



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

kwiktag®

022 564 763



(239) 479-8585

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 21, 2006

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package
2005/2006 Evaluation and Appraisal Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2005/2006 Evaluation and Appraisal Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: May 22, 2006; June 26, 2006; July 24, 2006; August 28, 2006; September 25, 2006; October 23, 2006; and November 27, 2006. The Board of County Commissioners transmittal hearing for the plan amendments was held on December 13, 2006. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing in the Spring of 2006, after the receipt of the Departments ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(239)479-8585
Fax (239)479-8319
Email: oonnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendments, and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments have been sent to: the Regional Planning Council; the Florida Department of Transportation (FDOT); the Florida Department of Environmental Protection; Florida Department of State; the Florida Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services, Division of Forestry; and, the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr
Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2005/2006 LEE PLAN EVALUATION AND APPRAISAL AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

CPA2005-05 – Three Oaks North

This privately sponsored amendment by Paul H. Freeman, Trustee, amends 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.”

CPA2005-07 – River Hall (FKA Hawk’s Haven)

This privately sponsored amendment by Hawks Haven Investment LLC amends the Future Land Use Map Series for a 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.” It also amends Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and places a specific cap on residential development of 2,800 dwelling units on the specified property.

CPA2005-08 - Caloosahatchee Shores Community Plan

This amendment, offered by the East Lee County Council and sponsored by the Board, proposes a new Policy 21.1.4 that directs the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code. The proposed code enforcement standards, once drafted, will be reviewed by staff and processed as Land Development Code amendments.

CPA2005-09 - Palm Beach Community Plan

This Board sponsored amendment amends the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.

CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps

This Board sponsored amendment proposes to amend the Future Land Use Element, Policies 1.2.2, 1.7.1, and 5.1.4, the Community Facilities and Services Element, Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to incorporate the new airport noise zones in compliance with the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, the amendment proposes to amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the allowable number of gas pumps from the current twelve (12) gas pumps to twenty-four (24) gas pumps.

CPA2005-11 – Greenways Recreational Trails Master Plan

This Board sponsored amendment incorporates the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. It revises 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). It incorporates 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. It also incorporates proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.

CPA2005-12 – Captiva Community Plan

This amendment, offered by Captiva Community Planning Panel and sponsored by the Board, proposes to: amend the Future Land Use Element, by adding a new Objective 13.2, and Policy 13.2.1, and to amend Policy 6.1.2; amend the Procedures and Administration Element by adding a new standard to the Single Family Residence Provision; and, to amend the definition of Density.

The Captiva Planning Panel has identified the retention of existing commercial uses and the development of new commercial uses on the island as a priority. The high price of residential properties on the island has made the retention of existing commercial uses difficult and the creation of new commercial uses unlikely. The conversion over time of the commercial properties to residential on Andy Rosse Lane attests to this problem. These changes, which apply only to the Captiva Community, allow both commercial and residential uses on property that is currently commercially zoned, specifically in areas currently zoned C-1 and CT. These properties must be rezoned to Commercial Planned Development to take advantage of these provisions. The changes to the Single Family Residence Provision will allow those lots that are too small to meet Lee Plan density provisions to develop with a single residential unit along with commercial floor area.

CPA2005-13 – Community Planning

This amendment, offered by the Smart Growth Committee and sponsored by the Board, proposes to amend the Future Land Use Element to add a new goal, objective and two policies that address community planning activities. The new language supports both citizen and County initiated community planning efforts and assures coordination with County-wide and regional plans.

There was one contended proposed policy regarding water conservation issues. Staff contended that the policy should not be directed at community planning efforts because these plans are often driven by local community issues which may not include water conservation. The LPA recommended including the policy. At the LPA's review of a subsequent proposed amendment, CPA 2005-46, Smart Growth Recommendations, the same policy was included on a county-wide basis as Policy 54.1.13. The LPA recognized the duplicate policy and recommended that one of them should be eliminated, the Smart Growth Director agreed. This policy was kept as a county wide policy and dropped from CPA 2005-13.

