLICY 33.3.3: Properties within ~~DR/GR~~ Southeast Lee County that have existing approvals for residential development inconsistent with the current DR/GR or Wetlands density requirements, may ~~damage~~ have a negative impact on surface and sub-surface water resources, impact habitat, and may encroach on environmentally important land if developed consistent with the vested approvals. As an incentive to reduce these potential impacts, additional densities may be granted if strict criteria improving the adverse impacts are followed.

1. These properties may be designated on Map 17 as “Improved Residential Communities,” provided they meet all of the following requirements:
 - a. Abut lands designated as future urban areas;
 - b. Adjacent to and eligible for public water and sewer services;
 - c. Can provide two (2) direct accesses to an arterial roadway, and;
 - d. Is not already designated on Lee Plan Map 17 as an Existing Acreage Subdivision or a Mixed Use Community.

2. In order to request an increase in density, the property must be rezoned to a Residential Planned Development (RPD) that demonstrates and is conditioned to provide the following:
 - a. Reduced stress to the onsite potable aquifers and is more consistent with water resource goals of Lee County in the ~~DR/GR~~ Southeast Lee County than the existing development approvals.
 - b. Increased conservation areas, relative to the existing approvals, with a restoration plan and long term maintenance commitment.
 - c. Active and passive recreational amenities ~~to promote a healthy lifestyle.~~
 - d. Demonstrates a net benefit for water resources, relative to the existing approvals that demonstrates the following.
 - (1) Lower irrigation demand.
 - (2) Eliminates private irrigation wells
 - (3) Protects Public wells by meeting or exceeding the requirements of the Well Field Protection Ordinance.
 - (4) Uses Florida Friendly Plantings with low irrigation requirements in Common Elements.
 - (5) Connects to public water and sewer service, and must connect to reclaimed water when available.
 - (6) Reduces impervious area relative to existing approvals improving opportunities for groundwater recharge.
 - (7) Designed to accommodate existing or historic flowways.
 - e. Includes an enhanced lake management plan, that addresses at a minimum the following issues:
 - (1) Best management practices for fertilizers and pesticides
 - (2) Erosion control and bank stabilization
 - (3) Lake maintenance requirements
 - (4) Public well field protection
 - f. Indigenous Management Plans must address human-wildlife coexistence.

3. Properties meeting the above criteria and requirements may be permitted additional residential dwelling units in addition to the already existing approvals, but in no case in excess of three (3) dwelling units per DR/GR upland acre. The application for Residential Planned Development must identify the source of the additional residential dwelling units from the criteria below. Approval of the rezoning will be conditioned to reflect the source of additional dwelling units:
 - a. 2 dwelling units for every acre of offsite DR/GR property acquired for conservation purposes with the possibility of passive recreation activities.

- b. 2 dwelling units for every additional acre of offsite DR/GR property put under a conservation easement dedicated to Lee County.
- c. 1.5 dwelling units for every additional acre of onsite property put under a conservation easement.
- d. 1 dwelling unit for every acre of onsite restoration, subject to restoration plan approval as part of the Planned Development rezoning process.
- e. 2 dwelling units for every acre of non-isolated DR/GR preserved primary and secondary panther habitat.
- f. 2 dwelling units for every acre of protected onsite wetlands connected to a regionally significant flowway identified in the Lee Plan.
- g. 1 dwelling unit for every \$8,500 (the current estimated cost to purchase an acre of Southeast DR/GR land) the applicant provides to the county to extinguish density on other Southeast DR/GR parcels.
- h. 1 dwelling unit for every \$8,500 the applicant provides to the county to construct a planned large mammal roadway crossing in the Southeast DR/GR area. The improvements or acquisition of properties serve to mitigate impacts of the increased density. Future “Improved Residential Communities” proposed to be added to Map 17 must provide a reanalysis of the cost to purchase one acre of DR/GR property if criteria (g.) or (h.) are used to account for the increased density. (Added by Ordinance No. 12-24)

POLICY 33.3.4: ~~Properties~~ Lands that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. ~~These properties-lands,~~ located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities overlay must:
 - Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and be consistent with one of the criteria below;
 - Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road; or, west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.
 - ~~a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.~~
 - ~~b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.~~
2. The property is rezoned to a Planned Development that meets the following:

No changes in a. through m.

- n. Demonstrate that the ~~proposed rezoning~~ Planned Development will not result in significant detrimental impacts on present or future water resources.
3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through Planned Developments meeting the criteria and requirements outlined above as follows:
 - a. Tier 1 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per acre.
 - b. Tier 2 lands within the Priority Restoration Strategy will be permitted a maximum density of 1 unit per 2 acres.
 - c. Other lands within the Environmental Enhancement and Preservation Overlay, outside of Tier 1 and Tier 2, meeting the requirements above will be permitted a maximum density of 1 unit per 3 acres.
 - d. Density in the Environmental Enhancement and Preservation Overlay will be based upon the acreage of the entire Planned Development (i.e. all areas within the boundary of the planned development whether uplands, wetlands, or lakes ~~will be calculated at the density provided above~~).
 - e. Additional dwelling units may be approved in the Planned Development meeting the requirements in subsection 2 of this Policy ~~above~~ if transferred from other Southeast Lee County lands located outside of the Planned Development at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office. Dwelling units transferred from other Southeast Lee County Lands will be counted against the 2,000 dwelling unit limitation for Southeast Lee County receiving parcels identified in the Southeast Lee County TDR program.

~~**POLICY 33.3.5:** Owners of major DR/GR tracts without the ability to construct a Mixed Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.~~

- ~~1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.~~
- ~~2. Within the Mixed Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for nonresidential uses. Specific~~

requirements for incorporating these uses into Mixed Use Communities are set forth in the Land Development Code.

- ~~3. Mixed Use Communities must be served by central water and wastewater services. All Mixed Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build out of all Mixed Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed Use Communities and the additional development anticipated through the year 2030.~~
- ~~4. Development approvals for Mixed Use Communities are contingent on adequate capacity in the public school system (see Goal 67).~~
- ~~5. Lee County encourages landowners to concentrate development rights from contiguous DR/GR property under common ownership or control.~~
- ~~6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:
 - ~~a. Other Mixed Use Communities;~~
 - ~~b. Rural Golf Course Communities;~~
 - ~~c. Improved Residential Communities;~~
 - ~~d. Future Urban Areas (see Objective 1.1);~~
 - ~~e. Mixed Use Overlay;~~
 - ~~f. Lehigh Acres Specialized Mixed Use Nodes;~~
 - ~~g. Lee Plan designation that allow bonus density (see Table 1(a)); and,~~
 - ~~h. Incorporated municipalities that have formally agreed to accept TDR credits.~~(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24, Amended by Ordinance No. 14-09, Renumbered by Ordinance No. 15-13)~~

POLICY 33.3.6: The new TDR program will have the following characteristics:

- ~~1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.~~
- ~~2. The preferred receiving locations for the transfer of TDRs are within designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically the Mixed Use Overlay, the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only sites in the DR/GR area permitted to receive transferred development rights are Mixed Use Communities or Rural Golf Course Communities, Improved Residential Communities as shown on Map 17.~~
- ~~3. TDR credits will be available from sending areas as follows:
 - ~~a. One TDR credit may be created for each allowable dwelling unit attributable to sending parcels within the Southeast DR/GR area. As an incentive for permanently protecting indigenous native uplands, one extra dwelling unit will be allowed for each five acres of preserved or restored indigenous native uplands.~~
 - ~~b. As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3 or the southern two miles of Tiers 5, 6 or 7, as shown on the DR/GR Priority Restoration overlay.~~~~

4. ~~The maximum number of TDR credits that can be created from the Southeast DR/GR lands is 9,000.~~
5. ~~No more than 2,000 dwelling units can be placed on receiving parcels within the Southeast DR/GR Mixed Use Communities through the TDR credit program.~~
6. ~~TDR Credits may be redeemed in designated TDR receiving areas as follows:~~
 - a. ~~In Mixed Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit plus a maximum of 800 square feet of non-residential floor area.~~
 - b. ~~In Rural Golf Course Communities, see Policy 16.2.7.~~
 - c. ~~In the Future Urban Areas described in paragraph 2. above, each TDR credit may be redeemed for a maximum of two dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a). TDR credits may not be redeemed for non-residential floor area in these Future Urban Areas.~~
 - d. ~~Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban Areas, each TDR credit may be redeemed for a maximum of two dwelling units.~~
7. ~~When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:~~
 - a. ~~Continued agricultural uses will be permitted;~~
 - b. ~~Conservation uses only;~~
 - c. ~~Conservation use and restoration of the property; or~~
 - d. ~~some combination of the above options.~~

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24; Renumbered by Ordinance No. 15-13)

~~**POLICY 33.3.7:** The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed Use Communities as designated on Map 17. (Added by Ordinance No. 10-19, Renumbered by Ordinance No. 12-24, Renumbered by Ordinance No. 15-13)~~

~~**POLICY 33.3.8:** By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. (Added by Ordinance No. 10-19, Renumbered by Ordinance No. 12-24, Renumbered by Ordinance No. 15-13)~~

OBJECTIVE 33.4: SOUTHEAST LEE COUNTY TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM. To protect water resources and natural habitat of Southeast Lee County, Lee County may incorporate Southeast Lee County's purchase and transfer of development rights programs into the Land Development Code.

POLICY 33.4.1: The new programs may create incentives for property owners within Southeast Lee County to transfer development rights associated with their parcels to receiving lands outside the planning community; or, residential areas identified on Lee Plan Map 17: Southeast DR/GR Residential Overlay as specified in Policy 33.4.2.

POLICY 33.4.2: The Southeast Lee County TDR program will have the following characteristics:

1. Creation of Transferable Development Units (TDUs).
 - a. Up to one (1) TDU may be created per twenty (20) acres of preserved or indigenous wetlands.
 - b. Up to two (2) TDUs may be created from a single-family lot or parcel designated as wetlands that holds an affirmative determination of the single-family residence provision pursuant to Chapter XIII of the Lee Plan.
 - c. TDU credits may be established from DR/GR designated lands as follows.
 - 1) Up to one TDU may be created for each ten upland acres encumbered by an agricultural easement that meets the requirements of section.
 - 2) Up to one TDU may be created for each 5 upland acres with indigenous native or restored native vegetation encumbered by a conservation easement.
 - 3) For each TDU credit allowed by c(1) or c(2) above, up to two extra TDU credits may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7 in the Priority Restoration Strategy (Lee Plan Map 1, Page 4).
2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
 - a. In Mixed-Use Communities in Southeast Lee County identified on Lee Plan Map 17, each Southeast Lee County TDU credit may be redeemed for a maximum of one (1) dwelling unit plus a maximum of 800 square feet of non-residential floor area.
 - b. In Improved Residential Communities in Southeast Lee County identified on Lee Plan Map 17, each Southeast Lee County TDU credit may be redeemed for a maximum of one (1) dwelling unit.
 - c. In Rural Golf Course Communities in Southeast Lee County identified on Lee Plan Map 17, each Southeast Lee County TDU credit may be redeemed for a maximum of one (1) dwelling unit or two bed and breakfast bedrooms.
 - d. No more than 2,000 dwelling units may be placed on receiving parcels identified in subsections a. through c. above using the Southeast Lee County TDR program.
 - e. In the Intensive Development, Central Urban, or Urban Community future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed for up to two (2) dwelling units. Southeast Lee County TDUs may not be redeemed for non-residential floor area in these Future Urban Areas.

- f. Wetland TDUs may not be used to increase commercial intensity.
- 3. The Land Development Code may include regulations that permit the County to evaluate the effectiveness of the Southeast Lee County TDR program and make changes that may further condition or restrict the use of Southeast Lee County TDUs.

POLICY 33.4.3: The county will administer the TDR program and develop a forum to disseminate program information and records. The forum may include a TDR program website that provides general program information, rules and guidelines; TDU administrative determination application; county-approved form of conservation easement; certified TDU database with ownership information; and, TDU clearinghouse for individuals that request to be included within the TDU clearinghouse program. (Added by Ordinance No. 16-07)

III. Transportation

a. ~~Traffic Circulation~~ Multi-modal Transportation

GOAL 36: MAPS. ~~Provide and keep current an integrated series of transportation maps, which, when coordinated with the policies and programs in this plan and the plans of other agencies and jurisdictions, will insure a safe, convenient, and energy efficient multi modal transportation system for Lee County, within the constraints of financial feasibility. (Amended by Ordinance No. 98-09, 99-15)~~

OBJECTIVE 36.1: TRANSPORTATION MAPS. ~~Conduct a rReview and amend of the adopted Transportation Map Series maps at least every two years, and amend these maps as necessary based on that review. Lee County will coordinate with the MPO to ensure any necessary changes incorporated into the MPO Plan remain consistent with the Lee Plan. (Amended by Ordinance No. 98-09)~~

POLICY 36.1.1: ~~The Incorporate by reference, the Lee County Metropolitan Planning Organization's 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. most recent MPO Long Range Transportation Plan (LRTP), Bicycle and Pedestrian Master Plan (BPMP), Transit Development Plan (TDP), Florida Department of Transportation (FDOT) Transportation Plan and Transportation Improvement Plan (TIP). The MPO 2030 Financially Feasible Highway Plan Map, as adopted December 7, 2005 and as amended through March 17, 2006, is incorporated as Map 3A of the Transportation Map series. Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from Estero Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT;~~

~~Intersection~~

~~Improvements~~

US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/Estero Parkway	Southbound and Westbound Dual Left Turn Lanes

(Amended by Ordinance No. 98-09, 99-15, 02-02, 02-29, 03-19, 07-11)

POLICY 36.1.2: ~~Lee County has included Map 3B (Future Functional Classification Map) as part of the Transportation Map series, to meet the requirements of Chapter 9J 5.019(5)(a), Florida Administrative Code. Map 3B is not intended to serve a regulatory function. identifies the future functional classification of transportation facilities.~~ References to the functional classification of roadways (i.e., arterials, collectors, etc.) in the county land development regulations will rely on the existing or future classification of roads. The existing classification of public roads will be kept by the Lee County Department of Transportation. The existing classification of private roads will be kept by the Lee County Division of Development Services. The future classifications are identified on the Official Trafficways Map, in an Administrative Code consistent with the functional classification structure adopted by FDOT and coordinated through the MPO. (Added by Ordinance No. 99-15)

POLICY 36.1.3: ~~Changes to the Lee Plan map series may be necessary from time to time, and Lee County will work with the MPO to ensure any necessary changes are incorporated into the MPO Plan so that the two plans remain consistent. (Relocated by Ordinance No. 99-15)~~

POLICY 36.1.4: ~~This Transportation Map series serves as the future transportation map series required by Rule 9J 5 of the Florida Administrative Code. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)~~

POLICY 36.1.5: ~~Construction of new transportation facilities roads and widening of major road segments by the county will be based on a prioritized list of the improvements needed to create the network depicted on the Transportation Maps, 3A. This list will be updated annually through the county's capital improvements program. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)~~

POLICY 40.1.136.1.4: ~~The Protect the through traffic capacity of the county's expressways, controlled access facilities, principal and minor arterials, and major collectors depicted on Map 3A will be protected by:~~

POLICY 36.1.6: ~~In order to acquire rights of way and complete the construction of all roads designated on Transportation Map 3A (2020 Financially Feasible Plan map), voluntary dedications of land and construction of road segments and intersections by developers will be encouraged through relevant provisions in the development regulations and other ordinances as described below:~~

- ~~• Voluntary dedication of rights of way necessary for improvements shown on Transportation Map 3A will be encouraged at the time local development orders are granted.~~

- In cases where there are missing segments in the traffic circulation system, developers will be encouraged to also construct that portion of the thoroughfare that lies within or abuts the development. Road impact fee credits will be granted consistent with the provisions of the Lee County Land Development Code. Site related improvements are not eligible for credits towards impact fees.

(Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 36.2: OFFICIAL TRAFFICWAYS MAP. The county will maintain a map depicting the estimated ultimate road and right of way needs at the theoretical buildout of Lee County based on the development capacities of the future land use plan. This map will be known as the Official Trafficways Map. The Official Trafficways Map does not, in itself, represent a construction plan or program to be implemented within a given time period, nor does it imply that Lee County will be responsible for constructing all roads on the map. (Amended by Ordinance No. 99-15)

POLICY 36.2.1: The Official Trafficways Map is intended to represent all roadway facilities that may be needed by buildout of Lee County at some unspecified point in the future. As such, it contains numerous corridors which will not be needed by the year 2030 and are therefore not shown on Transportation Map 3A. (Amended by Ordinance No. 98-09, 99-15, 07-12)

POLICY 36.2.2: Changes to the future land use map that allow increased areas for urban development will be made simultaneously with proposed amendments to designate additional corridors on the Official Trafficways Map if necessary. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.3: The Official Trafficways Map is intended to show existing and planned transportation corridors which are needed to ensure county wide continuity of the future road system. Review for voluntary compliance with these corridors will occur at the time of approval and issuance of local development orders and development permits, as defined in Section 163.3164(6) and (7), respectively, Florida Statutes. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.4: Transportation corridors contained in local development orders, planned development approvals, or DRI development orders will be reviewed by the county to determine compliance with the corridor needs shown on the Official Trafficways Map. Conflicts with these corridors and the corridors contained on the Official Trafficways Map will be identified and mutual resolution of these conflicts will be encouraged. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15)

POLICY 36.2.5: Standards for use and development permits within Official Trafficways Map corridors will be specified in county zoning and development regulations in a manner consistent with these policies. (Amended and Relocated by Ordinance No. 99-15)

POLICY 36.2.6: The county will identify those existing and planned transportation corridors on the Official Trafficways Map under the highest development pressure. The county will then establish the precise center lines and roadway widths so that adequate (but not excessive) right-of-way widths for ultimate buildout are available. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

GOAL 37: LEVEL OF SERVICE (LOS) STANDARDS. Establish and maintain specified ~~transportation levels of service LOS standards on state and county roads within unincorporated Lee County and the roads the county maintains within the municipalities, including those level of service standards adopted by Rule by the Florida Department of Transportation for Florida Intrastate Highway System (FIHS) facilities.~~ (Amended by Ordinance No. 98-09, 99-15, 00-08)

OBJECTIVE 37.1: GENERAL STANDARDS. Establish ~~Monitor~~ non-regulatory level of service (LOS) standards outlined in Policy 95.1.3 on county and state transportation facilities within Lee County. Cooperate with municipalities on the facilities maintained by Lee County within the municipalities and with FDOT on state transportation facilities. (Amended by Ordinance No. 99-15)

POLICY 37.1.1: LOS “E” is the minimum acceptable LOS for principal and minor arterials, and major collectors on county maintained transportation facilities. ~~Level of service standards for the State Highway System during peak travel hours are “D” in urbanized areas and “C” outside urbanized areas.~~

The minimum acceptable LOS for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2.

~~For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and “D” factors from the nearest, most appropriate county permanent traffic count station.~~ (Amended by Ordinance No. 98-09, 99-15, 00-08, 07-09, 10-36, 16-07) **Move to Glossary?**

POLICY 37.1.21: ~~Lee County will develop multi-modal link specific service volumes (capacities) have been established for arterials and collector roadways based on specific local Lee County conditions; for use in the annual monitoring report. determination of the LOS of transportation facilities. Because these service volumes are heavily dependent on existing geometries, signal timing and spacing, variables subject to considerable change over time, the link specific service volumes are appropriate only for short term analyses (five years or less, as measured from the date of the last update of those service volumes). Lee County has also developed generalized service volumes for future year analyses. The Lee County Department of Transportation is responsible for keeping both sets of service volumes up to date. Preparers of Traffic Impact Statements for DRIs, rezonings and development orders and other transportation analyses must use the most appropriate and up to date set of service volumes, as determined by the Lee County Department of Transportation.~~ (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 14-09)

POLICY 37.1.32: Lee County will continue to maintain its permanent and periodic traffic count program ~~on state and county arterials and collectors in Lee County~~ as the basis for determining existing roadway conditions. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 37.1.43: Lee County will ~~continue to use the 2000~~ most current Highway Capacity Manual, and ~~the 2002 Florida Department of Transportation FDOT~~ Quality Level of Service

Handbook, and other best practices to calculate levels of service, service volumes, and volume to capacity ratios LOS. (Amended by Ordinance No. 98-09, Relocated by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

OBJECTIVE 37.2: CONSTRAINED ROADS. Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed “constrained” and therefore will not be widened to increase motor vehicle capacity. ~~Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community.~~ (Amended by Ordinance No. 99-15, 00-08)

POLICY 37.2.1: Reduced peak hour LOS will be accepted on constrained identified in Table 2(a). ~~Constrained roads are identified in Table 2(a).~~ (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 37.2.2: ~~A maximum volume to capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated area. No permits will be issued by Lee County that cause the maximum volume to capacity ratio to be exceeded or that affect the maximum volume to capacity ratio once exceeded. Permits will only be issued when capacity enhancements and operational improvements are identified and committed for implementation that will maintain the volume to capacity ratio on the constrained segment at or below 1.85.~~ (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

POLICY 37.2.32: ~~For each constrained road identified in Table 2(a), an Potential Multi-modal Operational Improvements Program is hereby established for the constrained roads identified in Table 2(a) are identified in Table 2(b).~~ This program identifies These include operational and capacity enhancing improvements that can be implemented capable of implementation within the context of that a constrained system. ~~The Operational Improvement Program for constrained roads is identified in Table 2(b).~~ Improvements may include adding transit facilities, bicycle lanes, paved shoulders, sidewalks, and motor vehicle turn lanes. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08)

OBJECTIVE 37.4: PROPORTIONATE FAIR SHARE PROGRAM. Lee County will maintain a Transportation Proportionate Fair Share Program that provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. (Added by Ordinance No. 07-09, Renumbered and Amended by Ordinance No. 14-09)

POLICY 37.4.1: Lee County will provide developers with an opportunity to proceed with development under certain conditions notwithstanding the failure to achieve transportation ~~concurrency~~ LOS, by allowing developers to contribute ~~their fair~~ a proportionate share of the cost of improving impacted transportation facilities ~~that are a bar to concurrency~~. (Added by Ordinance No. 07-09)

~~**POLICY 37.4.2:** Previously vested concurrency certificates (i.e., a long term concurrency certificate) will remain valid as long as the certificate includes the following: including up to a 10 year time limitation, a limitation on changes to the DRI development parameters over time, and was executed as part of a local government development agreement in which the developer agreed to pay the full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-88, Renumbered and Amended by Ordinance No. 14-09)~~

POLICY 37.4.32: Lee County will ~~amend~~ maintain its land development regulations to include methodologies that will be used to calculate proportionate ~~fair share contributions to enable~~ developers to satisfy transportation concurrency requirements. (Added by Ordinance No. 07-09)

~~**POLICY 37.4.4:** Lee County will annually review and update, as necessary, the Capital Improvement Element to reflect proportionate fair share contributions received pursuant to the program. (Added by Ordinance No. 07-09)~~

GOAL 38: CAPITAL IMPROVEMENTS PROGRAMMING: ~~Provide an objective, predictable, and fully funded program for the construction of roadway improvements, consistent with all portions of this comprehensive plan. Prioritize and implement, where feasible, projects identified on the transportation maps. Provide for efficient operations and maintenance of the multi-modal transportation system. (Amended by Ordinance No. 99-15)~~

OBJECTIVE 38.1: REVENUES. ~~A wide variety of innovative financial planning techniques will be considered to fully develop the facilities depicted on the Transportation Maps and satisfy the travel demand needs of Lee County. Establish fiscally sound transportation budgeting and planning practices. (Amended by Ordinance No. 98-09)~~

POLICY 38.1.1: ~~The Lee County will maintain~~ develop and implement an effective and fair system of impact fees or similar funding mechanisms to ~~insure~~ ensure that development creating ~~additional transportation impacts on arterial and collector roads~~ transportation facilities pays its an appropriate fair share of ~~needed improvements~~ the costs to mitigate its (off site) impacts. (Amended by Ordinance No. 99-15)

POLICY 38.1.2: ~~Credit may be given against future impact fees for the dedication of rights of way and the construction of road improvements that are included in the 5 year CIP and for roads identified on the future Transportation Map (Map 3A). Other non-site related road improvements may be eligible for credits based on the criteria in the Lee County Land Development Code. The amount of credits will be governed by the provisions of the Lee County Land Development Code. No credits will be granted for those improvements determined to be site related. Consider and evaluate a variety of funding sources to construct, operate and maintain current and future transportation infrastructure components. (Amended by Ordinance No. 98-09, 99-15)~~

POLICY 38.1.3: ~~Roads impact fees will be reviewed regularly and updated when necessary to reflect travel characteristics and construction and right of way costs and to determine if the capital impacts of new growth are met by the fees. Routinely review and update user fee revenue sources based on capital and maintenance costs of transportation facilities. (Amended by Ordinance No. 99-15)~~

~~**POLICY 38.1.4:** The county will encourage private funding or contributions of road construction or right of way acquisition through innovative means including, but not limited to, voluntary MSTUs and MSBUs. The county may establish involuntary or to correct deficiencies in specific areas or neighborhoods. MSTUs/MSBUs will be reviewed regularly to determine whether existing units can be eliminated or new units should be created. (Amended by Ordinance No. 99-15)~~

POLICY 38.1.54: The county may designate various limited access facilities as toll facilities. (Amended by Ordinance No. 99-15)

~~**POLICY 38.1.6:** The county will maintain standards, criteria, and fees to equitably define developers' obligations and costs associated with the construction and right of way needs for necessary site related and off-site improvements. (Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 38.1.75:** Roadway and intersection improvements mandated by Lee County development orders will be determined on the basis of demonstrated need resulting in part or in total from the impacts of that development. These improvements, as well as improvements funded by Roads Impact Fees, will be based on roadway and intersection improvement needs resulting from new development and will not be limited by jurisdictional responsibility for any specific road segment. The use of Road Impact Fee revenues to improve state roads is an acceptable application of those funds. Lee County will continue to participate in the funding of improvements to Transportation impact fees or similar mechanisms collected for projects that include the state highway system in their calculation methodology may be used to improve state roads. (Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 38.1.86:** The County may pursue a joint funding mechanisms (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fees or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations. (Added by Ordinance No. 10-40)~~

POLICY 38.1.97: Lee County will complete a study by July 1, 2017, with input from property owners, to determine the improvements necessary to address increased density within the Environmental Enhancement and Preservation Overlay (See Policy 33.3.4). The study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program. (Added by Ordinance No. 15-13)

~~**OBJECTIVE 38.2: TIMING.** When possible, plan the construction of roadway facilities and new developments so that established service levels are maintained through time despite the additional traffic load. Update transportation projects in the Capital Improvement Program (CIP) to prioritize operations and maintenance, safety improvements, and projects to maintain LOS or provide additional capacity, consistent with Policy 95.1.1. (Amended by Ordinance No. 99-15)~~

POLICY 38.2.1: Roadway facilities will be included in the Capital Improvements Program to be funded by the county if they resolve existing service level deficiencies, if they are forecasted to operate at service level deficiencies during the next five years, or as otherwise provided in Policies 38.2.4 and 95.1.1 of this plan. Annually fund projects to improve and make the transportation system safer and more efficient through operational, maintenance, and safety projects (e.g. small bridge replacement/maintenance, street resurfacing/reconstruction, signal improvements and coordination, traffic management systems, intersection modifications, bicycle and pedestrian facilities, lighting, street repair, and sign maintenance). (Amended by Ordinance No. 99-15)

POLICY 38.2.2: ~~No development order or development permit, as defined in Section 163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development, unless the applicant has been granted previous development rights consistent with the Florida Department of Community Affairs' Declaratory Statements #88-DS 1 and 88-DS 2. (Amended by Ordinance No. 99-15)~~

POLICY 38.2.3: The following priorities are established in addition to the priorities provided in Policy 95.1.1 for improving the existing and future county maintained road system, ~~in addition to the priorities in Policy 95.1.1:~~

- ~~Priority will be given to the e~~Construction, maintenance, and reconstruction, where necessary, of roadways needed for emergency evacuation ~~and to serve existing development, including hurricane evacuation needs.~~
- Roads Prioritization of major reconstruction, bridge replacement and capacity expansion projects will consider:
 - 1) system preservation/maintenance of assets;
 - 2) transportation facilities operating at or below the adopted level of service standard LOS (existing or projected with approved development orders) as specified in Policy 3795.1.1;
 - 3) system continuity (e.g. critical bridge replacement/reconstruction, parallel route providing relief to I-75);
 - 4) safety;
 - 5) multi-modal benefits;
 - 6) donation or matching fund offers;
 - 7) return on investment (e.g. congestion relief, commercial or freight corridor, maintaining in good repair, multi-modal improvement); and
 - 8) other considerations such as projects and projected to have additional traffic, will be improved or parallel facilities will be constructed consistent with Transportation Map 3A₂ or providing street connectivity in urban areas before other new roads are constructed in uncongested areas or improvements are made to roads operating at or better than their adopted level of service standard. (Amended by Ordinance No. 98-09, 99-15, Relocated by Ordinance No. 07-09)

POLICY 38.2.4: ~~The county will maintain an ordinance, pursuant to Section 163.3220-163.3243, Florida Statutes, enabling the county to enter into “development agreements” granting incentives to developers and landowners who commit to provide improvements to public facilities~~

beyond those required by the Lee Plan and other county regulations. (Amended by Ordinance No. 99-15, Relocated by Ordinance No. 07-09)

~~**POLICY 38.2.5:** In order to help protect the interregional and intrastate travel functions of Interstate 75 as part of the Florida Intrastate Highway System, and provide alternatives for local traffic use, Lee County will implement a system of parallel reliever roads, consistent with Transportation Map 3A. (Added by Ordinance No. 98-09, Relocated by Ordinance No. 07-09)~~

GOAL 39: TRANSPORTATION AND LAND USE DEVELOPMENT REGULATIONS. ~~Maintain Adopt planning practices and clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities link transportation and land use, and identify developer contributions to achieve a multi-modal transportation system.~~ (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS CONTRIBUTIONS TO SUPPORT A MULTI-MODAL TRANSPORTATION SYSTEM. ~~Maintain development practices that identify developer transportation system responsibilities, including site-related and proportionate share contributions; and establish criteria or thresholds to determine the scope of the traffic impact statement. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost-effectiveness.~~ (Amended by Ordinance No. 99-15)

POLICY 39.1.1: ~~New Adopt development regulations providing traffic impact statement requirements for development orders and rezoning; and developer must provide site-related improvements, including multi-modal connections and facilities required at time of local development order.~~

- ~~• Have adequate on-site parking.~~
- ~~• Have access to the existing or planned public road system except where other public policy would prevent such access.~~
- ~~• Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees.~~

(Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.2: ~~County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map. Developments within municipalities will be subject to Lee County roadway design standards, including provision of site-related improvements within the right-of-way, as a condition of permit approval for modifications to county maintained transportation facilities.~~ (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 39.1.3: ~~County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic.~~ (Amended and Relocated by Ordinance No. 99-15)

~~**POLICY 39.1.4:** Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 39.1.5:** The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 39.1.63:** Through the plan amendment and zoning process, the county will direct high-intensity land uses to parcels which abut designated land proximate to existing and future transit corridors identified in Map 3C the transportation maps, LRTP and TDP. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 39.1.7:** Existing development regulations will be periodically reviewed to determine if they further the transportation goals, objectives, and policies stated in this comprehensive plan. (Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 39.1.8:** Consistent with state law, Developments of Regional Impact (DRIs) are required to analyze their impacts on an existing plus committed (E+C) network. For purposes of DRI analyses, Lee County defines an E+C network as those roadways that exist, or are programmed for improvement through the construction phase within the first three years of an adopted County Capital Improvement Program or State Five Year Work Program. (Added by Ordinance No. 99-15)~~

OBJECTIVE 39.2: TRANSPORTATION AND LAND USE PLANNING. Develop and maintain transportation planning tools and strategies to coordinate land use development with planned transportation facilities appropriate to future urban, suburban, or non-urban areas as defined in the Glossary. Include road designs and street modifications to accommodate significant truck traffic on freight corridors identified in the MPO Freight Mobility Study and for transit, bicycle, and pedestrian facilities where indicated on the transportation map series and Map 22, Lee County Greenways and Multi-Purpose Recreational Trails Master Plan.

