

Lee County (Florida) Land Development Code

CHAPTER 32 – COMPACT COMMUNITIES

Table of Contents

ARTICLE I. INTRODUCTION TO COMPACT COMMUNITIES

Sec. 32-101. Purpose of chapter.	32—1
Sec. 32-102. Form-based codes for compact communities.	32—1
Sec. 32-103. Applicability.	32—1
Sec. 32-104. Inconsistencies among chapters.	32—1
Sec. 32-105. Definitions.	32—2
Secs. 32-106—32-200. Reserved.	32—4

ARTICLE II. FORM-BASED CODE COMPONENTS AND GENERAL REQUIREMENTS

DIVISION 1. TRANSECT ZONES

Sec. 32-201. Purpose of article.	32—5
Sec. 32-202. Transect zones described.	32—5
Sec. 32-203. Assignment of transect zones.	32—6
Secs. 32-204—32-220. Reserved.	32—6

DIVISION 2. STREET TYPES AND PARKING

Sec. 32-221. Street types allowable in each transect zone.	32—7
Sec. 32-222. Design of street networks.	32—7
Sec. 32-223. Design of streets other than alleys and lanes.	32—8
Sec. 32-224. Design of alleys and lanes.	32—9
Sec. 32-225. Design of blocks.	32—9
Sec. 32-226. Cross-sections of streets, alleys, and lanes.	32—9
Sec. 32-227. Streetscape standards.	32—14
Sec. 32-228. Off-street parking.	32—14
Secs. 32-229—32-240. Reserved.	32—15

DIVISION 3. LOT TYPES

Sec. 32-241. Lot types allowable in each transect zone.	32—16
Sec. 32-242. Placement of buildings on lots.	32—17
Sec. 32-243. Property development regulations.	32—25
Sec. 32-244. Permitted uses.	32—29
Secs. 32-245—32-260. Reserved.	32—29

DIVISION 4. CIVIC BUILDINGS AND CIVIC SPACES

Sec. 32-261. Civic buildings.	32—31
Sec. 32-262. Civic spaces.	32—31
Secs. 32-263—32-270. Reserved.	32—33

DIVISION 5. REGULATING PLANS

Sec. 32-271. Types of regulating plans.	32—34
Sec. 32-272. Sample regulating plans.	32—34
Sec. 32-273. Purpose of regulating plans.	32—35
Sec. 32-274. Requirements for detailed regulating plans.	32—35
Secs. 32-275—32-280. Reserved.	32—35

DIVISION 6. STORMWATER MANAGEMENT

Sec. 32-281. Stormwater management.	32—36
Secs. 32-282—32-300. Reserved.	32—36

ARTICLE III. TRANSFER OF DEVELOPMENT RIGHTS

Sec. 32-301. Background.	32—37
Sec. 32-302. Purpose of article.	32—37
Sec. 32-303. Land not eligible for creation of TDR credits.	32—37
Sec. 32-304. General TDR credit characteristics.	32—37
Sec. 32-305. TDR credit sending area ratios.	32—38
Sec. 32-306. Creation of TDR credits.	32—38
Sec. 32-307. Easements required.	32—40
Sec. 32-308. Transfer of TDR credits.	32—42
Sec. 32-309. Redemption of TDR credits.	32—42
Sec. 32-310. Record-keeping.	32—42
Secs. 32-311—32-400. Reserved.	32—42

ARTICLE IV. COMPACT COMMUNITIES THROUGH ADMINISTRATIVE APPROVALS IN SOUTHEAST LEE COUNTY

Sec. 32-401. Purpose of article.	32—43
Sec. 32-402. General approval procedures.	32—43
Sec. 32-403. Applications for Mixed-Use Communities.	32—44
Sec. 32-404. Record copy of regulating plan.	32—45
Sec. 32-405. Conceptual regulating plans.	32—45
Secs. 32-406—32-500. Reserved.	32—45

ARTICLE V. COMPACT COMMUNITIES THROUGH PLANNED DEVELOPMENT REZONING

Sec. 32-501. Purpose of article.	32—50
Sec. 32-502. Application requirements.	32—50
Sec. 32-503. General approval procedures.	32—51
Sec. 32-504. Southeast Lee County approval procedures.	32—51
Sec. 32-505. Modifications after rezoning process.	32—52
Secs. 32-506—32-600. Reserved.	32—52

ARTICLE VI. COMPACT COMMUNITIES THROUGH OPTIONAL REGULATING PLANS

Sec. 32-601. Purpose of article.	32—53
Secs. 32-602—32-700. Reserved.	32—53

ARTICLE VII. COMPACT COMMUNITIES THROUGH COUNTY-INITIATED REZONING

Sec. 32-701. Purpose of article.	32—53
Secs. 32-702—32-800. Reserved.	32—53

ARTICLE I. INTRODUCTION TO COMPACT COMMUNITIES**Sec. 32-101. Purpose of chapter.**

This chapter provides development regulations that will create compact walkable neighborhoods and mixed-use centers. Design goals and principles include:

- (1) A compact physical form with identifiable centers and edges, with opportunities for shopping and workplaces near residential neighborhoods.
- (2) A highly interconnected street network, to disperse traffic and provide convenient routes for pedestrians and bicyclists.
- (3) High-quality public spaces, with building facades having windows and doors facing tree-lined streets, plazas, squares, or parks.
- (4) Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility.
- (5) Resiliency and sustainability, allowing adaptation over time to changing economic conditions and broader transportation options.

Sec. 32-102. Form-based codes for compact communities.

Conventional zoning separates land uses and requires off-street parking on every site. As a result, development is spread thinly across the landscape, essentially requiring automobiles for every trip. As an alternative, this chapter will create compact walkable neighborhoods and mixed-use centers using form-based code techniques, whose major components are described in article II.

Sec. 32-103. Applicability.

The regulations in this chapter can be applied using different procedures, some requiring rezoning and others through administrative approvals:

- (1) ***Administrative approval in Southeast Lee County.*** Article IV describes how this chapter can be used by landowners to obtain administrative approval for limited residential and mixed-use development in Southeast Lee County.
- (2) ***Planned development rezoning.*** Article V describes how this chapter can be used by a landowner to rezone land for a compact community.
- (3) ***Optional regulating plans.*** Article VI contains regulating plans that can be used on certain land in the Lee Plan's future urban areas at the landowners' discretion.
- (4) ***County-initiated rezoning.*** Article VII describes how county-initiated rezoning can authorize compact communities without further rezoning by landowners.

Sec. 32-104. Inconsistencies among chapters.

If any provision of this chapter is inconsistent with another chapter of this code, this chapter will prevail, notwithstanding the express language of sections 1-2(7), 10-4, and 34-5(c). In all cases, development must comply with all provisions of the Lee Plan.

Sec. 32-105. Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions of many other words, terms and phrases that are used in this chapter can be found in section 34-2.

Arcade means a series of piers topped by arches that support a permanent roof over a sidewalk.

Balcony means an open portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers.

Bicycle lane means a separate lane within a street right-of-way that is designated by signing and pavement markings for the preferential or exclusive use of bicyclists.

Civic buildings contain public or civic uses of special significance to residents, employees, or visitors. Civic buildings are used primarily for the following purposes: community services, day care, education, government, places of worship, or social services. See section 32-261.

Civic spaces are commonly owned open spaces that are strategically placed to serve a specialized community function. Active civic spaces may be configured as a green, square, plaza, park, playground, community garden, or farm plot. Passive civic spaces protect natural areas worthy of preservation. See section 32-261.

Colonnade is similar to an arcade but supported by vertical columns without arches.

Credit. See *TDR credit*.

Development right means the right of an owner of the fee interest in land to change the use of that land in accordance with existing zoning.

Director means the Director of the Department of Community Development or designee.

Driveway means a type of access point which provides vehicle access from a street, alley, or lane to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the street in a forward or backward motion.

Easement, agricultural means a right or interest in real property that is appropriate to retaining the land as open space but which explicitly allows continued agricultural uses. Agricultural easements are sometimes known as agricultural conservation easements. See section 32-307.

Easement, conservation means a right or interest in real property that is appropriate to retaining the land as open space and which restricts or forbids agricultural uses. See section 32-307.

Floor area means the total area of each story of a building, or portion thereof, within the surrounding exterior walls of the building or structure.

Florida Greenbook means the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by Florida DOT.

Frontage percentage means the percentage of the width of a lot that is required to be occupied by the building's primary facade. See section 32-243.

Liner building means a building or portion of a building constructed in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a facade that has ample doors and windows opening onto the sidewalk.

Live-work building means an attached or detached building that can accommodate permitted residential uses, commercial uses, or a combination of the two within individually occupied live-work units. All permitted uses may occupy any story of a live-work building.

Live-work unit means an individually occupied portion of an attached or detached building that can accommodate permitted residential uses, commercial uses, or a combination of the two within that unit.

Maximum extent practicable means that no feasible or practical alternative exists and all possible efforts to comply with the regulation or minimize potential adverse impacts have been undertaken. Economic considerations may be taken into account but cannot be the overriding factor in determining "maximum extent practicable."

Mixed-use center means a concentration of non-residential and higher density residential land uses that typically form the center of neighborhoods, transit-oriented communities, and larger urban areas.

Planting strip means a grassed strip of land with a row of street trees that is located between a sidewalk and a travel or parking lane. In urban areas, planting strips are often replaced by street trees planted in tree pits, wells, or vaults that are recessed into a sidewalk that extends to the curb.

Porte cochere means a roofed porch or portico-like structure extending from the side entrance of a residential building over an adjacent driveway to shelter those getting in or out of vehicles. A porte cochere has no front or rear wall and differs from a carport in that it is not used to store parked vehicles.

Receiving area. See *TDR receiving area.*

Regulating plan means a particular type of site plan that identifies transect zones, and that may also identify lot types and street types, in order to define the character of future development.

REGULATING PLAN, CONCEPTUAL. Conceptual regulating plans identify the intended variety and location of transect zones and a preferred street/block structure including suggested street types.

REGULATING PLAN, DETAILED. Detailed regulating plans identify the final assignment of transect zones and the exact street/block structure, including specific street types and lot types as described in this chapter.

Sending area. See *TDR sending area.*

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

Shared lane means a lane within a street right-of-way that is shared by bicyclists and motor vehicles.

Southeast Lee County means the land designated as Planning Community #18 on Lee Plan Map 16, much of which is in the density reduction/groundwater resource land use category. To carry out Lee Plan Policy 32.2.2, the term *Southeast Lee County* as used in this chapter also includes all land in the Mixed-Use Community south of S.R. 82 at Daniels Parkway (as shown on Lee Plan Map 17).

Stoop means a staircase on the facade of a building that leads either to a small unwallled entrance platform or directly to the main entry door.

TDR credits are evidence that development rights have been severed from land in TDR sending areas for potential transfer to other land. See article III of chapter 32.

TDR receiving area means land where TDR credits can be used to add development rights that have been severed from a TDR sending area. See article III of chapter 32.

TDR sending area means land where TDR credits can be obtained in exchange for severing development rights. See article III of chapter 32.

Transect zone means a distinct category of physical form and character ranging in intensity from the most urban to the least urban. This chapter designates five transect zones: Core, Center, General, Edge, and Civic. See article II, division 1.

TRANSECT ZONE, CENTER. The Center transect zone is intensely occupied, with mostly attached buildings creating a “Main Street” character within walking distance of primarily residential neighborhoods.

TRANSECT ZONE, CIVIC. The Civic transect zone identifies land that is reserved for civic and community uses at key locations within neighborhoods.

TRANSECT ZONE, CORE. The Core transect zone is the most intensely occupied zone comprised of taller attached buildings that create a continuous street facade.

TRANSECT ZONE, EDGE. The Edge transect zone provides sites for detached homes and accessory apartments that are similar in scale to older suburban neighborhoods.

TRANSECT ZONE, GENERAL. The General transect zone is primarily residential but includes a broader mix of uses and a wide variety of lot types. Buildings may be attached or detached and are typically closer to the street.

Urban agriculture means food production and sale that is compatible with nearby residential uses. Urban agriculture includes cultivation of plants in community gardens, market gardens, vineyards, and groves. Urban agriculture also includes husbandry of animals such as bees, goats, rabbits, sheep, chickens (but not roosters), and other small animals with similar impacts on nearby properties including noise, odors, and safety hazards.

Secs. 32-106—32-200. Reserved.

**ARTICLE II. FORM-BASED CODE COMPONENTS
AND GENERAL REQUIREMENTS****DIVISION 1. TRANSECT ZONES****Sec. 32-201. Purpose of article.**

This article begins by describing the three main components used throughout this chapter to ensure that development activity will create compact walkable neighborhoods and mixed-used centers. Although these components are assigned to land through different processes as described in later articles of this chapter, the basic components remain the same:

- (1) **Transect zones**, which are essentially sub-zones that describe the varying intensities and basic characteristics of compact neighborhoods and centers.
- (2) **Street types**, which govern the character and physical dimensions of streets and alleys in a manner consistent with the transect zone and adjoining lot types.
- (3) **Lot types**, which govern the placement and intensity of buildings and the allowable uses on individual lots, consistent with the transect zone and adjoining street types.

Sec. 32-202. Transect zones described.

(a) An urban-to-rural transect can be used to describe the varying intensities and characteristics of neighborhoods. For use in this chapter, the urban-to-rural transect is divided into the following transect zones:

- (1) **Core.** The Core transect zone is the most intensely occupied zone comprised of taller attached buildings that create a continuous street facade.
- (2) **Center.** The Center transect zone is intensely occupied, with mostly attached buildings creating a “Main Street” character within walking distance of primarily residential neighborhoods.
- (3) **General.** The General transect zone is primarily residential but includes a broader mix of uses and a wide variety of lot types. Buildings may be attached or detached and are typically closer to the street.
- (4) **Edge.** The Edge transect zone provides sites for detached homes and accessory apartments that are similar in scale to older suburban neighborhoods.
- (5) **Civic.** The Civic transect zone identifies land that is reserved for civic and community uses at key locations within neighborhoods.

(b) These same five transect zones are illustrated conceptually in figure 32-202, which shows their relative scale and character.

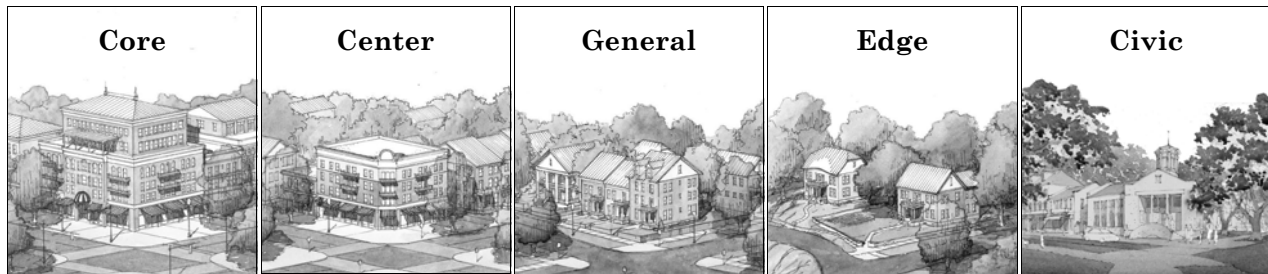


Figure 32-202

(c) The first step in using this chapter is the assignment of transect zones to developable tracts on a regulating plan. The regulating plan may be incorporated directly into this chapter (see articles IV, VI, and VII) or adopted by county resolution as the result of a planned development rezoning (see article V).

Sec. 32-203. Assignment of transect zones.

(a) A regulating plan must clearly identify the assignment of transect zones to all developable land (see division 5 of this article). The use of multiple transect zones will produce desirable variations within each site including a mix of land uses and street and lot types. Careful assignment of transect zones can ensure compatibility with surrounding neighborhoods and uses of land.

(b) The following guidelines explain key principles for the assignment of transect zones to compact communities:

- (1) Each neighborhood or mixed-use center should vary in character internally and include multiple transect zones. Some may be more intense and have a higher percentage of Core or Center transect zones while others may have a higher percentage of General or Edge transect zones.
- (2) Core and Center transect zones should be located in occasional nodes along or near major streets. General and Edge transect zones should adjoin neighborhoods of similar intensity or natural areas.
- (3) Transect zones of similar intensities are generally placed on opposite sides of streets. Greater shifts in intensity generally occur along rear alleys or lanes.
- (4) Where new development will abut an existing or approved neighborhood, the new development should establish similar or compatible transect conditions.
- (5) Active civic spaces (see division 4) must be assigned to at least 5% of the total acreage of each compact community except where a comparable amount of civic space within a 1/4-mile walking distance already exists or is committed. This 5% minimum is in addition to planting strips within street rights-of-way and open space provided on lots with private buildings.

Secs. 32-204—32-220. Reserved.

DIVISION 2. STREET TYPES AND PARKING

Sec. 32-221. Street types allowable in each transect zone.

(a) **Streets in compact communities.** Streets in compact communities promote walkability and pedestrian comfort. Vehicular mobility is a secondary function on these streets. This division authorizes specific types of streets, alleys, and lanes for compact communities. These streets also provide on-street parking; the alleys and lanes provide access to off-street parking and service areas.

(b) **Street type assignment.** When seeking approval of development regulated by this chapter, street types must be assigned by the applicant in accordance with the standards in this division. When seeking approval using planned development rezoning (see article V), proposed street types must also be shown on the regulating plan.

(c) **Street types in transect zones.** Table 32-221 identifies which specific street types are allowed within corresponding transect zones, as indicated by the letter “X.” These streets must comply with the street cross-sections in section 32-226, as adjusted in accordance with the streetscape standards in section 32-227. These standards will supersede any conflicting standards in this code for development regulated by this chapter.

TABLE 32-221

Street Type	(movement type)	Transect Zones				
		Core	Center	General	Edge	Civic
Boulevard	(speed / slow)	X	X	X		
Avenue	(slow)	X	X	X		X
Street A	(free)	X	X	X		X
Street B	(slow)			X	X	X
Street C	(slow)	X	X	X		X
Street D	(free)	X	X	X	X	X
Street E	(slow)	X	X	X		X
Street F	(slow)			X	X	X
Drive	(slow)			X	X	X
Road	(free)				X	X
Rear Alley	(slow)	X	X	X		
Rear Lane	(yield)			X	X	

Sec. 32-222. Design of street networks.

Compact communities permitted under this chapter must provide a highly interconnected network of streets and must accommodate existing or anticipated public transit.

- (1) Individual street types are classified in section 32-221 by movement type. Movement type describes the expected driver experience, as follows:
 - a. **Yield:** Drivers must proceed slowly and with extreme care and must yield in order to pass a parked car or approaching vehicle (the functional equivalent of traffic calming). Design speed is 20 mph or less. Bicycles are accommodated in shared lanes.
 - b. **Slow:** Drivers can proceed carefully with an occasional stop to allow a pedestrian to cross or another car to park. The character of the street should make drivers uncomfortable exceeding design speed due to presence of parked cars, enclosure, tight

turn radii, and other design elements. Design speed is 20-25 mph. Bicycles are accommodated in shared lanes.