CPA2005-16 – San Carlos/Estero Community Boundary

This Board sponsored amendment proposes to change 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. This amendment realigns the southern boundary of the San Carlos Planning Community to follow the fire district border between the Breckenridge neighborhood and the Estero Bay Buffer Preserve.

This change was initiated to address concerns raised by some San Carlos residents living along Pine Road.

CPA2005-17 – Long Range Transportation Plan

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 Metropolitan Planning Organization (MPO) Long Range Transportation Plan. In keeping with the recommendations of the Evaluation and Appraisal Report and the MPO's federal mandates, this change incorporates text and maps that update the Lee Plan's Transportation Element to the new planning horizon of 2030. The 3 maps, the Lee County 2030 Financially Feasible Highway Plan, the Future Functional Classification Map, and the Future Maintenance were adopted by the MPO on December 7, 2005, and revised on March 17, 2006.

CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 37.1.1 to reflect new State Level of Service (LOS) standards for Strategic Intermodal System (SIS), Florida Intrastate Highway System (FIHS), and Transportation Regional Incentive Program (TRIP) funded roads. For the basic State and County arterials and collectors included in Policies 37.1.1 and 95.1.3, staff is proposing an expansion of facility types to reflect the categories included in the Country's existing roadway functional classification list.

CPA2005-19 – FDOT Quality LOS Handbook

This amendment, sponsored by the Board, amends the Transportation Element to update Policy 37.1.4 to refer to the 2002 Florida Department of Transportation (FDOT) Quality LOS Handbook. This changes updates the primary documents used by the County to calculate roadway level of service conditions to the current referenced FDOT handbook.

CPA2005-20 – Deletion of Policy 38.2.3

This board sponsored amendment amends the Transportation Element by deleting Policy 38.2.3. This action was first recognizes in the Evaluation and Appraisal Report. As currently written, Policy 38.2.3 requires that the Board make a finding of "overriding need" to include a County Roadway improvement within a municipality unless that municipality is a full participant in the County's road impact fee ordinance. Only the City of Fort Myers is a full participant in the County's road impact fee ordinance. All of the municipalities, except Sanibel, currently have enacted some form of road impact fees. Transportation staff believes this policy no longer serves its intended function and causes unnecessary Board action to maintain and improve the County's road system.

CPA2005-21 – Update Reference to the LeeScape Master Plan

This Board sponsored amendment amends the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan. The original LeeScape plan was adopted on October 27, 1998. A revised LeeScape plan was adopted on August 28, 2001. This amendment updates the referenced adoption date in the policy.

CPA2005-22 – Mass Transit Update

This Board sponsored amendment updates the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report. During the Evaluation and Appraisal Report process, mass transit staff identified a number of needed updates to the goals, objectives and policies of the Mass Transit Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's mass transit system. Staff concurs with the additional recommendation of the Local Planning Agency.

CPA2005-23 – Ports, Aviation and Related Facilities Update

This Board sponsored amendment updates 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. During the Evaluation and Appraisal Report process, Port Authority staff identified a number of needed updates to the goals, objectives and policies of the Ports, Aviation and Related Facilities Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's ports and aviation systems. Staff concurs with the additional recommendation of the Local Planning Agency.

CPA2005-24– Update Transportation Concurrency Policies

This Board sponsored amendment amends the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.

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

This Board sponsored amendment updates the Lee Plan to change the references from the year 2020 to the year 2030 and updates the Vision Statements to the year 2030. The Evaluation and Appraisal Report recommended that the planning horizon of the Lee Plan be extended to the Year 2030. Current text that references the 2020 planning horizon is being changed to the new planning horizon date of 2030. Additionally, the amendment proposed to delete any text that is date sensitive for which the time frame has passed or the intent of the text has been satisfied. The Local Planning Agency accepted the recommended changes, as proposed by staff.

CPA2005-26 – Landuse Acreage Allocation

This is a Board sponsored amendment that amends the Lee Plan text and tables to reflect the latest BEBR population projections. It also amends Map 16 to reflect current city boundaries.