POLICY 39.2.1: Future urban areas will have a balanced emphasis on automobile, freight, transit, pedestrian, and bicycle modes of transportation by:

- Promoting safe and convenient street, bicycle and pedestrian facility connectivity for easy access between modes.
- Utilizing short block lengths within urban Mixed Use Overlay areas.
- Providing transit service with an emphasis on urban Mixed Use Overlay areas.
- Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher density in areas served by transit.
- Providing sidewalks along all roads and streets in urban areas, except where prohibited.

POLICY 39.2.2: Future suburban areas will have an emphasis on movement by motor vehicle by:

- Providing connectivity and accessibility to different uses through a network of motor vehicle, transit, bicycle, and pedestrian facilities.
- Providing transit service with an emphasis on suburban Mixed Use Overlay areas.
- Incentivizing infill and redevelopment, mixed uses, pedestrian friendly design, and higher development density/intensity in areas served by transit.
- Providing sidewalks along all roads, except where prohibited and except on roads eligible for a waiver as outlined in the LDC.

POLICY 39.2.3: Future non-urban areas are planned primarily for motor vehicle transportation by:

- Limit transit service and provision of separate pedestrian facilities to Mixed Use Overlay areas unless otherwise stated in the Plan.
- Accommodate bicycle usage on bicycle lanes, paved shoulder or multiuse recreational trail facilities.

POLICY 39.2.4: Encourage connectivity when streets are proposed for county maintenance. Evaluate extending county-maintained streets, including bridges, to eliminate dead-end public streets.

POLICY 40.1.239.2.5: ~~The following standards are hereby established as the minimum desirable distances between connections to the county maintained road network:~~

<u>Roadway Classification</u>	<u>Centerline Distances (Feet)</u>
<u>Arterial</u>	<u>660</u>
<u>Collector</u>	<u>330</u>
<u>Local Street</u>	<u>125</u>
<u>Frontage road, reverse frontage road or accessway</u>	<u>60</u>

Establish connection separation standards in the LDC based on functional classification and future urban, suburban, or non-urban area designation. Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board Designate by Board action, certain roadways in the LDC as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by Board resolution. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 39.2.6: OBJECTIVE 41.2: ENVIRONMENTAL IMPACTS. New and expanded transportation facilities will continue to be aligned and designed to protect estuarine water bodies, environmentally sensitive areas, and rare and unique habitats (see Conservation and Coastal Management element), unless identified on the transportation map series. (Amended by Ordinance No. 98-09)

POLICY 41.2.139.2.7: Construction of new collector and arterial roads will not be undertaken by the county in Non-Urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where ~~needed for through traffic to or between designated future urban areas~~ identified in the transportation map series. (Amended by Ordinance No. 99-15)

~~**GOAL 40: SAFETY, ENERGY EFFICIENCY, ACQUISITION, PRESERVATION, AND PROTECTION MEASURES FOR A MULTIMODAL TRANSPORTATION SYSTEM.** Establish strategies for safe, convenient, and energy efficient operation for roads and the development acquisition, preservation, and protection of a multi-modal transportation system that is aesthetically pleasing and furthers the efficient movement of commerce. (Amended by Ordinance No. 98-09, 99-15)~~

~~**OBJECTIVE 40.1: PROTECTION OF ROADWAY CAPACITY.** The county will protect the capacity and operational ability of county maintained roadways through the enforcement of access control, connection separation standards and other methods. (Amended by Ordinance No. 98-09, 99-15)~~

~~**POLICY 40.1.1:** The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:~~

- ~~• Regulating accesses to collector and arterial streets to the extent permitted by state law;~~
- ~~• Providing sufficient distance between land access and expressway/freeway interchanges.~~
- ~~• Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.~~
- ~~• Prohibiting on street parking on arterials and collectors except in areas designated by the Board of County Commissioners.~~
- ~~• Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.~~
- ~~• Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted use needs, including turn lanes, acceleration and deceleration lanes, and funding for future signalization.~~

~~(Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 40.1.2:** The following standards are hereby established as the minimum desirable distances between connections to the county maintained road network:~~

Roadway Classification	Centerline Distances (Feet)
Arterial	660
Collector	330
Local Street	125
Frontage road, reverse frontage road or accessway	60

~~Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)~~

~~**POLICY 40.1.3:** The county will utilize a combination of methods to maintain the connection separation standards, including but not limited to requiring access roads, interconnections~~

between developments, cross access easements, continuous right turn lanes, and other appropriate methods. The proper application of these various methods, and when any exceptions to the standards may apply, will be specified. The county will maintain an Access Road Location Map identifying where access streets are the preferred method of maintaining the connection separation standards. (Added by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 40.239.3: EFFICIENCY AND SAFETY. The county will continue its program of county transportation system modifications to increase travel safety and efficiency, such as the institution of automated toll collection and the Variable Pricing Program to encourage reduced peak usage of toll facilities. Other measures designed to make the county's transportation system safer and more efficient will be proposed and implemented on an ongoing basis. protect the public health, safety, and welfare. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.2.339.3.1: The county will maintain a transportation systems management program to identify high-hazard accident crash locations. Engineering studies designed to identify structural and non-structural measures and countermeasures to mitigate such hazards should be prepared annually and incorporated into the Capital Improvements Program. (Amended by Ordinance No. 99-15)

POLICY 40.2.439.3.2: Safety conditions will be improved by incorporating state-of-the-art safety measures into development regulations and by reconstructing unsafe roadway conditions. Improve safety and reduce crashes by addressing freight, motor vehicle, transit, bicycle and pedestrian conflict points along roadways. (Amended by Ordinance No. 99-15)

POLICY 40.2.539.3.3: A special roadway signalization, direction, and clearing plan will be developed and kept up to date to insure that any necessary hurricane evacuation along county roadways has maximum favorable roadway operating conditions. Ensure the county maintained transportation system can operate during evacuation and emergency events. (Amended by Ordinance No. 99-15)

OBJECTIVE 39.4: EFFICIENCY. The County will continue its program of system modifications to make the transportation system more efficient for all users.

POLICY 40.2.139.4.1: In order to pursue Encourage more efficient use of existing road space, conserve energy, and reduce peak hour vehicle usage in congested areas, the county will promote for others and implement itself: using transportation demand management (TDM) strategies and employer-based incentives including:

- Variable or staggered work hours and telecommuting.
- Car pooling and ride sharing programs (e.g. carpooling, multiple occupancy vehicle lanes, park and ride lots).
- Incentives, premium service facilities and programs to increase the use of mass transit as identified through the Transit Development Plan (TDP) (e.g. reduce transit headways, bus rapid transit, neighborhood circulators, rider incentives, regional connectors).

- ~~Incentives Toll programs (e.g. off-peak hour incentives, automated collection and payment acceptance with other toll systems) and programs to encourage transportation demand management.~~

POLICY 40.2.239.4.2: ~~Low cost efficiency and safety improvements will be prioritized, Prioritize transportation system management (TSM) strategies for better movement of people and goods such as:~~

- ~~Continuing a tTraffic signal progression program (including synchronization) for arterial roadways, interconnection, coordination and monitored quarterly, and rapidly responding to emergency progression problems monitoring for rapid response.~~
- ~~Monitoring and improving signals, signs, street lighting, and lane markings on all roadways.~~
- ~~Restricting Regulating median cuts and driveways.~~
- ~~Keeping Adequately funding street operations, maintenance and reconstruction programs adequately funded.~~
- ~~Maintaining existing highway facilities or reconstruction of existing intersections.~~

POLICY 40.2.639.4.3: ~~The County will consider implementation of appropriate improvements identified through in the Lee County Metropolitan Planning Organization's MPO Congestion Management System (CMS) and Freight Movement study in the LRTP. (Added by Ordinance No. 98-09)~~

POLICY 40.2.7: ~~The County will annually fund its Traffic Signal/Intersection Improvement program in its Capital Improvement Program, to be used to pursue the types of improvements identified under Objective 40.2 to make the transportation system safer and more efficient. (Added by Ordinance No. 98-09, Amended by Ordinance No. 99-15)~~

OBJECTIVE 40.339.5: ROADWAY LANDSCAPING. ~~The county will implement a landscaping program for Lee County roadways utilizing the guidelines for design implementation and long term maintenance set forth in the Lee County Roadway Landscape (LeeScape) Master Plan updated on August 28, 2004. (Amended by Ordinance No. 98-09, 99-15, 07-09)~~

POLICY 40.3.139.5.1: ~~The Maintain the Lee County Roadway Landscape (LeeScape) Master Plan is as a long term operating document and guide for the landscape development and maintenance along designated arterial and collector roadways within Lee County within county maintained right-of-way. (Amended by Ordinance No. 98-09, 99-15)~~

POLICY 39.5.2 Lee County may establish right-of-way landscaping requirements for development along non-county maintained roadways in the LDC.

POLICY 40.3.2: ~~The LeeScape Master Plan includes a range of landscaping levels for targeted roadways, from a “core level” to enhanced options that may be added to projects over time. The “core level” planting design emphasizes tree canopy, which provides high visibility and shade and establishes an overall site framework. As increased capacity for maintenance is available, or as priorities for enhancement are mandated on special roadways, additional levels of landscaping~~

may occur. The typical designs identified for urban and rural roadway cross sections consider safety as well as beauty. (Amended by Ordinance No. 99-15)

POLICY 40.3.3: The Roadway Landscape Advisory Committee has been established to advise County staff on the update and implementation of the LeeScape Master Plan. (Added by Ordinance No. 99-15)

OBJECTIVE 40.439.6: OTHER MODES OF TRANSPORTATION BICYCLE/PEDESTRIAN NETWORK. When conducting all transportation planning and engineering studies, consider the needs and opportunities to allow and encourage the convenience, safety and accessibility of bicyclists and pedestrians of all ages use of all modes of transportation. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.1: The county will consider the mass transit policies under Objective 43.1 during roadway studies. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.239.6.1: The county will develop a safe and interconnected bicycle/pedestrian system in unincorporated Lee County to meet the users' needs for transportation and recreation, network, consistent with giving priority to facilities depicted on the Bikeways/Walkways Facilities Plan (Map 3D), the Greenways Multi-Purpose Recreational Trails Master Plan (Map 22), and the MPO BPMP. The system will provide facilities between residential, work, school, shopping, and recreation areas. Map 3D represents a desired future network unrestricted by jurisdictional responsibility or funding availability. The county is not obligated to build all the facilities depicted on the map. (Amended by Ordinance No. 98-09, 99-15)

POLICY 40.4.3: Safety considerations for pedestrians and cyclists will be incorporated into the design of segments and intersections of arterial and collectors. (Amended by Ordinance No. 99-15)

POLICY 40.4.439.6.2: County implementation of the relevant portions of the system as shown in Map 3D will be through incorporation of Incorporate bicycle/pedestrian facilities where possible in the construction plans of new and expanded roadways, requirements for new development to install facilities, federal and state grant applications, and annual County with the public or private funding and construction of improvements. (Added by Ordinance No. 99-15)

POLICY 40.4.5: The County will establish as priorities for its annual bicycle/pedestrian funding program the development of a network of bicycle/pedestrian facilities on arterial and collector roadways as identified on Map 3D and the connection of public schools to established residential neighborhoods. The county will establish priorities with assistance from the Bicycle/Pedestrian Advisory Committee. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

POLICY 40.4.6: Develop and maintain an environmentally sensitive transportation system that provides safe, convenient and efficient travel through an affordable balance of alternative transportation modes, coordination with the Lee County Bikeways/Walkways Facilities Plan, and coordination with adjacent communities in accordance with the Lee County Greenways Master Plan (Map 22). (Added by Ordinance No. 07-09)

~~**POLICY 40.4.7:** The County will encourage development designs to promote pedestrian and bicycle linkages between abutting residential and non residential uses such as shops, office and employment centers, civic uses, parks, and schools. (Added by Ordinance No. 07-09)~~

~~**POLICY 40.4.839.6.3:** Promote non-motorized transportation greenway projects throughout Lee County, and coordinate multi-use trail projects whenever feasible with Lee County Department of Transportation and other agencies as identified in the Greenways Master Plan. (Added by Ordinance No. 07-09)~~

~~**POLICY 39.6.4:** Develop and implement design standards and practices for a multi-modal transportation network with complete streets for all modes of travel. Include adequate width for transit, bicycle, and pedestrian facilities, appropriate to context in anticipated right-of-way needs.~~

~~**GOAL 41: COMMUNITY AND ENVIRONMENTAL IMPACTS.** Develop and maintain a transportation system that protects community and neighborhood integrity and that preserves critical environmental habitats and significant aesthetic values. (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.1.139.7.1:** Alignments of new and expanded roads and other transportation improvements will be selected to minimize the cost/benefit maximize the benefit/cost ratio while:~~

- Minimizing the number of businesses and residences displaced.
 - Using major roads to define neighborhoods.
 - ~~Allowing sufficient land area between arterials to enable the formation of new neighborhoods.~~
 - Facilitating the development of mixed-use overlay areas, promoting infill and redevelopment.
 - Distributing traffic loadings among available facilities.
- (Amended by Ordinance No. 98-09)

~~**POLICY 41.1.2:** The alignment of arterials or expressways that penetrate or divide established residential neighborhoods will be avoided except where no feasible alternative exists. (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.1.3:** For those neighborhoods where too much through traffic is a problem, the county will study (and implement when warranted) neighborhood traffic control plans to protect residential areas from the harmful impacts of excessive traffic. (Amended by Ordinance No. 02-02)~~

~~**POLICY 41.1.4:** Local streets will be used to mitigate existing arterial or collector congestion problems only as a last resort. Planning new corridors through such areas will be undertaken in conjunction with reimbursement for losses and a safety and buffering program for remaining residents. (Amended by Ordinance No. 99-15)~~

~~**OBJECTIVE 41.2: ENVIRONMENTAL IMPACTS.** New and expanded transportation facilities will continue to be aligned and designed to protect environmentally sensitive areas and rare and~~

unique habitats (see Conservation and Coastal Management element). (Amended by Ordinance No. 98-09)

~~**POLICY 41.2.1:** Construction of new collector and arterial roads will not be undertaken by the county in Non-Urban areas unless fully reimbursed by MSTU/MSBUs or property owners, except where needed for through traffic to or between designated future urban areas. (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.2.2:** New roads or expansion of existing facilities will not be extended through wetland systems and estuarine water bodies except in instances of overriding beneficial public interest and unless:~~