- c. **Free:** Drivers can expect to travel generally without delay at the design speed; street design supports safe pedestrian movement at the higher design speed. This movement type is appropriate for thoroughfares designed to traverse longer distances or connect to higher intensity locations. Design speed is 25-30 mph. Bicycles are accommodated in shared lanes or bicycle lanes.
 - d. **Speed:** Drivers can expect travel similar to conventional street design, but with continued emphasis on pedestrian safety and comfort. Design speed is 30-35 mph. Bicycles are accommodated in bicycle lanes.
- (2) Street networks should be designed to protect historic resources, wetlands, and other indigenous native vegetation. The interconnected network of streets should extend into adjoining areas except where the general planning goal of integration with surrounding uses is inappropriate for a particular parcel. Street stubs must be provided to adjoining developable land to accommodate future street connectivity.
 - (3) Streets, alleys, and lanes must be publicly dedicated. All streets proposed for acceptance for county maintenance must comply with section 10-292 and must meet chapter 10 construction standards for wearing surface, base, and subgrade. Entrance gates, private streets, and closed or gated streets are prohibited in compact communities.
 - (4) Bicycle lanes may be added to the Boulevard and Road street types if designed and located in accordance with the Traditional Neighborhood Development chapter of the Florida Greenbook.
 - (5) All street types may use the shared-lane marking (sharrow, as described in the Florida Greenbook) to accommodate bicyclists in shared lanes. This is the preferred method for accommodating bicyclists in compact communities because the extra lane width created by bicycle lanes increases automobile travel speeds.

Sec. 32-223. Design of streets other than alleys and lanes.

(a) Streets do not have to form a rectangular grid; they may be curved or bent but must connect to other streets. Intersections with designated arterials and collectors must have centerline offsets of at least 150 feet; this requirement does not apply to intersections that are limited to alleys, lanes, or local streets. Minimum sight distances at intersections must comply with standards in the Florida Greenbook.

(b) In the General and Edge transect zones, street type B is preferred on blocks where attached or multifamily housing is dominant; street type F is preferred on blocks where detached housing is dominant. Other street types that are allowed in those transect zones must be justified by special circumstances or used only occasionally to create a hierarchy of local streets.

(c) Dead-end streets are prohibited except where physical conditions such as highways, creeks, or natural areas preclude a connection. Each dead end must be detailed as a close (a small green area surrounded by a common driveway serving adjoining lots) and should provide pedestrian connectivity to the maximum extent practicable. See example in figure 32-223.

(d) Sidewalks and rows of street trees must be provided on both sides of all streets; street trees may be omitted where

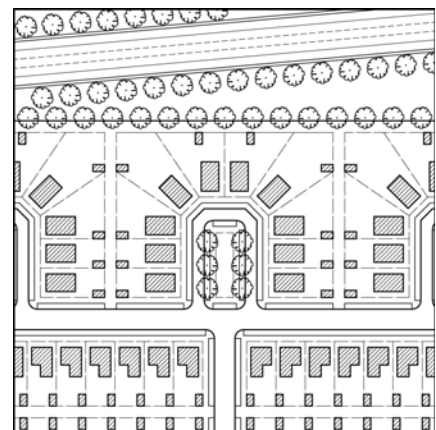


Figure 32-223

arcades or colonnades meet the standards in section 32-243(g) or where a street adjoins a natural area being preserved. See also section 32-227 regarding street trees.

(e) In compact communities, street rights-of-way are the preferred location for “wet” utility lines such as water and wastewater.

Sec. 32-224. Design of alleys and lanes.

In the interior of blocks and along rear lot lines, alleys and lanes are the only street types permitted.

- (1) A continuous network of rear and side alleys or lanes must serve as the primary means of vehicular ingress to individual lots in the Core, Center, and General transect zones. Rear lanes are required in the Edge transect zone for all lots narrower than 60 feet (see special requirements in section 32-243(o) where vehicular ingress is from the street).
- (2) Alley or lane entrances should generally align to provide ease of ingress for service vehicles. Internal deflections or variations in the alley/lane network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys or lanes.
- (3) Bends in alleys and lanes must allow room for solid waste collection trucks to turn.
- (4) Alleys or lanes are the preferred location for “dry” utility lines such as electricity, telephone, and cable television. Where alleys or lanes are not provided (see section 32-243(o)), a minimum ten-foot-wide utility easement must be provided along the front lot line to accommodate these utilities.

Sec. 32-225. Design of blocks.

The street pattern breaks compact communities into blocks. Alleys and lanes are contained within most blocks to provide access to service areas and to route utilities lines. Except as otherwise provided, block perimeters may not exceed 1600 linear feet as measured along the inner edges of each surrounding street right-of-way. Blocks may be broken by a Civic Space Lot provided that lot is at least 50 feet wide and will provide perpetual pedestrian access between the blocks and to lots that front the Civic Space Lot. Smaller blocks are encouraged to promote walkability.

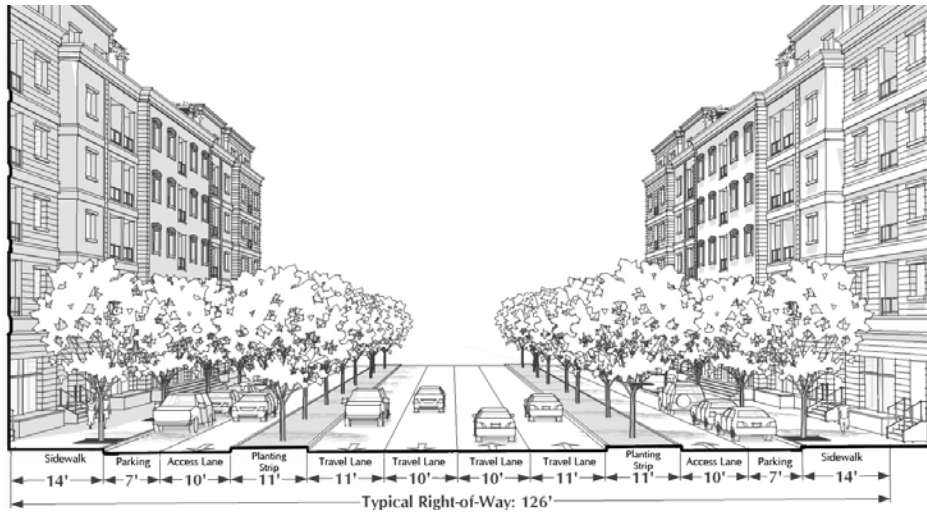
- (1) Block perimeters may exceed 1600 linear feet, up to a maximum of 2000 linear feet, if one or more of the following conditions apply:
 - a. The block is assigned to the Core transect zone;
 - b. The long side of a rectangular block faces an arterial street; or
 - c. The block contains valuable wetlands or other indigenous native vegetation that should not be crossed by a street.
- (2) Single block faces wider than 500 feet must include a publicly dedicated sidewalk, passage, or trail at least 8 feet in width that connects to another street.

Sec. 32-226. Cross-sections of streets, alleys, and lanes.

The specific design of each street, alley, and lane must follow the cross-sections illustrated in figures 32-226(a)–(d) for each type, as adjusted for the transect zone it passes through in accordance with section 32-227. The lane widths shown include the width of horizontal extensions of curbs such as gutter pans. Details not specified in these cross-sections should be designed in accordance with the Traditional Neighborhood Development chapter of the Florida Greenbook (Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by Florida DOT).

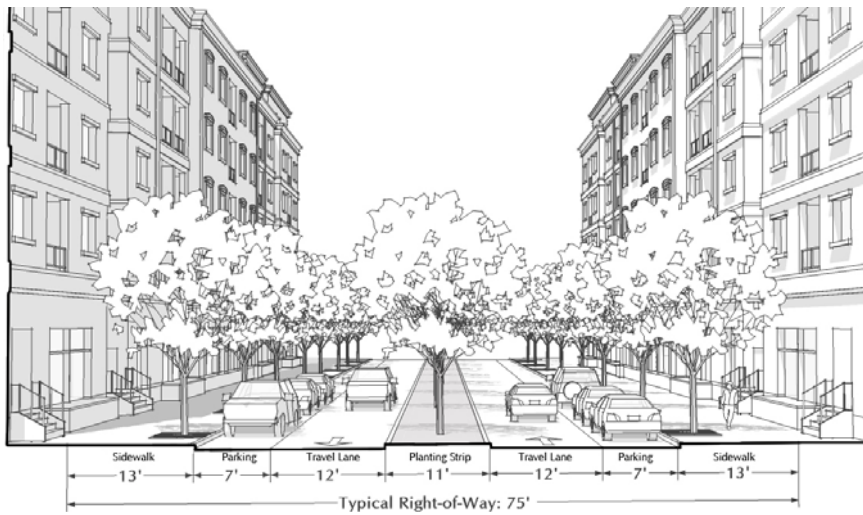
Boulevard

Core	●
Center	●
General	●
Edge	
Civic	



Avenue

Core	●
Center	●
General	●
Edge	
Civic	●



Street A

Core	●
Center	●
General	●
Edge	
Civic	●

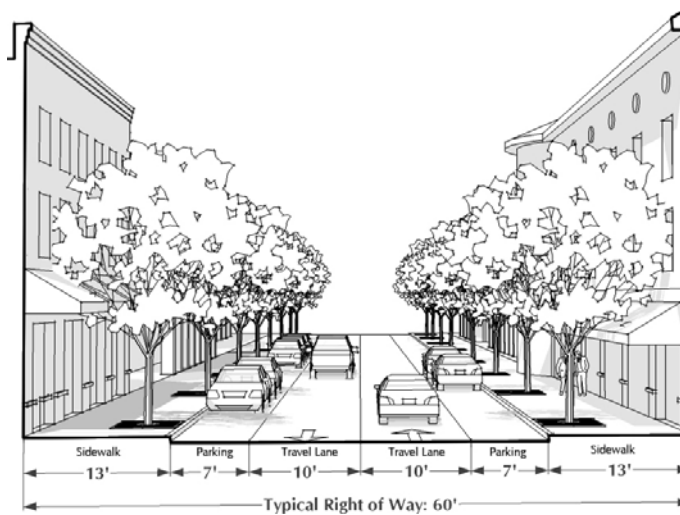
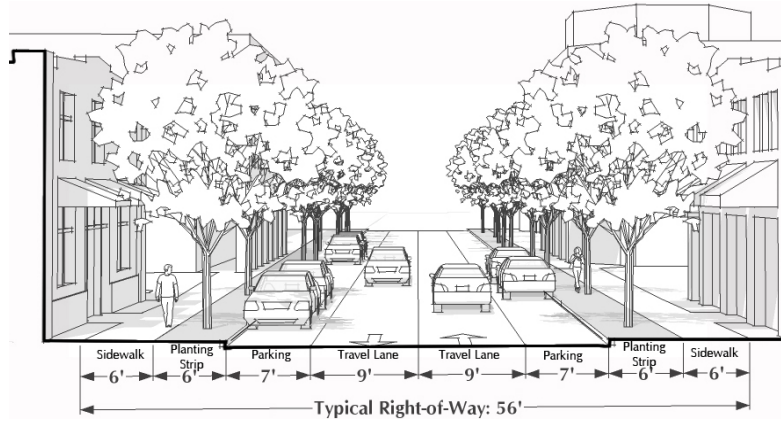


Figure 32-226(a)

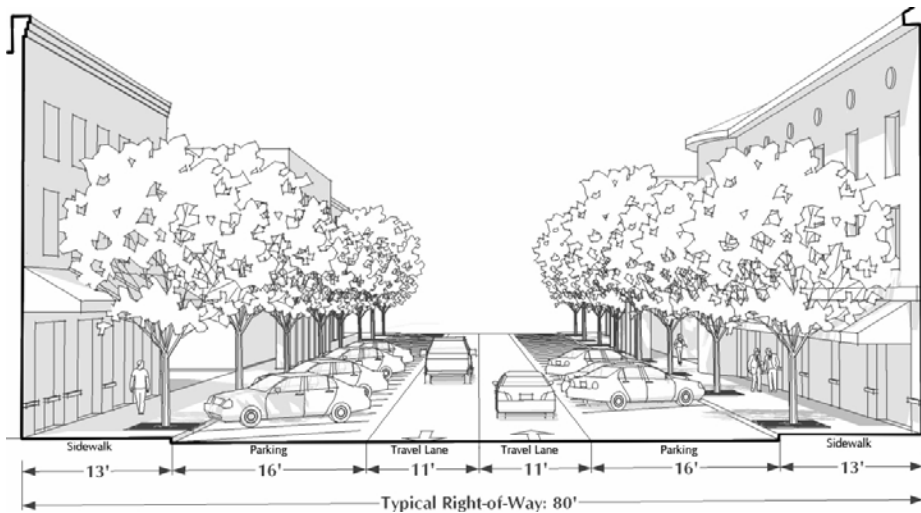
Street B

Core	
Center	●
General	●
Edge	●
Civic	●



**Street C
(angle parking)**

Core	●
Center	●
General	●
Edge	
Civic	●



**Street D
(one way)**

Core	●
Center	●
General	●
Edge	
Civic	●

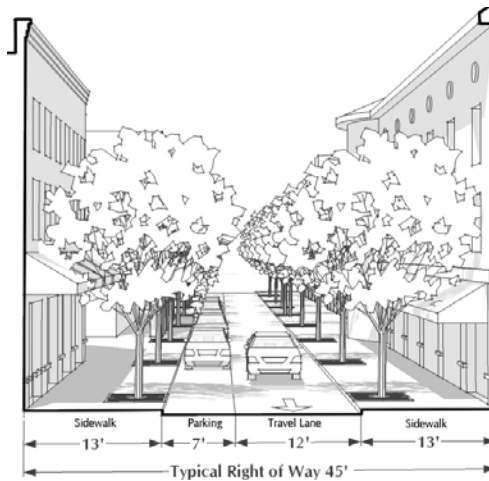
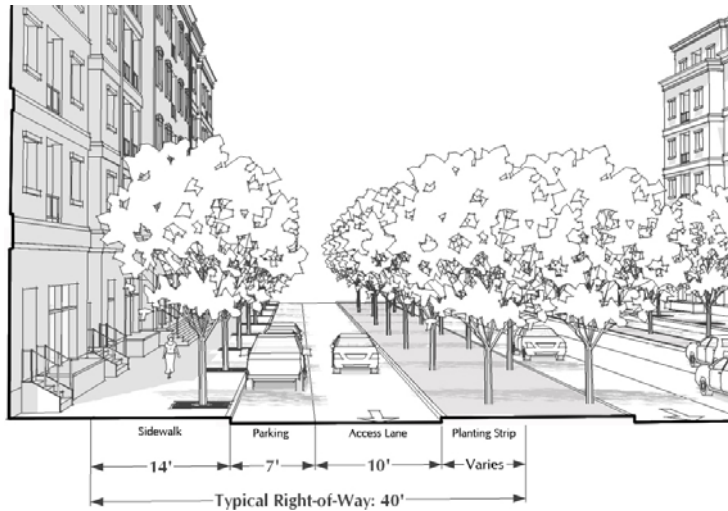


Figure 32-226(b)

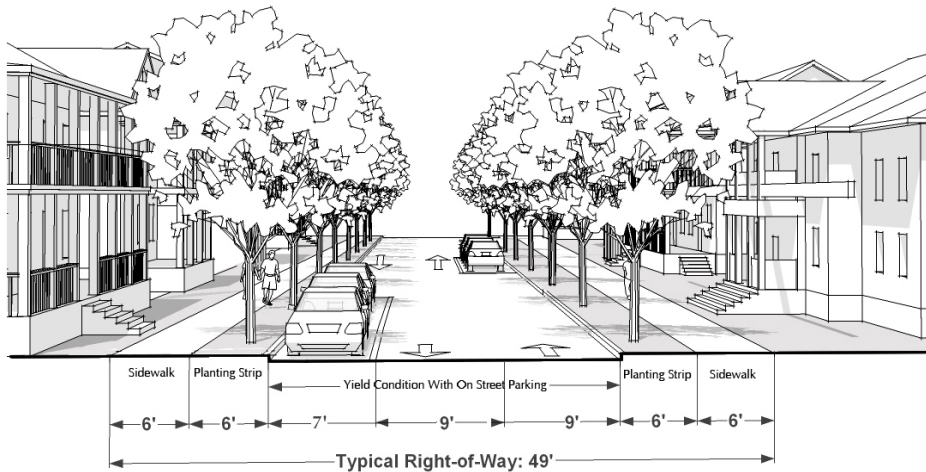
**Street E
(access street)**

Core	●
Center	●
General	●
Edge	●
Civic	●



Street F

Core	
Center	●
General	●
Edge	●
Civic	●



Drive

Core	
Center	●
General	●
Edge	●
Civic	●

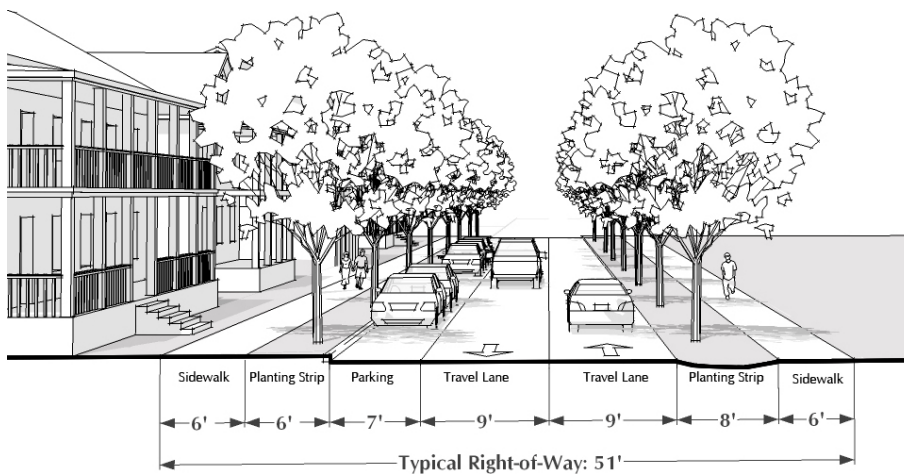
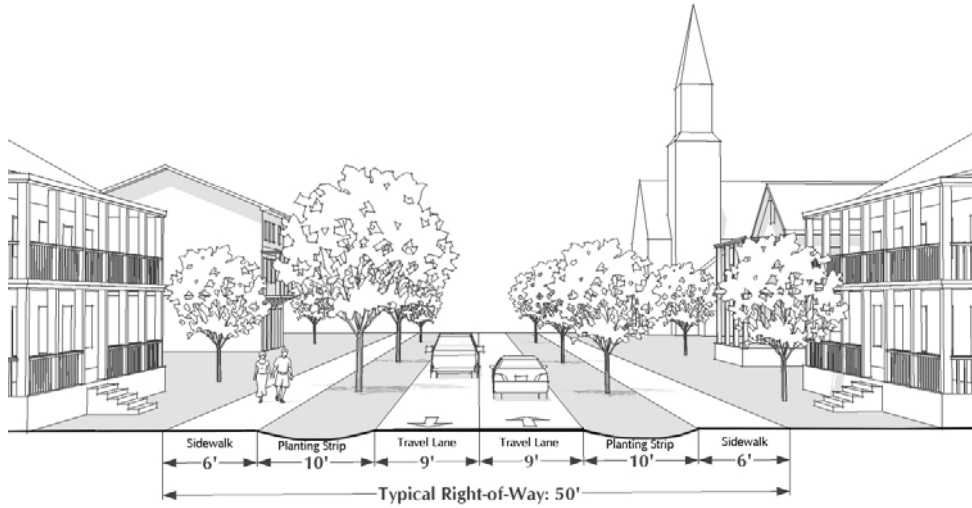


Figure 32-226(c)

Road

Core	
Center	
General	
Edge	●
Civic	●



Rear Alley

Core	●
Center	●
General	●
Edge	
Civic	



Rear Lane

Core	
Center	
General	●
Edge	●
Civic	

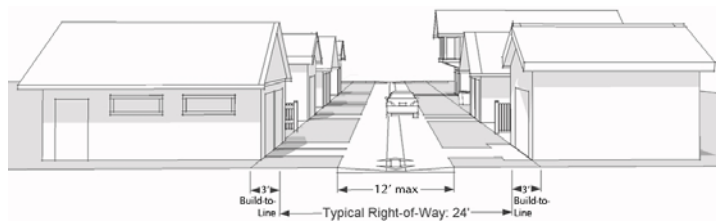


Figure 32-226(d)

Sec. 32-227. Streetscape standards.