CPA2005-27 – Update CIE Tables 3 and 4

This amendment, sponsored by the Board, amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program (CIP). Florida Statutes require that the CIP be adopted into the comprehensive plan on a yearly basis. The proposed tables reflect the CIP adopted by the Board this past September.

CPA2005-28 – Conservation Lands Update

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, by adding new conservation properties to, and removing erroneously designated properties from, the Conservation Lands future land use categories to more accurately identify conservation lands.

CPA2005-29 – Public Facilities Update

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, the Future Land Use Map, by adding new publicly owned property to, and removing erroneous designated lands from, the Public Facilities future land use category to more accurately identify publicly owned lands.

CPA2005-33 – Police and Justice Sub-Element Update

This board sponsored amendment updates the Community Facilities and Services Element, Police and Justice Sub-Element Objective 69.1, Policies 69.2.2 and 69.2.3 to delete the referenced date and to acknowledge the ongoing nature of the objective and to reflect the existing status of substation facilities.

CPA2005-35 – New Urbanism Definitions

This Board sponsored amendment amends the Lee Plan Glossary to incorporate new and amend existing definitions in order to incorporate the principles of New Urbanism. Fifteen new definitions are being added and 3 existing definitions are being amended.

CPA2005-37 – New Urbanism

This Board sponsored amendment amends 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. This amends 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 can be applied.

CPA2005-39 – Commercial FLUM Category

This Board sponsored amendment amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table 1(a), by adding a new “commercial only” future land use category. In addition, a new definition is being added to the Glossary to define Floor Area Ratio, as a way to establish limitations on intensity. At this time there are no specific areas being proposed for the new category.

CPA2005-40 – Sub-Outlying Suburban FLUM Category

This amendment, sponsored by the Board, amends Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre. There are several areas on the Future Land Use Map that are designated Outlying Suburban that have an additional limitation reducing the density to a maximum of 2 dwelling units per acre. This new category will eliminate the need to look to Table 1(a) footnotes to see where this 2 unit per acre limitation applies.

CPA2005-41 – Manatee Protection Plan

This Board sponsored amendment amends the Future Land Use Element, Objective 8.2 and the Conservation and Coastal Management Element, Objectives 107.7, 128.5 and 128.6, and their subsequent policies to incorporate the "boating facility siting element" of the Manatee Protection Plan, as required by Florida Statute 370.12.(2)(t)(3).

CPA2005-42 – Economic Element Update

This Board sponsored amendment updates the Economic Element as the element has not been updated since its creation in 1993. Economic Development staff identified a number of needed updates to the goals, objectives and policies of the Economic Element. The updates correct outdated references and reflect current County practices regarding the County's efforts to promote economic development.

CPA2005-43 – Single Family Residence Provision Update

This Board sponsored amendment amends the Procedures and Administration Element by updating the Single-Family Residence Provision. Currently two different county offices are involved in approving applications for Minimum Use Determinations. The Department of Community Development performs the review if an application for a building permit is also being requested. The County Attorney's Office issues the determination, following an application for review and a recommendation from Community Development staff, if no building permit application has been requested. This amendment would move all reviews to the Department of Community Development. It also makes it clear that a future land use category's standard density is to be used for Minimum Use Determinations, not bonus density or some other means to increase density, i.e. Open Lands ability to increase density to 1 dwelling unit per 5 acres utilizing Residential Planned Development zoning. Staff concurs with the Local Planning Agency's recommendation to not alter the access and drainage requirements.

CPA2005-45 – Beach and Dune Management Plans

This Board sponsored amendment amends the Conservation and Coastal Management Element, Policy 113.3.1 to update the list of critical erosion areas identified in the Beach and Dune Management Plans. The Department of Environmental Protection (DEP) maintains a list of critically eroded beaches in Florida. This policy update is necessary to accurately reflect the DEP list of critically eroded beaches in Lee County.

CPA2005-46 – Smart Growth Recommendations

This Board sponsored amendments amends the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.