- ~~• It is the only feasible route to serve existing or designated future urban areas;~~
- ~~• The crossing is culverted or bridged to the greatest degree possible, maintaining pre-development volume, direction, distribution, and surface water hydroperiod consistent with County standards and providing adequate wildlife corridors;~~
- ~~• Scenic overlook opportunities are provided if appropriate; and~~
- ~~• Equivalent mitigation is provided. (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.2.3:** The design phase of all new or improved arterial and collector roads which would affect wetland systems and estuarine water bodies will include an environmental impact assessment. This assessment will also address impacts on historic structures, archaeological resources (if the road travels through a zone of archaeological sensitivity), and rare and unique upland habitats (RU, see Objective 104.1). (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.2.4:** Adequate provision will be included for the safe passage of wildlife across new or reconstructed county roads where required by law, permit conditions or where otherwise appropriate. (Amended by Ordinance No. 99-15)~~

~~**POLICY 41.2.5:** New and expanded roadways will not destroy archaeological sites unless full recovery of data and artifacts is included in the process. (Amended by Ordinance No. 99-15)~~

b. Mass Transit

GOAL 43: MASS TRANSIT SERVICE. ~~In an effort to minimize~~ Reduce the number of automobile trips on Lee County roads, ~~the county will provide by providing~~ high quality public transit service within ~~to residents and visitors in~~ and between the concentrated population centers of Lee County, and ensure that this service is integrated with other modes of transportation. (Amended by Ordinance No. 99-15, 07-09)

OBJECTIVE 43.1: RIDERSHIP. The county will ~~maintain~~ continually improve efforts to increase annual public transit ridership ~~sufficient to achieve 1.3 passenger trips per revenue mile by 1999.~~ (Amended by Ordinance No. 98-09)

POLICY 43.1.2: Maintain efforts to provide for the construction of bus stop amenities ~~such as bus shelters and bus pull-off bays at far side locations on arterials and collector roadways with posted speeds of 45 mph or greater where needed.~~ (Amended by Ordinance No. 98-09, 07-09)

~~**POLICY 43.1.3:** Establish park and ride lots and routes for commuters and visitors to serve high demand locations (e.g. shopping centers, condominiums, apartments and residential areas) and areas with limited roadway facilities.~~

~~**POLICY 43.1.4:** Continue the development of multi-modal transfer facilities, various ride-sharing techniques, paratransit service, and vanpooling to complement conventional public transit service especially where major trip generators or attractors exist or are proposed. Establish incentives and disincentives to promote Multiple Occupancy Vehicle use and to discourage Single Occupancy Vehicle traffic during the peak hour. (Amended by Ordinance No. 99-15, 07-09)~~

~~**POLICY 43.1.5:** Study and implement enhanced fixed route service and alternatives to fixed route service, to make the mass transit system more attractive to non-users. (Amended by Ordinance No. 07-09)~~

~~**POLICY 43.1.6:** Provide for the density and intensity requirements for efficient mass transit service when considering amendments to the Future Land Use Map. (Amended by Ordinance No. 98-09, 07-09)~~

~~**POLICY 43.1.7:** Maintain public transit service where it is currently available in urban areas and expand public transit service to (and between) the future urban areas as delineated in the Future Land Use element where feasible.~~

~~**POLICY 43.1.83:** Develop and maintain a convenient public transit network between ~~new or~~ expanded urban areas and existing destinations such as central Fort Myers and Cape Coral, other centers of employment, and shopping, medical, educational, residential, and recreation centers.~~

~~**POLICY 43.1.9:** Lee Tran will coordinate with the Port Authority to continue to provide high quality public transit service to the Southwest Florida International Airport. (Amended by Ordinance No. 98-09, 99-15, 07-09)~~

~~**POLICY 43.1.10:** Work with the Florida Board of Regents to provide public transit service for Florida Gulf Coast University. (Amended by Ordinance No. 98-09, 99-15)~~

~~**POLICY 43.1.11:** Explore rider incentives through local businesses, such as discount coupons, and other options identified through transportation demand management (TDM) evaluations. (Amended by Ordinance No. 98-09, 99-15)~~

~~**POLICY 43.1.12:** The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities. (Added by Ordinance No. 07-16)~~

~~**POLICY 43.1.4:** Develop and maintain a convenient public transit network between unincorporated communities, participating municipalities, the Southwest Florida International Airport and Florida Gulf Coast University.~~

~~**OBJECTIVE 43.2: NEW DEVELOPMENT.** Require that large new developments provide convenient access to mass transit.~~

~~**POLICY 43.2.1:** Through county development regulations, require that developments with a Suburban Area density or higher provide the following as needed, all of which will meet the Americans with Disability Act requirements:~~

- ~~• Bus accommodations such as dedicated transfer/loading areas, adequate lane widths and turn arounds;~~
- ~~• Bus shelters with route information displays;~~
- ~~• Bicycle storage areas near major bus stops; and~~
- ~~• Walkways for access to bus stops.~~

~~(Amended by Ordinance No. 98-09, 99-15, 07-09)~~

OBJECTIVE 43.3: OPERATING POLICIES. Maintain a public transit service that offers reliability, accessibility, safety, convenience, affordable prices, and efficiency (as outlined and measured in Policy 43.3.1)~~the TDP.~~ (Amended by Ordinance No. 98-09, 99-15)

~~**POLICY 43.3.1:** Provide service that will establish operating standards of 14 passengers per revenue vehicle hour, 1.3 passenger per revenue vehicle mile, and farebox revenues at a minimum of 20% of operating expenses. (Amended by Ordinance No. 99-15)~~

~~**POLICY 43.3.2:** Widely disseminate mass transit scheduling and service information throughout the transit service area. Increase efforts to educate the public about the services and features of the mass transit system through outreach programs and additional advertising campaigns. Investigate innovative methods to make mass transit a more attractive transportation alternative. (Amended by Ordinance No. 99-15)~~

~~**POLICY 43.3.3:** Utilize new technologies to disseminate information, such as mass transit scheduling and service information, when practicable.~~

~~**POLICY 43.3.4:** Use the citizens advisory committee (CAC) of the Lee County MPO to bring additional public input into the system's decision making process. (Amended by Ordinance No. 99-15, 07-09)~~

~~**POLICY 43.3.54:** Develop convenient schedules and other mechanisms to encourage downtown employees to use of mass transit for commuting trips during peak hours; and establish flexible scheduling for county employees to relieve congestion on mass transit and roadway facilities. (Amended by Ordinance No. 99-15)~~

~~**POLICY 43.3.65:** Develop a plan for Continue conversion of transit vehicles to alternative fuels by 2012. (Added by Ordinance No. 07-09)~~

~~**POLICY 43.4.1:** Coordinate mass transit activities with the Metropolitan Planning Organization MPO, the Florida Department of Transportation FDOT, and the Federal Transit Administration. (Amended by Ordinance No. 99-15)~~

~~**POLICY 43.4.2:** Provide transit service accessibility to elderly and disabled residents and to others with special needs. (Amended by Ordinance No. 99-15, 07-09)~~

~~**POLICY 43.4.43:** Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events. (Added by Ordinance No. 07-16)~~

~~**POLICY 43.1.94.4:** Lee Tran will coordinate with the Port Authority to continue to provide high quality public transit service to the Southwest Florida International Airport. (Amended by Ordinance No. 98-09, 99-15, 07-09)~~

~~**POLICY 43.1.104.5:** Work with the Florida Gulf Coast University Board of Regents Trustees to provide public transit service for Florida Gulf Coast University. (Amended by Ordinance No. 98-09, 99-15)~~

~~**OBJECTIVE 43.5: CORRIDOR PROTECTION.** Consider the establishment of exclusive mass transit corridors where necessary and appropriate. (Amended by Ordinance No. 98-09)~~

~~**POLICY 43.5.1:** Consider the demand for mass transit, and particularly for future mass transit rights of way or exclusive corridors, while conducting all major transportation planning studies.~~

GOAL 44: TRANSIT DEVELOPMENT PLAN. To continue the development of a Transit Development Plan (TDP) for the county. (Amended by Ordinance No. 99-15)

OBJECTIVE 44.1: TDP STUDY. Complete a comprehensive update of the Lee County Transit Development Plan ~~every three years~~, with annual ~~minor~~ updates, as needed, and ~~implement~~ its recommendations in order to enhance and improve ~~the future of~~ mass transit in Lee County. (Amended by Ordinance No. 98-09, 99-15)

POLICY 44.1.3: Develop transit system alternatives to fixed route bus service, such as High Occupancy Vehicle Lanes, Bus Rapid Transit, ~~and~~ Light Rail, queue jumps, exclusive bus lanes, and signal priority for transit vehicles. (Added by Ordinance No. 07-09)

POLICY 135.1.4: Provide for housing bonus density ~~as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520~~, to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. (Amended by Ordinance No. 94-30, 98-09, 00-22, 07-17)

GLOSSARY

~~**CORNER-STORE COMMERCIAL** – A small store servicing a range of daily needs within a neighborhood and accessible by pedestrian friendly streets and/or plazas, having a building footprint of less than 5,000 square feet. (Added by Ordinance No. 07-14)~~

DENSITY – The number of residential dwelling or housing units per gross acre (du/acre). Densities Specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development.

When the calculation of the gross density of a development results in a fractional density, 0.50 of a dwelling unit or greater shall be rounded up to the next whole number and fractions less than 0.50 shall be rounded down. No further rounding is permitted. Fractional density rounding may not be applied to parcels subject to the Gasparilla Island Conservation District Act of 1980 (as amended) or existing, undersized parcels that would require a determination through the Single Family Residence provision of the Lee Plan, Chapter XIII to permit one single-family residence on said parcel. Fractional density rounding may not be applied to parcels of land created (subdivided or combined) after March 16, 2016 in a manner that would permit greater gross density than that was permitted (with fractional density rounding) prior to creation of the new parcel.

Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included in the density calculation, ~~except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.2 and except within areas identified as Mixed Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3.~~

~~Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation.~~

~~For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.~~

(Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-06, 10-43, CPA2015-13)

~~**EXTENDED PEDESTRIAN SHED** – The estimated distance that a person is willing to walk under special circumstances in order to reach a destination. The extended pedestrian shed is ½ mile, or an 8 to 10 minute walk from the common destination. (See also: Pedestrian Shed). (Added by Ordinance No. 07-14)~~

FAÇADE - The elevations of a building usually set parallel to the frontage line. Facades define the public space and are subject to requirements additional to those of elevations such as architectural standards, assigned frontage types and height restrictions. (Added by Ordinance No. 07-14)

FORM-BASED CODE - A method of regulating development to achieve a specific urban form. Formbased codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through city or county regulations. Form based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. (Added by Ordinance No. 07-14)

FUTURE URBAN AREAS - Those future urban categories on the Future Land Use Map ~~which that~~ are designated for urban activities, allow for bonus density, and encourage a mixture of uses: Intensive Development, General Interchange, Central Urban, Destination Resort Mixed Use Water Dependent (DRMUWD), and Urban Community, ~~Suburban, Outlying Suburban, Industrial Development, Public Facilities, Airport, Tradeport, Industrial Interchange, General Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, Mixed Use Interchange, University Community, and New Community.~~ (Amended by Ordinance No. 94-30, 99-18, 04-16)

FUTURE SUBURBAN AREAS - Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, Public Facilities, and New Community.

FUTURE NON-URBAN AREAS - Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), and Density Reduction/Groundwater Resource.

GREYFIELD DEVELOPMENT - Redevelopment of antiquated or underutilized commercial or industrial properties such as strip shopping centers, malls and office parks, ~~not qualifying as brownfields.~~ (Added by Ordinance No. 07-14)

MIXED USE - ~~The d~~Development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation. These uses may be combined within the same building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. True mixed use developments primarily consist of ~~mMixed uUse bBuildings as defined by this Glossary.~~ (Amended by Ordinance No. 05-21, 07-14)

MIXED USE BUILDING - ~~Mixed Use Building means a~~ A building that contains at least two different land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) that are related. (Added by Ordinance No. 05-21)

PEDESTRIAN SHED - The estimated distance that a person is willing to walk in order to reach a destination. The standard pedestrian shed is ¼ mile, or a five to eight minute walk from the common destination. The extended pedestrian shed is ½ mile, or an 8 to 10 minute walk from the common destination. This is the estimated distance that a person is willing to walk under special circumstances in order to reach a destination. (Added by Ordinance No. 07-14)

PLANNED DEVELOPMENT – Zoning specific to a single development that is designed as a cohesive, integrated unit under unified control that permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources.

STREETSCAPE – The layer between the lot line or building facade and the edge of the vehicular lanes. Principal variables are type and dimension of curbs, walks, planters, street trees, and streetlights. (Added by Ordinance No. 07-14)

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. (Added by Ordinance No. 07-14)

TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM - The program by which dwelling units or development rights are conveyed to another property through transfer or sale. The landowner may sell development rights and may retain the title to the land and the right to use the land on a limited basis.

TRANSFERABLE DEVELOPMENT UNIT (TDU) – A unit of development rights that are severed from a sending parcel and that can be transferred for use on a receiving parcel.

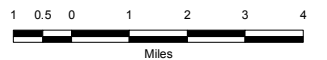
VILLAGE COMMERCIAL – The cluster of mixed use commercial and service establishments, serving short and long term needs of a limited service area in attractive, compact locations; oriented toward window shopping. (Added by Ordinance No. 07-14)

LEE COUNTY WALKWAYS & BIKEWAYS

- - - On-Road Bikeway
 - - - Shared Use Path
 - Sidewalk
 - City Limits
 - Future Urban/Suburban Areas
- Pedestrian facilities are planned on all streets in Future Urban/Suburban Areas.

This map depicts both existing and proposed walkways and bikeways maintained by Lee County and the Florida Department of Transportation.