The standards in table 32-227 apply to all street types as they pass through the indicated transect zone. Streets in Civic transect zones should be consistent continuations of streets in adjoining transect zones.

TABLE 32-227

Streetscape Standards	Transect Zones			
	<i>Core</i>	<i>Center</i>	<i>General</i>	<i>Edge</i>
Street edge:				
<i>Type</i>	raised curb	raised curb	raised curb	raised curb or open swale
<i>Corner radius</i> ¹	10' to 15'	10' to 15'	10' to 20'	10' to 25'
<i>Corner radius</i> ²	5' max.	5' max.	5' max.	5' max.
Street trees:				
<i>Type</i>	tree wells	tree wells	tree wells or planting strip	planting strip
<i>Width</i>	4' to 8' wells	4' to 8' wells	4' min. wells; 6' to 12' strips	8' min. strips
<i>Tree spacing</i>	regular or clustered	regular or clustered	regular	regular
<i>Tree diversity</i>	single species per block	single species per block	single species per block	alternating species allowed
Sidewalk:				
<i>Type</i>	sidewalks required	sidewalks required	sidewalks required	sidewalks required
<i>Width</i>	12' min; 16' min w/ wells	12' min; 16' min w/ wells	6' min; 10' min w/ wells	5' min.
Rear alley/lane:	alley is required	alley is required	alley or lane is required	lane is desirable
<p>¹ These radius standards apply to:</p> <ul style="list-style-type: none"> • swales (measured to edge of pavement); • raised curbs if both on-street parallel parking and curb bulbs (curb extensions) are provided (measured to vertical face of curb); and • raised curbs if on-street parallel parking is not provided (measured to vertical face of curb). <p>The standards for curb bulbs may be adjusted by the development review director based on a technical analysis using AutoTurn or turning templates.</p> <p>² This radius standard applies to raised curbs if on-street parallel parking is provided without curb extensions (measured to vertical face of curb).</p>				

Sec. 32-228. Off-street parking.

Compact communities provide extensive on-street parking, proximity to existing or future public transit, sidewalks on all streets, and a mix of compatible land uses that can share parking spaces. Based on these factors, the following standards will apply.

- (1) **Minimum required off-street parking.** The minimum off-street parking requirements required by sections 34-2011 et seq. will be multiplied by the factors in table 32-228 to produce modified off-street parking requirements for this chapter. Off-street parking may be provided on the lot it serves or on a lot that is within 1320 feet of the primary entrance of the building it serves; however, off-street parking may not be the principal use of a lot except in a parking structure on a Lined Building Lot.

TABLE 32-228

		Transect Zones				
		Core	Center	General	Edge	Civic
Residential uses	(34-2020(1))	0.40	0.50	0.60	0.80	n/a
Commercial uses	(34-2020(2))	0.50	0.55	0.60	n/a	n/a
Commercial/industrial uses	(34-2020(3))	0.50	0.55	0.60	n/a	n/a
Miscellaneous uses	(34-2020(4))	0.60	0.65	0.70	0.80	n/a
Combined uses	(34-2020(5))	0.70	0.75	0.80	n/a	n/a

- (2) **Shared parking.** Developers should arrange off-street and on-street parking near areas of high parking demand in a manner that encourages visitors to park once and walk between destinations.
- (3) **Location of off-street parking.** To the maximum extent practicable, off-street parking spaces must be located within buildings or behind buildings so that buildings can screen parking areas from sidewalks and streets. Parking may not be located in the street setback in front of a building. Parking lots in side yards may be permitted provided the buildings they serve can meet the lot width and frontage percentage requirements of table 32-243 and provided these parking lots are set back a minimum of 20 feet from lot lines adjoining streets (other than alleys and lanes) and are shielded from view with low walls.
- (4) **Access to off-street parking.**
 - a. In the Core transect zone, parking may be provided in parking structures embedded in buildings that may comprise an entire block, with parking accessed directly from a street. Other parking in the Core transect zone, and all parking in the Center and General transect zones, must have its primary source of access from rear alleys or lanes. In the Edge transect zone, rear lanes are the most desirable source of access to off-street parking (see special requirements in section 32-243(o) where vehicular ingress is from the street). Parking along alleys or lanes may be 90-degree, angle, or parallel.
 - b. Alleys may be incorporated into parking lots as if they were standard parking access aisles. Access to all properties adjacent to the alley must be maintained.
 - c. Cross-access is required between adjoining rear parking lots on any combination of these lot types: Pedestal Building Lots, Lined Building Lots, and Mixed-Use Building Lots.
- (5) **Parking structures.** Parking structures are permitted only on Pedestal Building, Lined Building, Mixed-Use Building, Apartment Building, and Courtyard Building Lots.
 - a. The liner building requirements in division 3 apply to all parking structures and to any story of a principal structure used to park vehicles.
 - b. Parking structures may contain up to five levels of parking above grade. Parking structures may contain other uses above the parking levels provided the entire building does not exceed the height allowed by table 32-243.

Secs. 32-229—32-240. Reserved.

DIVISION 3. LOT TYPES

Sec. 32-241. Lot types allowable in each transect zone.

(a) **Lots in compact communities.** This division authorizes specific types of lots that are suitable for compact communities.

(b) **Lot type assignment.** When seeking approval of development regulated by this chapter, lot types must be assigned by the applicant in accordance with the standards in this division. When seeking approval using planned development rezoning (see article V), proposed lot types must also be shown on the proposed regulating plan.

(c) **Lot types in transect zones.** Table 32-241 identifies which specific lot types are allowed within corresponding transect zones, as indicated by the letter “X.” All lots and buildings placed on them must comply with all standards in this division. These standards, when used in development regulated by this chapter, will supersede any conflicting standards in this code.

TABLE 32-241

Lot Type	Transect Zones				
	Core	Center	General	Edge	Civic
Pedestal Building Lot (PB)	X	X			
Lined Building Lot (LB)	X	X			
Mixed-Use Building Lot (MU)	X	X	X		
Apartment Building Lot (AB)	X	X	X		
Courtyard Building Lot (CO)	X	X	X		
Live-Work Building Lot (LW)		X	X		
Rowhouse Lot (RH)		X	X		
Apartment House Lot (AH)			X		
Duplex Lot (DU)			X	X	
Cottage House Lot (CH)			X	X	
Sideyard House Lot (SH)			X	X	
House Lot (H)			X	X	
Civic Building Lot (CB)	X	X	X	X	X
Civic Space Lot (CS)	X	X	X	X	X
Stormwater Lot (SL)					X

(d) **Lot types described.** The fifteen lot types are described here. Except as noted, parking spaces are provided on-street, to the rear of the lot, or as otherwise provided in division 2.

- (1) **PEDESTAL BUILDING LOT:** A lot located and designed to accommodate the tallest permissible building whose primary facade must be stepped back to reduce its apparent bulk when viewed from the sidewalk.
- (2) **LINED BUILDING LOT:** A lot located and designed to accommodate a large-footprint building such as a parking garage, cinema, supermarket, etc., which is surrounded by a liner building that conceals large expanses of blank walls and faces the street with ample windows and doors opening onto the sidewalk.
- (3) **MIXED-USE BUILDING LOT:** A lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any stories.

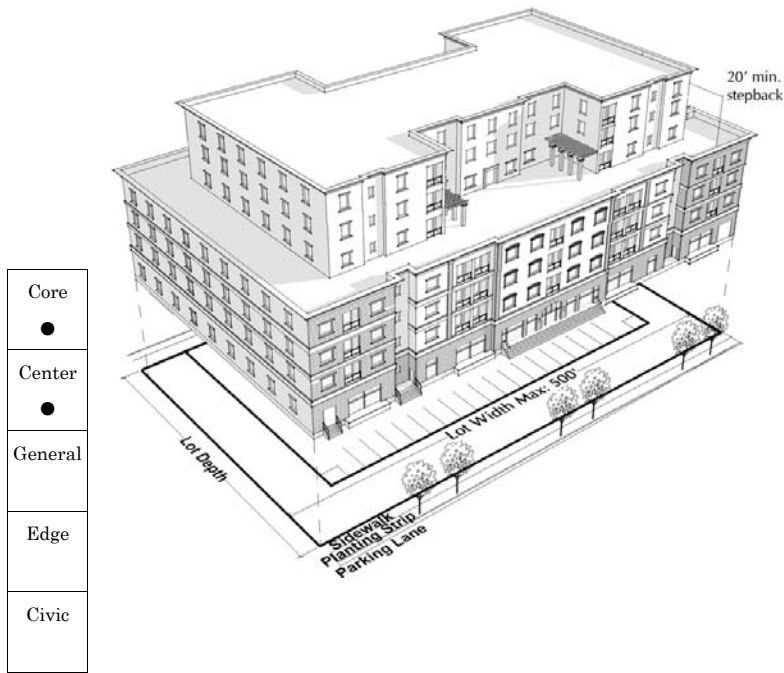
- (4) **APARTMENT BUILDING LOT:** A lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its lot width and is placed close to the sidewalk.
- (5) **COURTYARD BUILDING LOT:** A lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
- (6) **LIVE-WORK BUILDING LOT.** A lot located and designed to accommodate an attached or detached building with residential uses and/or commercial uses within individually occupied live-work units, all of which may occupy any story of the building.
- (7) **ROWHOUSE LOT:** A lot located and designed to accommodate a building with common walls on both side lot lines and a private garden to the rear.
- (8) **APARTMENT HOUSE LOT:** A lot located and designed to accommodate a detached building that resembles a large house but which contains multiple dwellings above and beside each other.
- (9) **DUPLEX LOT:** A lot located and designed to accommodate a detached building with small side yards and a large front yard and containing two dwellings.
- (10) **COTTAGE HOUSE LOT:** A lot located and designed to accommodate a small detached building with small side and front yards.
- (11) **SIDEYARD HOUSE LOT:** A lot located and designed to accommodate a detached building that abuts one side lot line, with the primary yard to the other side.
- (12) **HOUSE LOT:** A lot located and designed to accommodate a detached building with small side yards and a large front yard; on-site parking may be provided to the side as provided in section 32-243.
- (13) **CIVIC BUILDING LOT:** A lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services (see division 4).
- (14) **CIVIC SPACE LOT:** A lot located and designed to accommodate a civic space, which depending on its transect zone may be a green, square, plaza, neighborhood park, playground, community garden, farm plot, or natural area worthy of preservation.
- (15) **STORMWATER LOT:** A lot whose primary purpose is to accommodate stormwater detention areas.

(e) ***Lot types along streets.*** Lot types should be selected so that buildings of compatible scale and arrangement will face each other across streets. Strongly contrasting lot types may be placed back-to-back, allowing alleys or lanes to serve as transitions. The “Drive” street type is designed for situations with buildings on one side and land that will remain undeveloped on the other.

Sec. 32-242. Placement of buildings on lots.

Lot types and proper building placement for each lot type are illustrated in figures 32-242(a)–(g). Some of the property development regulations from table 32-243 are shown on these figures; refer to table 32-243 for complete details. Character examples are provided for each lot type for illustrative purposes only; the dimensions in table 32-243 control for regulatory purposes.

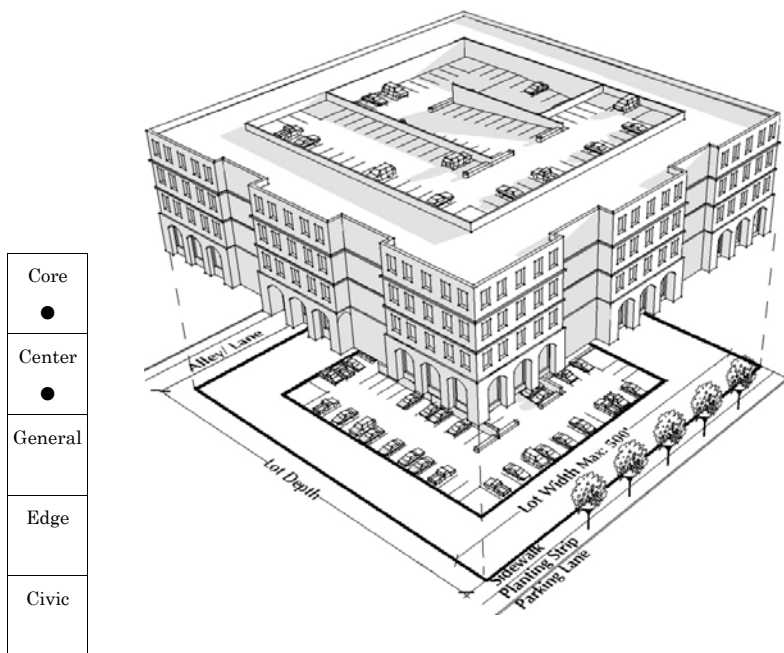
Pedestal Building Lot (PB)



Character Examples



Lined Building Lot (LB)

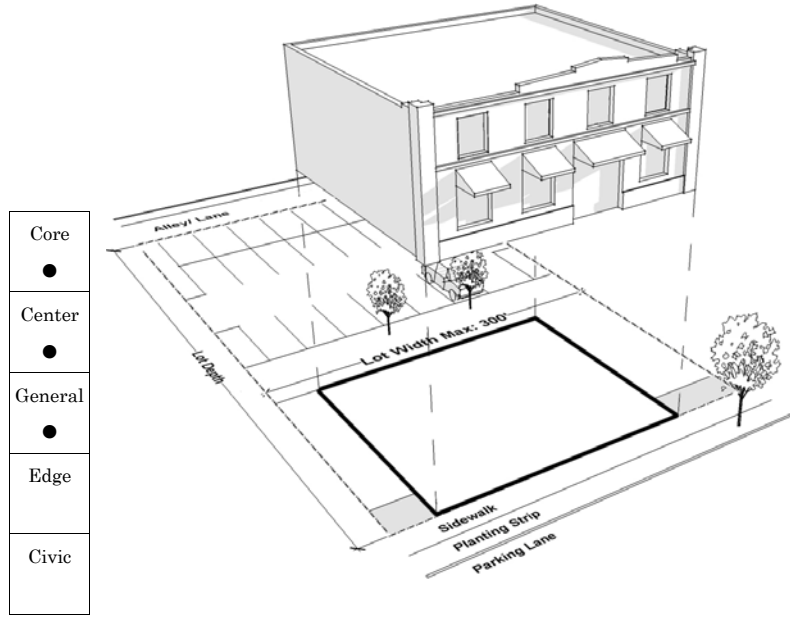


Character Examples



Figure 32-242(a)

Mixed-Use Building Lot (MU)

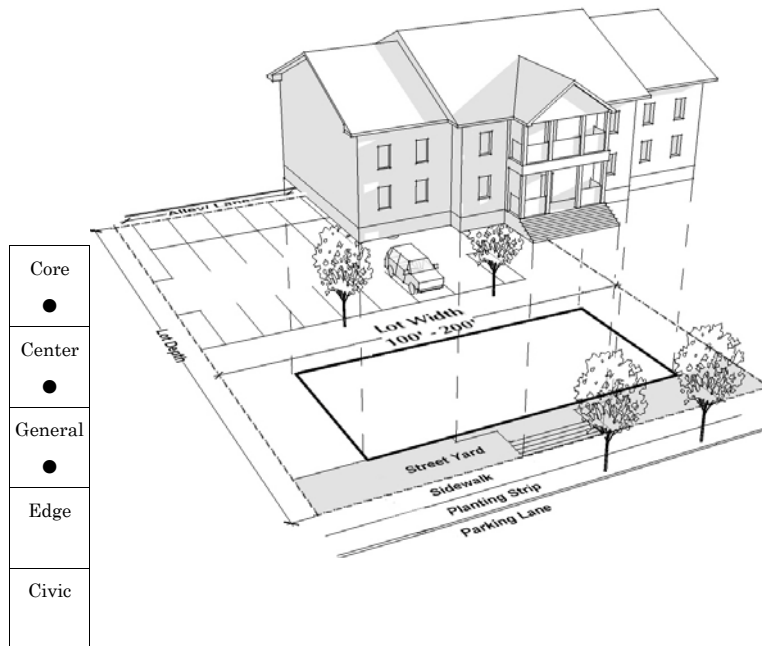


Core	●
Center	●
General	●
Edge	
Civic	

Character Examples



Apartment Building Lot (AB)



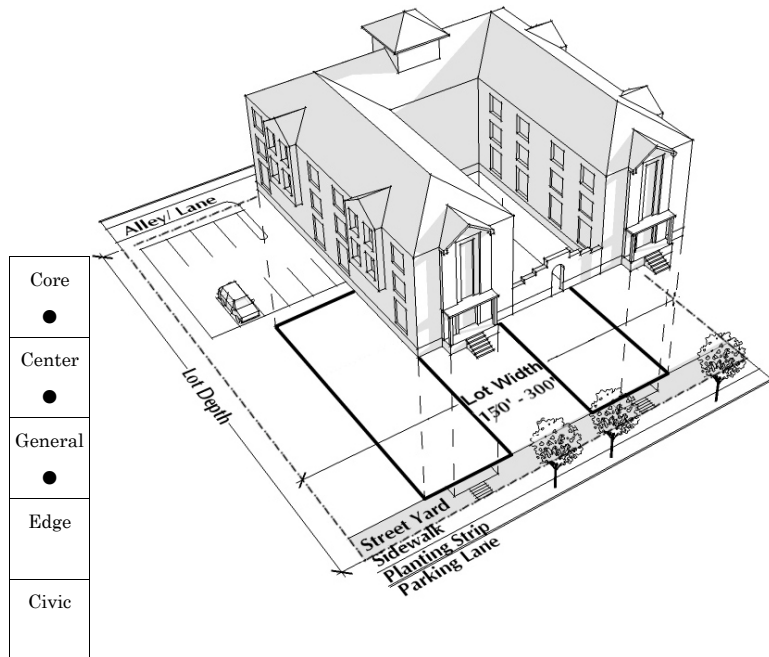
Core	●
Center	●
General	●
Edge	
Civic	

Character Examples



Figure 32-242(b)

