

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director
subject: Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments
date: Friday, December 1, 2006

Attached is your packet for the December 13th Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13th, staff has reserved all day Thursday, December 14th as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH
INITIATIVE LEE PLAN AMENDMENTS
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET
APRIL 11, 2007
9:30 A.M.**

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda:**
 - **Public comment on Consent Agenda**
 - **Items to be pulled for discussion by the Board**
 - **Motion to approve the balance of items**
 - **Consideration of items pulled for discussion**
- A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4. directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.
Sponsor: Board of County Commissioners/The East Lee County Council.
- B. CPA2005-09 - Palm Beach Community Plan**

Amend the Future Land Use Element to add a Goal, Objectives, and Policies specific to the Palm Beach Community.
Sponsor: Board of County Commissioners/The East Lee County Council
- C. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2., 1.7.1., and 5.1.4. and the Community Facilities and Services Element Policy 66.3.11., and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).
Sponsor: Board of County Commissioners/Port Board.
- D. CPA2005-11 - Greenways Recreational Trail Master Plan**

Incorporate the Lee County Multi-Propose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1., Policy 85.1.2., Policy 85.1.3., Policy 85.1.4., Policy 85.1.5., and Policy 107.1.1.(4)(d). Incorporate proposed new Policy 40.4.6., Policy 40.4.7., Policy 40.4.8., Policy 77.3.6., Policy 77.3.7., new Objective 85.4., Policy 85.4.1., Policy 85.4.2., new Goal 80, new Objective 80.1., Policy 80.1.1., Policy 80.1.2., new Objective 125.3., and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map).
Sponsor: Board of County Commissioners.

- E. CPA2005-12 – Captiva Community Plan**
Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.
Sponsor: Board of County Commissioners/Captiva Community Planning Panel.
- F. CPA2005-13 – Community Planning**
Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.
Sponsor: Board of County Commissioners/Smart Growth Committee.
- G. CPA2005-16 – San Carlos/Estero Community Boundary**
Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.
Sponsor: Board of County Commissioners.
- H. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**
Amend the Transportation Element to update Policy 37.1.1. to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.
Sponsor: Board of County Commissioners.
- I. CPA2005-19 – FDOT Quality LOS Handbook**
Amend the Transportation Element to update Policy 37.1.4. to refer to the 2002 FDOT Quality LOS Handbook.
Sponsor: Board of County Commissioners.
- J. CPA2005-20 – Deletion of Policy 38.2.3**
Amend the Transportation Element to delete Policy 38.2.3.
Sponsor: Board of County Commissioners.
- K. CPA2005-21 – Update Reference to the LeeScape Master Plan**
Amend the Transportation Element to update Objective 40.3. to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.
Sponsor: Board of County Commissioners.
- L. CPA2005-22 – Mass Transit Update**
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.

- M. CPA2005-23 – Ports, Aviation and Related Facilities Update**
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- N. CPA2005-24 - Update Transportation Concurrency Policies**
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in State law.
Sponsor: Board of County Commissioners
- O. CPA2005-28 – Conservation Lands Update**
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.
Sponsor: Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.
Sponsor: Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition, amend Policies 69.2.2. and 69.2.3. to reflect the existing status of substation facilities.
Sponsor: Board of County Commissioners.
- R. CPA2005-39 – Commercial FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new "commercial only" future land use category.
Sponsor: Board of County Commissioners.
- S. CPA2005-40 – Sub-Outlying Suburban FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.
Sponsor: Board of County Commissioners.

- T. CPA2005-41 – Manatee Protection Plan**
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).
Sponsor: Board of County Commissioners.
- U. CPA2005-42 – Economic Element Update**
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.
Sponsor: Board of County Commissioners.
- V. CPA2005-43 – Single Family Residence Provision Update**
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.
Sponsor: Board of County Commissioners.
- W. CPA2005-45 – Beach and Dune Management Plans**
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.
Sponsor: Board of County Commissioners.
- X. Adopt the following Ordinance, which incorporates the substance of the items on the consent agenda into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. Administrative Agenda – Adoption of Lee Plan Amendments

- A. CPA2005-05 – Three Oaks North**
Amend the Future Land Use Map Series, Map 1, for 83+/- acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."
Sponsor: Paul H. Freeman, Trustee.

- B. Adopt the following Ordinance, which incorporates the contents of CPA2005-05 into the Lee Plan:

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 CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- C. CPA2005-07 – Riverhall (fka Hawk's Haven)

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

Sponsor: Hawks Haven Investment, LLC.

- D. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND

TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA2005-17 – Long Range Transportation Plan

Amend the Transportation Element to update Policy 36.1.1. and the Transportation Map Series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

Sponsor: Board of County Commissioners.

F. Adopt the following Ordinance, which incorporates the contents of CPA 2005-17 into the Lee Plan:

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 CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

G. CPA2005-25 – Change Lee Plan Horizon to the year 2030

Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.

Sponsor: Board of County Commissioners.

H. Adopt the following Ordinance, which incorporates the contents of CPA2005-25 into the Lee Plan:

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 CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- I. **CPA2005-26 – Update BEBR Population Projections**
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Amend Map 16 to reflect current City boundaries and amend Map 8 to reflect updated potable wellfield cones of influence.
Sponsor: Board of County Commissioners.

- J. **Adopt the following Ordinance, which incorporates the contents of CPA2005-26 into the Lee Plan:**

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 CPA2005-26 (PERTAINING TO THE BEBR POPULATION PROJECTION AND MAPS 8 AND 16 UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- K. **CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4**
Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.
Sponsor: Board of County Commissioners.