DRAFT

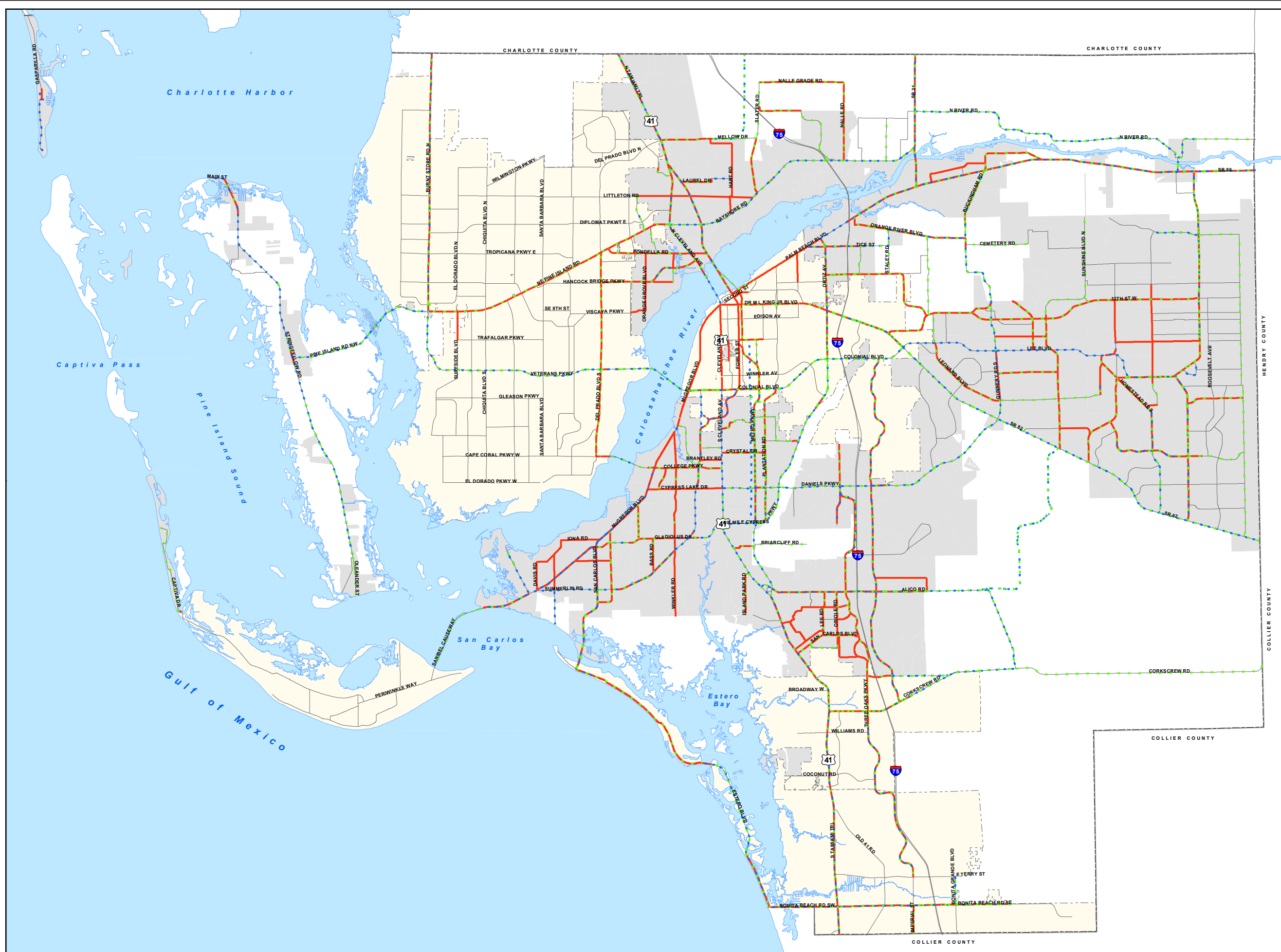


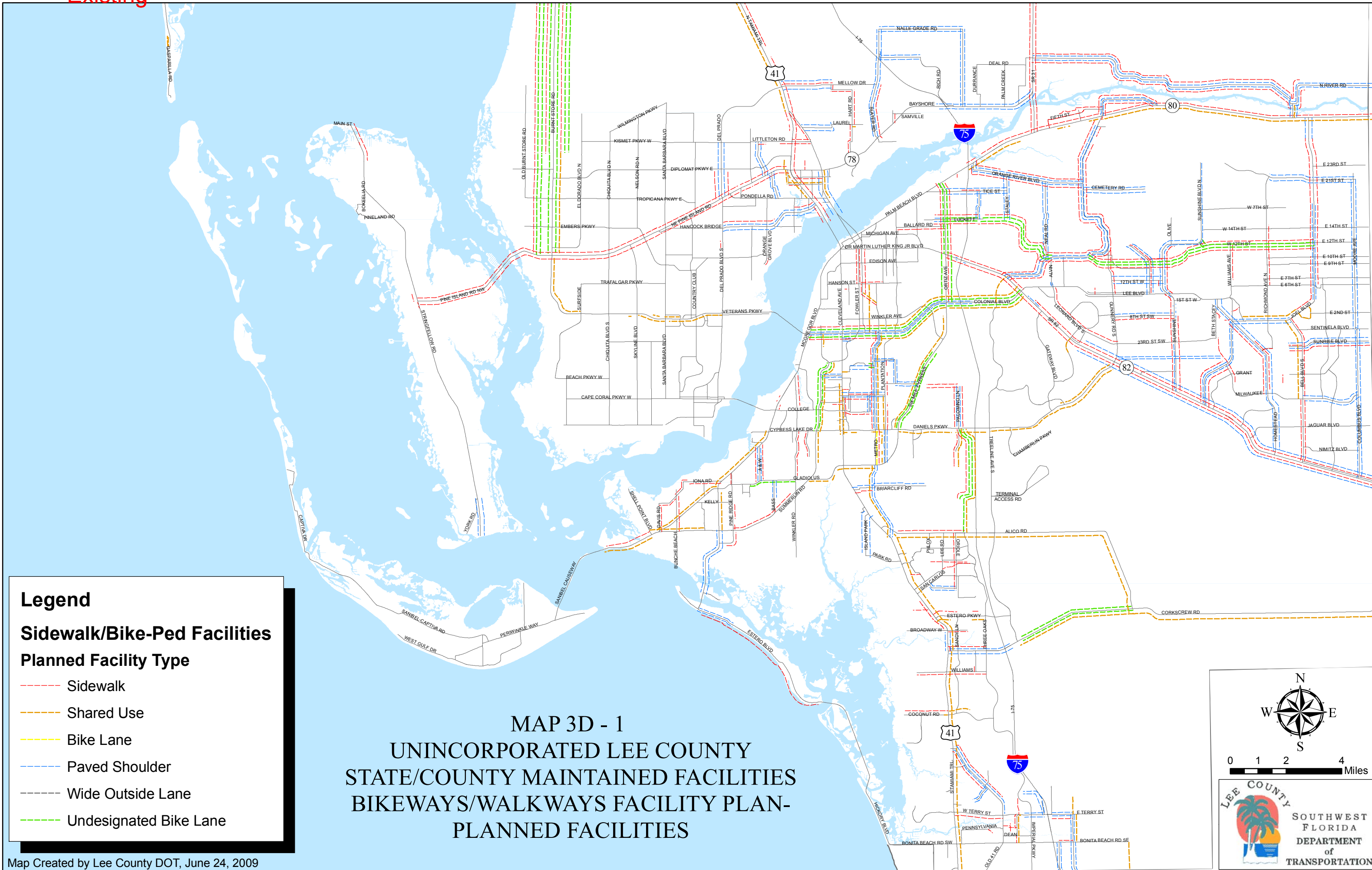
Map Generated: February 2017
Prepared By: DCD/Planning

City Limits current to date of map generation

Last Amended: DATE
Amended by Ordinance No. XX-XX

Lee Plan Map 3D





MAP 3D - 1
UNINCORPORATED LEE COUNTY
STATE/COUNTY MAINTAINED FACILITIES
BIKEWAYS/WALKWAYS FACILITY PLAN-
PLANNED FACILITIES

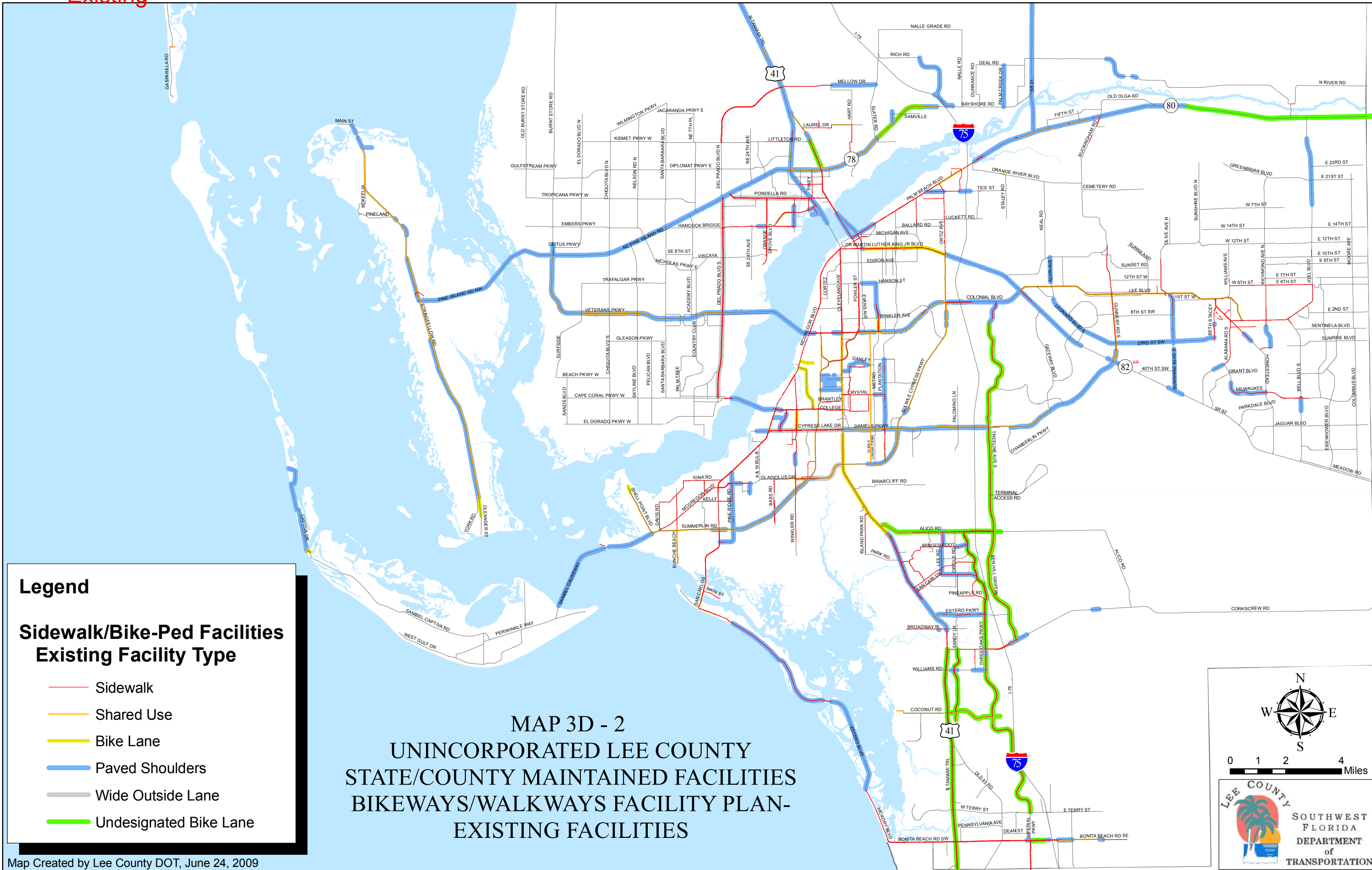
Legend

Sidewalk/Bike-Ped Facilities

Planned Facility Type




- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulder
- Wide Outside Lane
- Undesignated Bike Lane

0 1 2 4 Miles



COMMERCIAL SITE LOCATION STANDARDS

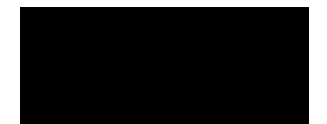
LEGEND

-  Intersection meets Neighborhood Commercial Center Standards (Policy 6.1.2.2)
-  Intersection meets Neighborhood and Community Commercial Center Standards (Policy 6.1.2.2 and 6.1.2.3)
-  City Limits

Notes:

- 1) Circles designating intersections are not shown at any set scale.
- 2) This map implements policies 6.1.2.2 and 6.1.2.3. It is not an assurance that commercial zoning will be approved for any particular parcel within the designated intersections. Nor does it supersede the various exceptions to the standards within the plan.
- 3) All development within the designated intersections must be consistent with the Lee Plan, including the direct access requirements in policies 6.1.2.2 and 6.1.2.3.
- 4) Commercial development within interchange areas is regulated by policy 6.1.2.9.

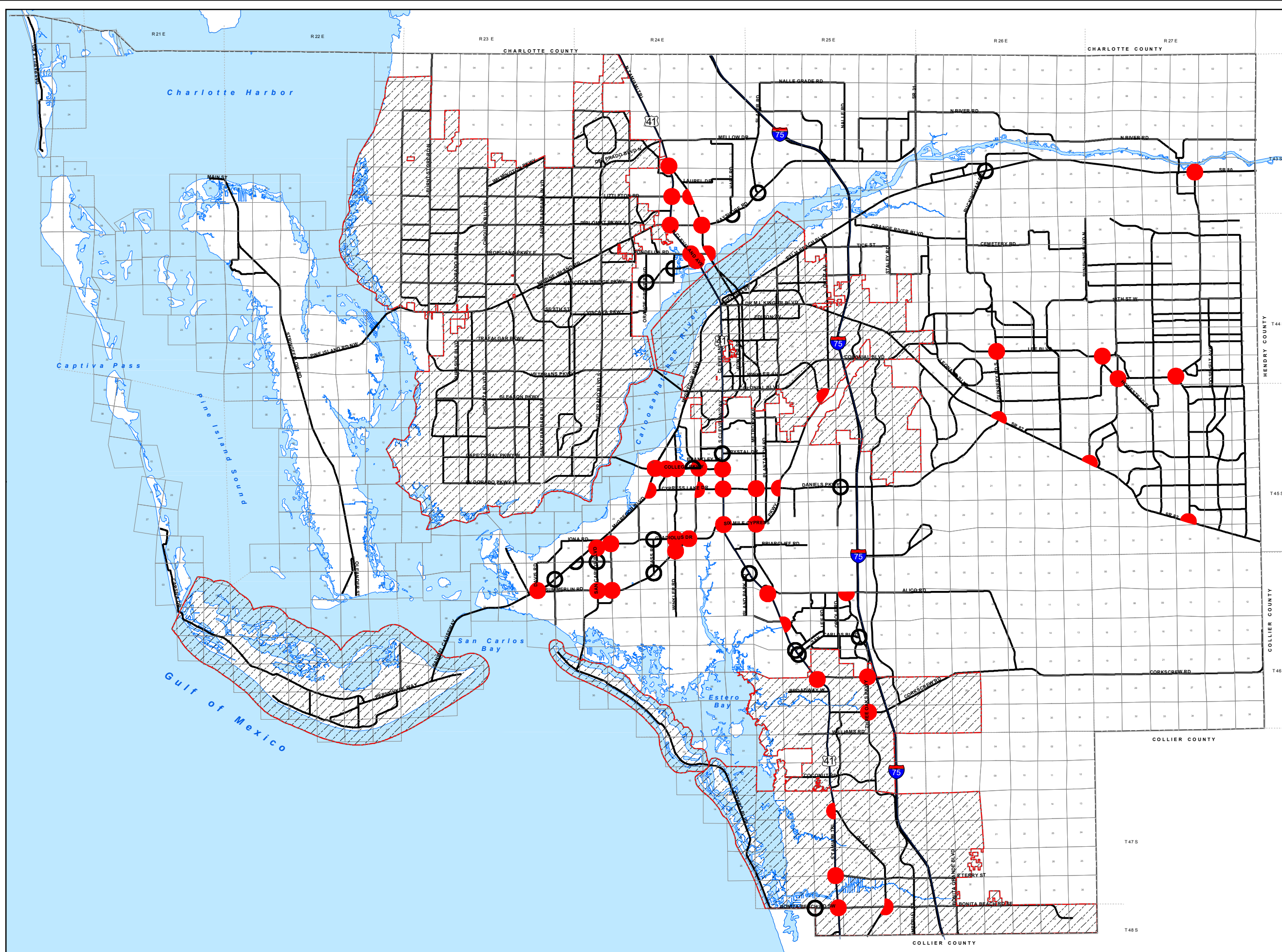
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Map Generated: January 2008
City Limits current to date of map generation

October 28, 1994

Lee Plan Map 19

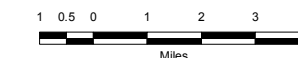
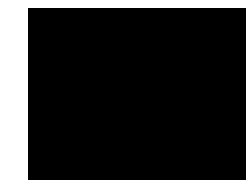


LEE COUNTY GREENWAYS MASTER PLAN

-  Shared Use Path
-  Charlotte-Lee-Collier Trail
-  Captiva-Hendry-Collier Trail
-  Charlotte-Lee-Hendry Trail
-  Pine Island-Hendry Trail
-  Connector Trails
-  Great Calusa Blueway
-  City Limits

This map depicts both existing and proposed shared use paths maintained by Lee County and the Florida Department of Transportation.