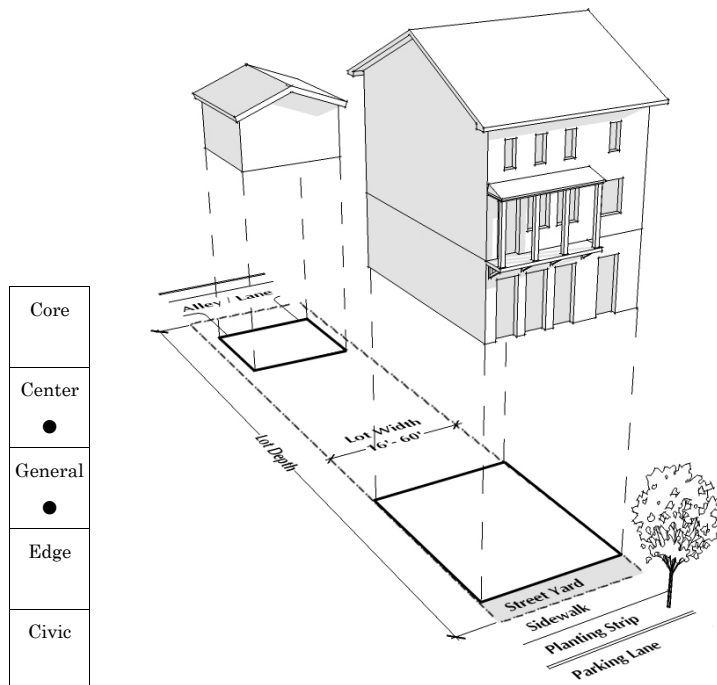
Courtyard Building Lot (CO)



Character Examples



Live-Work Building Lot (LW)

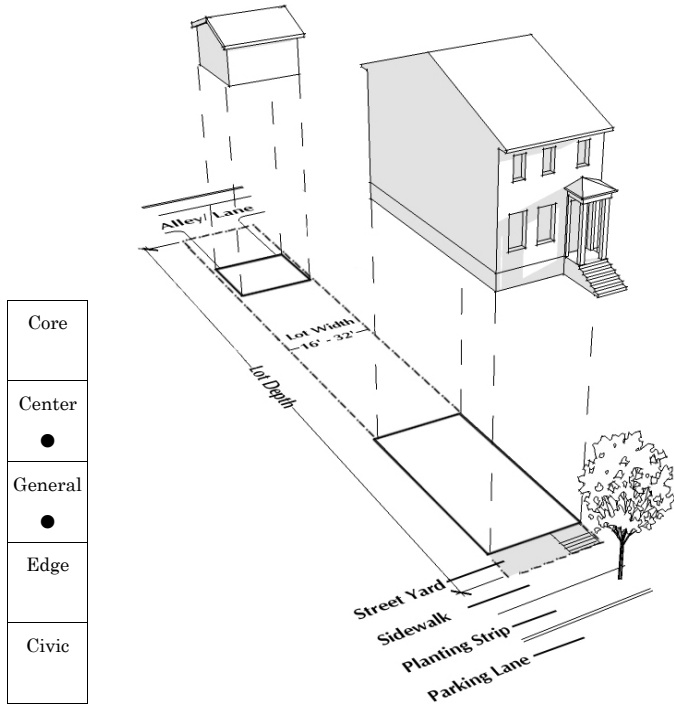


Character Examples



Figure 32-242(c)

Rowhouse Building Lot (RH)

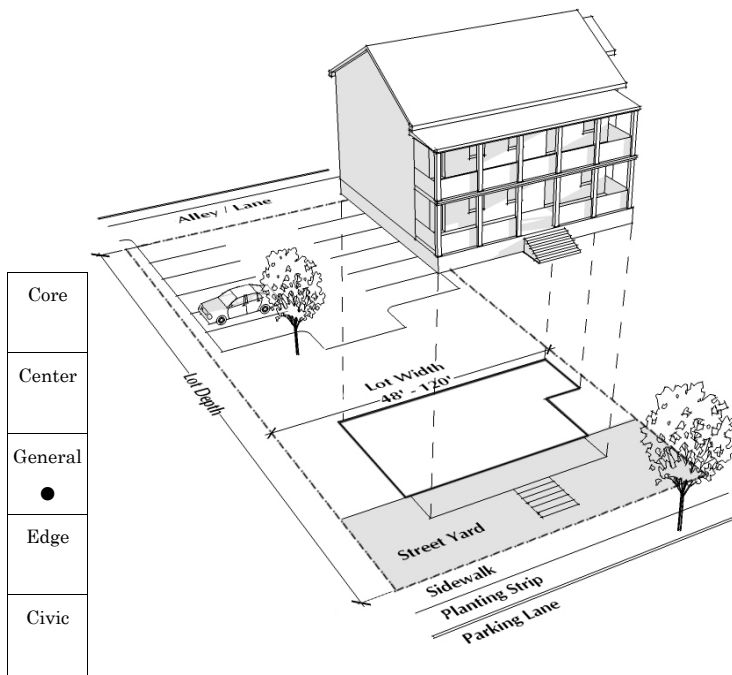


Core
Center
General
Edge
Civic

Character Examples



Apartment House Lot (AH)



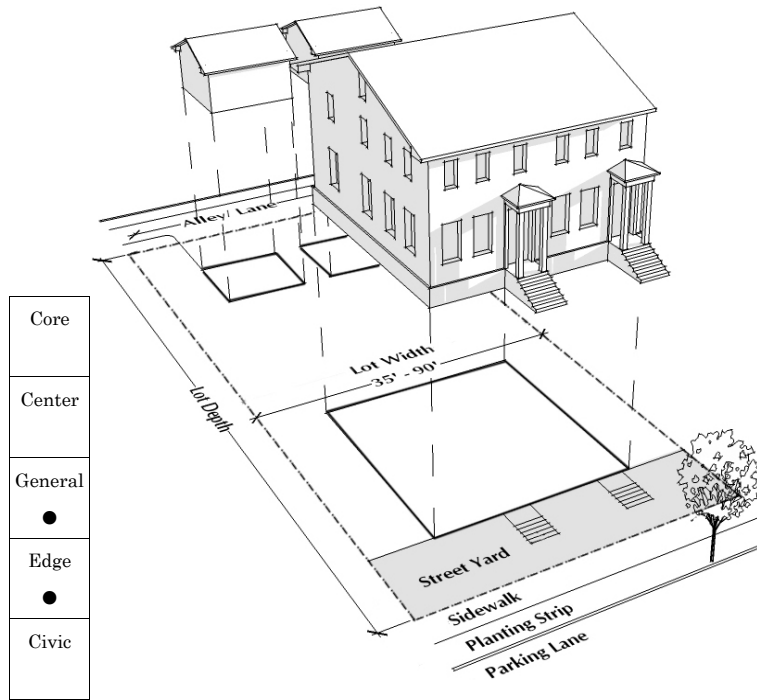
Core
Center
General
Edge
Civic

Character Examples



Figure 32-242(d)

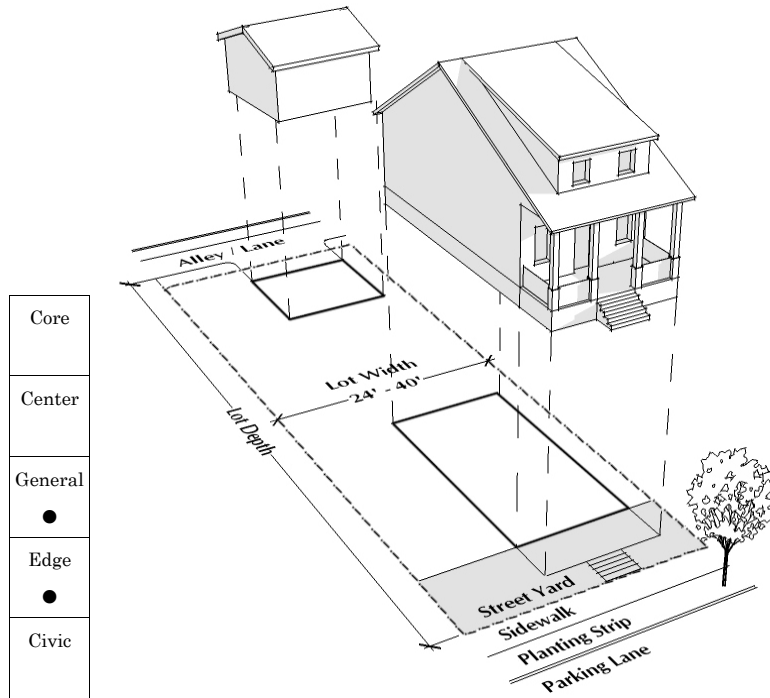
Duplex Lot (DU)



Character Examples



Cottage House Lot (CH)

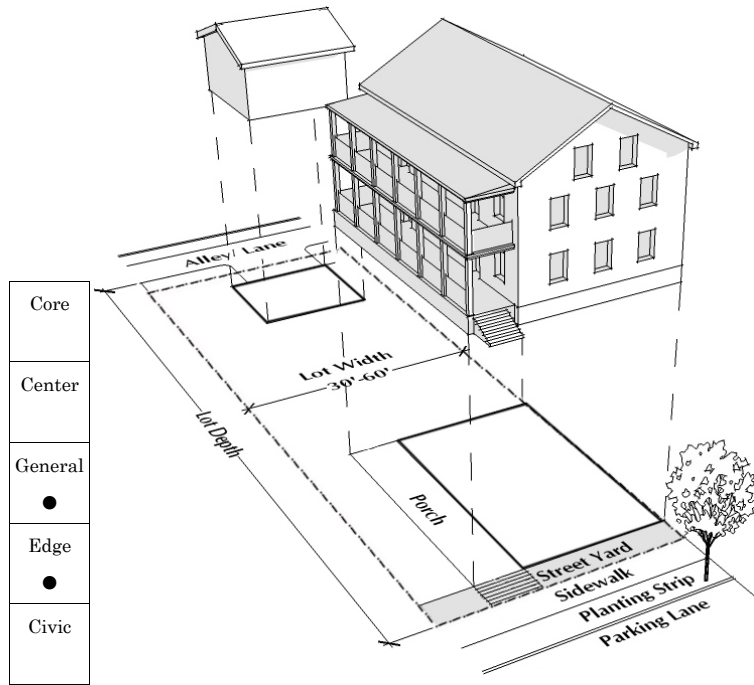


Character Examples



Figure 32-242(e)

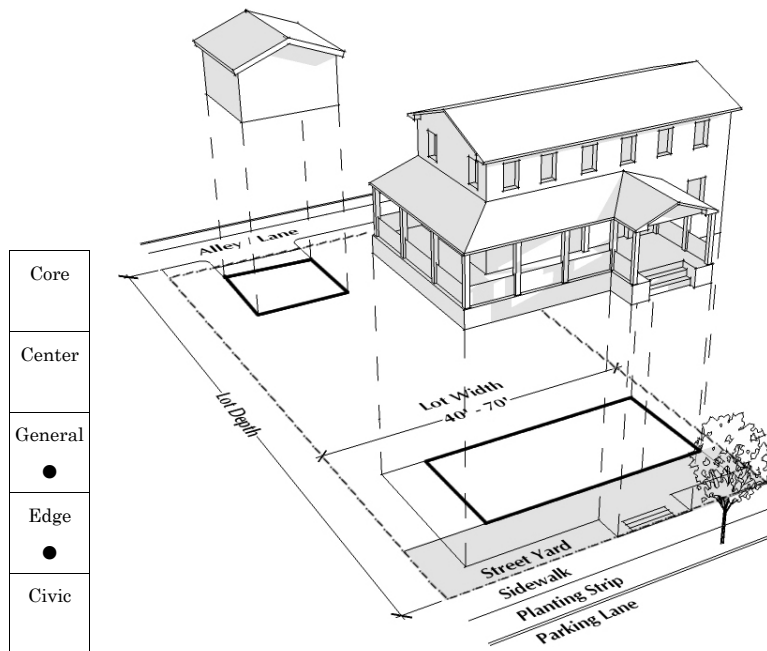
Sideyard House Lot (SH)



Character Examples



House Lot (H)

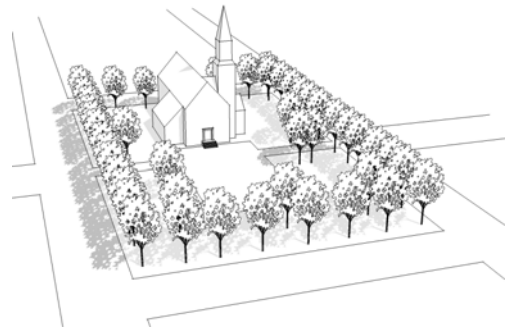
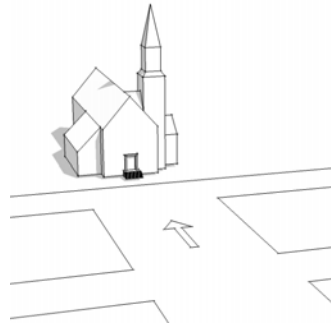


Character Examples

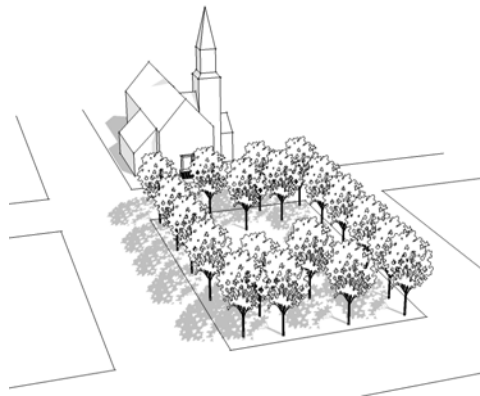


Figure 32-242(f)

Civic Building Lot (CB)



Core	●
Center	●
General	●
Edge	●
Civic	●



Character Example



Civic Space Lot (CS)

Character Examples

Core	●
Center	●
General	●
Edge	●
Civic	●



Figure 32-242(g)

Sec. 32-243. Property development regulations.

(a) **Dimensions for each lot type.** Table 32-243 provides property development regulations that apply to each designated lot type. These requirements supersede contradictory requirements in this code including the property development regulations for individual zoning districts in chapter 34.

(b) **Primary entrances.** The primary entrance of every building must directly face a street or a civic space, except on Courtyard Building Lots where primary entrances may face a central garden or courtyard or on Sideyard House Lots where primary entrances may face a side yard.

(c) **Frontage percentages.** Frontage percentage is the percentage of the width of a lot that is required to be occupied by the building’s primary facade. Table 32-243 provides minimum and maximum frontage percentages for each lot type.

- (1) Up to 50% of the width of the primary facade may be counted as meeting the frontage percentage requirement even though it may be set back up to 10 feet further from the street than the primary facade’s principal plane. See example in figure 32-243(a).
- (2) The location of the primary facade’s principal plane is not changed by facade extensions such as bay windows, awnings, porches, balconies, stoops, colonnades, or arcades, or by upper stories that are closer to or further from the street.
- (3) The width of a porte cochere may be counted as part of the primary facade.

(d) **Forecourts.** For Pedestal Building, Lined Building, Mixed-Use Building, and Courtyard Building Lots only, a portion of the building’s primary facade may be set back up to 20 feet further from the street than the primary facade’s principal plane if this space is constructed as a forecourt or pedestrian entryway that is open to the sidewalk. This recessed portion may be up to 40% of the total width of the primary facade and may not be used by vehicles. See example in figure 32-243(b). On Courtyard Building Lots, this forecourt may extend beyond 20 feet into the central garden or courtyard.

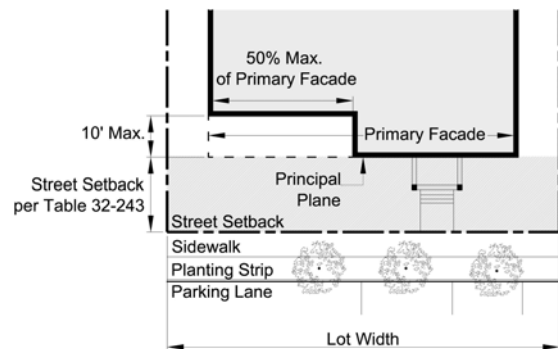


Figure 32-243(a)

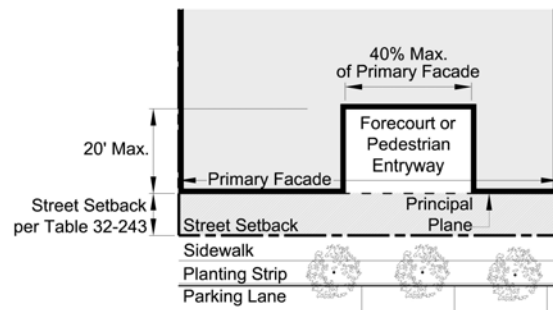


Figure 32-243(b)