CPA2005-47 – Housing Element Update

This Board sponsored amendment updates the Housing Element by reflecting the findings of the most current Housing Needs Assessment. In August 2005, Lee County updated the 1997 Housing Needs Assessment. These changes are based on the analysis of existing Goals, Objectives and Policies and further the recommendations of the 2005 Housing Needs Assessment included in the Evaluation and Appraisal Report.

NEWS-PRESS
Published every morning - Daily and
Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Elisha Wells
who on oath says that he/she is the
Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a
Display

In the matter of
Notice of Proposed Amendment
In the court was published in said newspaper in the
issues of
December 6, 2006

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee, Charlotte, Collier, Glades
and Hendry Counties and published at Fort Myers, in said Lee
County, Florida and that said newspaper has heretofore been
continuously published in said Lee County, Florida, each day,
and has been entered as a second class mail matter at the post
office in Fort Myers in said Lee County, Florida, for a period of
one year next preceding the first publication of the attached copy
of the advertisement; and affiant further says that he/she has
neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspaper.

Elisha Wells

Sworn to and subscribed before me this

14th day of December 2006 by

Elisha Wells
personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public *Gladys D. Vanderbeck*

Print Name Gladys D. Vanderbeck

My commission Expires December 13, 2008

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (Transmittal Hearing)

In compliance with the Florida Statutes, notice is hereby given
that the Lee County Board of County Commissioners will hold
public hearings to consider proposed amendments to the Lee
County Comprehensive Land Use Plan on Wednesday,
December 13, 2006. The hearing will be held in the Board of
County Commissioners Hearing Chamber in the Board of
County Commissioners Courthouse at 2120 Main Street in Downtown Fort Myers. The
hearing will commence at 9:30 a.m. At this hearing, the Board
will review the proposed amendments for transmittal to the
Florida Department of Community Affairs (DCA). The agenda of
this hearing is set forth below:

1. Call to Order, Certification of Affidavit of Publication

2. Consent Agenda

A. CPA2005-08 - Calooschatchee Shores Community Plan

Adopt a new Policy 21.1.1 directing the
Calooschatchee Shores Community to draft enhanced
code amendment standards for possible inclusion in
the Land Development Code.
Sponsor: Board of County Commissioners/The East
Lee County Council

B. CPA2005-10 - Airport Noise Boundaries and Number of Gas Pumps

Amend the Future Land Use Element Policies 1.2.2,
1.2.3, and 5.1.4 and the Community Facilities and
Use Map Series, Map 1, to reflect the
revised FAR Part 150 Noise Study for the Southwest
Florida International Airport. Incorporate proposed
pumps allowed from twelve (12) to twenty (20).
Sponsor: Board of County Commissioners/Port
Board

C. CPA2005-12 - Captiva Community Plan

Amend Goal 13, Policy 6.1.2, Chapter XII Single
Family-Residence Provision and the definition of
Density, specific to the Captiva Community, to
incorporate the recommendations of the Captiva Island
Community Planning Study.
Sponsor: Board of County Commissioners/Captiva
Community Planning Panel

D. CPA2005-13 - Community Planning

Amend the Future Land Use Element to evaluate
incorporating community planning policies into the Lee
County Comprehensive Land Use Plan.
Sponsor: Board of County Commissioners/Smart
Growth Committee

E. CPA2005-16 - San Carlos/Estero Community Boundary

Amend the Future Land Use Map Series, Map 10, to
adjust the boundary between the Estero and San Carlos Planning
Communities west of U.S. 41.