- L. **Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:**

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

M. CPA2005-35 – New Urbanism Definitions

Amend the Lee Plan Glossary to add new, and amend existing, definitions to incorporate the principles of New Urbanism.

Sponsor: Board of County Commissioners.

N. Adopt the following Ordinance, which incorporates the contents of CPA2005-35 into the Lee Plan:

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 CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

O. CPA2005-37 – New Urbanism

Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.

Sponsor: Board of County Commissioners.

P. Adopt the following Ordinance, which incorporates the contents of CPA2005-37 into the Lee Plan:

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 CPA2005-37 (PERTAINING TO NEW URBANISM) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Q. CPA2005-46 – Smart Growth Recommendations

Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan

R. Adopt the following Ordinance, which incorporates the contents of CPA2005-46 into the Lee Plan:

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 CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

S. CPA2005-47 – Housing Element Update

Amend the Housing Element to reflect the findings of the most current Housing Needs Assessment.

Sponsor: Board of County Commissioners.

T. Adopt the following Ordinance, which incorporates the contents of CPA2005-47 into the Lee Plan:

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 CPA2005-47 (PERTAINING TO THE HOUSING ELEMENT UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

**2005/2006 EVALUATION AND APPRAISAL REPORT
AND SMART GROWTH INITIATIVE LEE PLAN AMENDMENTS
ADOPTION HEARING**

COMMISSION CHAMBERS, 2120 MAIN STREET

**CONTINUED FROM APRIL 11, 2007 TO
MAY 16, 2007
9:30 A.M.**

AGENDA

1. Call to order; Certification of Affidavit of Publication

2. ADMINISTRATIVE AGENDA CONTINUED ITEMS

A. CPA2005-07 – Riverhall (fka Hawk’s Haven)

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from “Rural” and “Suburban” to “Outlying Suburban” and “Public Facilities.” Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

Sponsor: Hawks Haven Investment, LLC.

B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM “RURAL” AND “SUBURBAN” TO “OUTLYING SUBURBAN” AND “PUBLIC FACILITIES” AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY’S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

C. CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4

Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.

Sponsor: Board of County Commissioners.

D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. MOTION TO FINIALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 ANDTHE MAY 16, 2007 ADOPTION HEARINGS

4. ADJOURN

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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ADMINISTRATIVE AGENDA ITEMS

CPA2005-35
New Urbanism Definitions

AMENDMENT
TO THE
LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

BoCC Sponsored Application
and Staff Analysis

BoCC Public Hearing Document
for the
April 11th Adoption Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

March 2, 2007

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2005-35

Text Amendment

Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2006

PART 1 – BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
 REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST

Amend the Lee Plan Glossary to include or amend definitions to incorporate principles of New Urbanism and reflect mixed use development potential.

B. PROPOSED TRANSMITTAL LANGUAGE

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

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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except where the Mixed-Use Overlay applies. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, 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. (Amended by Ordinance No. 98-09, 00-22, 03-21)

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)

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.

FORM-BASED CODE – A method of regulating development to achieve a specific urban form. Form-based 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.

GREYFIELD DEVELOPMENT - Redevelopment of antiquated or underutilized commercial or industrial properties such as strip shopping centers, malls and office parks, not qualifying as brownfields.

HUMAN-SCALE DEVELOPMENT – The use of buildings with details, elements and materials that are inviting to pedestrians and site design elements clearly oriented to human activity, such as limited block length, limited distance between entrances and reduced blank or dead façade space.

INFILL - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards.

LINER BUILDING – type of building constructed in front of a parking lot, cinema, supermarket etc., to conceal large expanses of blank space or wall and to face the street space with a façade that has doors and windows opening onto the sidewalk.

MIXED USE - The development, in a compact urban form, of land or building or structure with two including residential and one or more different but compatible uses such as but not limited to: residential, 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.

OPEN SPACE - Land, public or private, ~~which may be either unoccupied or predominately unoccupied by buildings or structures~~, having use for plazas, sidewalk seating, other functional public areas, parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

PARK-ONCE ENVIRONMENT – an urban design strategy that creates an area where it is possible, after arrival, to engage in a variety of activities by walking.

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.

REDEVELOPMENT – Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density.

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.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – a form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable.

TRANSIT ORIENTED DEVELOPMENT (TOD) – Development located within walking distance of a transit stop that is mixed use and developed using Traditional Neighborhood Development standards.

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.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle to incorporate principles of New Urbanism and reflect mixed use development potential in the Glossary of the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT

- August 26, 2004 the Lee County Board of County Commissioners adopted the Evaluation and Appraisal Report that included recommendations to amend the Lee Plan to promote Smart Growth, New Urbanism, Mixed Use, Traditional Neighborhood Development and Transit oriented development.
- New urbanism provides alternative development patterns that promote good balances between community livability, economic viability, and environmental sensitivity.
- Terms used in amendments within this cycle, intended to set County policy and direct other regulatory changes to encourage New Urbanism, are not presently in the Lee Plan Glossary

D. BACKGROUND INFORMATION

The 2004 Evaluation and Appraisal Report recommended that Lee County provide alternative choices in development patterns which achieve a good balance between community livability, economic viability, and environmental sensitivity. These definitions support efforts to fulfill that goal.

