

LEE COUNTY ORDINANCE NO. 17-13
(Growth Management)
(CPA2017-00001)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT WHICH AMENDS GOALS 1, 2, 4, 6, 9, 10, 11, 16, 18, 20, 21, 27, 28, 30, 32, 33, 36, 37, 38, 39, 40, 41, 43, 44 AND 135; AND MAPS 3D-1, 3D-2, 3D, 19 AND 22 PERTAINING TO THE GROWTH MANAGEMENT (CPA2017-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on March 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 21, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Growth Management (CPA2017-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 21, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on September 6, 2017, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Growth Management Ordinance (CPA2017-00001)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Goals 1, 2, 4, 6, 9, 10, 11, 16, 18, 20, 21, 27, 28, 30, 32, 33, 36, 37, 38, 39, 40, 41, 43, 44 and 135 and Maps 3D-1, 3D-2, 3D, 19 and 22 known as Growth Management, CPA2017-00001.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibits A, B, C, D, E, F1 and F2.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Hamman The vote was as follows:

| | |
|---------------------|-----|
| John Manning | Aye |
| Cecil L Pendergrass | Aye |
| Larry Kiker | Aye |
| Brian Hamman | Aye |
| Frank Mann | Nay |

DONE AND ADOPTED this 6th day of September, 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melissa Butler
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: [Signature]
John Manning, Chair
Commissioner Cecil L Pendergrass
Lee County Board of County Commissioners
District 2



DATE: 9-6-17

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

- Exhibit A: Adopted text revisions to Goals 1, 2, 4, 6, 9, 10, 11, 16, 18, 20, 21, 27, 28, 30, 32, 33, 36, 37, 38, 39, 40, 41, 43, 44 and 135
- Exhibit B: Map 3D-1
- Exhibit C: Map 3D-2
- Exhibit D: Map 3D
- Exhibit E: Map 19 delete
- Exhibit F1: Map 22 Existing
- Exhibit F2: Map 22 Proposed

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
LINDA DOGGETT, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA

DATED: 9-6-17
BY: Melissa Butler
Deputy Clerk



Text Amendments:

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 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 are 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 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 are~~ 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~~ 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 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 and 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 4.1: 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 eOrder.

STANDARD 4.1.1 4.1: 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.
7. Lee County Utilities may provide potable water service to properties not located within the Future Water Service Area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

(Amended by Ordinance No. 94-30, 00-22, 16-01)

STANDARD 4.1.2 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.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the Future Sewer Service Area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.
(Amended by Ordinance No. 94-30, 00-22, 16-01)

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 Commercial 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 in the North Olga Community Planning Area. Neighborhood Commercial may be expanded to Community Commercial when approved as part of a Planned Development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities. 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 strongly encouraged to be developed 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; and,
 5. Will not intrude into predominately single-family residential neighborhoods.
- (Added by Ordinance No. 07-15)

~~**POLICY 11.4.2.2:** 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 11.4.2.3:** 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 4.3.8~~11.2.7: 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: 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 21.2.1: To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Glossary Lee Plan.

The Verandah Boulevard commercial node is intended for Minor Commercial levels as defined in ~~Policy 6.1.2 the Glossary~~. Office and residential uses consistent with the Suburban designation are also allowed in this Minor Commercial node.
(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 Mixed 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 encourage “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 for 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 the Mixed-Use Communities identified on Map 17 will be allowed to develop using permitted uses and the property development regulations for the C-2A zoning district.~~
 - c. ~~The aAdditional intensity that can be created using TDUsR 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. ~~Central water and wastewater services are required to develop a Mixed-Use Community.~~
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~~

Aeres, 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 Aeres. 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 Aeres 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 Aeres 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, Urban Community, or General Interchange future land use categories outside of Southeast Lee County, each Southeast Lee County TDU may be redeemed for up to two (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 r~~ Review 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 (Cocoonut 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 36.1.53: ~~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 38.2.32: 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 3A, 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 development 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 on 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 ————— | 60 |
| ———— or accessway | |

~~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 traffic 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, 2001. (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 43.3.32:~~ 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, unless otherwise stated in this plan, ~~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)~~

FACADE—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 ~~m~~Mixed uUse ~~b~~Buildings 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)

Map Amendments:

- **Map 3D-1: Bikeway/walkway Facility Plan – Planned Facilities (Delete)**
- **Map 3D-2: Bikeway/walkway Facility Plan – Existing Facilities (Delete)**
- **Map 3D: Lee County Bikeways & Walkways (Combine and update 3D-1 and 3D-2)**
- **Map 19: Commercial Site Location Standards (Delete)**
- **Map 22: Lee County Greenways Master Plan (Update)**

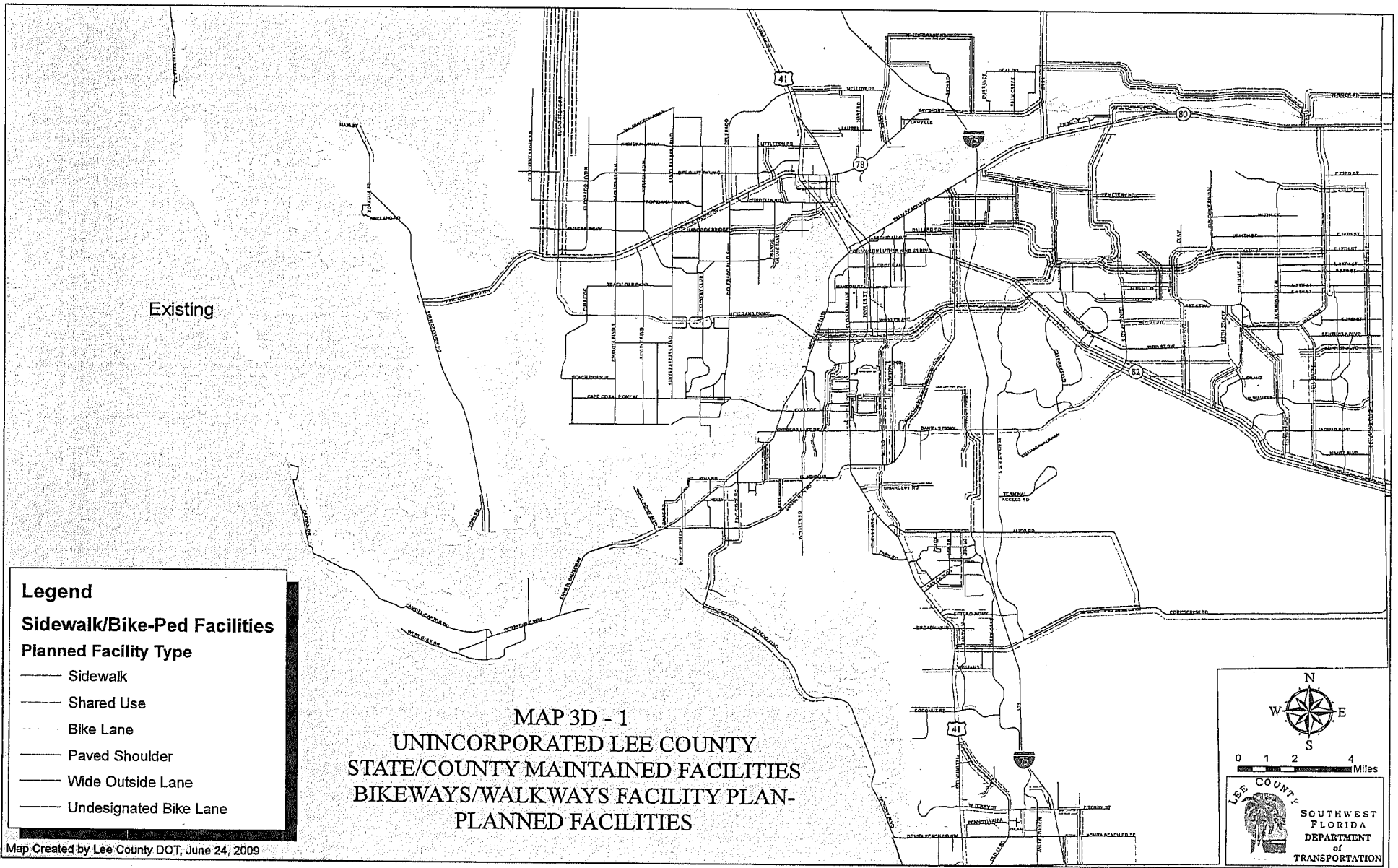
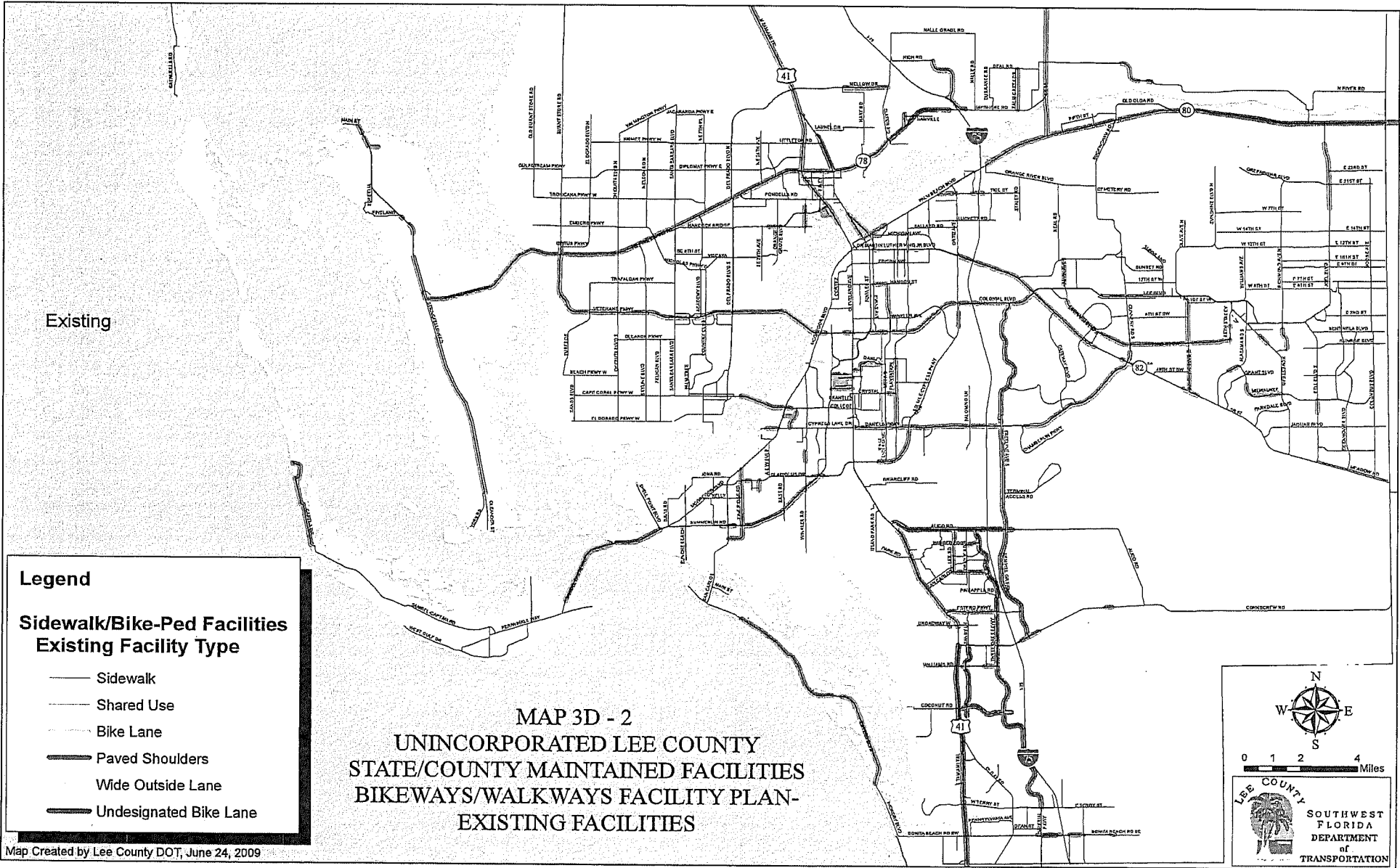


EXHIBIT B



Legend

Sidewalk/Bike-Ped Facilities Existing Facility Type

- Sidewalk
- Shared Use
- Bike Lane
- Paved Shoulders
- Wide Outside Lane
- Undesignated Bike Lane

