

Chapter 2 – Administration

ARTICLE IV. - BONUS DENSITY

DIVISION 3. - CREATION OF TRANSFERABLE DEVELOPMENT UNITS

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

- (a) The transfer of development rights program provides that a TDU may be established from property that:
- (1) Are designated wetlands under the comprehensive plan;
 - (2) Contains jurisdictional wetlands as defined through the use of the unified state delineation methodology;
 - (3) Is located within the Greater Pine Island Planning Community; ~~or~~
 - (4) Is designated as ~~D~~ensity ~~R~~eduction/~~G~~roundwater ~~R~~esource (DR/GR) by the Lee Plan and is located within the Southeast Lee County Planning Community area; ~~or-~~
 - (5) Is designated as Rural, Open Lands, or DR/GR by the Lee Plan and is located within the Northeast Lee County Community Plan area.

(b) through (d) remain unchanged.

Sec. 2-155. – Computation of Northeast Lee County TDUs

- (a) One TDU may be established per five acres of preserved or restored wetlands.
- (b) Rural: TDU credits may be established for lands designated Rural on the Future Land Use Map of Lee County as follows:
- (1) One TDU may be created for each one acre of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) Two TDUs may be created for each one acre of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.
- (c) Open Lands: TDU credits may be established for lands designated Open Lands on the Future Land Use Map of Lee County as follows:
- (1) One TDU may be created for each five acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.
 - (2) One TDU may be created for each 2.5 acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.

(d) Density Reduction/Groundwater Resource: TDU credits may be established for lands designated Density Reduction/Groundwater Resource on the Future Land Use Map of Lee County as follows:

(1) One TDU may be created for each ten acres of upland encumbered by an agricultural easement that meets the requirements of section 2-148.

(2) One TDU may be created for each five acres of indigenous native or restored native vegetated upland encumbered by a conservation easement that meets the requirements of section 2-148. Indigenous native vegetation is defined in section 10-1.

(e) Two TDUs may be created from a single-family lot or parcel designated as Wetlands that holds an affirmative Minimum Use Determination pursuant to Chapter XIII of the Lee Plan.

Sec. 2-156. - Density and intensity equivalents of Northeast Lee County TDUs.

(a) One Northeast Lee County TDU will be equal to two dwelling units when transferred to eligible receiving lands located outside of the Northeast Lee County Community Plan area.

(b) One Northeast Lee County TDU will be equal to one dwelling unit when transferred to eligible receiving lands located within the Northeast Lee County Community Plan area.

Sec. 2-157~~5~~. – TDR program amendments.

(a) through (b) remain unchanged.

Secs. 2-158~~6~~—2-190. - Reserved.

Chapter 33 – Planning Community Regulations

Secs. 33-1654—33-1660. - Reserved.

ARTICLE X. - NORTHEAST LEE COUNTY NORTH OLGA

DIVISION 1. ALVA.

Subdivision I. In General

Sec. 33-1655. Deviations.

Deviations regarding open space, landscape buffers, height, and pedestrian and vehicular interconnections are required to meet the approval criteria for granting a variance in accordance with section 34-145(b) to be approved.

Subdivision II. DEVELOPMENT STANDARDS

Sec. 33-1656. Applicability.

The provisions of this Subdivision apply to new or expanded residential developments resulting in ten or more dwelling units and to all non-residential developments.

Sec. 33-1657. – Landscaping, preserve, and open space.

(a) *Open space requirements.*

- (1) Developments under two acres must include 40 percent open space.
- (2) Developments equal to or over two acres must include 60 percent open space.

(b) Landscaping buffer requirements.

- (1) A 25-foot-wide modified Type "D" buffer must be provided along all abutting external rights-of-way. The buffer must contain five native canopy trees and 66 shrubs per 100 linear feet installed according to section 10-421. Canopy trees and shrubs must be clustered.
- (2) A 30-foot-wide Type "F" buffer installed according to section 10-421 is required where proposed residential lots abut external active agricultural uses, excluding pasturelands, or abut residential lots equal to or greater than one acre. The buffer must contain five native canopy trees, 66 shrubs per 100 linear feet, and four foot non-opaque fence installed according to section 10-421. Canopy trees and shrubs must be clustered.
- (3) A flow-way buffer meeting the requirements of Section 10-416(d)(9) must be provided where development abuts or is adjacent to existing or restored flow-ways.

(c) Preserve requirements.

- (1) On-site preserve areas must be contiguous to or connected to established off-site preserve areas abutting the development.
- (2) Prior to issuance of local development order, a human-wildlife co-existence plan containing the following must be submitted and approved:
 - a. A list of wildlife species expected to reside in preserve areas;
 - b. Educational material to be distributed to residents, tenants or occupants of the development; and
 - c. A map of the wildlife corridor and crossing areas.

Subdivision III. COMMERCIAL DEVELOPMENT

Sec. 33-1658. Commercial development standards.

In addition to the standards of Subdivision II, all development that is subject to review pursuant to section 10-602 may not exceed two acres of total impervious area or have more than one acre of outdoor display area.

Subdivision IV. ALVA VILLAGE

Sec. 33-1659. Applicability.

The provisions of this Subdivision apply to all development located within Alva Village, as depicted on Lee Plan Map 1, Page 6.

Sec. 33-1660. Mixed Use Overlay.

The alternative property development regulations provided in Chapter 34 for development within the Mixed Use Overlay may be used on property located within the Alva Village subject to the following:

(a) The alternative property development regulations are necessary for the preservation or the adaptive reuse of existing structures and/or to maintain existing development patterns within the Alva Village.

(b) The alternative property development regulations provided in Chapter 34 are modified as follows:

(1) Minimum building setbacks.

- a. Side setback. Except as may be necessary to meet the landscape requirements of this code, no setback from side property lines is required.
- b. Rear setback. Except as may be necessary to meet the landscape requirements of this code, the rear setback is 20 feet.

(2) Maximum height. The maximum height is 35 feet.

(3) Building size. New commercial buildings in the Mixed-Use Overlay, north of the Caloosahatchee River, are limited to 10,000 square feet of gross floor area per building.

Subdivision I. North Olga

Secs. 33-1661 through 33-1679 remain unchanged.