F. 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

G. CPA2005-18 - LOS Standards for SIS/FHHS/ TRIP Funded Roads

Amend the Transportation Element to update Policy
37.1.1 to reflect new State LOS standards for SIS/
FHHS/TRIP funded roads.
Sponsor: Board of County Commissioners

H. CPA2005-19 - FDOT Quality LOS Handbook

Amend the Transportation Element to update Policy
37.1.1.4 to reflect the 2002 FDOT Quality LOS
Handbook.
Sponsor: Board of County Commissioners

I. CPA2005-20 - Deletion of Policy 38.2.3

Amend the Transportation Element to delete Policy
38.2.3.
Sponsor: Board of County Commissioners

J. 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

K. 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

L. 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

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

Amend the Lee Plan to change the horizon from the
year 2020 to the year 2030 and update the Vision
Statements to the year 2030.
Sponsor: Board of County Commissioners

N. CPA2005-27 - Update CIE Tables 3 and 4

Amend the Capital Improvement Element (Tables 3 &
4) to reflect the latest Capital Improvement
Program.
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 Element's 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 Public Facilities
Element's Categories by adding and/or removing
land use categories to more accurately identify publicly
owned lands.
Sponsor: Board of County Commissioners

Q. CPA2005-31 - Police and Justice Sub-Element Update

Amend the Community Facilities and Services Element
Police and Justice Sub-Element's Objectives 6.2.1 to delete
the referenced date and to acknowledge the ongoing
nature of the objective. In addition amend Policies
6.2.2 and 6.2.3 to reflect the existing status of
substation facilities.
Sponsor: Board of County Commissioners

R. CPA2005-35 - New Urbanism Guidelines

Amend the Plan/Policy to incorporate new and
amend existing definitions to incorporate the principles
of New Urbanism.
Sponsor: Board of County Commissioners

S. CPA2005-39 - Commercial FLUM Category

Amend Goal 1 of the Future Land Use Element, the
Future Land Use Map Series, Map 1, and Table 1(a) by
adding a new "Commercial Only" category and use
category.
Sponsor: Board of County Commissioners

T. 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
Table 1(b) Summary of Residential Densities by
adding a new "Suburban Land Use Category" having a
maximum density of 4 dwelling units per acre.
Sponsor: Board of County Commissioners

U. CPA2005-41 - Monrovia Protection Plan

Amend the Conservation and Open Space Element
and the Future Land Use Element
Incorporate the "Monrovia Protection Plan" required by F.S.
207.12(2)(a).
Sponsor: Board of County Commissioners

V. CPA2005-43 - Economic Element Update

Amend the Lee Plan/Economic Element for general
updates of the element that have not been updated since its
creation in 1993.
Sponsor: Board of County Commissioners

W. 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

X. 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

Y. CPA2005-47 - Housing Element Update

Amend the Lee Plan to update the Housing Element
reflecting the findings of the most recent Housing
Needs Assessment.
Sponsor: Board of County Commissioners