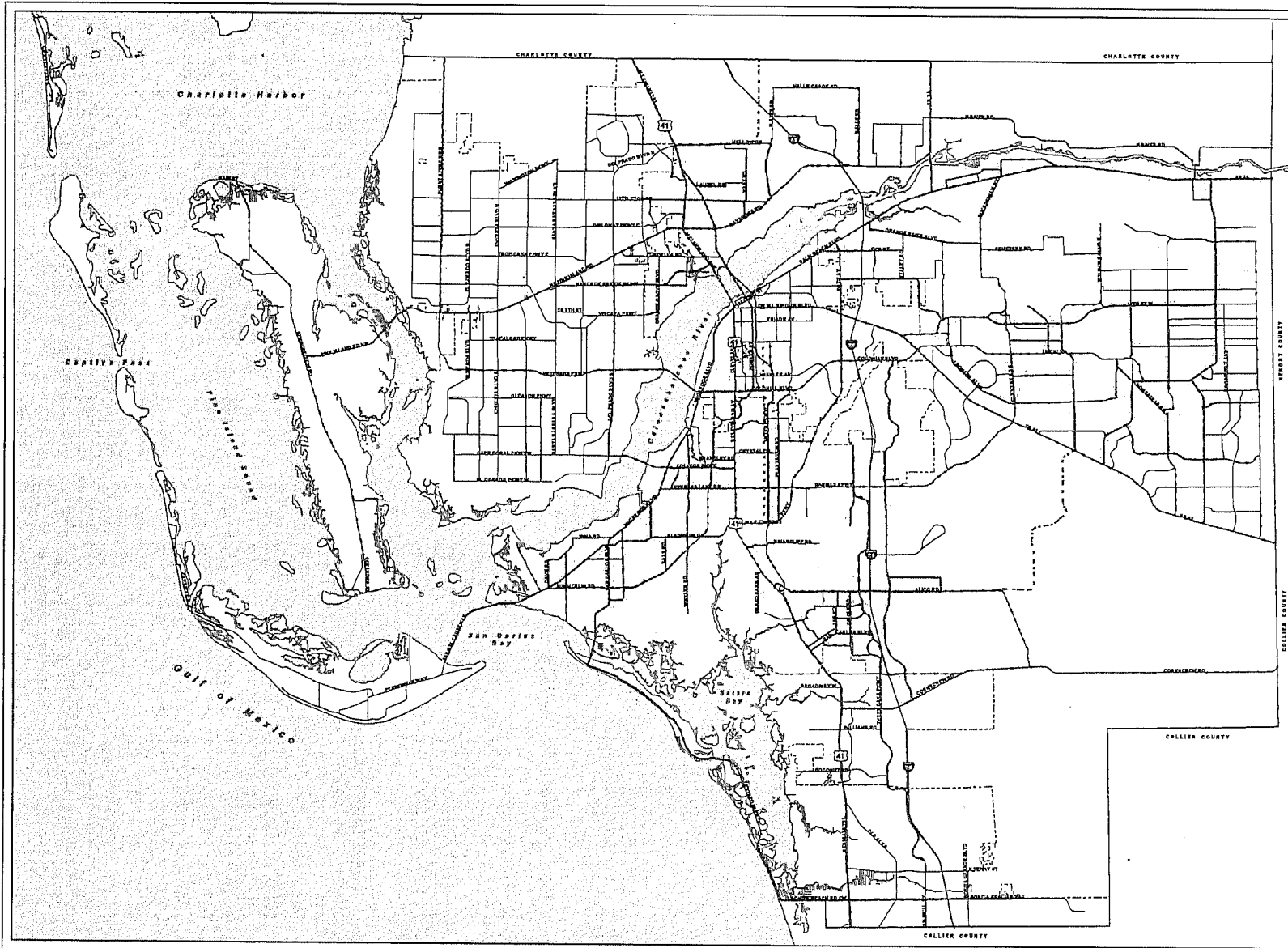
**MAP 3D - 2
UNINCORPORATED LEE COUNTY
STATE/COUNTY MAINTAINED FACILITIES
BIKEWAYS/WALKWAYS FACILITY PLAN-
EXISTING FACILITIES**