PART II – STAFF ANALYSIS

A. STAFF DISCUSSION

New Urbanism and Smart Growth are rapidly becoming recognized as successful and effective tools to direct growth and alleviate sprawl. New definitions must be added to the Lee Plan glossary to ensure a common understanding of these terms as they will apply to the Lee Plan in implementing these concepts. **Terms to be added** to the glossary include: Corner-Store Commercial, Form-based Code, Greyfield Development, Human-Scale Development, Infill, Liner Building, Pedestrian Shed, Traditional Neighborhood Development, Transit Oriented Development and Redevelopment and Village Commercial. **Existing terms need to be amended** to reflect new information and views. Those terms are: density, mixed-use and open space.

The term **Traditional Neighborhood Development** describes development patterned after the best characteristics of neighborhood planning of the late 19th century and the first half of the 20th century. It is the physical result of implementing the principles of New Urbanism to adjust today's development patterns. These principles were formulated in 1996 and are fully described and illustrated in the "Charter for the New Urbanism" published by McGraw-Hill in 1999.

When a local government chooses to encourage or mandate traditional neighborhood principles, it is generally done through a **form-based code**. Whereas conventional zoning puts

tremendous focus on governing allowable uses for every piece of land, form-based codes focus more on the desired physical form of streets and buildings. A wider range of land uses is generally allowed on individual lots, provided their impact on adjoining uses is not negative. This type of code has been studied extensively and implemented successfully throughout the nation.¹

Before form-based codes can be adopted, detailed community- and neighborhood-scale planning must be completed. Once this work is completed and the codes have been adjusted accordingly, form-based codes offer greater predictability and can be implemented administratively, greatly reducing the need for variances, deviations, and rezoning.²

New Urbanism policies are proposed for adoption this EAR cycle; the ultimate goal is the creation of form-based codes for specific geographic areas that will result in the incremental creation of traditional neighborhood development. These policies will be more precise if the terms in this report are defined as suggested.³

Another development pattern promoted by New Urbanism clusters higher intensities and densities oriented around transit stops. These areas will be a rich with multiple types of available transportation opportunities. **Transit Oriented Development (TOD)** will employ Traditional Neighborhood Development (TND) practices but will strictly adhere to minimum densities set at accepted levels needed to support transit. Higher densities will ensure the sustainability of the neighborhood by generating the necessary quantity of users within walking distance of transit stops. The TND pattern will create neighborhoods that are inviting to non-vehicular modes of transportation. The most successful TOD and TND are based on mixed use communities with a variety of housing and income types. An important distinction is that TOD is not merely transit adjacent development or transit stops separated from the neighborhood by a park-n-ride lot. When park-n-ride facilities are provided, they will be integrated into the neighborhood design and promote riders to walk through the commercial areas to the transit stop but will not require residents of the neighborhood to walk past a vast sea of parking.

Since transit can be a large capital investment, many times communities begin by becoming transit-ready communities by increasing the potential for density in these areas, providing appropriate pedestrian infrastructure, and accommodating for future right of way requirements during the planning process. To coordinate new urban policies and efforts with the efforts of the transportation oriented EAR policies, this notion of development must be available.

In addition to assisting Transit Oriented Development, new views on density will assist the function of mixed use communities in Lee County. In the past, mixed use communities have not been very successful, in part due to the definition of **density**, which calculates commercial allowable residential units of a project by excluding the non-residential areas. This method is especially problematic when calculating the allowed number of units for a mixed use building. In this case the entire parcel may be occupied with commercial uses on the ground floor. Therefore, if the portion of the property used for commercial is removed from the residential unit calculation, the number of acres remaining to calculate allowable units is zero. The only

¹ Form-based Code Institute, FBCI. Available from: <http://www.formbasedcodes.org/>

² For sample codes and implementation guidance see: Duany, Wright, & Sorlien. SmartCode & Manual New Urban Publications, Inc. Available from: <http://www.placemakers.com/info/SCdownloads.html>

³ Bill Spikowski, Board Member, Form-Based Code Institute. Email 7/18/06 to Burris, Rick

way the existing method will result in a mixed use commercial/residential building is when the project sets aside large area of open space or includes a golf course or some similar scenario. The provision of appropriate on-site commercial can decrease the number of external trips generated by the residential units. Therefore, commercial uses should be **in addition** to the residential allocation on a property within areas identified as desirable for mixed-use, provided that the commercial is of a type that will facilitate interaction between the on-site uses. This change in density calculation will be reflected in the New Urbanism policies proposed for adoption this EAR cycle.

A change was made to the density definition based on a proposal made in the Caloosahatchee Shores Plan in 2003. The change to the policy allowed developments in the area delineated in (now) Policy 21.4.2 to count acreage allotted to commercial when calculating the allowable number of residential units. This language did not require uses to be within the same building or interconnected with streets or paths. The commercial uses were also not required to be related and supportive of or supported by the residential portions of the development. The Caloosahatchee Shores Community Plan as submitted proposed to alter the definition of density by adding the following sentence.

"DENSITY - ...Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, unless part of a fully integrated mixed use development with common utilities, drainage, parking and access ways; or a mixed-use building."

This sentence was altered through the process but it is clear the initial purpose of the change was to promote integrated mixed use developments, staff recommends that the area delineated in Policy 21.4.2 be designated on the overlay map and the desired additional residential units will be available based on provisions within the overlay language. This still allows the receipt of the density granted by the Caloosahatchee Shores Plan Amendment, but stipulates a relationship between uses in order to benefit the neighborhoods which gain that additional density.