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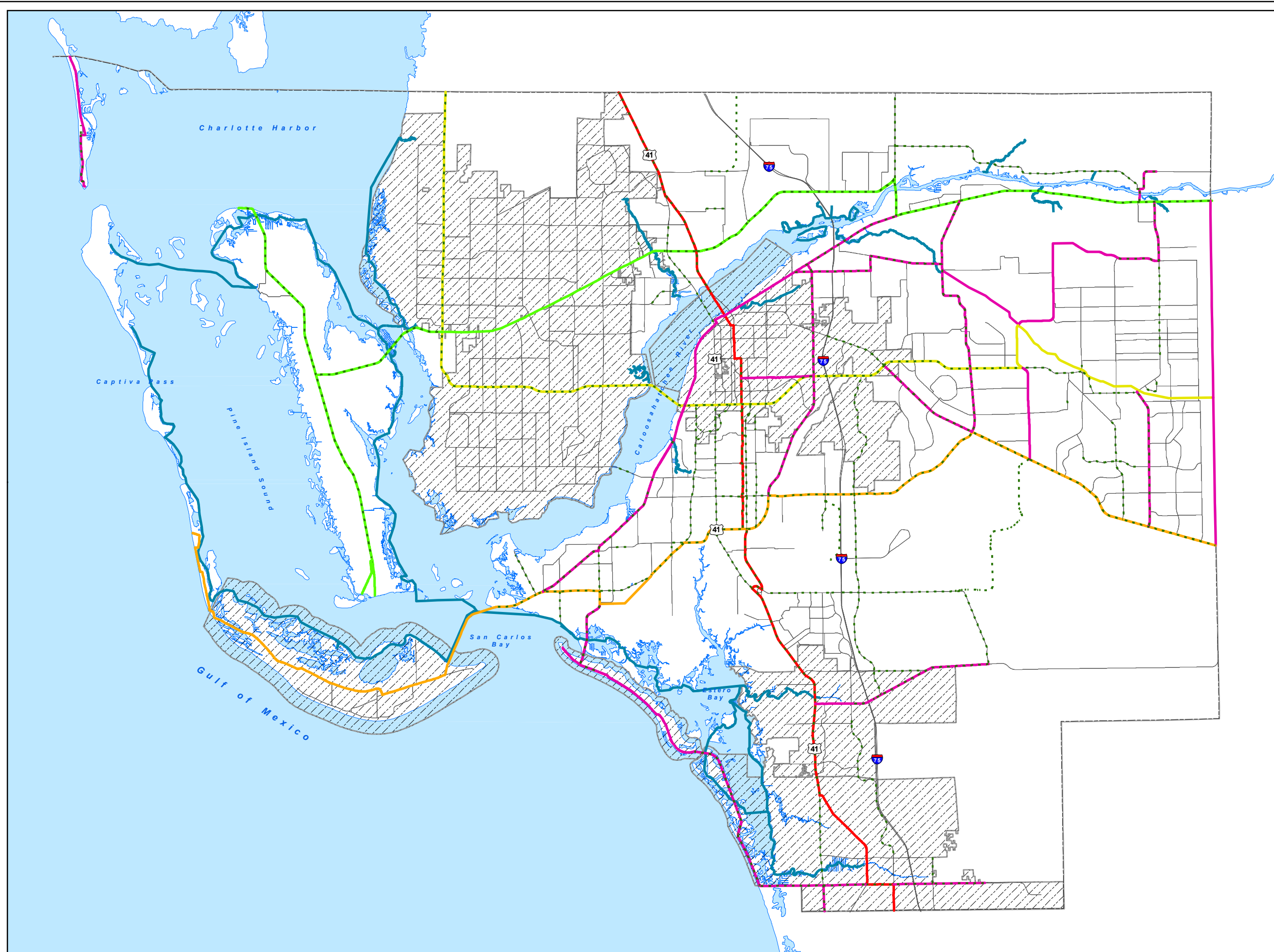


Map Prepared by: Lee County DCD/Planning
 Map Generated: February 2017
 City Limits current to date of map generation

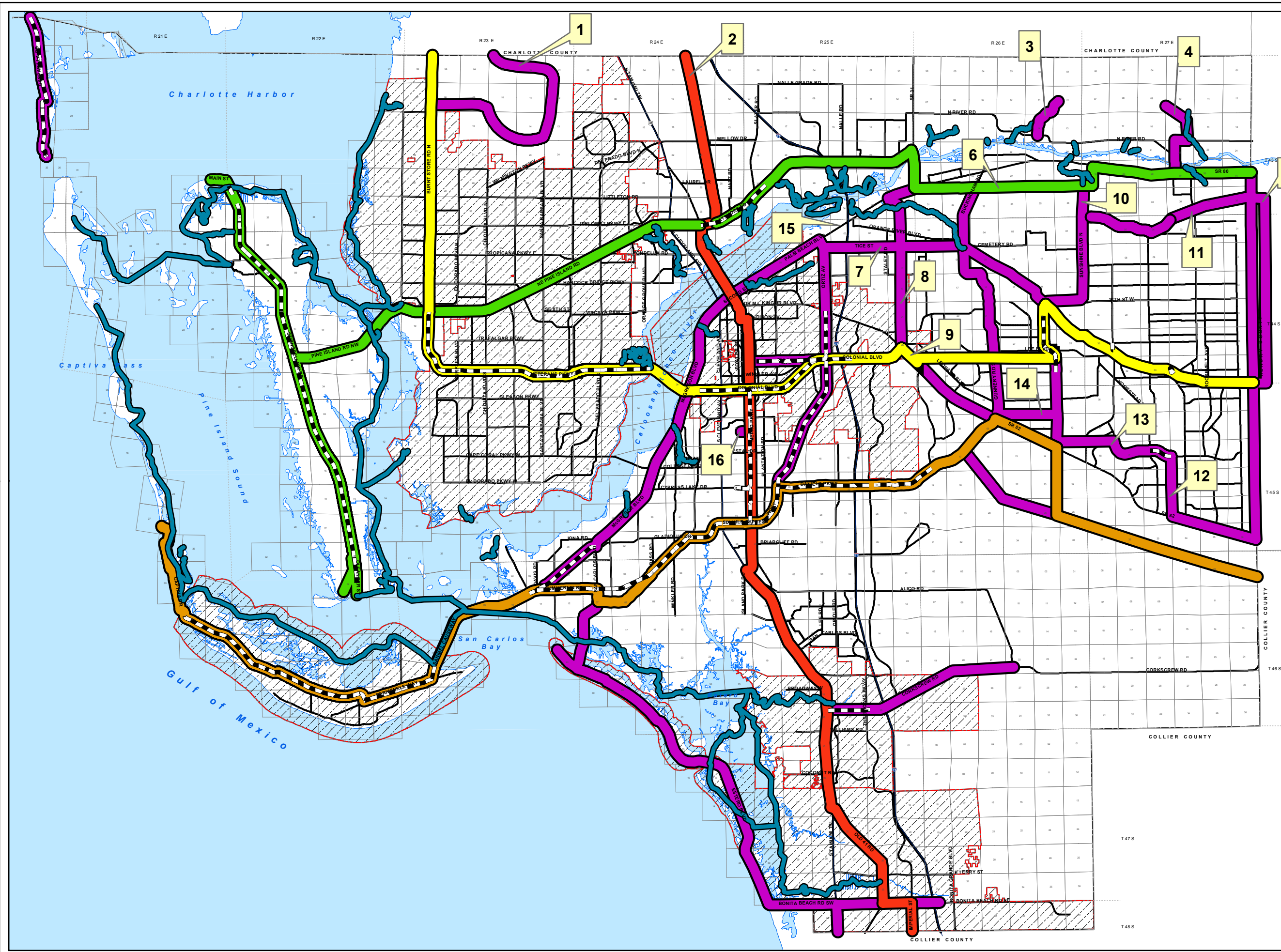
Adopted May 16, 2007
 Adopted by Ordinance No. 07-09

Amended by Ordinance No. 10-18
 March 3, 2010
 Effective June 2, 2010

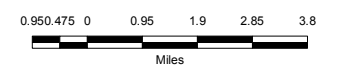
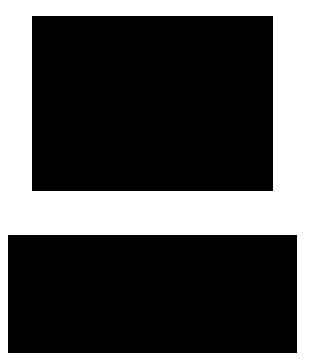
Lee Plan Map 22



LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN



- 18 Completed Greenways
- 17 Charlotte-Lee-Collier Trail
- Captiva-Hendry-Collier Trail
- Pine Island-Hendry Trail
- Charlotte-Lee-Hendry Trail
- Connector Trails
- Great Calusa Blueway
- Proposed Page Connector
- 19 City Limits



Map Generated: July 2010
 City Limits current to date of map generation

Adopted May 16, 2007
 Adopted by Ordinance No. 07-09

Amended by Ordinance No. 10-18
 March 3, 2010
 Effective June 2, 2010

**ADMINISTRATIVE CODE-
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: TRANSPORTATION AND TRAFFIC MANAGEMENT	CODE NUMBER: AC-11-9
TITLE: BICYCLE AND PEDESTRIAN FACILITIES CONSTRUCTION ON MAJOR ROADWAYS	ADOPTED: 03/21/90
	AMENDED: 01/27/93; 01/08/02; 02/13/07
	ORIGINATING DEPARTMENT: DEPARTMENT OF TRANSPORTATION- COMMUNITY DEVELOPMENT

I. PURPOSE/SCOPE:

Bicyclists and pedestrians are permitted to use public highways, except where otherwise prohibited in accordance with federal, state and local regulations. Bicycle and pedestrian facilities along major roadways provide improved safety and encourage alternate modes of utilitarian transportation. They also provide recreational opportunities that generally improve the quality of life and are therefore desirable.

This Policy provides location and design criteria for construction of bicycle and pedestrian facilities along County and State maintained roadways. It also provides a consistent policy/procedure for implementation of facilities and a mechanism for a fee in lieu contribution if a waiver is requested.

II. POLICY/PROCEDURE:

Projects submitting an application for a local development order must provide bicycle and pedestrian facilities consistent with the Lee County Land Development Code.

III. DEFINITIONS:

Adjacent facilities. Proposed bicycle or pedestrian facilities shown on the Plan along the frontage of a project on a public roadway.

Bicycle lane A portion of a roadway designated by signing and pavement markings for the preferential or exclusive use by bicyclists. A bicycle lane is designated in each direction.

Bicycle path A multiuse two way off road facility primarily designed for bicyclists that are also used by pedestrians.

Factors suggest absence of need. Where it can be reasonably determined that: (1) the facility is not likely to connect to an existing or planned facility, scheduled for construction in a five year transportation work program, (2) is not identified on the Lee Plan transportation map 3A (Financially Feasible Highway Plan), 3C (Financially Feasible Transit Network) or 3D-1 (Unincorporated Bikeways/Walkways Facilities Plan), and, (3) the roadway frontage is more than 60 percent developed, without facilities and the remainder of the undeveloped land will not provide a continuous facility at the time of build out.

Lee County Unincorporated Bikeways/Walkways Facilities Plan Planned future bicycle and pedestrian

facilities as adopted by the Board and graphically depicted in Maps 3D of the Lee Plan.

Major roadway. A roadway with a functional classification as an arterial or major collector.

~~*Obstruction.* Items placed temporarily or permanently in a bikeway or pedestrian facility including, but not limited to light poles, parking meters, newspaper stands, trash cans, mailboxes, utility pedestals, or street furniture, which reduce the minimum width of the facility.~~

~~*Off road facility.* A bicycle path or sidewalk that is within the road right of way but physically separated from the roadway travel lanes.~~

~~*On road facility.* A bicycle facility that is along or within the roadway travel lanes.~~

~~*Other available means.* An existing parallel bicycle and pedestrian facility on the same side of the road connects to the project within ¼ mile.~~

~~*Paved shoulder.* The portion of a highway which is contiguous to the traffic lanes that can be used for motor vehicle emergencies, specialized use by pedestrian and bicyclists, and lateral support of base and surface courses.~~

~~*Planning Community.* The designated area on Map 16, Planning Communities, of the Lee Plan that contains the project.~~

~~*Sidewalk.* The portion of a right of way designed for primary preferential use by pedestrians. A sidewalk may legally be used by a bicyclist consistent with Florida Statute 316.2065(5A-11).~~

~~*The Plan*—Lee County Unincorporated Bikeways/Walkways Facilities Plan. *The Plan*—Means the Lee County Unincorporated Bikeways/Walkways Facilities Plan depicting existing and planned bicycle and pedestrian facilities as adopted by the Board and graphically represented on Maps 3D-1 and 3D-2 of the Lee Plan.~~

IV. BIKEWAYS/WALKWAYS FACILITY PLAN:

The Plan was developed with input from the public and has been incorporated into the Lee Plan. The Plan will be updated on a regular basis to include changes in the roadway network and address changing land uses. Proposed facilities on the Plan are more specifically defined in attached Exhibit 1.

The Plan includes State Roads in unincorporated areas and County roadways through incorporated areas necessary to develop a comprehensive network. Staff will coordinate with adjacent jurisdictions as appropriate.

V. DESIGN CRITERIA

Standards, criteria and guidelines for bicycle and pedestrian facilities published by AASHTO and FDOT are incorporated by reference, except where specifically amended in the Land Development Code, or herein.

Paved Shoulder

It is recommended that paved shoulders be constructed on both sides of the roadway. The geometric design of a paved shoulder should be similar to a bicycle lane.

The minimum paved shoulder widths to accommodate bicycle traffic are as follows:

Posted speed _____ Closed drainage (urban) _____ Open drainage (rural) _____

30 MPH or below (local street or minor collector)	3	3
35-45 MPH	4	6
50 MPH or above	6	6

Bicycle Lanes

The standard width of a bicycle lane is five feet. The width may be reduced by one foot adjacent to a Type E or F curb and gutter.

A paved shoulder may be considered for signing and marking as a bicycle lane when the Department of Transportation Director, in his sole discretion, determines that it is appropriate. A bicycle lane should not be placed between a through lane and a continuous turn lane that serves multiple access points.

Bicycle Path

The standard width of a bicycle path is eight feet. The path width may be increased based on volume of usage. A bicycle path may be reduced to six feet wide at an obstruction.

Sidewalks

The standard width of a sidewalk with a vegetative strip on each side is five feet. The standard width of a sidewalk, except when located along a curb, barrier or wall is six feet. The path width may be increased based on volume of usage. A sidewalk may be decreased to four feet wide at an obstruction.

V. EASEMENTS:

At the developer's option, the facility may be constructed adjacent to the road right of way within the area of an easement donated to or otherwise held by the County for the purposes of constructing and maintaining a bikeway and pedestrian facility. The easement grant must include the right to be used as a perpetual non-exclusive right of way easement for bikeway and pedestrian facilities. The easement width must be the width of the facility plus two feet on each side for a sidewalk and four feet on each side for a bicycle path. However, easements of a lesser dimension may be approved at the discretion of the DOT Director.

The Board of County Commissioners must formally accept the easement grant and the facility after construction is complete. Lee County will maintain the facility when accepted by the Board.

VII. FEE-IN-LIEU:

If the Director of Development Services determines that a waiver from the requirement to provide the bike path/walkway is appropriate, the applicant must submit the appropriate fee in lieu contribution prior to issuance of any development order approval for the project. The contribution may be in the form of cash, roads or park impact fees credits.

The fee in lieu in the form of cash will be deposited in a subfund of CIP #206002, Countywide Bicycle and Pedestrian Facilities created for expenditure on a bicycle or pedestrian facility within the same planning community the project is located. The controlling fee calculation table is attached as Exhibit 2. Unit prices are based on the average unit prices for the last five years of County projects to retrofit bicycle and pedestrian facilities along County roads.

VIII. WAIVER:

The waiver criteria requirements of "factors suggest an absence of need" and "other available means" in the Land Development Code 10-256(f) are further defined herein.