0 1 2 4 Miles

LEE COUNTY
SOUTHWEST
FLORIDA
DEPARTMENT
OF
TRANSPORTATION

Map Created by Lee County DOT, June 24, 2009

EXHIBIT C

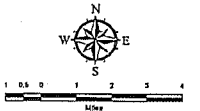


LEE COUNTY WALKWAYS & BIKEWAYS

- - - 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

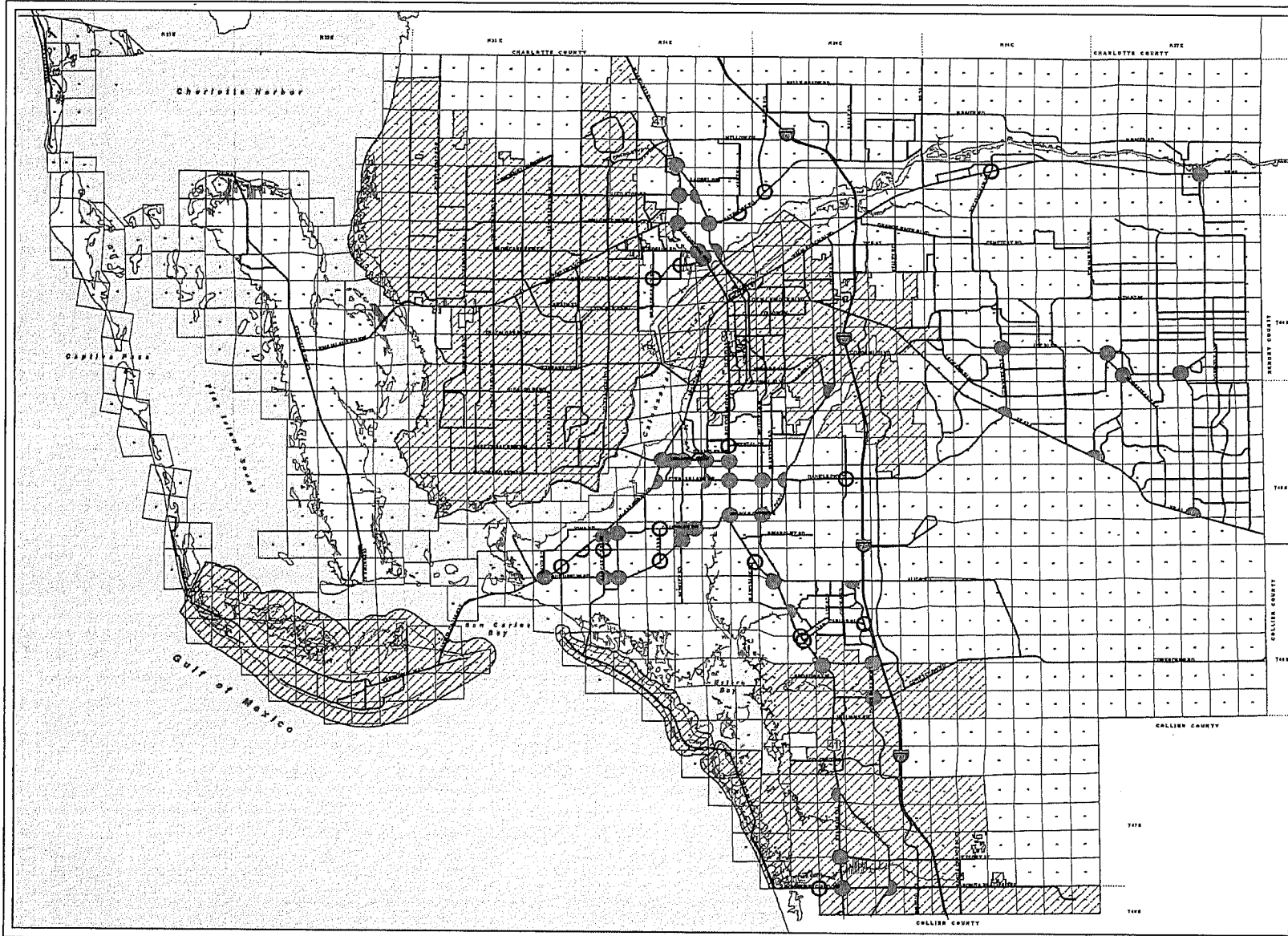


Map Generated: February 2017
 Prepared By: DCD/Planning
 City Limits current to date of map generation

Last Amended: DATE
 Amended by Ordinance No. XX-XX

Lee Plan Map 3D

EXHIBIT D



COMMERCIAL SITE LOCATION STANDARDS

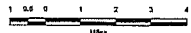
LEGEND

- 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

- Note:
- 1) Certain designated intersections are not shown on any set plans.
 - 2) This map implements policies 6.1.2.2 and 6.1.2.3. It is not an assurance that required zoning will be approved for any particular parcel within the designated intersections. Your attorney represents 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 intersections may be regulated by policy 6.1.2.3.