TABLE 32-243 – PROPERTY DEVELOPMENT REGULATIONS FOR EACH LOT TYPE

Lot Type	Lot Area (min/ max in sf)	Lot Width (min/ max)	Frontage Percentage (min/ max)	Lot Coverage by all bldgs (max)	Setbacks						Height ¹ (min/max in stories; max in feet)				Accessory Apartments ⁵ (max bldg footprint in sf)
					Street (min/ max)			Side Yard (min)	Rear Yard (min)	Water Body ³ (min)	Core	Center	General	Edge	
					Core	Center	General								
Pedestal Building Lot	no min/ no max	no min/ 500	90%/ 100%	100%	0/ 10	0/ 10	not permitted	0	0	25	2/ 8' ⁶ 85'	2/ 5' ⁶ 85'	not permitted	not permitted	
Lined Building Lot	no min/ no max	no min/ 500	90%/ 100%	100%	0/ 10	0/ 10	not permitted	0	0	25	2/ 6' 65'	2/ 4' 65'	not permitted	not permitted	
Mixed-Use Building Lot	no min/ no max	no min/ 300	90%/ 100%	100%	0/ 10	0/ 10	0/ 10	0	3	25	2/ 5' 65'	2/ 4' 65'	not permitted	not permitted	
Apartment Building Lot	10,000/ no max	100/ 200	80%/ 100%	100%	0/ 10	0/ 10	5/ 10	0	10	25	2/ 4' 55'	2/ 4' 45'	not permitted	not permitted	
Courtyard Building Lot ⁷	20,000/ no max	150/ 300	50%/ 90%	70%	0/ 10	0/ 10	5/ 10	5	10	25	2/ 3 1/2' 55'	2/ 2 1/2' 45'	not permitted	not permitted	
Live-Work Building Lot	1,800/ 7,200	16/ 60	60%/ 100%	80%	not permitted	0/ 6	5/ 10	0	20	25	2/ 3' 45'	2/ 2 1/2' 45'	not permitted	625	
Rowhouse Lot	1,800/ 3,840	16/ 32	90%/ 100%	80%	not permitted	0/ 6	5/ 10	0	20	25	2/ 3' 45'	2/ 2 1/2' 45'	not permitted	625	
Apartment House Lot	4,800/ 18,000	48/ 120	70%/ 90%	80%	not permitted	not permitted	10/ 25	5	15	25	not permitted	not permitted	not permitted	not permitted	
Duplex Lot	5,000/ 10,800	35/ 90	60%/ 90%	80%	not permitted	not permitted	10/ 20	5	15	25	not permitted	not permitted	1/ 2'; 45'	not permitted	
Cottage House Lot	2,400/ 4,800	24/ 40	70%/ 90%	60%	not permitted	not permitted	5/ 20	3	15	25	not permitted	not permitted	1/ 2'; 35'	not permitted	
Sideyard House Lot	3,000/ 7,200	30/ 60	60%/ 90%	50%	not permitted	not permitted	5/ 10	0/ 10 ⁸	15	25	not permitted	not permitted	1/ 2'; 45'	800	
House Lot	4,000/ 8,400	40/ 70	60%/ 80%	50%	not permitted	not permitted	10/ 20	5	15	25	not permitted	not permitted	1/ 2'; 45'	800	
Civic Building Lot	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	no min/ no max	0	0	15	1/ 4' 55'	1/ 4' 55'	1/ 4' 55'	1250	
Civic Space Lot	no min/ no max	no min/ no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	not permitted	
Stormwater Lot	no min/ no max	no min/ no max	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	not permitted	

¹ Minimum rear yards apply to lots with alleys or lanes and to lots with neither alleys nor lanes; rear yards do not apply to through lots or to double-frontage lots from the property line which is adjacent to the alley or lane.
² Minimum rear yards in this column apply to principal buildings and structures. When alleys or lanes are provided, garages and accessory dwelling units must be built with one wall placed 3' from the property line which is adjacent to the alley or lane.
³ Minimum rear yards apply to lots with alleys or lanes and to lots with neither alleys nor lanes; rear yards do not apply to through lots or to double-frontage lots from the property line which is adjacent to the alley or lane.
⁴ Buildings must comply with both maximum heights, as measured in stories and in feet. For heights measured in feet, see section 34-2171 et seq. for details and exceptions. Mezzanines that entirely non-habitable is not counted as a story with a 12:12 pitch or less counts as 1/2 story.
⁵ See requirements for accessory apartments in sections 4-243 and 34-1777.
⁶ One step-back of at least 20' must occur between the second through the fifth floor levels; step-back is defined as at least 70% of a pedestal building's primary facade being built at least 20' further from all streets than the story below. In addition to these heights, buildings on Pedestal Building Lots and Lined Building Lots are allowed up to four additional stories provided the square footage of each additional story is less than 30% of the largest lower story.
⁷ On Courtyard Building Lots, the longer dimension of the central garden or courtyard must be at least 30' long if oriented east-west or 40' if oriented north-south. If the longer dimension is less than 35', architectural projections such as porches and balconies may only extend into the courtyard from one side. Elevator access is allowed only up to the courtyard level. Maximum lot coverage is measured immediately above the courtyard level.
⁸ One side yard must be 10' min; the opposite side yard may be 0' if the adjacent lot is a Sideyard House Lot or if the adjacent lot provides a maintenance easement, otherwise the opposite side yard must 3' min.

(e) **Front porches.** Front porches may extend up to 10 feet into required street setbacks provided they are at least 8 feet deep. Railings and partial walls on porches that extend into the required street setback may be no higher than 42 inches above the porch floor. Porches must remain set back at least the following distances from a public right-of-way:

- (1) In the Core transect zone, 0 feet.
- (2) In the Center transect zone, 0 feet.
- (3) In the General transect zone, 2 feet.
- (4) In the Edge transect zone, 5 feet.

(f) **Stoops.** Stoops may extend into required street setbacks in the Core, Center, and General transect zones provided the stoop platform is no higher than 42 inches above the sidewalk. Railings and partial walls on stoops may be no higher than 42 inches above the stoop platform.

(g) **Shading of sidewalks.** Each building on a Mixed-Use or Live-Work Building Lot, and each building on a Pedestal Building or Lined Building Lot with non-residential uses on the ground story, is required to have awnings, balconies, colonnades, or arcades facing all streets. When providing a required awning, balcony, colonnade, or arcade, or one that extends over a street right-of-way, the following design requirements apply:

- (1) Awnings over ground-story doors or windows must have a depth of at least 5 feet and a clear height of at least 8 feet above the sidewalk. Awnings must extend over at least 25% of the width of each primary facade. Back-lit, high-gloss, or plasticized fabrics are prohibited.
- (2) Second-story balconies must have a depth of at least 6 feet and a clear height below that leaves at least 10 feet above the sidewalk. These balconies must extend over at least 25% of the width of each primary facade. These balconies may have roofs, but must be open toward the street.
- (3) Colonnades and arcades must have a clear width from support columns to the building's primary facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet. Support columns can be spaced no farther apart than they are tall and must be placed to allow at least 2 feet and up to 3 feet from their outer face to the curb. Colonnades or arcades must extend over at least 75% of the width of each primary facade.
- (4) These features may extend into street setbacks and over public sidewalks provided they maintain two feet of horizontal clearance from a parking lane or travel lane. When colonnades and arcades extend over sidewalks, the landowner will have sole responsibility for repairing damage that may result from infrastructure maintenance or improvements. The landowner may be required to enter into a right-of-way agreement with the maintenance authority.

(h) **Windows on primary facades.** Primary facades on Pedestal Building, Lined Building, and Mixed-Use Building Lots must have between 25% and 75% of the primary facade of each story in windows and doors with transparent glass. Transparent glass must transmit at least 50% of visible daylight, whether the glass is tinted or coated. In addition, retail stores must comply with the following:

- (1) The ground story's primary facade must have transparent storefront windows covering no less than 75% of its principal plane in order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces.
- (2) Storefronts must remain unshuttered at night to provide views of display spaces. Storefronts should remain lit from within until 10:00 PM to provide security to pedestrians.

- (3) Doors allowing public access to streets must be provided at intervals no greater than 75 feet to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize expanses of inactive wall.

(i) **Liner buildings.** The character of some uses of land, such as theaters and parking structures, may preclude their buildings from complying with the door and window requirements for primary facades. These buildings may be constructed only on Pedestal Building, Lined Building, Mixed-Use Building, Apartment Building, and Courtyard Building Lots in a manner that will separate them from adjacent streets (but not alleys) by liner buildings:

- (1) Liner buildings must be at least two stories in height and no less than 20 feet in depth;
- (2) Liner buildings may be detached from or attached to the buildings they conceal;
- (3) Liner buildings may be used for any purpose allowed on the lot except parking; and
- (4) Liner buildings must comply with the primary facade transparency requirements in section 32-243(h).

(j) **Wide buildings.** Table 32-243 allows Pedestal Building and Lined Building Lots to be up to 500 feet wide and Mixed-Use Building Lots to be up to 300 feet wide. When one of these lot types is placed directly across a street from significantly narrower lots, the principal facade of buildings on these lots must be varied with a change of architectural expression that reflects the widths of the narrower lots.

- (1) These changes in expression may be a vertical element running from sidewalk to roof, a change in style, color, texture, or window type, or a break in facade plane or roof line.
- (2) These changes may be subtle or significant, but must soften the visual effect of very wide buildings directly across the street from narrower buildings.

(k) **Story heights.** The ground story of commercial and mixed-use buildings must be between 12 and 18 feet tall. The ground story of residential and live-work buildings must be between 10 and 14 feet tall. Each story above the ground story in commercial and residential buildings must be between 8 and 12 feet tall. Upper stories taller than 12 feet will count as two stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.

(l) **Retail floor elevation.** In areas prone to flooding, interior floor space must be elevated above adopted base flood elevations or floodproofed. Retail space should be placed at sidewalk level; if this level is below the base flood elevation, the floor space must be protected from flood damage by floodproofing in accordance with section 6-472(2).

(m) **Residential floor elevation.** Residential buildings must have the floor of their first habitable story elevated at least 2½ feet above the adjacent sidewalk. If this floor is more than 5 feet above the adjacent sidewalk, the space below counts as the ground (first) story for purposes of measuring building height.

(n) **Accessory apartments.** Each Live-Work Building, Rowhouse, Sideyard House, House, and Civic Building Lot is permitted one accessory apartment in addition to its principal building. Accessory apartments are regulated in accordance with section 34-1177 and the dimensions in table 32-243, except as follows:

- (1) The maximum floor area and minimum lot size requirements in section 34-1177 do not apply.
- (2) Accessory apartments must maintain the same side yards as required for the principal building.

(o) **Limitations on front and side driveways.** A continuous network of rear and side alleys or lanes must serve as the primary means of vehicular ingress to individual lots in the Core, Center, and General transect zones. Rear lanes are required in the Edge transect zone for all lots narrower than 60 feet. Where rear lanes are not provided, a front or side driveway is permitted to House Lots only, with the following restrictions:

- (1) Detached garages must always be located in the rear of the lot. All walls of attached garages must be at least 20 feet behind the principal plane of the house's primary facade.
- (2) Garage doors should face the side or the rear of the lot rather than the front. Where space does not permit a side- or rear-facing garage door, front-facing garage doors may be provided, but each door may not exceed 10 feet in width.
- (3) Driveways may not exceed 10 feet in width except at the garage entrance.

Sec. 32-244. Permitted uses.

(a) **Permitted uses.** Table 32-244 identifies permitted uses for each lot type. There are two types of column headings in table 32-244:

- (1) Some columns identify specific uses or use categories described or defined in chapter 34. The letter "P" in a row below means "permitted" as provided in section 34-621. A blank cell indicates that a use is not allowed for the respective lot type, unless the use is specifically allowed by another column in table 32-244.
- (2) Other columns identify entire zoning districts described in chapter 34. The letter "S" in a row below indicates that a particular lot type has the same rights to all uses in that zoning district as provided in section 34-621. A blank cell indicates that those uses are not allowed for the respective lot type, unless the use is specifically allowed by another column in table 32-244.

(b) **Accessory uses.** Accessory uses and structures not listed in table 32-244 are regulated in the same manner as chapter 34 provides for each permitted use.

Secs. 32-245—32-260. Reserved.

TABLE 32-244 – USE REGULATIONS FOR EACH LOT TYPE

Lot Type	ALL USES ALLOWED IN RS-1 ZONING	Accessory apartment (see 34-1177)	Duplex or two-family attached dwelling	ALL USES ALLOWED IN RM-2 ZONING	Attached dwelling unit	Live-work unit	ALL USES ALLOWED IN CN-3 ZONING	ALL USES ALLOWED IN CC ZONING	Hotel/motel	ALL USES ALLOWED IN CF-2 & CF-3 ZONING	Urban agriculture	Excavation for water retention only
Pedestal Building Lot				S	P	P		P*	P	P		
Lined Building Lot				S	P	P		P*	P	P		
Mixed-Use Building Lot *				S*	P*	P		P*	P	P		
Apartment Building Lot				S	P							
Courtyard Building Lot				S	P							
Live-Work Building Lot		P		S	P	P	P			P		
Rowhouse Lot		P		S	P							
Apartment House Lot				S	P							
Duplex Lot	S		P									
Cottage House Lot	S											
Sideyard House Lot	S	P										
House Lot	S	P										
Civic Building Lot		P								P		
Civic Space Lot										P**	P	
Stormwater Lot												P

Core
Center
General
Edge
Civic

NOTES:
 S = Same permitted and limited uses as allowable for any parcel in the zoning district listed at the top of the column (see section 32-244)
 BLANK = Use not permitted
 * Residential uses in Mixed-Use Building Lots may not be placed in the ground (first) story.
 ** Civic Space Lots are not building sites; see division 4 for allowable uses on Civic Space Lots

DIVISION 4. CIVIC BUILDINGS AND CIVIC SPACES**Sec. 32-261. Civic buildings.**

Civic buildings contain public or civic uses of special significance to residents, employees, or visitors.

- (1) Civic buildings are used primarily for the following civic uses: community services, day care, education, government, places of worship, or social services. Civic buildings do not include residential uses or retail space (except as an accessory use). Civic uses may also be located on other lot types as permitted by table 32-244.
- (2) Civic Building Lots may be assigned in any transect zone. Civic Building Lots are usually sited adjoining or surrounded by civic spaces or they provide a visual landmark due to placement at one end of a street (see Civic Building Lot diagrams in section 32-242).
- (3) In order to provide greater flexibility in building types and to allow more distinctive architectural expression, Civic Building Lots do not have mandatory frontage percentages or street setbacks. Civic buildings must be designed to physically reflect their community prominence.
- (4) Compact communities that are 30 acres or larger must contain at least 0.5 acres devoted to Civic Building Lots. One Civic Building Lot must be at least 10,000 square feet and a certificate of occupancy must be obtained for a civic building on the lot within three years after the first building in the compact community obtains a certificate of occupancy.

Sec. 32-262. Civic spaces.

(a) **Civic spaces generally.** Civic spaces are commonly owned open spaces that are strategically placed to serve a specialized community function. Active civic spaces may be configured as a green, square, plaza, park, playground, community garden, or farm plot. Passive civic spaces protect natural areas worthy of preservation as described in this code.

(b) **Types of civic spaces.** Each Civic Space Lot must contain one of the following types of civic spaces, allowable in various transect zones as indicated by the letter “X” in table 32-262:

- (1) **Active civic spaces:**
 - a. **GREEN:** Open space consisting of lawn and informally arranged trees and shrubs, typically furnished with paths, benches, and open shelters. Greens are spatially defined by abutting streets.
 - b. **SQUARE:** Formal open space available for recreational and civic uses and spatially defined by abutting streets and building frontages. Landscaping in a square consists of lawn, trees, and shrubs planted in formal patterns and it is typically furnished with paths, benches, and open shelters.
 - c. **PLAZA:** Formal open space available for civic and commercial uses and spatially defined by building frontages. Landscaping in a plaza consists primarily of pavement; trees and shrubs are optional.
 - d. **NEIGHBORHOOD PARK:** Natural landscape consisting of open and wooded areas, typically furnished with paths, benches, and open shelters. Neighborhood parks are often irregularly shaped but may be linear in order to parallel creeks, canals, or other corridors.

- e. **PLAYGROUND:** Fenced open space, typically interspersed within residential areas, that is designed and equipped for the recreation of children. Playgrounds may be freestanding or located within parks, greens, or school sites.
 - f. **COMMUNITY GARDEN:** Grouping of garden plots available to nearby residents for small-scale cultivation.
 - g. **FARM PLOT:** Plot dedicated primarily to food production for local consumption and managed so as to avoid adverse impacts to nearby residential neighborhoods.
- (2) *Passive civic spaces:*
- a. **PRESERVE:** Protected natural area with special physical characteristics.

TABLE 32-262

Civic Space Types	Must Front On At Least:	Typical Lot Size	Transect Zones				
			Core	Center	General	Edge	Civic
<i>Active civic spaces:</i>							
Green	2 streets	0.5 to 5 acres		X	X	X	X
Square	3 streets	0.5 to 2 acres	X	X	X		X
Plaza	1 street	0.1 to 2 acres	X	X	X		X
Neighborhood park	1 street	0.5 to no max.			X	X	X
Playground	0 streets	0.1 to 1 acre	X	X	X	X	X
Community garden	0 streets	0.1 to 1 acre			X	X	X
Farm plot	0 streets	1.0 to no max.					X
<i>Passive civic spaces:</i>							
Preserve	0 streets	no min./no max.					X

(c) **Civic Space Lots in Civic transect zones.** Civic spaces in Civic transect zones may serve as buffers to provide a separation from adjoining land uses or they may be designed for active uses as greens, squares, plazas, neighborhood parks, playgrounds, community gardens, or farm plots. They may also be preserved natural areas where only passive recreational uses are permitted.

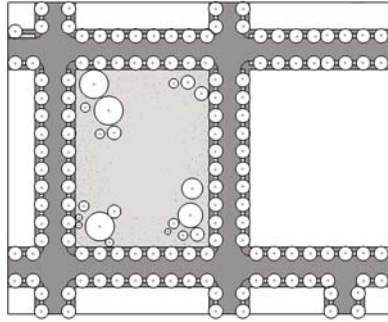
- (1) Natural areas to be protected, including archaeological features, mature trees, creeks, wetlands, and indigenous native vegetation, should be designated as a Civic Space Lot. These areas are important public amenities whose edges should be easily accessible, for instance bordered by trails, neighborhood parks, streets, or commercial uses such as restaurants.
- (2) Land in Civic transect zones may also be designated as Civic Building Lots or Stormwater Lots.

(d) **Civic Space Lots in all other transect zones.** Civic Space Lots may also be assigned in the Core, Center, General, and Edge transect zones as provided in table 32-262.

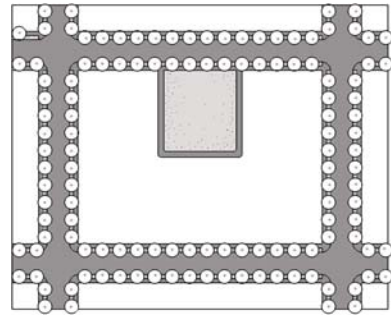
(e) **Civic space standards.** Civic Space Lots must be designed, landscaped, and furnished to be consistent with the character of each civic space type.

- (1) Street frontage requirements for various civic space types are provided in table 32-262.
- (2) Squares and plazas must be located so that building walls facing the square or plaza will have at least 25% of their primary facade, including at least 40% of the ground story’s primary facade, in transparent windows.
- (3) Typical arrangements of each type of civic space are illustrated in figure 32-262.