Unincorporated Lee County
County/State Maintained Facilities
Bikeways/Walkways Plan
Proposed On-Road Facilities
AC-11.9
Exhibit 1

PROJECT NAME	FROM	TO	Project Status	FUNCT CLASS	LENGTH (MILES)	FAG TYPE	SIDE	GOMM DIST	IMP-FEE DIST	COMMENTS
21ST ST E	MOORE AVE	JOEL BLVD		COLL	1.5	BL	N/S	5	3	FUTURE PROJECT LIST
A&W BULB RD	GLADIOLUS DR	MCGREGOR BLVD		COLL	1.3	BL	EAW	3	4	FUTURE PROJECT LIST
ARCADIA RD (SR 31)	PALM BEACH BLVD (SR 80)	CHARLOTTE CO LINE		ART	4.7	BL	EAW	4	2	FUTURE PROJECT LIST
BARRETT RD	PONDELLA RD	PINE ISLAND RD (SR 78)		COLL	1	BL	EAW	4	2	FUTURE PROJECT LIST
BRIARCLIFF RD	US 41	TRIPLE CROWN CT		COLL	2.8	BL	TBD	5	4	FUTURE PROJECT LIST
BROADWAY RD	PALM BEACH BLVD (SR 80)	NORTH RIVER RD		COLL	0.5	BL	EAW	5	3	FUTURE PROJECT LIST
BUNGH BEACH RD	BUNGH BEACH	SUMMERLIN RD		COLL	1.2	BL	EAW	3	4	FUTURE PROJECT LIST
BURNT STORE RD	VAN BUREN PARKWAY	CHARLOTTE CO LINE		ART	9.2	BL	EAW	4	5	FUTURE PROJECT LIST
CENTER RD	6TH ST	DANLEY DR		LOCAL	0.6	BL	N/S	5	4	FUTURE PROJECT LIST
COLONIAL BLVD (SR 884)	IMMOKALEE RD (SR 82)	SIX MILE PKWY		ART	2.7	BL	N/S	5	1	FUTURE PROJECT LIST
COLUMBUS BLVD	IMMOKALEE RD (SR 82)	SENTINELA BLVD		COLL	5.4	BL	EAW	5	3	FUTURE PROJECT LIST
CORBETT RD	PINE ISLAND ROAD (SR 78)	LITTLETON RD		COLL	1.3	BL	EAW	4	2	FUTURE PROJECT LIST
DANLEY DR	SOUTH RD	METRO PKWY		COLL	1	BL	EAW	2	4	FUTURE PROJECT LIST
DR MARTIN LUTHER KING JR BLVD (SR 82)	I-75	MICHIGAN LINK		ART	1.4	BL	N/S	2	1	FUTURE PROJECT LIST
FORDHAM ST	WOODLAND BLVD	CRYSTAL DR		LOCAL	0.6	BL	TBD	5	4	FUTURE PROJECT LIST
HANCOCK BRIDGE PKWY	ORANGE GROVE BLVD	MOODY RD		ART	1.4	BL	N/S	4	2	FUTURE PROJECT LIST
HOMESTEAD RD	MILWAUKEE BLVD	LEE BLVD		ART	4	BL	EAW	5	3	FUTURE PROJECT LIST
HUNTERS RIDGE BLVD	COLLIER CO LINE	BONITA BEACH RD		COLL	1	BL	EAW	3	8	FUTURE PROJECT LIST
IDLEWILD ST	RANCHETTE RD	METRO PKWY		COLL	0.7	BL	EAW	5	1	FUTURE PROJECT LIST
IMMOKALEE RD (SR 82)	HENDRY CO LINE	I-75		ART	17.2	BL	N/S	5	3	FUTURE PROJECT LIST
IMPERIAL HARBOUR BLVD	SOUTH END	OLD 41		COLL	0.4	BL	EAW	3	8	FUTURE PROJECT LIST
IMPERIAL ST	COLLIER CO LINE	BONITA BEACH RD		COLL	1	BL	EAW	3	8	PIP PROJECT FY 99/00
ISLAND PARK ROAD	PARK RD	US 41		COLL	1.5	BL	EAW	3	4	FUTURE PROJECT LIST
LEELAND HEIGHTS BLVD	ALEXANDER GRAHAM BELL BLVD	LEE BLVD		ART	1.5	BL	N/S	5	3	FUTURE PROJECT LIST
LEELAND HEIGHTS BLVD	LEE BLVD	HOMESTEAD RD		ART	0.5	BL	N/S	5	3	PIP PROJECT FY 99/00
LUCKETT ROAD	I-75	COUNTRY LAKES DR		COLL	0.5	BL	N/S	5	1	FUTURE PROJECT LIST
LUCKETT ROAD	I-75	ORTIZ AVE		ART	0.8	BL	N/S	2	1	FUTURE PROJECT LIST
MILWAUKEE BLVD	ALEXANDER GRAHAM BELL BLVD	COLUMBUS BLVD		COLL	1.29	BL	N	5	3	FUTURE PROJECT LIST
MOORE AVE	SENTINELA BLVD	21ST ST E		COLL	5	BL	EAW	5	3	FUTURE PROJECT LIST
NALLE GRADE RD	SLATER RD	NALLE RD		COLL	3	BL	N/S	4	2	FUTURE PROJECT LIST
NALLE RD	BAYSHORE RD (SR 78)	NALLE GRADE RD		COLL	2.8	BL	N/S	4	2	FUTURE PROJECT LIST
NEAL RD	BUCKINGHAM RD	ORANGE RIVER RD		COLL	1.3	BL	EAW	5	3	FUTURE PROJECT LIST
NORTH AIRPORT ROAD	FOWLER ST	US 41		COLL	0.3	BL	N/S	5	4	FUTURE PROJECT LIST
NORTH RIVER ROAD	BROADWAY ST	SR 31		ART	10.4	BL	N/S	5	2	FUTURE PROJECT LIST
OLGA RD	SR 80	SR 80		COLL	2.6	BL	N/S	5	3	FUTURE PROJECT LIST
ORANGE RIVER BLVD	BUCKINGHAM RD	ORANGE RIVER BLVD		ART	4.2	BL	N/S	5	1	FUTURE PROJECT LIST
ORTIZ AVE	COLONIAL BLVD	DR M L KING BLVD (SR 82)		ART	1.7	BL	EAW	5	1	FUTURE PROJECT LIST
PENZANCE BLVD	RANCHETTE RD	SIX MILE CYPRESS PARKWAY		COLL	0.8	BL	N/S	5	4	FUTURE PROJECT LIST
PLANTATION RD	SIX MILE CYPRESS PKWY	DANIELS PKWY		COLL	1	PS	EAW	3	4	PIP PROJECT FY 98/99
PRITCHETT PKWY	LEETANA RD	SR 78		COLL	1.3	BL	N/S	4	2	FUTURE PROJECT LIST
RANCHETTE RD	PENZANCE BLVD	IDLEWILD RD		COLL	0.9	BL	EAW	5	4	FUTURE PROJECT LIST
RICH RD	LEETANA RD	SLATER RD		COLL	1.3	BL	N/S	4	2	FUTURE PROJECT LIST
SENTINELA BLVD	MOORE AVE	COLUMBUS BLVD		COLL	0.3	BL	N/S	5	3	FUTURE PROJECT LIST
SHELL POINT BLVD	MCGREGOR BLVD	DAVID DR		COLL	0.7	BL	EAW	3	4	FUTURE PROJECT LIST
SLATER RD	DEL PRADO EXT	NALLE GRADE RD		ART	2	BL	EAW	4	2	FUTURE PROJECT LIST
STALEY RD	LUCKETT RD	ORANGE RIVER BLVD		COLL	1	BL	EAW	5	3	FUTURE PROJECT LIST
SUNNILAND BLVD	LEE BLVD	PARK RD		COLL	2	BL	EAW	5	3	FUTURE PROJECT LIST
SUNRISE BLVD (LA)	ALEXANDER GRAHAM BELL BLVD	NAPLES AVE		COLL	2.6	BL	N/S	5	3	FUTURE PROJECT LIST
SUNRISE BLVD (LA)	VICTORIA AVE	ALEXANDER GRAHAM BELL BLVD		COLL	0.5	BL	EAW	5	3	FUTURE PROJECT LIST
SUNSHINE BLVD	IMMOKALEE RD	SW 8TH ST		ART	4.1	BL	EAW	5	3	FUTURE PROJECT LIST
SUNSHINE BLVD	SW 8TH ST	W 25TH ST		ART	1.5	BL	EAW	5	3	CURRENT PROJECT LIST
TICE ST	STALEY RD	ORTIZ AVE		COLL	2.5	BL	N/S	5	3	FUTURE PROJECT LIST
TREELINE AVE	JETPORT COMMERCE PKWY	AMBERWOOD RD		COLL	1.6	BL	EAW	5	3	FUTURE PROJECT LIST
US 41	VICTORIA AVENUE	CHARLOTTE CO LINE		ART	10	BL	EAW	4	2/5	FUTURE PROJECT LIST

Unincorporated Lee County
County/State Maintained Facilities
Bikeways/Walkways Plan
Proposed Off-Road Facilities
AC-11-9
Exhibit 1

PROJECT NAME	FROM	TO	Project Status	FUNCT CLASS	LENGTH (MILES)	FAC TYPE	SIDE	COMM DIST	IMP FEE DIST	COMMENTS
12TH ST W	SUNSHINE BLVD	GUNNERY RD	In design as of 2-20-06	COLL	1.8	SW	TBD	5	3	FUTURE PROJECT LIST
ALABAMA RD	PALM BLVD	MILWAUKEE BLVD	Constructed 5'-6' SW on W side	ART	2	SW	W	5	3	CURRENT PROJECT LIST
ALEXANDER GRAHAM BELL BLVD	MILWAUKEE BLVD	JOEL BLVD	BPAC Future Projects List	ART	3.1	SW	EW	5	3	FUTURE PROJECT LIST
ALICO RD	CORKSCREW RD	THREE OAKS PKWY		COLL	8.1	BP	TBD	5	3	FUTURE PROJECT LIST
ALICO RD	US 41	THREE OAKS PKWY		ART	2.8	SW	N/S	5	4	CURRENT PROJECT LIST
AUSTIN AVE	JASPER AVE	ALDRIDGE AVE		LOCAL	0.7	SW	TBD	5	4	FACILITY REQUEST
BALLARD RD	KINGSMAN CIR	PALMETTO AVE		COLL	0.3	SW	N	2	1	FUTURE PROJECT LIST
BALLARD RD	ORTIZ AVE	KINGSMAN CIR		COLL	0.5	SW	N/S	2	1	FUTURE PROJECT LIST
BASS RD	HEALTH PARK CIR	GLADIOLUS DR		COLL	0.48	SW	W	3	4	FUTURE PROJECT LIST
BASS RD	SUMMERLIN RD	GLADIOLUS DR		COLL	1	SW	E	3	4	FUTURE PROJECT LIST
BAYSHORE RD (SR 78)	HART RD	I-75		ART	4	SW	N	4	2	FUTURE PROJECT LIST
BRANTLEY RD	650' EAST OF SUMMERLIN RD	US 41		COLL	0.8	SW	S	3	4	FUTURE PROJECT LIST
BRANTLEY RD	SUMMERLIN RD	500' EAST OF SUMMERLIN RD		COLL	0.1	SW	S	3	4	FUTURE PROJECT LIST
BRANTLEY RD	SUMMERLIN RD	FORESTWOOD CIR		COLL	0.2	SW	N	3	4	FUTURE PROJECT LIST
BRANTLEY RD	US 41	CRYSTAL CT		COLL	0.2	SW	N	3	4	FUTURE PROJECT LIST
BROADWAY RD	PALM BEACH BLVD (SR 80)	NORTH RIVER RD		GOLL	0.5	BP	TBD	5	3	FACILITY REQUEST
BUCKINGHAM RD	CORAL VINE DR	SR 80		ART	0.4	SW	EW	5	3	FUTURE PROJECT LIST
BURNT STORE RD	PINE ISLAND ROAD	VAN BUREN PARKWAY		ART	9.2	BP	EW	4	5	FACILITY REQUEST
BUS 41	ARROWHEAD BLVD	US 41		ART	0.5	BP	E	4	2	CIP PROJECT FY 00/04
BUS 41	BAYSHORE RD (SR 78)	POWELL DR		ART	0.2	BP	E	4	2	FUTURE PROJECT LIST
CALOOSARD	PHLOX DR	USEPPARD		LOCAL	1.2	SW	TBD	5	4	FUTURE PROJECT LIST
CAPTIVA RD	BLIND PASS	MURMOND LN		COLL	2.5	BP	W	1	6	FACILITY REQUEST
CAPTIVA RD	DICKEY LN	SOUTH SEAS PLANTATION ENT		COLL	0.15	BP	W	1	6	FUTURE PROJECT LIST
CHILDERS ST	MATHESON AVE	OLD 41		LOGAL	0.55	SW	N	3	8	FACILITY REQUEST
COCONUT RD	US 41	ELDORADO BLVD		COLL	1.1	SW	TBD	3	4	FUTURE PROJECT LIST
COLONIAL BLVD (SR 884)	IMMOKALEE RD (SR 82)	SIX MILE CYPRESS PKWY		ART	2.7	BP	S	5	1	FUTURE PROJECT LIST
COLONIAL BLVD (SR 884)	TEN MILE CANAL	SIX MILE CYPRESS PKWY		ART	3.1	BP	N	5	1	FUTURE PROJECT LIST
CORKSCREW RD PHASE 1	US 41	BEN HILL GRIFFIN PKWY		ART	2.5	SW	N/S	5	4	CURRENT PROJECT LIST
CORKSCREW RD PHASE 2	BEN HILL GRIFFIN PKWY	THREE OAKS PKWY		ART	4.5	BP	N/S	5	3	FUTURE PROJECT LIST
COUNTRY CLUB PKWY	JOEL BLVD	JOEL BLVD		COLL	0.9	BP	TBD	5	3	FUTURE PROJECT LIST
CRYSTAL DR	METRO PKWY	US 41		COLL	1.1	SW	N	3	4	FUTURE PROJECT LIST
CRYSTAL DR	PLANTATION RD	METRO PKWY		COLL	1.1	SW	S	3	4	CURRENT PROJECT LIST
CYPRESS LAKE DR	CYPRESS LAKE CENTER ENT	US 41		ART	0.15	SW	S	3	4	FUTURE PROJECT LIST
DANIELS PKWY	IMMOKALEE RD (SR 82)	GATEWAY BLVD		ART	3.5	BP	N/S	5	3	CURRENT PROJECT LIST
DANIELS PKWY	US 41	GATEWAY BLVD		ART	8	BP	S	5	3	FUTURE PROJECT LIST
E BROADWAY	US 41	END		COLL	0.6	SW	TBD	5	4	FUTURE PROJECT LIST
E TERRY ST	OLD 41	SOUTHERN PINES DRIVE		COLL	1.5	SW	N	3	8	FUTURE PROJECT LIST
ESTERO BLVD	COTTAGE AVE	BIG CARLOS PASS		ART	6	SW	S	3	4	FUTURE PROJECT LIST
EVERGREEN RD	BUSINESS 41	HERRON RD		COLL	1.2	BP	TBD	4	2	FUTURE PROJECT LIST
FIDDESTICKS BLVD	GLENFINNAN CIR	DANIELS PKWY		COLL	1.5	BP	EW	5	4	CIP PROJECT FY 00/04
FOWLER ST	HANSON ST	DR MARTIN LUTHER KING JR BLVD		ART	1.5	SW	EW	2	1	FUTURE PROJECT LIST
GLADIOLUS DR	ALEXANDER CT	W OF WINKLER RD		ART	1.3	SW	N	3	4	FUTURE PROJECT LIST
GLADIOLUS DR	US 41	PINE RIDGE RD		ART	4	BP	S	3	4	FUTURE PROJECT LIST
GUNNERY RD	IMMOKALEE RD	LEE BLVD		ART	2.1	SW	EW	5	3	FACILITY REQUEST
GUNNERY RD	LEHIGH HS	42 ST W		ART	1.2	SW	TBD	6	3	FACILITY REQUEST
HANCOCK BRIDGE PKWY	ORANGE GROVE BLVD	MOODY RD		ART	1.4	SW	N/S	4	2	FUTURE PROJECT LIST
HANCOCK BRIDGE PKWY	PALM AVE	MOODY RD		ART	0.6	SW	N	4	2	FUTURE PROJECT LIST
HART DR	ZOYSIA LN	LAUREL LN		COLL	0.5	SW	E	4	2	CURRENT PROJECT LIST
HART RD	BAYSHORE RD	ZOYSIA LN		COLL	0.8	SW	E	4	2	FACILITY REQUEST
HENDERSON AVE	EDISON AV	CANAL ST		LOCAL	0.5	SW	W	2	1	FUTURE PROJECT LIST
HERRON RD	EVERGREEN RD	PINE ISLAND RD (SR 78)		COLL	0.5	BP	TBD	4	2	FUTURE PROJECT LIST
HOMESTEAD RD	MILWAUKEE BLVD	LEELAND HEIGHTS BLVD		ART	3	SW	W	5	3	FUTURE PROJECT LIST
HOMESTEAD RD	MILWAUKEE BLVD	VETERANS PARK		ART	2	SW	E	5	3	FUTURE PROJECT LIST
HORNE AVE	HAMPTON ST	WILSON ST		LOCAL	0.3	SW	W	3	8	FACILITY REQUEST
IMPERIAL ST	COLLIER CO LINE	BONITA BEACH RD		COLL	1	SW	EW	3	8	FUTURE PROJECT LIST
INLET DR	HARBOUR LN	ORANGE GROVE BLVD		LOCAL	0.4	SW	N	4	2	CURRENT PROJECT LIST
IONA ROAD	ANCHORAGE WAY	BAIN RD		COLL	0.2	SW	N	3	4	FACILITY REQUEST
IONA ROAD	ANCHORAGE WY	MCGREGOR BLVD		GOLL	1	SW	S	3	4	FUTURE PROJECT LIST
JOEL BLVD	ALEXANDER GRAHAM BELL BLVD	SR 80		ART	7.8	SW	N/S	5	3	FUTURE PROJECT LIST
JOHN MORRIS ROAD	IONA RD	SUMMERLIN RD		COLL	1.3	SW	E	3	4	FUTURE PROJECT LIST