In addition to amending the definition of density to accommodate mixed-use, the concept of **Mixed-Use** itself must be changed to more accurately reflect intent. In Lee County, to meet the criteria for consideration as a Mixed Use Planned Development (MPD), projects must contain more than one use however, these uses are not required to be interrelated or provide connectivity between uses. The result has been for MPD projects to include a gated residential community with commercial/office uses fronting the main thoroughfare. To meet the criteria for an MPD, specified in the Land Development Code Section 34-940, a project will be, in all probability, 10 or more acres in size. This precludes many infill projects from being classified as MPD and is not conducive to development using the principles of New Urbanism.

In New Urbanism, Mixed Use requires that there be little distance and few obstacles between uses in order to avoid dependence upon the personal vehicle for inter-neighborhood travel. Vertical mixed use, such as residential above commercial or office, is preferential due to its potential to decrease the external trips generated by the uses. The intent of mixed-use and the limiting space between buildings is to provide easily walked distances between uses, via pedestrian friendly access such as green streets or public plazas. Additionally, mixed use is a term applied to individual buildings and smaller parcels as well as larger tracts of land. The

key is to create areas with short blocks which encourage consumers to travel within their own neighborhood or pedestrian shed to fulfill their daily needs. Policies proposed for this EAR cycle contain direction to amend the existing mixed-use zoning category to accommodate this interpretation of the term.

Once distance has been reduced between uses and the appropriate mix of uses provided, to further encourage pedestrian travel between these uses **streetscapes** and the bordering private frontage should be thought of as interdependent, sharing a continuous landscape and complimenting the intent of each use.⁴ The idea of roadways as public space must be expanded to include the space between the curb and the front of the buildings. This simple clarification can help to heighten the awareness of pedestrian space as part of the public realm and increase the importance of roadway mobility by methods other than the single occupancy vehicle. Well designed streetscapes are safer and more convenient for the pedestrian, as well as more visually pleasing for drivers.

In order for streetscapes to be pedestrian friendly they must be designed to be convenient and comfortable to individuals without the assistance of single occupancy vehicles. **Human-Scale Development** is a concept promoted by New Urbanism that represents the impact of architecture, design and scale on human comfort and accessibility. For decades, developments have been primarily designed to accommodate the single-occupancy vehicle also known as “automobile-scale.” Automobile scaled development creates a physical separation from the built environment and individuals. It also encourages and may require significantly longer stretches of roads between connecting streets. This style of development creates additional barriers for pedestrians. In automobile-scale development the potential positive impact of architecture and well-thought design criteria are underemphasized by the placement of parking lots and wide drives that separate the passerby from the built environment. Development at human-scale welcomes people and “calms” vehicular traffic to create active livable streets, where increased foot traffic to businesses can be expected. Human-scale attempts to involve the passerby in the impact of the architecture and even makes an effort to include them in design considerations.

Typically, human-scale development is a unifying theme in neighborhoods where a wide mix of housing types and well-defined neighborhood centers support jobs, commercial activity, and a range of daily amenities. The overall neighborhood, in addition to the buildings, will tend to be scaled to the pedestrian, offering sufficient variety within a five to fifteen minute walk — a quarter to half mile — to sustain lively streets and gathering places. It offers a gradient of density, from open spaces to high-density commercial cores. The layout of pathways, streets, and transportation corridors minimizes conflict between walking, biking, and driving, and provides effective and affordable Transit Access to other neighborhoods and regional centers.⁵ This requires heightened connectivity and shortened block lengths in order to provide multiple paths to any given point and allow the pedestrian the shortest travel distance between uses.

⁴ Duany Plater-Zyberk & Co. The Lexicon of the New Urbanism, Version 3.1. 1 March 2002.

⁵ Conservationeconomy.net Human-scale neighborhoods. Available From:
http://www.conservativeconomy.net/humanscale_neighborhoods.html

The following are some of the building elements that may be used to achieve better human scale:⁶

- pedestrian-oriented open space such as a courtyard, garden, patio, or other unified landscaped areas
- bay windows extending out from the building face that reflect an internal space such as a room or alcove
- windows grouped together to form larger areas of glazing can have a human scale if individual window units are separated by moldings or jambs
- windows with small multiple panes of glass
- window patterns, building articulation and other treatments that help to identify individual residential units in a multi-family building
- upper story setbacks
- a porch, covered entry or awning
- pedestrian weather protection in the form of canopies, awnings, arcades or other elements wide enough to protect at least one person

Much of the human-scale feel of development is created through criteria applied to building **façades** which may help to unify the look of a neighborhood with many uses, codifying and duplicating the existing desirable DNA (architectural style, historic frame of reference, regional characteristics) of a community through similar design elements or construction materials. Through this criteria, the façade helps to form the sense of place and pedestrian comfort by providing arcade or awning coverings, design components that are appropriate and specific to the cultural location, and by giving the users the feeling of being in an ‘outside room.’ For existing large footprint buildings the façade may also provide the illusion of human-scale by visually breaking up long walls and adding interest to the streetscape.

Open Space is also an important component of livable, walkable communities, but the existing definition does not include many New Urban forms of the concept. Open space has traditionally been thought of as the landscaped, dry detention, and waterbodies/stormwater management, areas within developments. Hardscaped open space areas may not account for more than 20% of the required open space. While traditional green open space is important for environmental quality and habitat, its dispersal between uses in the urban environment increases the distance that must be traveled between adjacent uses and decreases the effectiveness of the green spaces’ environmental functions. For this reason, open space in urban form will tend towards contiguous community space while suburban and rural space may be more dispersed, constituting large portions of individual lots.