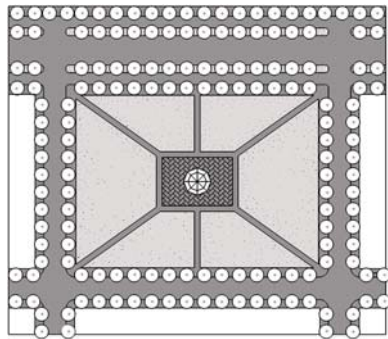
Green



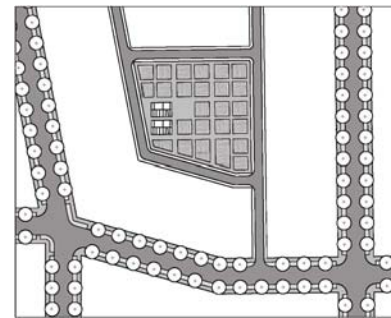
Playground



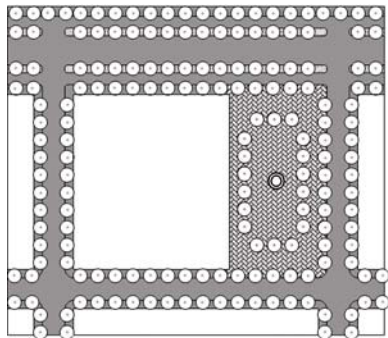
Square



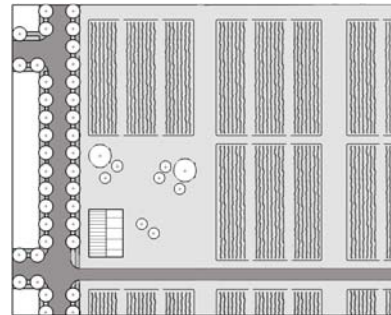
Community garden



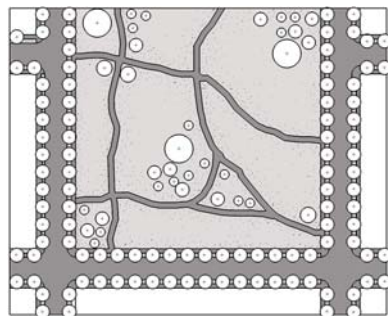
Plaza



Farm plot



Neighborhood park



Preserve

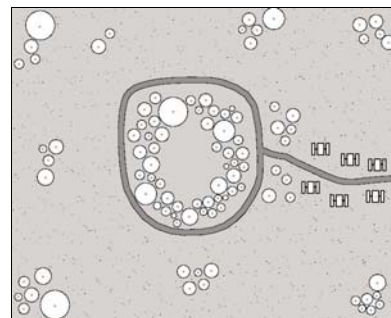


Figure 32-262

Secs. 32-263—32-270. Reserved.

DIVISION 5. REGULATING PLANS

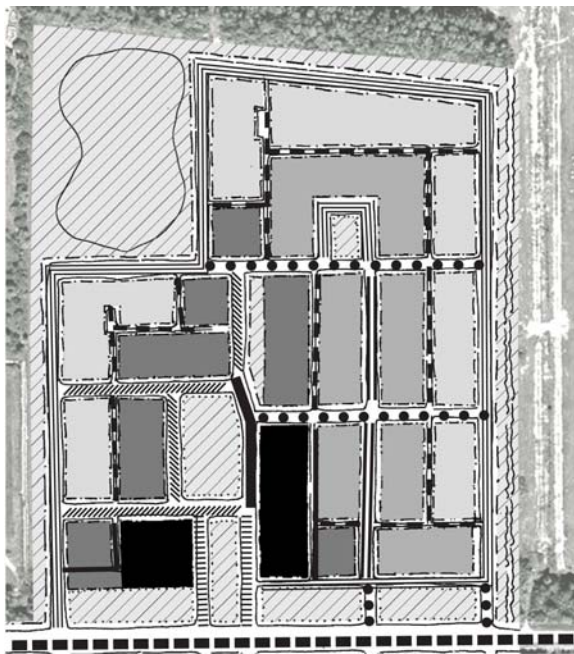
Sec. 32-271. Types of regulating plans.

A regulating plan is a site plan that describes the varying character of land within a future neighborhood, community, mixed-use center, or fragment thereof. Compact development is regulated under this chapter using two types of regulating plans:

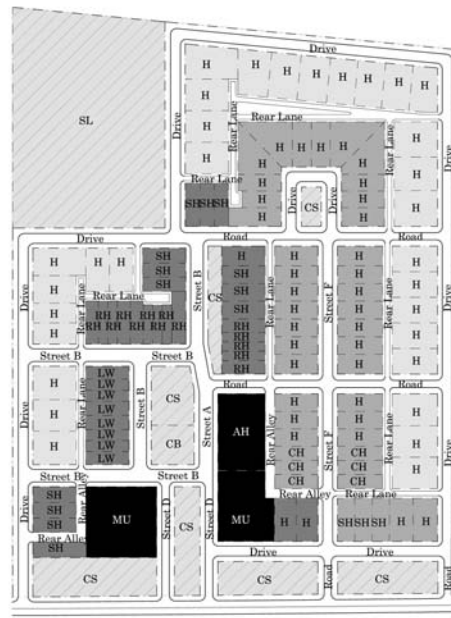
- (1) **Conceptual regulating plans.** Conceptual regulating plans identify the intended variety and location of transect zones and a preferred street/block structure including suggested street types.
- (2) **Detailed regulating plans.** Detailed regulating plans identify the final assignment of transect zones and the exact street/block structure, along with specific street types and lot types as described in this chapter.

Sec. 32-272. Sample regulating plans.

Samples of conceptual and detailed regulating plans are provided in figure 32-272 to compare both types and show the level of detail provided on each.



Transect Legend		Street Atlas	
[Light Gray Box]	Edge	[Dashed Line]	Boulevard
[Medium Gray Box]	General	[Thick Solid Line]	Avenue
[Dark Gray Box]	Center	[Thin Solid Line]	Street A
[Black Box]	Core	[Diagonal Lines]	Street B
[Hatched Box]	Civic	[Thick Dashed Line]	Street C
		[Thin Dashed Line]	Street D
		[Dotted Line]	Road
		[Double Line]	Street E
		[Triple Line]	Street F
		[Single Line]	Drive
		[Dashed Line]	Alley
		[Dash-Dot Line]	Lane



Transect Legend		Lot Types	
[Light Gray Box]	- Edge	MU - Mixed Use Lot	SH - Sideyard Lot
[Medium Gray Box]	- General	AH - Apartment Lot	CH - Cottage Lot
[Dark Gray Box]	- Center	LW - Live/Work Lot	CB - Civic Building
[Black Box]	- Core	RH - Rowhouse Lot	CS - Civic Space Lot
[Hatched Box]	- Civic	H - House Lot	SL - Stormwater Lot

Figure 32-272(a), sample conceptual regulating plan

Figure 32-272(b), sample detailed regulating plan

Sec. 32-273. Purpose of regulating plans.

(a) Conceptual regulating plans are used in articles IV, VI, and VII of this chapter; they define in general terms the desired nature of future development on parcels of land that may qualify for administrative approval under this chapter. Conceptual regulating plans prepared by Lee County have been incorporated into article IV; additional conceptual regulating plans may be incorporated through amendments to this code.

(b) Detailed regulating plans define with precision the nature of allowable development of land. Detailed regulating plans are prepared by landowners in accordance with articles IV, V, and VI and submitted to Lee County through the approval processes described in those articles.

Sec. 32-274. Requirements for detailed regulating plans.

Submittals to obtain approval of a detailed regulating plan must meet the following criteria:

- (1) The plan must depict immediately adjoining roads, canals, and other rights-of-way.
- (2) The plan must show the assignment of a transect zone to all land (including proposed streets) within the development site. All land must be assigned one of the five transect zones described in division 1; no land may be assigned two or more transect zones.
- (3) The plan must show the location of all proposed streets within the development site and must indicate the specific type of each street. Streets types must be allowed within the transect zones through which they pass and must comply with the specified right-of-way standards and other requirements in division 2.
- (4) The plan must show proposed lot lines and lot types for all land to be subdivided into lots. Lot types must be allowed within the transect zones where the lots are located and must be able to meet the development standards for each lot type and other requirements in division 3, in addition to the following standards:
 - a. *Minimum diversity of lot types within transect zones:*
 1. Edge: At least two different lot types are required within the Edge transect zone, with no one type representing more than 75% of the lots.
 2. General and Center: At least four different lot types are required within each of these transect zones, with no one type representing more than 60% of the lots.
 - b. *Minimum residential density within transect zones:*
 1. General: At least 4 dwelling units per acre within all General transect zones.
 2. Center: At least 8 dwelling units per acre within all Center transect zones.
 3. Core: At least 10 dwelling units per acre within all Core transect zones.
 4. For these density calculations, the aggregate area of each type of transect zone includes the internal street network and also includes all lots even if planned for commercial uses.
- (5) The level of detail and graphic format of the plan should be similar to the sample detailed regulating plan in figure 32-272(b) and should be produced at a scale and sheet size that allows all elements of the plan to be clearly legible. All related submittals must be provided at the same scale to facilitate review. The proposed location of all utilities must be shown on development order plans (see article II, division 2 for preferred utility locations). The regulating plan must also be provided in a digital format acceptable to county staff.

Secs. 32-275—32-280. Reserved.

DIVISION 6. STORMWATER MANAGEMENT**Sec. 32-281. Stormwater management.**

In compact development, best practices for stormwater management may differ from conventional suburban practices. Compact development creates fewer pollutants by reducing expansive lawns and parking lots. Because less land is available for stormwater treatment, excess stormwater may be infiltrated or detained in subsurface basins, and oils and greases can be removed with skimmers. This division encourages the use of a variety of best management practices to meet stormwater management standards in compact communities. The use of these practices and their functional equivalents are presumed to comply with the stormwater management standards contained in chapter 10; in the event of conflict, the provisions of this section prevail. Stormwater systems are subject to permitting approval of the South Florida Water Management District.

- (1) Innovative and urban stormwater management designs and techniques may be considered for addressing stormwater treatment requirements, including but not limited to porous pavement, treatment inlet boxes with skimmers or traps, subsurface basins for infiltration or detention, prefabricated multi-chamber water quality devices, green roofs, stormwater treatment mitigation, etc. All stormwater management designs and techniques must be certified by a Florida professional engineer or other appropriate professional registered under Chapters 471 or 481 *F.S.* competent in the fields of hydrology, drainage, and flood control. Submittals must include a proposed maintenance schedule for each technique, identifying the timing of inspections and maintenance activities such as removing debris from inlet boxes, replacing filters, pumping out accumulated sediment, mechanical sweeping, etc.
- (2) To minimize the amount of site fill and the associated impacts of fill on existing native vegetation and trees, historical wet season water table levels may be controlled at lower elevations subject to the physical limitations of the receiving drainage system and compliance with criteria of the South Florida Water Management District.
- (3) Stormwater attenuation requirements may be waived for sites located near receiving waters so that post-development conditions will not cause an adverse increase in flood stages off site. This consideration is granted provided the site provides stormwater treatment for 150 percent of the site and adequate downstream capacity exists for the proposed discharge rate.

Secs. 32-282—32-300. Reserved.

ARTICLE III. TRANSFER OF DEVELOPMENT RIGHTS**Sec. 32-301. Background.**

In 1986 Lee County established a transfer of development rights (TDR) program that is described in sections 2-141 through 2-148 of this code. That program rewards landowners for protecting wetlands throughout unincorporated Lee County by transferring development rights into designated future urban areas. This article authorizes a second TDR program that allows the transfer of development rights from uplands as well as wetlands and creates additional TDR receiving areas. Except where specifically authorized by this code, TDR credits created pursuant to this chapter may not be combined with TDR units created pursuant to chapter 2.

Sec. 32-302. Purpose of article.

The purposes of this article are to:

- (1) Recognize there is land in Lee County that warrants protection in its current agricultural use or natural conditions.
- (2) Offer an incentive-based alternative to development of land warranting protection or restoration by allowing its development rights to be transferred to other areas that are suitable for compact development.
- (3) Provide fair and predictable standards for creating, transferring, and redeeming transferable development rights while restricting the development potential of land from which development rights have been severed.
- (4) Direct future growth to areas nearer to public services and facilities in order to achieve consistency with the goals, objectives, and policies of the comprehensive plan.

Sec. 32-303. Land not eligible for creation of TDR credits.

(a) TDR credits may not be derived from land with the following characteristics:

- (1) Land owned by a governmental agency;
- (2) Land encumbered by a conservation easement or similar restriction that precludes residential development;
- (3) Land encumbered by an existing development approval (e.g. DRI development order) that converts residential density rights to commercial, industrial, or other land uses;
- (4) Land designated on Lee Plan Map 14 as a Future Limerock Mining area; or
- (5) Land designated on Lee Plan Map 17 as an Existing Acreage Subdivision.

(b) Land that is cleared of native vegetation after July 1, 2010, will not qualify for a period of 25 years for TDR credits that this article allows for land encumbered by a conservation easement. However, such land is not disqualified for TDR credits allowable for land encumbered by an agricultural easement.

Sec. 32-304. General TDR credit characteristics.

(a) TDR credits are created when a landowner holding fee title to property within a designated TDR sending area executes an agricultural or conservation easement that encumbers the land consistent with this article.

(b) TDR credits may be redeemed for additional development rights in TDR receiving areas, subject to section 32-309.

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

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

Sec. 32-305. TDR credit sending area ratios.

(a) ***Size of sending area.*** The minimum size of TDR sending areas is determined by the location of the sending area and the number of TDR credits a landowner seeks to create.

(b) ***Southeast Lee County sending areas.*** In Southeast Lee County, the following TDR credit ratios are established:

- (1) ***Wetlands:*** One TDR credit may be created for each 20 wetland acres encumbered by a conservation easement that meets the requirements of section 32-307(c).
- (2) ***Uplands:*** TDR credits may be created using upland property as follows:
 - a. One TDR credit may be created for each 10 upland acres encumbered by an agricultural easement that meets the requirements of section 32-307(b). In addition to this credit, if Lee County adopts restoration standards for farmland, compliance with those standards will qualify farmland for one TDR credit for each 5 acres of farmland that is restored to natural conditions and encumbered by a conservation easement that meets the requirements of section 32-307(c).
 - b. In lieu of the credits in subsection (b)(2)a, one TDR credit may be created for each 5 upland acres with indigenous native vegetation encumbered by a conservation easement that meets the requirements of section 32-307(c). Indigenous native vegetation is defined in section 10-1.
- (3) For each TDR credit allowed by the base rates set forth in section 32-305(1) and (2), one extra TDR credit may be created if the sending area land is designated as Tier 1, Tier 2, Tier 3, or the southerly two miles of Tiers 5, 6, and 7, in the Priority Restoration Strategy (Lee Plan Map 1, Page 4).

Sec. 32-306. Creation of TDR credits.

(a) ***Determination of potential TDR credits.*** A landowner seeking to create TDR credits may request a provisional determination from Lee County to provide guidance on the potential number of credits that may be created based on preliminary information submitted by the landowner.

- (1) The following documents must be submitted to the community development department if a landowner wishes to obtain this provisional determination:
 - a. A cover letter identifying the landowner's name, mailing address, and contact information and briefly explaining what the landowner seeks to accomplish.
 - b. A sketch of the subject property clearly indicating the areas to be encumbered by easements that will establish the basis for TDR credits.
 - c. A proposed easement draft or an outline of easement terms that states the protections and restrictions the landowner intends to place on the property to obtain TDR credits.
 - d. If the property contains land that is designated or might be determined to be wetlands pursuant to the comprehensive plan, the package must include a wetland

determination issued by an appropriate state agency, an administrative interpretation of wetland boundaries under Lee Plan Chapter XIII, or an application for an administrative interpretation of the wetland boundaries under Lee Plan Chapter XIII.

- e. If the property contains uplands with indigenous native vegetation, the package must include an aerial map/photograph outlining this area.
- (2) The director will issue a written provisional determination as to whether the proposed easement restrictions appear sufficient and confirming the potential number of TDR credits that could be issued. This determination is preliminary and not subject to appeal.
- (b) **Formal creation of TDR credits.** To create TDR credits, a landowner must use the following procedures.
- (1) The following documents must be submitted to the community development department with payment of an application fee:
 - a. A cover letter identifying the landowner's name, mailing address, and contact information and briefly explaining what the landowner seeks to accomplish.
 - b. A copy of the provisional determination issued by the planning director; or, if no provisional determination was requested and the proposed easement property contains wetlands and/or indigenous native vegetation, the information requested in section 32-306(a)(1)d. and e. must be submitted.
 - c. An opinion of title or certificate of title meeting the requirements of Lee County Administrative Code 13-19.
 - d. A draft easement that provides the protections and restrictions on the proposed easement property consistent with section 32-307.
 - e. A baseline documentation report that establishes the current condition of the proposed easement property. The baseline documentation report must include, at a minimum:
 1. A title page stating that the document is a baseline documentation report and the date the report was completed along with any revision dates.
 2. A general location map.
 3. A legal description and sketch that comply with section 34-202(a). If separate parcels are to be encumbered by easements, a legal description and sketch will be required for each parcel.
 4. Documentation (such as maps, written summaries, and photographs with a photo-point map) of existing conditions that relate to the easement restrictions and the rights to be retained by the landowner. This must include the location and condition of pre-existing man-made improvements and other data that may affect the exercise of rights proposed for retention by the landowner on the land to be encumbered by the easement. Lee County may require the landowner to submit a location survey, prepared by a licensed surveyor, depicting the boundaries of the proposed easement area along with any man-made improvements located within the proposed easement area.
 5. For conservation easements only, documentation (such as maps, written summaries, and photographs with a photo-point map) of the conservation values that will be protected by the conservation easement.
 6. The qualifications and experience of the report's authors. Lee County requires that authors must have training and experience in ecology.

7. At least two sworn affidavits, one signed by the landowner and another signed by the preparer of the submittal, attesting to the accuracy of the information contained in the baseline documentation report.
- f. A maintenance plan committing to the removal and control of invasive exotic plants from the proposed easement area. For purposes of this subsection, invasive exotic plants are those plants described in section 10-420.
 1. The plan must indicate how invasive exotic plants will be removed and any phasing that is proposed.
 2. The plan must also indicate how the land will be kept free of refuse, debris, and pests; and how the land will be maintained in perpetuity against the reestablishment of invasive exotic plants.
- (2) The director will determine whether the application package is complete, accurate, and in compliance with all requirements. Draft easements will be reviewed by the county attorney's office after the package is deemed in compliance. Once the draft easements are in a form acceptable to the county attorney's office, they must be executed by the landowner and returned to the county for acceptance and recording in the Lee County public records.

Sec. 32-307. Easements required.

(a) In order to establish entitlement to TDR credits, the landowner must grant an easement interest over the property consistent with this section. The easement must be one of the types identified below. All easements recorded to establish TDR credits must meet the following criteria:

- (1) The easement must create a perpetual interest for the benefit of the public that runs with the land. The primary purpose of the easement must be to maintain the property in its open, scenic, natural, wooded or rural state.
- (2) The grantee of the easement must be an entity acceptable to Lee County. This does not preclude Lee County from agreeing to be the named beneficiary/grantee.
- (3) The landowner must provide for the maintenance of the easement area in perpetuity by an entity acceptable to Lee County. This provision does not preclude the landowner from providing the perpetual maintenance or contracting with another party to do so.

(b) ***Agricultural easements.*** The purpose of an agricultural easement is to keep the land available for active farming by the landowner or lessee of the landowner. Agricultural easements established in accord with this section are not intended to preclude use of the land in a manner consistent with its agricultural zoning except as specifically restricted in the easement. An agricultural easement must meet the following requirements:

- (1) The agricultural easement must create an encumbrance on the land that will serve to maintain the property predominately in its wooded, open, agricultural, or natural condition.
- (2) The easement must indicate that all non-agricultural development rights have been severed by the landowner for transfer to other land in exchange for TDR credits and that residential, commercial, and industrial development is prohibited within the easement area, except as explicitly allowed in this section or affirmatively stated in the easement document.
- (3) The easement grantee must be a governmental body or agency or a qualified charitable corporation or trust whose purposes include protecting agricultural, natural, scenic, or

open space values of real property. The easement must be specifically accepted by the grantee.