Unincorporated Lee County
County/State Maintained Facilities
Bikeways/Walkways Plan
Proposed Off-Road Facilities
AC-11-9
Exhibit 1

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KELLY RD	CONCOURSE DR	PINE RIDGE RD		LOCAL	0.6	SW	TBD	3	4	FUTURE PROJECT LIST
KORESHAN BLVD	THREE OAKS PKWY	US 41		ART	1.9	SW	N/S	5	4	FUTURE PROJECT LIST
LAKEWOOD BLVD	GLADIOLUS DR	SUMMERLIN RD		LOCAL	0.76	SW	S	3	4	FUTURE PROJECT LIST
LAUREL DR	BREEZE DR	HART RD		COLL	0.4	BP	S	4	2	FACILITY REQUEST
LAUREL DR	GAGE DR	BUSINESS 41		COLL	1.2	SW	N	4	2	FACILITY REQUEST
LEE BLVD	HOMESTEAD RD	LEELAND HEIGHTS BLVD		ART	1.4	SW	N/S	5	3	FACILITY REQUEST
LEE RD	WINGED FOOT DR	ALICO RD		COLL	0.4	SW	W	5	4	UNDER CONSTRUCTION
LEELAND HEIGHTS BLVD	ALEXANDER GRAHAM BELL BLVD	LEE BLVD		ART	1.5	SW	N/S	5	3	FUTURE PROJECT LIST
LEELAND HEIGHTS BLVD	LEE BLVD	HOMESTEAD RD		ART	0.5	SW	N/S	5	3	CIP PROJECT FY 99/00
LEONARD BLVD	GUNNERY RD	SETH AVE		COLL	2.67	SW	TBD	5	3	FUTURE PROJECT LIST
LITTLETON RD	BUSINESS 41	NICKLAUS BLVD		ART	1.2	SW	S	4	2	FUTURE PROJECT LIST
LITTLETON RD	BUSINESS 41	US 41		ART	0.7	SW	N	4	2	FUTURE PROJECT LIST
LITTLETON RD	HUTTO RD	CORBETT RD		ART	0.3	SW	S	4	2	FUTURE PROJECT LIST
LITTLETON RD	NICKLAUS BLVD	CORBETT RD		ART	0.7	SW	S	4	2	FUTURE PROJECT LIST
LITTLETON RD	OLD 41	US 41		ART	0.6	SW	N	4	2	FUTURE PROJECT LIST
MARSH RD	MICHIGAN AVE	BALLARD RD		COLL	0.2	SW	E/W	2	1	FUTURE PROJECT LIST
MATHESON AVE	DEAN ST	EAST TERRY ST		LOCAL	0.6	SW	TBD	3	8	CURRENT PROJECT LIST
MCGREGOR BLVD (SR 867)	COLLEGE PKWY	EDINBURGH DR		ART	0.2	SW	E	2	4	FUTURE PROJECT LIST
MCGREGOR BLVD (SR 867)	SANIBEL TOLL PLAZA	SAN CARLOS BLVD		ART	4	SW	N	3	4	FUTURE PROJECT LIST
METRO PKWY (SR 739)	SIX MILE CYPRESS PKWY	FT MYERS LINEAR PARK		ART	6	SW	E/W	5	4	FUTURE PROJECT LIST
OLD US 41	ROSEMARY DR	US 41		ART	2	SW	N/S	3	8	FUTURE PROJECT LIST
ORANGE GROVE BLVD	CORAL CIR	SEAFAN CIR		COLL	0.33	SW	W	4	2	FUTURE PROJECT LIST
ORANGE RIVER BLVD	WOODBRIER DR	ORANGE RIVER BLVD		ART	0.9	SW	N/S	5	1	FACILITY REQUEST
ORIOLE RD	MANTANZAS RD	ALICO RD		COLL	1.9	SW	W	5	4	FACILITY REQUEST
ORTIZ AVE	DR M L KING BLVD (SR 82)	PALM BEACH BLVD (SR 80)		ART	2.56	SW	W	5	1	FUTURE PROJECT LIST
OVERLOOK DR	BRENTWOOD RD	CYPRESS LAKE DR		LOCAL	0.9	SW	TBD	3	4	FUTURE PROJECT LIST
PACIFIC AVE	BAYSHORE RD	STOCKTON ST		LOCAL	0.3	SW	TBD	4	2	FACILITY REQUEST
PEBBLE BEACH DR	WINGED FOOT DR	CONSTITUTION RD		LOCAL	0.7	SW	TBD	5	4	CURRENT PROJECT LIST
PENNSYLVANIA AVE	ARROYAL AVE	OLD 41		COLL	1.5	SW	S	3	8	FACILITY REQUEST
PINE ISLAND RD (SR 78)	STRINGFELLOW RD	US 41		ART	15	SW	N/S	4	5	FUTURE PROJECT LIST
PINE RIDGE RD	STEVENS BLVD	MCGREGOR BLVD		COLL	3	SW	TBD	3	4	FUTURE PROJECT LIST
PINEY RD	MARIANA AVE	BAYSHORE RD		LOCAL	0.4	SW	TBD	4	2	FACILITY REQUEST
PINEY RD	PONDELLA RD	MARIANA AVE		LOCAL	0.7	SW	TBD	4	2	FACILITY REQUEST
PLANTATION RD	CRYSTAL DR	IDLEWILD RD		COLL	1.3	SW	E	3	4	FUTURE PROJECT LIST
PLANTATION RD	DANIELS PKWY	PLANTATION PINES BLVD		COLL	1	SW	E	3	4	FUTURE PROJECT LIST
PONDELLA RD	PINE ISLAND RD	HENKEL DR		ART	1	SW	N/S	4	2	CIP PROJECT FY 00/01
RAGSDALE ST	MATHESON AVE	PULLEN AVE		LOCAL	0.3	SW	TBD	3	8	CURRENT PROJECT LIST
RICHMOND AVE	3RD ST	12TH ST		COLL	2.3	SW	E	5	3	FACILITY REQUEST
RIVER RANCH RD	WILLIAMS RD	ESTERO HIGH SCHOOL		COLL	0.3	SW	TBD	5	4	FUTURE PROJECT LIST
SAN CARLOS BLVD (SR 865)	GULF POINT DR	PINE RIDGE RD		ART	2	BP	E	3	4	FUTURE PROJECT LIST
SANIBEL BLVD	US 41	LEE RD		COLL	1.3	SW	TBD	5	4	CURRENT PROJECT LIST
SANIBEL CAUSEWAY	MCGREGOR BLVD	PERIWINKLER RD		ART	1.8	SW	N/S	1	6	FACILITY REQUEST
SARA AVE	9TH ST W	12 ST W		LOCAL	0.2	SW	TBD	5	3	FUTURE PROJECT LIST
SIX MI CYPRESS PKWY	DANIELS PKWY	COLONIAL BLVD		ART	5	BP	W	5	1	FUTURE PROJECT LIST
SIX MI CYPRESS PKWY	US 41	SPORTS COMPLEX		ART	1.75	SW	N	5	4	FUTURE PROJECT LIST
SLATER RD	BAYSHORE RD	DEL PRADO EXT		ART	2	SW	E/W	4	2	FACILITY REQUEST
SOUTH POINT BLVD	COLLEGE PKWY	CYPRESS LAKE DR		COLL	1	SW	E	2	4	FUTURE PROJECT LIST
SOUTH RD	DANLEY DR	US 41		COLL	0.3	BP	S	5	4	FUTURE PROJECT LIST
SPRING CREEK RD	PELICAN LANDING	SPRING CREEK VILLAGE		LOCAL	0.5	SW	TBD	3	4	FACILITY REQUEST
STRINGFELLOW RD	ALCORN ST	CAPTAINS HARBOR DR		ART	6.25	BP	W	1	5	FACILITY REQUEST
STRINGFELLOW RD	SUNSET LN	300' S. OF PINE ISLAND RD (SR 78)		ART	0.06	BP	W	1	5	FUTURE PROJECT LIST
STRINGFELLOW RD	YORK RD	8TH AVE		ART	0.7	SW	W	1	5	FUTURE PROJECT LIST
SUMMERLIN RD	GLADIOLUS DR	BOY SCOUT RD		ART	4.6	SW	E	2/3	1/4	FUTURE PROJECT LIST
SUMMERLIN RD	WINKLER RD	MCGREGOR BLVD		ART	5.3	BP	N	3	4	FUTURE PROJECT LIST
SUNRISE BLVD (LA)	VICTORIA AVE	ALEXANDER GRAHAM BELL BLVD		COLL	0.5	SW	TBD	5	3	FACILITY REQUEST
SUNRISE BLVD (VILLAS)	FORDHAM ST	AUSTIN AVE		LOCAL	0.9	SW	TBD	5	4	FACILITY REQUEST
SUNSHINE BLVD	SW 8TH ST	W 26TH ST		ART	1.5	SW	E/W	5	3	FACILITY REQUEST
SW 8TH ST	SUNSHINE BLVD	GUNNERY RD		LOCAL	2.1	SW	TBD	5	3	FUTURE PROJECT LIST
TAYLOR LN	HOMESTEAD RD	LEE BLVD		LOCAL	0.6	SW	TBD	5	3	FUTURE PROJECT LIST
TICE ST	ORTIZ AVE	LYNNEDA AV		COLL	0.4	SW	N	2	1	FUTURE PROJECT LIST
TREELINE AVE	ALICO RD	DANIELS PKWY		COLL	4	BP	E/W	5	3	CIP PROJECT FY 00/01

Unincorporated Lee County
 County/State Maintained Facilities
 Bikeways/Walkways Plan
 Proposed Off-Road Facilities
 AC-11-9
 Exhibit 1

PROJECT NAME	FROM	TO	Project Status	FUNCT CLASS	LENGTH (MILES)	FAC TYPE	SIDE	COMM DIST	IMP FEE DIST	COMMENTS
TREELINE AVE	JETPORT COMMERCE PKWY	AMBERWOOD RD		COLL	1.6	BP	EAW	5	3	FUTURE PROJECT LIST
US 41	VICTORIA AVENUE	CHARLOTTE CO LINE		ART	5	SW	EAW	4	5	FUTURE PROJECT LIST
US 41	COLLIER CO LINE	WILLIAMS RD		ART	7	SW	EAW	3	8	FUTURE PROJECT LIST
US 41	WILLIAMS RD	CORKSCREW RD		ART	6	SW	W	3	4	FUTURE PROJECT LIST
VETERANS PKWY	DEL PRADO BLVD	SANTA BARBARA BLVD		ART	2.03	BP	S	1	5	FUTURE PROJECT LIST
W. TERRY ST	OLD US 41	US 41		ART	2	SW	S	3	8	FUTURE PROJECT LIST
WILLIAMS AVE	6TH ST	W 12TH ST		LOCAL	1.5	SW	TBD	5	3	FUTURE PROJECT LIST
WILLIAMS RD (EST)	HALFWAY CREEK	RIVER RANCH RD		COLL	2.1	SW	N/S	3	4	FUTURE PROJECT LIST
WILLIAMS RD (NFM)	BAYSHORE RD	SAMVILLE RD		LOCAL	0.35	SW	E	4	2	FACILITY REQUEST
WINKLER RD	GLADIOLUS DR	CYPRESS LAKE DR		ART	2	SW	E	3	4	FUTURE PROJECT LIST
WINKLER RD	McGREGOR BLVD	COLLEGE PKWY		ART	1.1	SW	E	2	4	FUTURE PROJECT LIST
WINKLER RD	SUMMERLIN RD	SOUTH END		COLL	2.5	SW	TBD	3	4	FUTURE PROJECT LIST
WOODLAND BLVD	CHATHAM ST	US 41		COLL	0.25	SW	TBD	5	4	CURRENT PROJECT LIST
WOODLAND BLVD	FORDHAM ST	CHATHAM ST		LOCAL	0.75	SW	TBD	5	4	FACILITY REQUEST
NOTES:										
ART = ARTERIAL ATREET										
COLL = COLLECTOR STREET										
LOCAL = LOCAL STREET										
BP = 8 FOOT OR WIDER SEPARATED BIKE PATH										
SW = 5 FOOT SEPARATED SIDEWALK										
TBD = TO BE DETERMINED										

Exhibit 2**Calculation of fee-in-lieu contribution**

FY 2001/02 to FY 2005/06- CIP #206002 work	Sidewalk (5 foot concrete)- average cost per linear foot	Bicycle path (8 foot concrete)- average cost per linear foot
Design	\$7.42	\$6.71
Startup	\$13.20	\$16.12
Embankment	\$1.48	\$10.82
Drainage	\$43.03	\$28.18
Sidewalk and grading	\$11.60	\$21.38
Bridge, gravity wall & handrail	\$0.93	\$0.93
Finish items	\$6.26	\$5.17
TOTAL	\$83.92	\$89.31

Notes:

- 1) Startup costs include mobilization, clearing and grubbing, relocation/adjustment and maintenance of traffic pay items. Drainage costs include inlets, grates, headwalls, pipes and mitered end sections. Finish items include sod and miscellaneous driveway work.