In urban form, useful open space, accessible by the general public, may be just as capable of fulfilling the sense of space and ‘breathing room’ as the traditional community park, and may add to the pedestrian activity, increasing commercial gains. Outdoor seating at sidewalk cafes, community plazas and garden walks that create thoughtful public uses and landscaped areas can provide pleasant, shaded outdoor activity and encourage a lively and thriving streetscape.⁷ New technologies allow large contiguous green space within the urban boundary without

⁶ Seattle Department of Planning and Development. Design Review Guidelines for Multifamily and Commercial Buildings, C-3. Available from:

http://www.ci.seattle.wa.us/dpd/Planning/Design_Review_Program/Applicants_Toolbox/Design_Guidelines/DPD_001407.asp

⁷ Francis, Carolyn and Clare Cooper Marcus, Eds. People Places: Design Guidelines for Urban Open Space, 2nd Edition. Wiley, 1997.

decreasing walkability and may increase habitat in the urban area. Regardless of open space nature, these urban open spaces should serve to enhance linkages between uses and promote public gathering. Policies proposed for this EAR cycle include evaluation of urban open space and the potential to allow passive open space requirements to be fulfilled outside of the urban boundary or within centrally located parks in order to increase contiguous native preserve areas and improve habitat function.

The character of open and public space, in addition to the size, can have an impact on the modes of travel utilized. While summer heat and rains may not impact the distance individuals are willing to travel by vehicle, they will deter an individual's desire to travel even short distances by foot, unless appropriate accommodations are provided. Since the personal automobile is usually climate controlled, protected from the outside elements, and requires little exertion by the user, the scale of blocks and uses are inconsequential. In the pedestrian-scaled environment street blocks and building details should be oriented for the protection and leisure of the pedestrian who does experience the elements and physical exertion associated with walking. **Pedestrian Sheds** are the expected distance an individual will feel comfortable walking to obtain services in the immediate area. In most places, this has been estimated to be a 5-8 minute walk, or ¼ mile in any direction. Given certain circumstances or unique destinations, the pedestrian shed may be extended to ½ mile or a 10 to 15 minute walk. The **extended pedestrian shed** is typically found surrounding transit hubs, community parks, schools, libraries, historic sites or in **park-once environments** where walking is pleasant and parking limited and centrally located. Park-once environments encourage motorists to remain out of their vehicle while shopping or visiting a variety of local attractions.

New Urbanism focuses, not only on providing mixed-use districts and attractive surroundings, but also on providing access between those districts and the surrounding single-use areas not only by vehicles, but also by foot, bicycle, and mass transit. Locating daily needs within or near residential communities by providing "Village" or "Corner-Store" Commercial is one way of accomplishing this goal.

These compact clusters of retail and public service uses will have their own scale and special identity, based upon the community wherein they reside. Larger clusters "**Village Commercial**" will form a local hub of activity for surrounding communities and may provide limited parking, hidden from the pedestrian frontage. Pedestrian travel will be the most convenient form of transportation within the Village Commercial cluster. Typical uses found in these clusters will be retail, restaurant, personal services, and smaller grocery stores. Since buildings will be regulated by form rather than use a very eclectic mix of uses may develop within a Village Commercial cluster. Access to the area will accommodate pedestrians, bicycles, mass transit, and personal vehicles. Minimal buffering may occur to address compatibility concerns but must not impede pedestrian access from surrounding communities.

Buildings within **Corner-Store Commercial** areas will be extremely limited in scale, will blend in with the surrounding neighborhood, and be accessible from nearby uses by multiple modes of transportation, with the emphasis on non-motorized modes. It is preferable for buildings to be divided to accommodate smaller units, larger uses are acceptable if distributed vertically, but building footprints must remain under 5,000 square feet. On-site parking provisions should be extremely limited, as it is the intent for most utilization to be from local foot traffic. Uses must be compatible with and not intrusive to surrounding residential

properties, should decrease the number of external trips required by residents of the surrounding neighborhood(s), and its primary function should be to satisfy the local resident's daily needs. Minimal buffering may be used to create compatibility but should not impede pedestrian access or disrupt visual integration of the commercial use within the neighborhood.

Transitioning to these less automobile-oriented commercial clusters, a number of techniques may be used, including **Liner Buildings** which allow the creation of the desired human-scale pedestrian frontage while maintaining the ability to provide on-site parking until other modes of transportation are sufficient to address the needs of the use. These buildings can hide parking lots and blank building walls, or create new mixed-use spaces in small increments. These buildings may also surround buildings with a large footprint. This technique is used to accommodate larger scaled uses without compromising the quality of the pedestrian environment.

The practices of New Urbanism require appropriate levels of density and intensity to support the local and limited community as a relatively complete package. Development that occurs on vacant land within the existing urbanized area is typically known as **Infill**. In the appropriate location, infill sites may be developed at higher densities and intensities adhering to specific new urbanism practices and result in a more pleasant product that helps to connect the surrounding developments. Infill development may also decrease development pressure on the urban fringe and reduce Greenfield development. This usually creates a more efficient use of vacant land within the already urbanized area and can help to keep development compact. The proximity to already established communities and commercial districts makes infill projects an important part of New Urbanism, by encouraging the creation of linkages and mixed-use districts that support and enhance the surrounding uses.