- (4) The easement grantee must be acceptable to Lee County. Lee County may accept the easement in the event no other suitable entity is willing to accept the easement.
 - a. Proposed grantees must explicitly agree in advance to accept and comply with the easement's obligations in perpetuity. If the easement is granted to co-grantees, the easement must specifically delineate the entity responsible for compliance with the easement obligations in perpetuity.
 - b. Lee County must be granted the right and authority, but not the obligation, to enforce or carry out the terms of the easement, unless Lee County agrees to be the sole grantee.
- (5) The agricultural easement must specifically delineate activities that may occur within the easement area, including but not limited to:
 - a. Any incidental retained residential uses for farm labor housing or homesteads for farm owners and operators and their families;
 - b. Construction or modification of structures necessary for agricultural operations; and
 - c. Future ditching, diking, and excavation to support agricultural or restoration activities on the site.

(c) **Conservation easements.** A conservation easement must meet the requirements for agricultural easements found in section 32-307(b)(2), (b)(3), and (b)(4) plus the following additional requirements:

- (1) The conservation easement must comply with F.S. § 704.06 and create an encumbrance on the land that will serve to maintain the property predominately in its wooded, open, rural, or natural condition.
- (2) The conservation easement, at a minimum, must prohibit or limit all of the following activities:
 - a. Constructing or placing buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.
 - b. Dumping or placing soil or other material as landfill and dumping or placing trash, waste, or unsightly or offensive materials.
 - c. Removal or destruction of trees, shrubs, or other vegetation, except for exotic plants as described in chapter 10 or as may be needed to maintain or restore land to natural conditions.
 - d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface, except as may be needed to restore land to its natural condition.
 - e. Surface use except for purposes that permit the land to remain predominantly in its natural condition.
 - f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
 - g. Acts or uses detrimental to the preservation of the integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.
- (3) The conservation easement must prohibit dwelling units, housing units, living units, hotels/motels, and bed-and-breakfast establishments as defined in chapter 34 but may permit incidental uses such as caretakers' quarters, hunting camps, or primitive camping.

Sec. 32-308. Transfer of TDR credits.

Once created, TDR credits are transferable and may be retained by the landowner or conveyed to any other party by sale, trade, donation, or bequest.

- (1) The monetary value of a TDR credit will be determined solely by the market at the time of transfer.
- (2) Private or public entities may act as brokers by acquiring, holding, reconveying, redeeming, or retiring TDR credits.

Sec. 32-309. Redemption of TDR credits.

(a) ***Eligible receiving areas.*** TDR credits may be redeemed only in designated TDR receiving areas:

- (1) *Southeast Lee County.* TDR credits are eligible for use in Southeast Lee County only in those areas designated on Map 17 as “Mixed-Use Communities.”
- (2) *Mixed use overlay.* TDR credits may be redeemed in the Lee Plan’s Mixed Use Overlay (see Objectives 4.2 and 4.3 and related policies) to the extent allowed by this code.
- (3) *Lehigh Acres.* TDR credits may be redeemed in the Lee Plan’s Specialized Mixed Use Nodes (see Objective 32.2 and related policies) to the extent allowed by this code.
- (4) *Bonus density.* TDR credits may be redeemed to qualify land for bonus densities as provided in Lee Plan Table 1(a). For this purpose, each TDR credit will be considered equal to one TDR unit as provided in article IV of chapter 2.
- (5) *Incorporated municipalities.* TDR credits may be redeemed in incorporated municipalities where suitable interlocal agreements specify the terms of potential transfers. Interlocal agreements could also provide for reciprocity with municipalities that have a substantially equivalent TDR program.

(b) ***Redemptions in Southeast Lee County receiving areas.*** Development approvals in Southeast Lee County, including the redemption of TDR credits, are governed by chapter 32, articles IV and V.

(c) ***Redemptions in other receiving areas.*** The redemption of TDR credits in receiving areas other than Southeast Lee County area must follow the redemption procedures established for those receiving areas. If specifically allowed by those procedures, TDR credits created pursuant to this chapter may be combined with TDR units created pursuant to chapter 2.

Sec. 32-310. Record-keeping.

(a) The director will maintain a register of all TDR credits created pursuant to this article. On a quarterly basis, the director will update this register to reflect all known transfers and redemptions of TDR credits.

(b) TDR credits may only be redeemed by the title holder recognized by the county as identified in the TDR register. Transfer of TDR credits from one owner to another on the TDR register can be accomplished by submission of an affidavit from the previous TDR credit holder identifying the new owner with specificity and requesting the TDR register to be adjusted accordingly.

Secs. 32-311—32-400. Reserved.

**ARTICLE IV. COMPACT COMMUNITIES THROUGH
ADMINISTRATIVE APPROVALS IN SOUTHEAST LEE COUNTY**

Sec. 32-401. Purpose of article.

This article provides an administrative approval process that may be used by owners of Southeast Lee County land designated as “Mixed-Use Community” on Lee Plan Map 17 (Southeast DR/GR Residential Overlay). This process provides incentives for rural landowners to concentrate development rights in a compact community while protecting agricultural or natural lands. This administrative process eliminates the need for rezoning, provides standards for the development of compact communities, and carries out Lee Plan Objective 33.3 and subsequent policies.

Sec. 32-402. General approval procedures.

(a) **Rezoning not required.** Rezoning is not required to develop a Mixed-Use Community on land zoned AG-1, AG-2, or AG-3 if the land is so designated by Map 17 of the Lee Plan and if the proposed development complies with all regulations in this code, including articles I, II, and IV of this chapter.

- (1) Compliance of an application and its supporting documentation will be confirmed by issuance of a local development order using the process described in chapter 10, with the modifications described in this article. The development services director may authorize administrative deviations in accordance with section 10-104 during this process.
- (2) Supplemental development order application requirements are described in this article and others may be established by the director. A pre-application meeting with county reviewers is mandatory. An additional application fee will be established to cover review costs for these complex applications; this fee may not exceed the fee for a planned development rezoning application. The normal timeframe for review of development orders will be extended as needed to allow thorough yet timely review of all applications submitted in accordance with this article.

(b) **Conceptual regulating plans.** Conceptual regulating plans identify the intended variety and location of transect zones and a preferred street/block structure, as described in division 5 of article II. Conceptual regulating plans are provided in section 32-405 for each potential Mixed-Use Community identified on Lee Plan Map 17. Each conceptual regulating plan complies with the standards in article II.

(c) **Detailed regulating plans.** Applicants for approval of a Mixed-Use Community under this article are required to submit a detailed regulating plan.

- (1) The detailed regulating plan may match the conceptual regulating plan precisely, or it may vary from the conceptual regulating plan within the following parameters subject to the director’s finding that the variations still comply with the Lee Plan and with the design goals and principles set forth in this chapter:
 - a. Modifications may change the transect zone assignments provided the fundamental diversity of transect zones is not eliminated and the net effect of the reassignment does not increase the intensity where it adjoins other developed areas. However, Core transect zones may be replaced by Center transect zones.
 - b. Modifications may change block sizes and shapes provided the blocks continue to meet all standards in article II, except where a larger block may be required to comply with Florida Department of Transportation limitations on access to state roads.
 - c. Block-size changes may also be made if essential for compliance with regulatory actions of the South Florida Water Management District.
- (2) The detailed regulating plan must meet the specific requirements of section 32-274 and all other requirements of article II of the chapter.

(d) **Other development alternatives.** A development proposal that does not comply with this article, other than administrative deviations in accordance with section 10-104 or variances in accordance with section 34-145(b), may seek approval through the planned development rezoning process described in article V prior to obtaining a development order. Development proposals that comply with chapter 34 rather than this chapter may also seek approval through any of the processes allowed by chapter 34.

Sec. 32-403. Applications for Mixed-Use Communities.

(a) In addition to application requirements for a development order under chapter 10, an application for a Mixed-Use Community must include plans and supporting documentation that demonstrate compliance with this chapter including these specific requirements:

- (1) **Regulating plan.** A detailed regulating plan must be submitted for the developable portion of the property as described in section 32-402.
- (2) **Internal density concentrations.** The proposed concentration of development rights onto the developable portion of the property must be documented by submitting a draft of a agricultural or conservation easement that would apply to the portion of the property from which development rights would be moved.
 - a. **Ratios.** The minimum amount of privately owned land that will be subject to this easement will be determined using Lee Plan density levels for Southeast Lee County, modified as follows:
 1. **Wetlands:** One dwelling unit in a Mixed-Use Community is enabled by the inclusion of each 20 acres of wetlands encumbered by a conservation easement that meets the requirements of section 32-307(c).
 2. **Uplands:** One dwelling unit in a Mixed-Use Community is also enabled by the inclusion of:
 - i. Any 10 acres of uplands that are encumbered by an agricultural easement that meets the requirements of section 32-307(b). In addition, if Lee County adopts restoration standards for farmland, compliance with those standards will qualify farmland for one additional dwelling unit for each 5 acres of farmland that is restored to natural conditions and encumbered by a conservation easement that meets the requirements of section 32-307(c).
 - ii. In lieu of subsection (a)(2)a.2.i, each 5 acres of uplands with indigenous native vegetation that are encumbered by a conservation easement that meets the requirements of section 32-307(c). Indigenous native vegetation is defined in section 10-1.
 3. Land that is ineligible for TDR credits as provided in section 32-303 is also ineligible for internal density concentrations.
 4. If hotel/motel units are contemplated, the equivalent number of dwelling units will be determined in accordance with section 34-1802(4).
 5. No additional easement acreage is required for any civic buildings that are placed on the developable portion of the property, nor is any required for up to 75 square feet of floor area of commercial floor area for each by-right dwelling unit.
 6. These density and intensity limitations do not apply to any portion of a Mixed-Use Community that is designated as Central Urban and shown as Specialized Mixed Use Node in Lee Plan Policy 32.2.2. The provisions of this article may be used to regulate development throughout such a Mixed-Use Community but these density and intensity limitations apply only to those portions designated by the Lee Plan as DR/GR and wetlands.

- b. **Baseline documentation.** A baseline documentation report must be submitted that meets the standards in section 32-306.
 - c. **Easements.** The county attorney's office will review all draft easements during the development order application process for compliance with this chapter.
 - 1. Easements must meet the same standards as easements for TDR credits in section 32-307.
 - 2. Once the easements are in a form and content acceptable to the county attorney's office, they must be executed by the landowner and returned to the county for acceptance and recording in the Lee County public records.
- (3) **Maintenance plan.** A maintenance plan committing to the removal and control of invasive exotic plants from the land that will be subject to the agricultural or conservation easement. For purposes of this subsection, invasive exotic plants are those plants described in section 10-420.
- a. The plan must indicate how any invasive exotic plants will be removed.
 - b. The plan must also indicate how the land will be kept free of refuse, debris, and pests and how the land will be maintained in perpetuity against the reestablishment of invasive exotic plants.
- (b) **Transfer of development rights.** If a proposed Mixed-Use Community will contain dwelling units or commercial floor area beyond the amount allowed by subsection (a), development rights must be acquired from other properties using the following standards:
- (1) TDR credits are required for the number of additional dwelling units proposed for development. Each TDR credit is redeemable for one additional dwelling unit.
 - (2) TDR credits are also required for commercial floor area that exceeds 75 square feet for each by-right dwelling unit in the entire Mixed-Use Community. Each TDR credit that is redeemed for an additional dwelling unit also allows 150 additional square feet of commercial floor area. TDR credits that are not redeemed for an additional dwelling unit may be redeemed for 600 square feet of additional commercial floor area.
 - (3) TDR credits are redeemed at the time of platting of residential and non-residential lots. The director will maintain a running account of assumed allocations of dwelling units and commercial floor area to individual lots and will make appropriate adjustments if actual construction consumes less than the assumed allocations.
 - (4) Only TDR credits created pursuant to article III of this chapter may be redeemed in a Mixed-Use Community in Southeast Lee County. TDR units created pursuant to chapter 2 may not be redeemed anywhere in Southeast Lee County.

Sec. 32-404. Record copy of regulating plan.

As plats are obtained for subdivided lots within a Mixed-Use Community, the master developer must submit a modified regulating plan that precisely locates each lot and clearly designates its lot type in accordance with division 3 of article II. After confirming its accuracy, the director will authorize the use of this modified regulating plan as the record copy (controlling document) that governs the issuance of building permits and the uses that may be approved on the platted lots.

Sec. 32-405. Conceptual regulating plans.

Figure 32-405(a)–(e) provides conceptual regulating plans for each potential Mixed-Use Community identified on Lee Plan Map 17.

Secs. 32-406—32-500. Reserved.

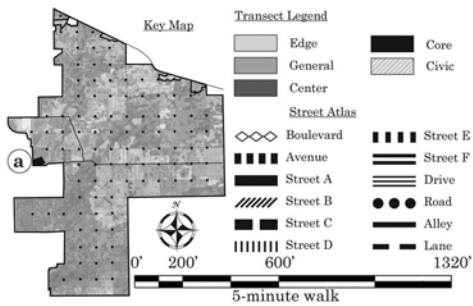
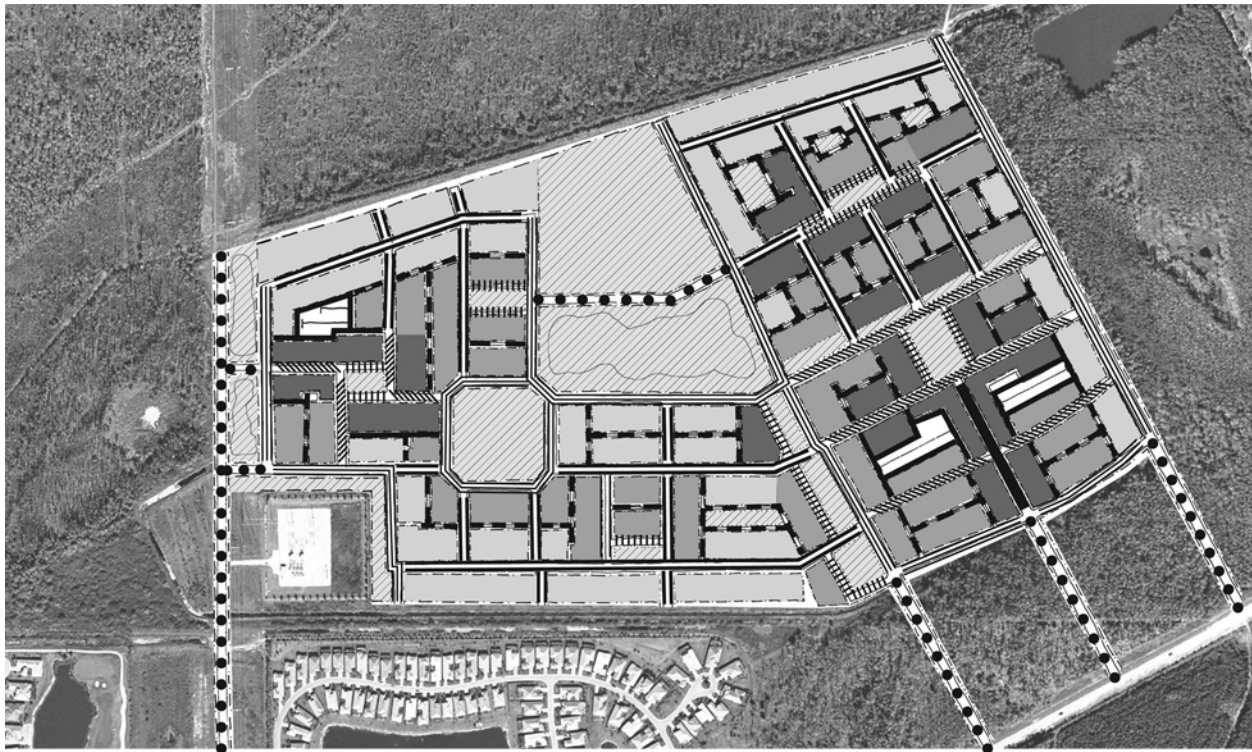


Figure 32-405(a), conceptual regulating plan for Mixed-Use Community in 19-46-26

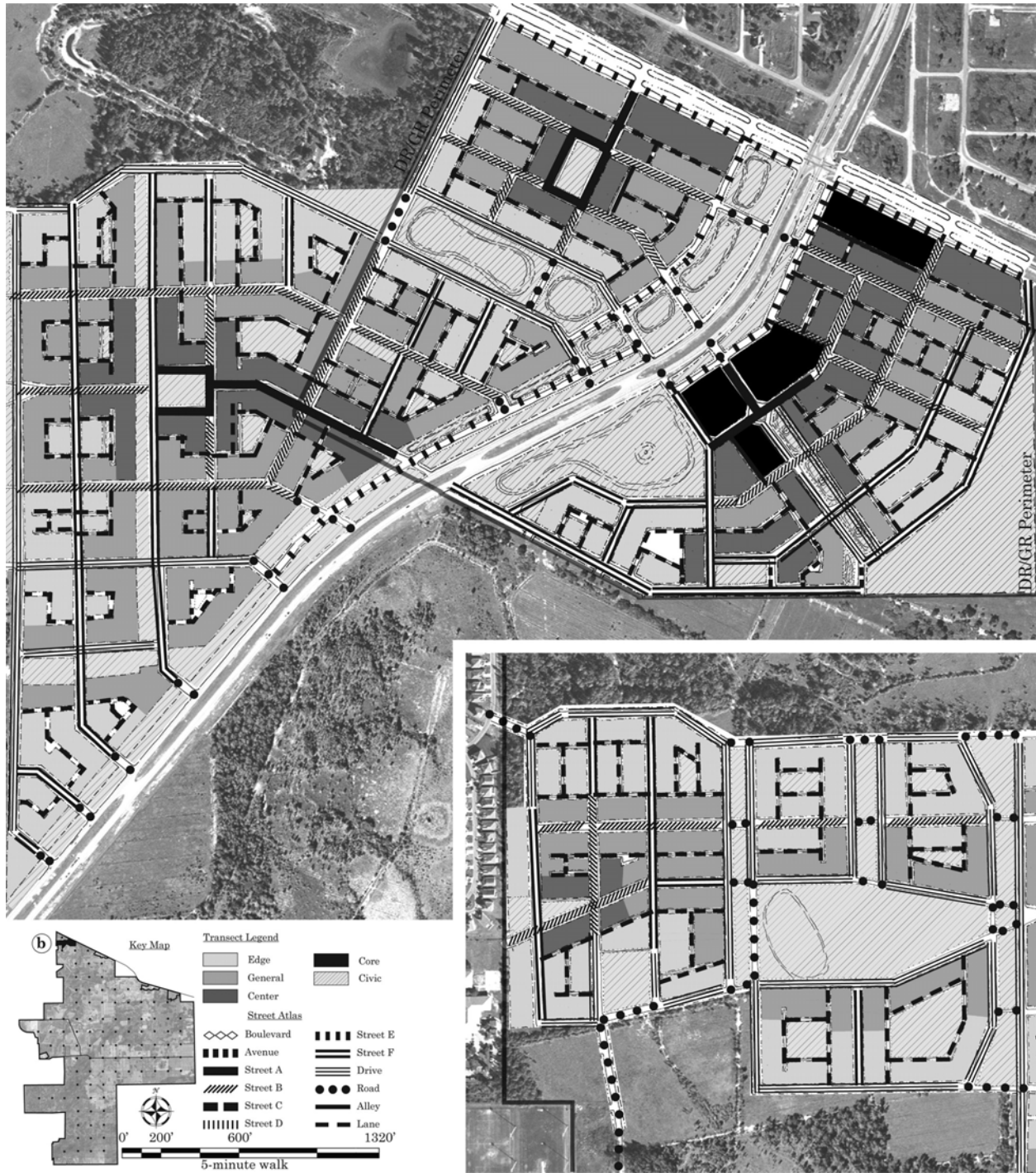


Figure 32-405(b), portion of conceptual regulating plan for Mixed-Use Community in 18/19-45-26