3. Administrative Agenda

A. CPA2005-02 - Webb's Backlog Item

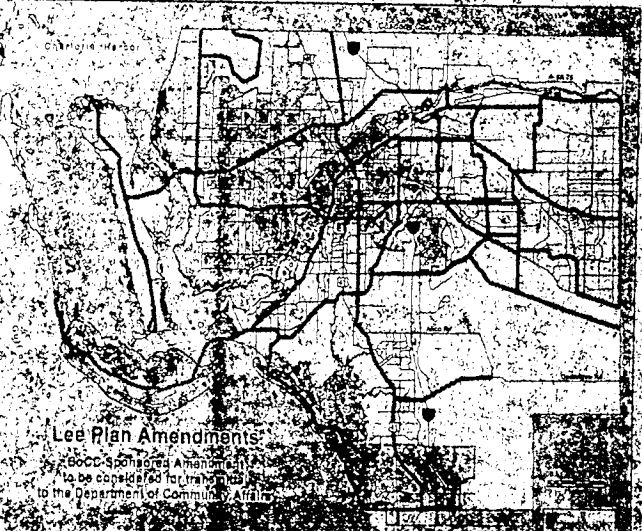
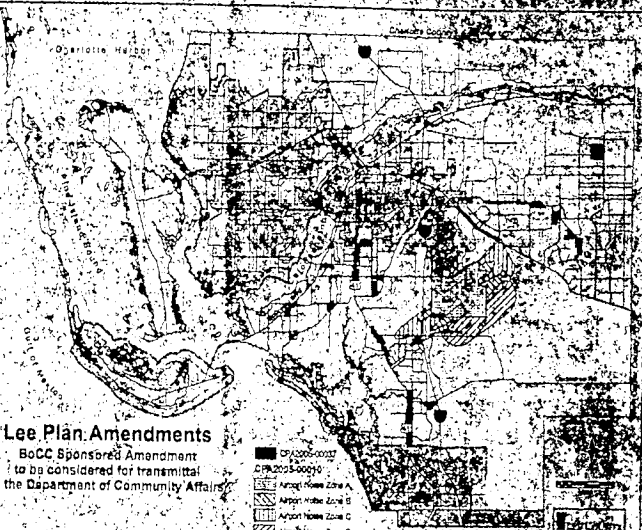
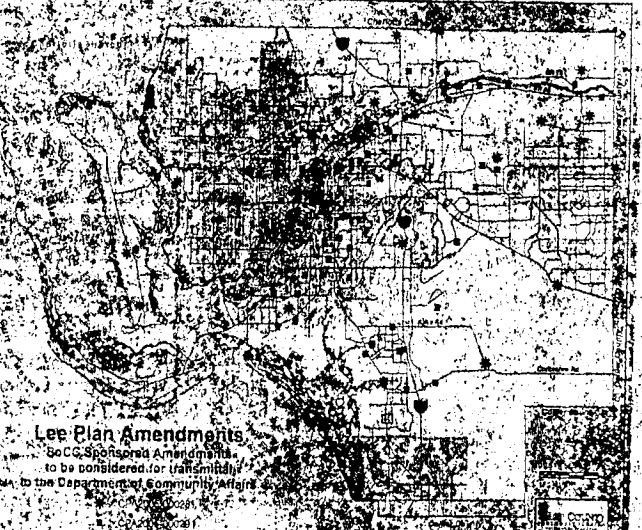
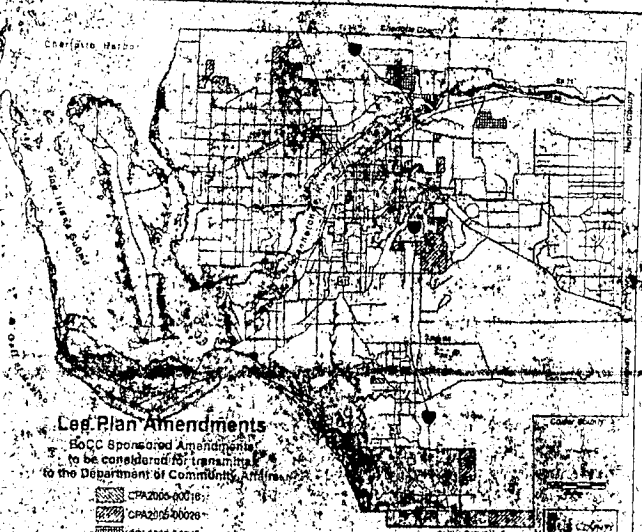
Amend the Future Land Use Map Series, Map 1, and
change #7.5.3.1.1 and 7.5.3.1.2.
Sponsor: Board of County Commissioners

B. CPA2005-03 - Three Oaks North

Amend the Future Land Use Map Series, Map 1, and
change #7.5.3.1.1 and 7.5.3.1.2.
Sponsor: Board of County Commissioners

C. CPA2005-07 - River Hall (aka Hawk's Haven)

Amend the Future Land Use Map Series, Map 1, and
change #7.5.3.1.1 and 7.5.3.1.2.
Sponsor: Board of County Commissioners



CPA2005-35
New Urbanism Definitions

**AMENDMENT
TO THE
LEE PLAN**

LEE COUNTY COMPREHENSIVE PLAN

**BoCC Sponsored Application
and Staff Analysis**

DCA Transmittal Hearing Document

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

December 18, 2006

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)

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.

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/Applicant's_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 Daltrey, 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	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANK MANN	<u>AYE</u>

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK 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

[illegible]

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