Many developed properties have become obsolete or underutilized due to age or changes in development trends in the surrounding area. **Redevelopment** of these sites can serve as another form of revitalization. In appropriate urban locations redevelopment may intensify use of the land in order to accommodate a wider array of needs and services and utilize existing infrastructure that may need some expansion but will reduce the need to extend infrastructure to Greenfield sites. "While such re-use in many economies may involve short-term and private costs that exceed those associated with conversion of agriculture and other rural lands to urban uses...the overall benefits – and indeed even the short-term *public* impacts – associated with infill warrant a conscious effort to redirect investment toward central city lands." (Meyer, Peter B. 1999)

Policies proposed for this EAR cycle include clarification and expansion of existing redevelopment efforts and adds provisions for infill.

Redeveloping existing commercial sites that are characterized by outdated buildings surrounded by massive parking lots has been termed **Greyfield Development**. As the County looks to address commercial needs where sufficient lands for new commercial developments is lacking, such as Lehigh Acres and other pre-platted communities encouraging Greyfield Development will become a useful tool to satisfy the needs of these communities. Many greyfield sites were once vibrant shopping destinations that now sit vacant or underutilized. Generally, the new uses that replace the original retail establishments do not require the same amount of parking leaving many vacant parking lots throughout the county. Like most other

redevelopment, these locations already have public services available but may require improvements to meet current standards. Redevelopment of these areas can revitalize old commercial areas and surrounding neighborhoods without requiring excessive infrastructure improvements or eminent domain for lot aggregation. Many of these areas are large enough to locate educational or civic facilities where previous planning allotments were inadequate for the current population. A study by the Congress for the New Urbanism and the accounting firm Price-Waterhouse-Coopers estimated that nearly 150 regional malls across the country currently qualify as greyfield sites, with another 250 bearing in that direction. The study, entitled "Greyfields to Goldfields: From Failing Shopping Centers to Great Neighborhoods," encourages cities and counties to look at their decrepit malls as redevelopment opportunities.

B. CONCLUSIONS

As new technologies and innovative development strategies have arisen, the traditional definition of terms has changed to reflect the inclusion of these new techniques. Terms have also been created to describe new concepts and forms. In order to take advantage of the benefits to these modern approaches, we must have access to the appropriate terminology in the glossary of the Lee Plan.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle to incorporate principles of New Urbanism and reflect mixed use development potential in the Glossary of the Lee Plan.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary concerning the proposed amendment. Staff stated that the amendment proposes to amend three existing terms in the Glossary of the Lee Plan and supply an additional 15 new terms. Staff also discussed 2 attached handouts supplied to clarify the intent of the definitions, the first being the "Charter of The New Urbanism, and the second being a map showing a ¼ and ½ mile walk from the Court House.

Planning staff also discussed the intent of these new terms to support upcoming amendments regarding New Urbanism and Smart Growth. Development of these amendments is still in process; most policies will be applicable to properties with an overlay and will likely be at option of the property owner. Planning staff also noted that many of the related upcoming policies will direct and be implemented by Land Development Code amendments. The upcoming amendments are not intended to take options away from people but to provide additional options and to be incentive-based.

Mr. Ryffel questioned whether the people involved with creation of the Caloosahatchee Shores Plan were aware of these proposed changes, since the change in the definition for 'density' directly affects the efforts there. Staff has notified them and these changes are consistent with previous efforts and the intent of the Community Plan. Mr. Ryffel also stated that he was pleased the related policies would be implemented on an optional basis, as it can be difficult for areas with many small property owners to implement village concepts.

Wayne Daltry, Smart Growth Director, expressed the need to relate density and intensity in the upcoming amendments in order to provide the proper ratio of uses for successful mixed-use. Mr. O'Connor, Director of Planning, stated that there is no limit to the commercial availability; you can provide whatever you can fit on the property as long as you can still accommodate the other land development requirements of the County. Intensity will be addressed further in the policies of the upcoming amendments relating to New Urbanism.

Two members of the public spoke in favor of the proposed amendment, citing the importance of true mixed use for community development. Mr. Joe Beck, Landscape Architect, commented that he thought adopting these definitions were an important step towards creating new urbanism mixed-use communities. Mr. Walter Fluegel, Planning Director from Heidt & Associates, stated that market forces usually determine implementation to a certain extent, but appropriate guiding regulations can propel projects forward. His firm has been working to develop a Community Plan for Page Park which includes mixed-use and New Urbanism concepts and people do seem to be supportive of the village concept. He supports adoption of this amendment.

Mr. Ingle described an interesting community in Virginia that provides open space through vegetated roofs and includes other New Urban concepts; he is looking forward to seeing how it turns out.

Mr. Ryffel requested to abstain from the vote due to conflict of interest; this amendment may have an impact on one of his clients' projects.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: The LPA recommends that the Board of County Commissioners transmit the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: As advanced by staff in the Staff Report.

C. VOTE:

NOEL ANDRESS	AYE
RONALD INGE	AYE
RAYMOND SCHUMANN, ESQ	AYE
DEREK BURR	AYE
CARLETON RYFFEL	ABSTAIN
RAE ANN WESSEL	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

This amendment was pulled from the consent agenda by the county commission. One commissioner questioned the change in the definition to Open Space.

OPEN SPACE - Land, public or private, ~~which may be either unoccupied or predominately unoccupied by buildings or structures~~, having use for plazas, sidewalk seating, other functional public areas, parks, recreation, water management, vegetation, agriculture, conservation, protection or preservation of water resources, historic or scenic resources, green space, green belts, natural rivers and streams, forests, wetlands, beaches and dunes, wildlife habitat, preserves, sanctuaries, reserves and refuges, and air and water.