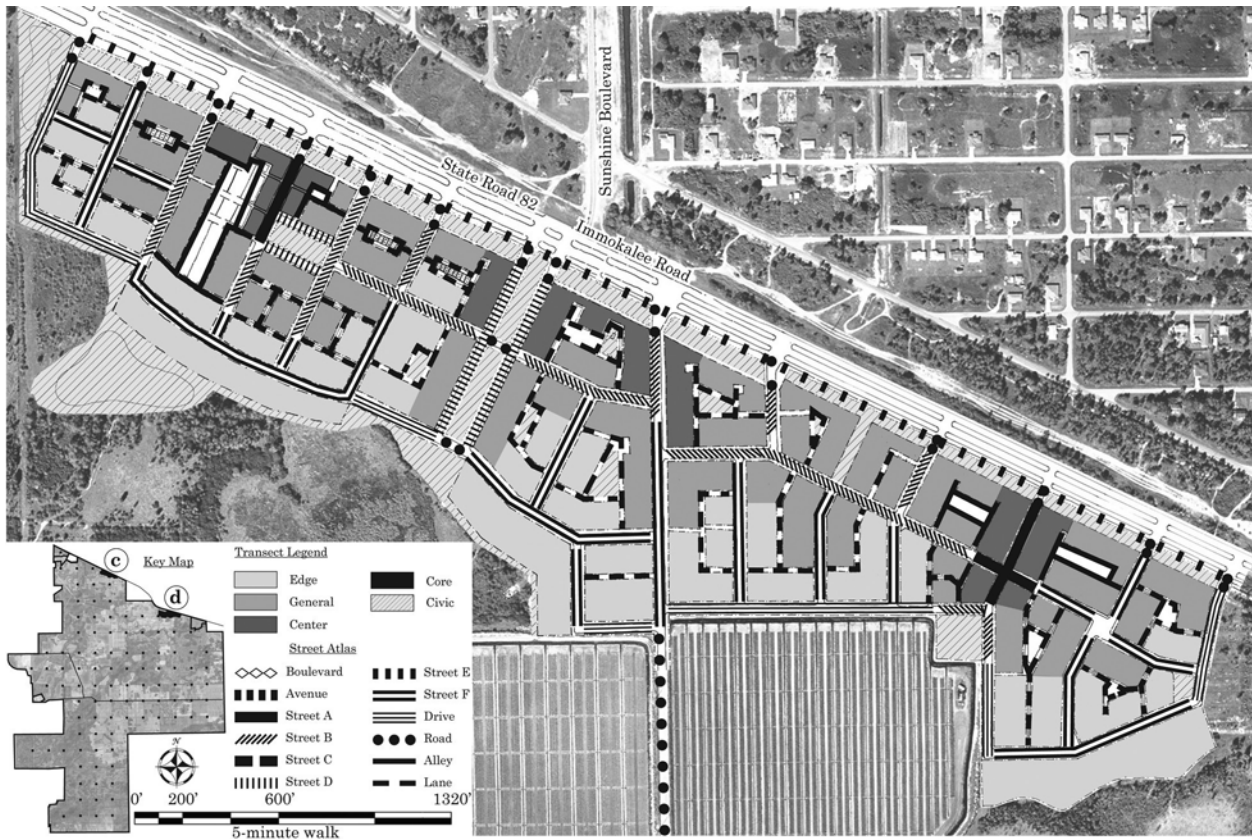


Figure 32-405(c), conceptual regulating plan for Mixed-Use Community in 13/14-45-26

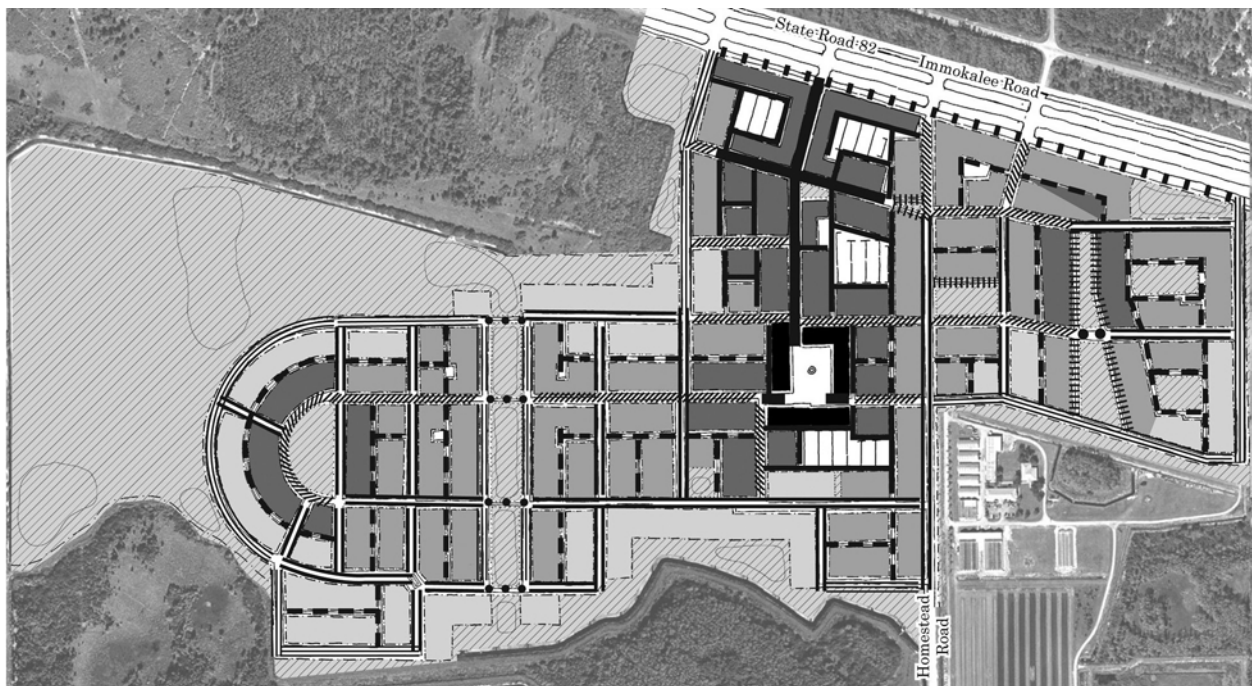


Figure 32-405(d), conceptual regulating plan for Mixed-Use Community in 28/33-45-27

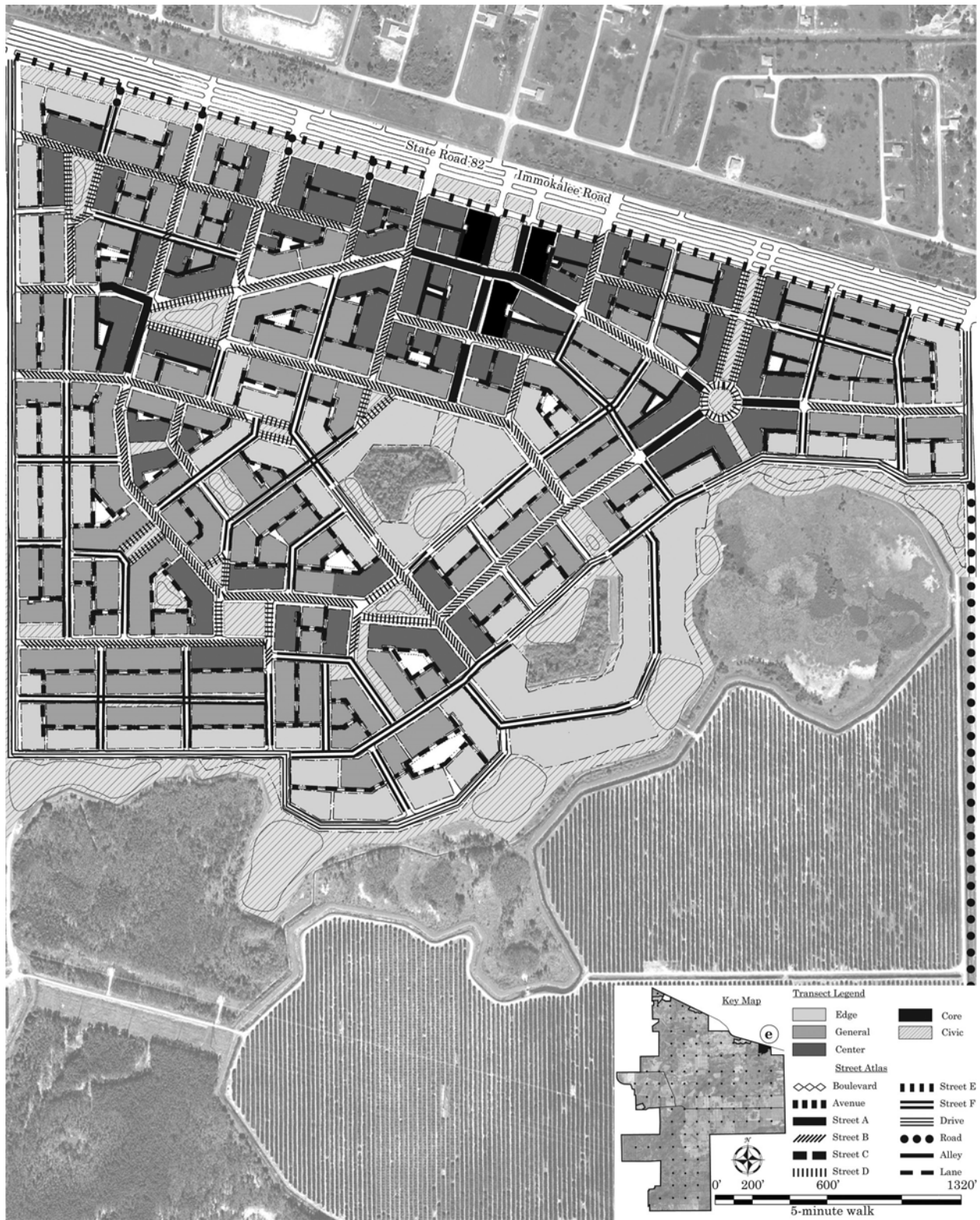


Figure 32-405(e), conceptual regulating plan for Mixed-Use Community in 35-45-27

**ARTICLE V. COMPACT COMMUNITIES THROUGH
PLANNED DEVELOPMENT REZONING**

Sec. 32-501. Purpose of article.

A Compact Planned Development (Compact PD) zoning district is hereby created to provide a rezoning option for creating a compact community. This option may be used by:

- (1) Landowners in a Lee Plan “Mixed-Use Community,” as an alternative to administrative approval of a compact community under article IV.
- (2) Landowners in the Lee Plan’s Mixed Use Overlay (see Lee Plan Map 1, Page 6).
- (3) Any landowner who wishes to develop a compact community that conforms with the density and intensity caps of the current Lee Plan designation.

Sec. 32-502. Application requirements.

(a) **Application Procedures.** Except as set forth in this article, applications for rezoning to Compact PD must meet the requirements and follow the procedures for planned development districts as described in chapter 34.

(b) **Regulating Plan.** An applicant for rezoning to Compact PD must submit a proposed regulating plan that complies with the standards in article IV for detailed regulating plans. This regulating plan will replace the master concept plan normally required for planned development applications.

(c) **Illustrative Plan.** An applicant for the Compact PD district must submit a non-binding illustrative plan drawn to the same scale as the proposed regulating plan. The purpose is to illustrate the likely built results of the regulating plan by showing buildings on some lots and preliminary designs for streets and civic spaces in compliance with these regulations and the proposed regulating plan. A sample illustrative plan is shown in figure 32-502.

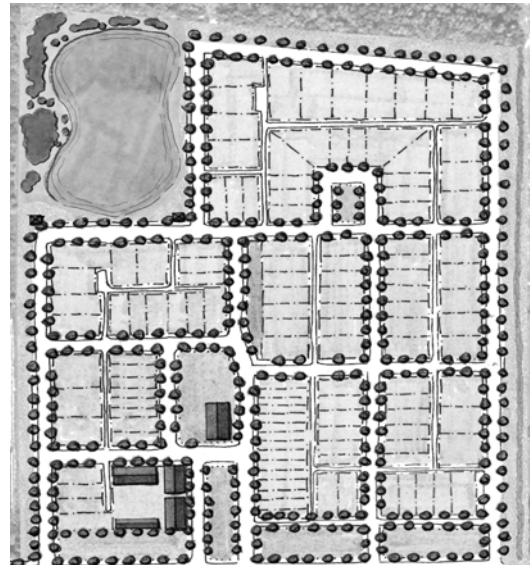


Figure 32-502, sample illustrative plan

(d) **Deviations From Chapter 32.** An applicant must clearly identify deviations requested from the specific standards of chapter 32. The Board of County Commissioners will decide whether to accept, modify, or reject each proposed deviation during the planned development rezoning process based on a determination as to the consistency of each deviation with this chapter, good planning practice for compact communities, and the deviation criteria in chapters 10 and 34. Potential deviations specific to compact communities include the following:

- (1) Modified block standards (section 32-225).
- (2) For street types shown in article II, modified cross-sections (section 32-226) and/or modified streetscape standards (section 32-227).
- (3) Additional street types, accompanied by proposed cross-sections (section 32-226) and streetscape standards (section 32-227) .

- (4) For lots types shown in article II, modified transect zone assignments (table 32-241), modified property development regulations (table 32-243), and/or modified use regulations (table 32-244).
 - (5) Additional lot types, accompanied by allowable transect zone assignments (table 32-241), proposed property development regulations (table 32-243), and proposed use regulations (table 32-244).
- (e) ***Deviations From Other Chapters.*** Deviations from other chapters of this code may be requested as provided in chapters 10 and 34.

Sec. 32-503. General approval procedures.

(a) The approval process for the Compact PD district will follow the standard procedures for planned development districts.

(b) If the Compact PD district is approved, the regulating plan, as adopted by the Board of County Commissioners during public hearings, becomes a binding part of the rezoning approval. A development order must be issued prior to development; the development order review process will follow the procedures in article IV and chapter 10 except where modifications have been approved through the Compact PD rezoning process.

Sec. 32-504. Southeast Lee County approval procedures.

(a) In addition to the general approval procedures in section 32-503, an application requesting the Compact PD district in Southeast Lee County must meet the following additional requirements:

- (1) A landowner may request Compact PD zoning for only a portion of land in a Lee Plan Mixed-Use Community. Unless the applicant intends to develop all the property within the application at one time, a phasing plan must be submitted that shows how early increments will be developed in a manner that ensures future increments can be added to create the seamless neighborhood depicted on the proposed regulating plan.
 - (2) Before approving Compact PD zoning, the Board of County Commissioners must find that the regulating plan will be similar in performance to the conceptual regulating plan provided in section 32-405. Refer to chapter 3 of “Transferable Development Rights In Southeast Lee County” (July 2009) for basic neighborhood design conventions and for design features anticipated for each Mixed-Use Community. The basic conventions include an identifiable center and edge, walkable size, mix of land uses and housing types with opportunities for shopping and workplaces close to home, an integrated network of walkable streets, and the reservation of special sites for civic purposes.
- (b) The availability of the Compact PD district for use in a Mixed-Use Community does not preclude owners of land in the DR/GR land use category from seeking rezoning to other zoning districts that comply with the base requirements for the DR/GR land use category described in chapter 34 (see also section 32-402(d)).

Sec. 32-505. Modifications after rezoning process.

(a) Modifications to an approved Compact PD regulating plan may be accepted by the director of community development or designee at the development order stage provided the proposed modifications conform with all of the following requirements:

- (1) Modifications must comply with all special conditions of the planned development approval, including any conditions that may limit the director's authority to modify specific portions of an approved regulating plan.
- (2) Modifications must be consistent with the Lee Plan and with the intent and the specific regulations of this chapter.
- (3) Modifications may not change transect zones, increase allowable building heights, increase overall density, exceed allowable block sizes, add an access point through the Edge transect zone, or reduce the diversity of lot types or street types that had been shown on the approved regulating plan. However, modifications may substitute similar lot types or street types that are allowed in the designated transect zone and may make adjustments to comply with regulatory actions of the Florida Department of Transportation or the South Florida Water Management District.
- (4) Modifications may not increase the intensity of any block in the Edge transect zone.
- (5) The cumulative effect of multiple modifications to an approved regulating plan will be evaluated using the same standards in section 32-305(1)–(4) that apply to individual modifications.

(b) If proposed modifications exceed these thresholds or are deemed by director to be material changes that may affect the original planned development approval, the proposed modifications can only be approved by the Board of County Commissioners through the rezoning process.

(c) Approved modifications must be reflected on a new record copy of the regulating plan (see section 32-404).

Secs. 32-506—32-600. Reserved.

**ARTICLE VI. COMPACT COMMUNITIES
THROUGH OPTIONAL REGULATING PLANS****Sec. 32-601. Purpose of article.**

(a) This article will provide an optional administrative approval process to create compact communities on land designated as “Mixed Use Overlay” on Lee Plan Map 1, Page 6. This optional process will eliminate the need to rezone land and will provide clear standards for the development of compact walkable communities or fragments thereof. This process may also create additional TDR receiving areas (see article III).

(b) Before this article can be used by landowners, Lee County must create conceptual regulating plans for eligible property and add those plans to this article. This article must also be amended to describe the optional nature of this review process.

Secs. 32-602—32-700. Reserved.

**ARTICLE VII. COMPACT COMMUNITIES
THROUGH COUNTY-INITIATED REZONING****Sec. 32-701. Purpose of article.**

(a) This article will provide Lee County with the ability to create and/or protect compact communities through county-initiated rezoning.

(b) Before this article would apply to landowners, Lee County must create a detailed regulating plan and add the plan to this article and then rezone the affected land to a new zoning district created in this article.

Secs. 32-702—32-800. Reserved.