DELETE

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: January 2008
City Limits current to date of map generation
October 28, 1994

Lee Plan Map 19

EXHIBIT E

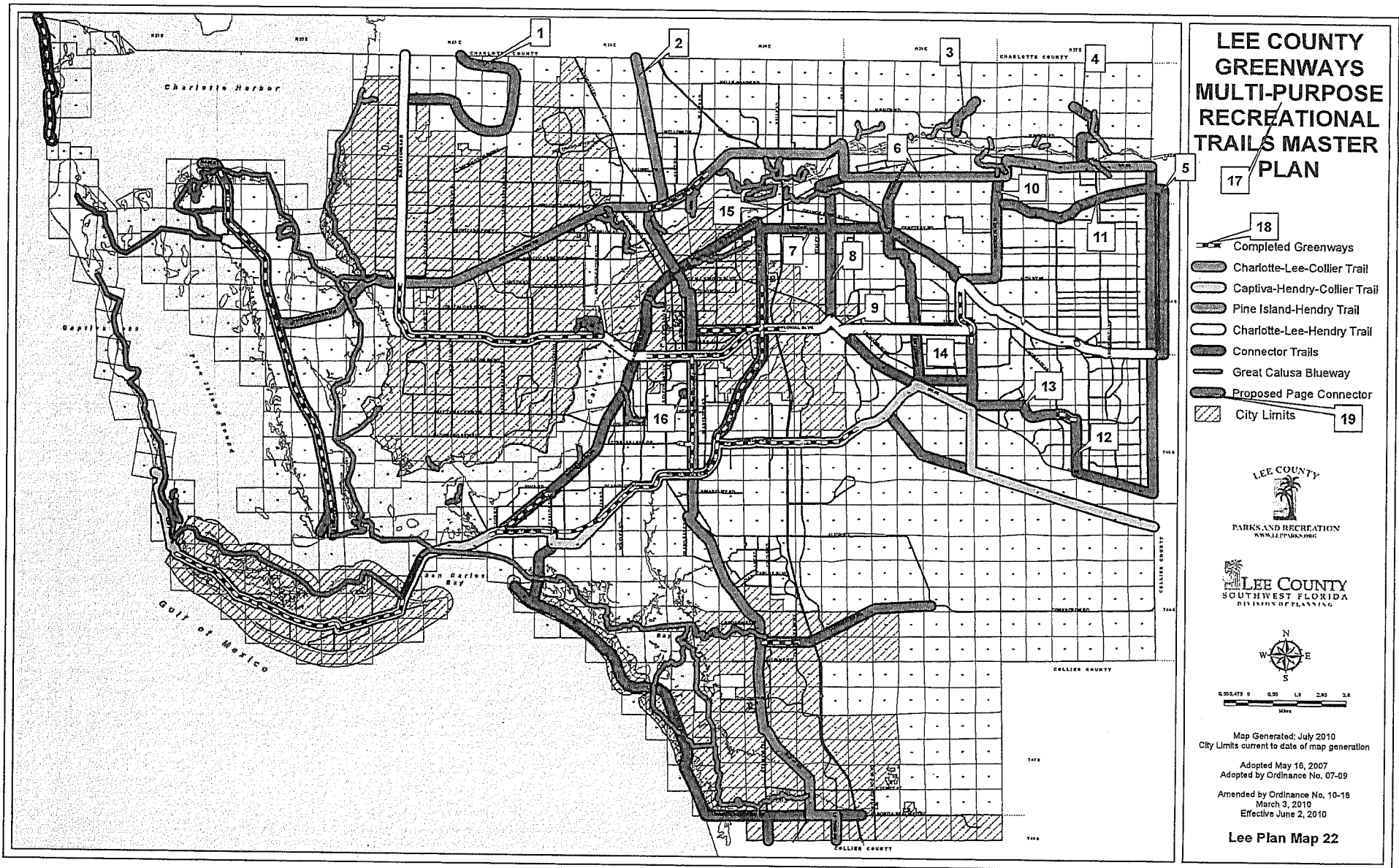


EXHIBIT F1

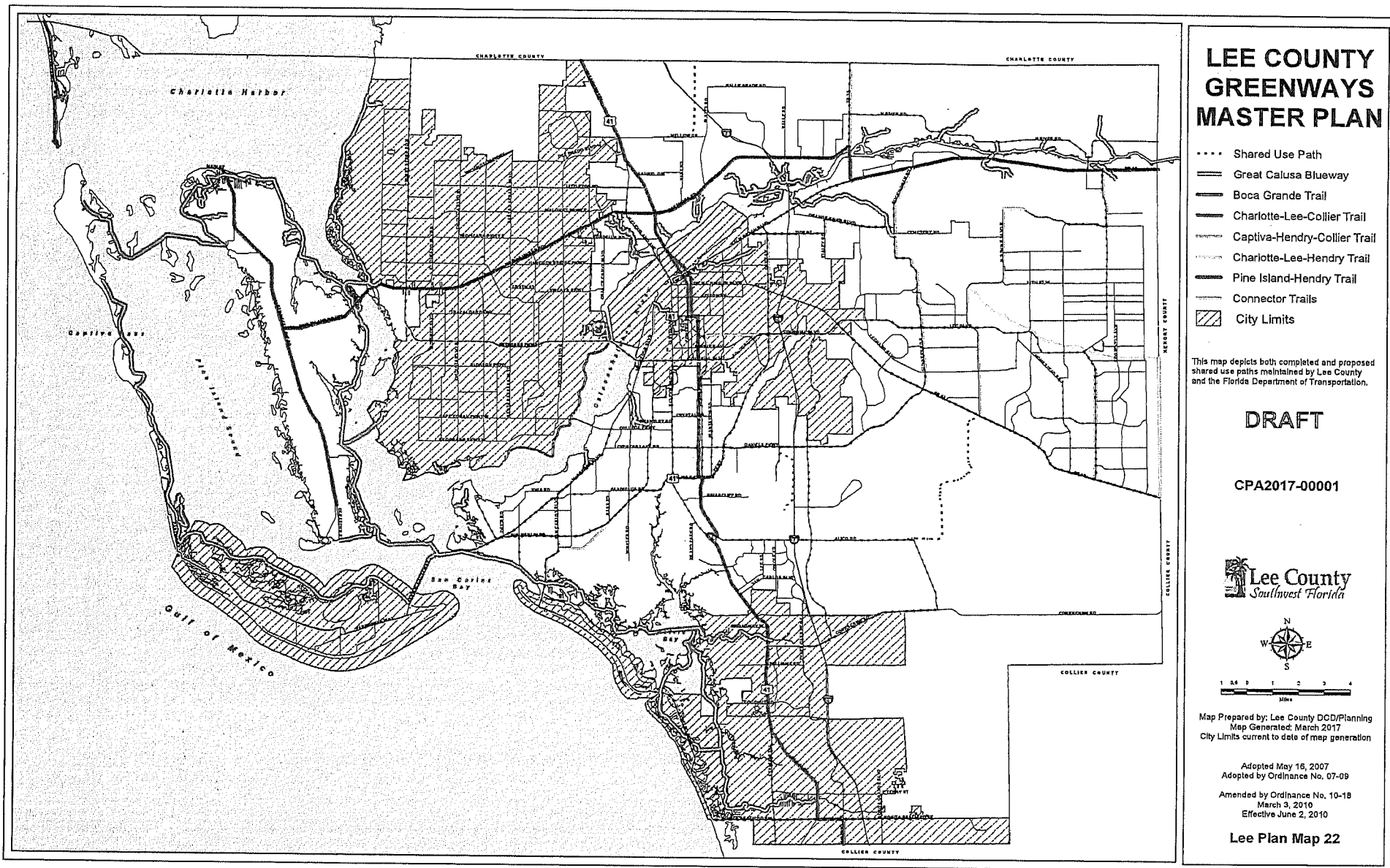


EXHIBIT F2