The concern was that the change would have a negative impact on green space. The overall intent of the changes was understood and felt to be a positive change, but there was a concern that the change would reduce the amount of open space in the county. Staff was directed to define public spaces with a separate term to clearly differentiate between green space and public space was considered more appropriate. Staff was asked to remove the changes to the definition of Open Space from this amendment and draft a new definition for public spaces.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to transmit the proposed amendment, as recommended by the staff and local planning agency with the deletion of the changes to the definition of Open Space, to the Florida Department of Community Affairs for their review.

TRANSMITTED LANGUAGE

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

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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except where the Mixed-Use Overlay applies. ~~Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, 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. (Amended by Ordinance No. 98-09, 00-22, 03-21)~~

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)

FAÇADE – the elevations of a building usually set parallel to the frontage line. Facades define the public space and are subject to requirements additional to those of elevations such as architectural standards, assigned frontage types and height restrictions.

FORM-BASED CODE – A method of regulating development to achieve a specific urban form. Form-based 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.

GREYFIELD DEVELOPMENT - Redevelopment of antiquated or underutilized commercial or industrial properties such as strip shopping centers, malls and office parks, not qualifying as brownfields.

HUMAN-SCALE DEVELOPMENT – The use of buildings with details, elements and materials that are inviting to pedestrians and site design elements clearly oriented to human activity, such as limited block length, limited distance between entrances and reduced blank or dead façade space.

INFILL - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards.

LINER BUILDING – type of building constructed in front of a parking lot, cinema, supermarket etc., to conceal large expanses of blank space or wall and to face the street space with a façade that has doors and windows opening onto the sidewalk.

MIXED USE - The development, in a compact urban form, ~~of land or building or structure with two~~ including residential and one or more different but compatible uses such as but not limited to: ~~residential~~, 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.

PARK-ONCE ENVIRONMENT – an urban design strategy that creates an area where it is possible, after arrival, to engage in a variety of activities by walking.

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.

REDEVELOPMENT – Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density.

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.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) – a form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable.

TRANSIT ORIENTED DEVELOPMENT (TOD) – Development located within walking distance of a transit stop that is mixed use and developed using Traditional Neighborhood Development standards.

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.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of facts as advanced by the staff report.

C. VOTE:

BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANK MANN	AYE

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: March 30, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs has raised objections to proposed amendment CPA2005-00035. The DCA objections are reproduced below.

OBJECTION:

The definition of density is proposed to be revised to allow the inclusion of non-residential land in the calculation of density for the purpose of promoting new urbanism in the mixed use overlay districts; however, the overlay areas are not designated on the Future Land Use Map. [Chapter 163.3 177(6)(a), F.S. and 9J-5.003(90), & 9J-5.006(3)(c)l & 7., F.A.C.]

Recommendation: *Revise the definition to clearly identify the designated "Mixed Use Overlay" areas and also define how the density allowed in the overlay area will be applied. The density and intensity of use that will apply in the overlay area should be clearly stated.*

B. STAFF RESPONSE:

The Mixed Use Overlay map will be adopted as a page on the Future Land Use Map (Map 1) of the Future Land Use Map Series. This will increase the total number of pages of Map 1 from 5 to 6 pages. Staff is modifying the definition of "Density" to refer to page 6 of Map 1.

On October 12, 2005, the definition of "Density" was modified as part of CPA2004-16. This amendment added additional language to the definition that was omitted in this staff report.

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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, 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 Costal 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. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21)

The definition reference in this amendment read as follows:

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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except where the Mixed-Use Overlay applies. ~~Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, 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.~~ (Amended by Ordinance No. 98-09, 00-22, 03-21)

The correct definition for density to be adopted by this amendment should read:

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. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except where the Mixed-Use Overlay applies. except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2. ~~Within the Caloosahatchee Shores community in the areas identified by Policy 21.4.2, 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 Costal 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. (Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21)

The language transmitted to the Department of Community Affairs did not include a definition of civic space. Staff had proposed to include civic space as part of the Open Space definition. One board member stated a reluctance to change the open space definition to include hardscapes. While traditional green open space is important for environmental quality and habitat, its dispersal between uses in the urban environment increases the distance that must be traveled between adjacent uses and decreases the effectiveness of the green spaces' environmental functions. In urban form, useful civic space, accessible by the general public, may be just as capable of fulfilling the sense of space and 'breathing room' as the traditional community park, and may add to the pedestrian activity, increasing commercial gains. Outdoor seating at sidewalk cafes, community plazas and garden walks that create thoughtful public uses and landscaped areas can provide pleasant, shaded outdoor activity and encourage a lively and thriving streetscape.⁸ New technologies allow large contiguous green space within the urban boundary without decreasing walkability and may increase habitat in the urban area. Regardless of open space nature, these urban open spaces should serve to enhance linkages between uses and promote public gathering. Staff proposed the following definition of "Civic Space" to be included in the Lee Plan Glossary.

CIVIC SPACE - Spaces, public or private, that, when located at street level, are accessible to the general public including: plazas, sidewalk gathering spaces with seating, pocket parks and playgrounds that are scaled to the surrounding urban environment, and other functional public areas.

C. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt the proposed amendment as part of the 2004 EAR Amendment Cycle to incorporate principles of New Urbanism and reflect mixed use development potential in the Glossary of the Lee Plan including the revision to the definition of Density and the addition of the definition of Civic Space.

⁸ Francis, Carolyn and Clare Cooper Marcus, Eds. People Places: Design Guidelines for Urban Open Space, 2nd Edition. Wiley, 1997.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: April 11, 2007

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANKLIN B. MANN

CHARTER OF THE NEW URBANISM

THE CONGRESS FOR THE NEW URBANISM views disinvestment in central cities, the spread of placeless sprawl, increasing separation by race and income, environmental deterioration, loss of agricultural lands and wilderness, and the erosion of society's built heritage as one inter-related community-building challenge.

WE STAND for the restoration of existing urban centers and towns within coherent metropolitan regions, the reconfiguration of sprawling suburbs into communities of real neighborhoods and diverse districts, the conservation of natural environments, and the preservation of our built legacy.

WE RECOGNIZE that physical solutions by themselves will not solve social and economic problems, but neither can economic vitality, community stability, and environmental health be sustained without a coherent and supportive physical framework.

WE ADVOCATE the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.

WE REPRESENT a broad-based citizenry, composed of public and private sector leaders, community activists, and multidisciplinary professionals. We are committed to reestablishing the relationship between the art of building and the making of community, through citizen-based participatory planning and design.

WE DEDICATE ourselves to reclaiming our homes, blocks, streets, parks, neighborhoods, districts, towns, cities, regions, and environment.

(Continued on back)

We assert the following principles to guide public policy, development practice, urban planning, and design:

The region: Metropolis, city, and town

1. Metropolitan regions are finite places with geographic boundaries derived from topography, watersheds, coastlines, farmlands, regional parks, and river basins. The metropolis is made of multiple centers that are cities, towns, and villages, each with its own identifiable center and edges.
2. The metropolitan region is a fundamental economic unit of the contemporary world. Governmental cooperation, public policy, physical planning, and economic strategies must reflect this new reality.
3. The metropolis has a necessary and fragile relationship to its agrarian hinterland and natural landscapes. The relationship is environmental, economic, and cultural. Farmland and nature are as important to the metropolis as the garden is to the house.
4. Development patterns should not blur or eradicate the edges of the metropolis. Infill development within existing urban areas conserves environmental resources, economic investment, and social fabric, while reclaiming marginal and abandoned areas. Metropolitan regions should develop strategies to encourage such infill development over peripheral expansion.
5. Where appropriate, new development contiguous to urban boundaries should be organized as neighborhoods and districts, and be integrated with the existing urban pattern. Noncontiguous development should be organized as towns and villages with their own urban edges, and planned for a jobs/housing balance, not as bedroom suburbs.
6. The development and redevelopment of towns and cities should respect historical patterns, precedents, and boundaries.
7. Cities and towns should bring into proximity a broad spectrum of public and private uses to support a regional economy that benefits people of all incomes. Affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
8. The physical organization of the region should be supported by a framework of transportation alternatives. Transit, pedestrian, and bicycle systems should maximize access and mobility throughout the region while reducing dependence upon the automobile.
9. Revenues and resources can be shared more cooperatively among the municipalities and centers within regions to avoid destructive competition for tax base and to promote rational coordination of transportation, recreation, public services, housing, and community institutions.

The neighborhood, the district, and the corridor

10. The neighborhood, the district, and the corridor are the essential elements of development and redevelopment in the metropolis. They form identifiable areas that encourage citizens to take responsibility for their maintenance and evolution.
11. Neighborhoods should be compact, pedestrian-friendly, and mixed-use. Districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways.
12. Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and

the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.

13. Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.
14. Transit corridors, when properly planned and coordinated, can help organize metropolitan structure and revitalize urban centers. In contrast, highway corridors should not displace investment from existing centers.
15. Appropriate building densities and land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.
16. Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods and districts, not isolated in remote, single-use complexes. Schools should be sized and located to enable children to walk or bicycle to them.
17. The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change.
18. A range of parks, from tot-lots and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts.

The block, the street, and the building

19. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.
20. Individual architectural projects should be seamlessly linked to their surroundings. This issue transcends style.
21. The revitalization of urban places depends on safety and security. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility and openness.
22. In the contemporary metropolis, development must adequately accommodate automobiles. It should do so in ways that respect the pedestrian and the form of public space.
23. Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities.
24. Architecture and landscape design should grow from local climate, topography, history, and building practice.
25. Civic buildings and public gathering places require important sites to reinforce community identity and the culture of democracy. They deserve distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the city.
26. All buildings should provide their inhabitants with a clear sense of location, weather and time. Natural methods of heating and cooling can be more resource-efficient than mechanical systems.
27. Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society.

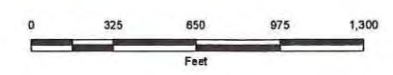
For information: Congress for the New Urbanism; 140 S. Dearborn St., Suite 310, Chicago, IL 60603; 312 551-7300 phone; www.cnu.org

PEDESTRIAN SHED (and EXTENDED PEDESTRIAN SHED)



Generated: July 2006
Source: Lee County DCD/Planning

- ★ Court House
- Pedestrian Shed (quarter mile)
- Extended Pedestrian Shed (half mile)



LEE COUNTY ORDINANCE NO. _____
(New Urbanism Definitions)
(CPA2005-35)

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 CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; 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 July 24, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-35, which incorporates the principles of New Urbanism into the Lee Plan Glossary, to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt 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 the 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 "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-35 New Urbanism Definitions Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-35. CPA2005-35 amends the Glossary of the Lee Plan to add new, and amend existing, definitions to incorporate the principles of New Urbanism.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

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: 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 FIVE: 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 SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office