

EXHIBIT B

OBJECTIVE 33.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay existing rural residential areas that should be protected from adverse impacts of mining and specific locations for concentrating existing development rights on large tracts.

POLICY 33.3.1: Existing acreage subdivisions are shown on Map 17. These subdivisions should be protected from adverse external impacts such as natural resource extraction.

POLICY 33.3.2: Unsubdivided land is too valuable to be consumed by inefficient land-use patterns. Although additional acreage or ranchette subdivisions may be needed in the future, the preferred pattern for using existing residential development rights from large tracts is to concentrate them as compact internally connected Mixed-Use Communities along existing roads and away from Future Limerock Mining areas. Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from major DR/GR tracts into traditional neighborhood developments (see glossary).

1. Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control; ~~and, are.~~ The basic density is limited to the existing allowable dwelling units from residential density based upon the upland and wetland acreage of the DR/GR tract. The only net increases in dwelling units development potential will be through ~~the creation of incentives as specified in the LDC for permanent protection of indigenous native uplands (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands)~~ and through the acquisition of TDRs as provided in Policies 33.3.3 and 33.3.4.
 - a. When expanded with transferred development rights, the maximum gross density is 5 dwelling units per acre of total land designated as a Mixed-Use Community as shown on Map 17.
 - b. The maximum basic intensity of non-residential development is 75 square feet; per by-right (clustered) dwelling unit.
 - c. ~~The maximum intensity of non-residential development is up to 800 square feet per TDR credit.~~ The additional intensity that can be created by the conversion of TDR credits to non-residential development may not exceed 300,000 square feet of non-residential floor area in any Mixed-Use Community.
 - d. These limits on dwelling units and non-residential floor area do not apply to any land in a Mixed-Use Community that is designated Central Urban rather than DR/GR. Numerical limits for Central Urban land are as provided elsewhere in the Lee Plan.
2. Contiguous property under the same ownership may be developed as part of a Mixed-Use Community provided the property under contiguous ownership does not extend more than 400 feet beyond the perimeter of the Mixed-Use Community as designated on Map 17.
3. In 2010 an exception was made to the requirement in Policy 1.4.5 that DR/GR land uses must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels. Under this exception,

construction may occur on land designated as a Mixed-Use Community on Map 17 provided the impacts to natural resources, including water levels and wetlands, are offset through appropriate mitigation within Southeast Lee County. Appropriate mitigation for water levels will be based upon site-specific data and modeling acceptable to the Division of Natural Resources. Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, restoration of historic ecosystems, or other mitigation measures as deemed sufficient by the Division of Environmental Sciences. When possible, it is recommended that wetland mitigation be located within Southeast Lee County. The Land Development Code will be revised to include provisions to implement this policy.

4. To create walkable neighborhoods that reduce automobile usage and minimize the amount of DR/GR land consumed by development, the Land Development Code will specify how each Mixed-Use Community will provide:
 - a. A compact physical form with identifiable centers and edges, with opportunities for shopping and workplaces near residential neighborhoods;
 - b. A highly interconnected street network, to disperse traffic and provide convenient routes for pedestrians and bicyclists;
 - c. High-quality public spaces, with building facades having windows and doors facing tree-lined streets, plazas, squares, or parks;
 - d. Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility; and
 - e. Resiliency and sustainability, allowing adaptation over time to changing economic conditions and broader transportation options.

POLICY 16.2.6: Time share, fractional ownership units (meaning any dwelling unit for which ownership is shared among multiple entities for the primary purpose of creating short-term use or rental units rather than permanent full time residential units), and Bed and Breakfast establishments may be permitted if the property is included on Map 17 as Rural Golf Course Residential Overlay area. These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use.

POLICY 16.2.7: Time share, fractional ownership units, or Bed and Breakfast establishments will only be permitted in a designated Rural Golf Residential Overlay area as specified on Map 17 and may only be constructed through transferring density in accordance with Policy 33.3.2(1). Each dwelling unit that is otherwise eligible to be transferred to a Mixed-Use Community on Map 17 can instead be redeemed for one timeshare unit, one fractional ownership unit, or two Bed and Breakfast bedrooms.

POLICY 33.3.3: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to appropriate Future Urban Areas (see Objective 1.1), such as specifically the Mixed-Use Overlay, and the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To ~~these this ends~~, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated areas. appropriate Future Urban Areas or from one landowner to another who wishes to develop a Mixed-Use Community, wishes to exercise these development rights outside the DR/GR area. This program will also allow limited, or development in accordance with Policy 16.2.6 and 16.2.7.
2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are encouraged. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones where non-residential uses are encouraged. Specific requirements for incorporating these uses into Mixed-Use Communities ~~are set forth~~ ~~will be found~~ in the Land Development Code.
3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems.
4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).
5. ~~4:~~ Lee County will seek to include the Mixed-Use Communities in a multimodal transportation district to mitigate the effects of SR 82's status as an emerging component of Florida's Strategic Intermodal System: (or the county will pursue a comparable mechanism that would achieve similar results). The county's planning will include the following steps:
 - a. Actively seek advice, technical assistance, and support from Florida DOT and DCA, beginning in 2010, while formulating the scope of a technical evaluation of a potential multimodal transportation district that includes the four Mixed-Use Communities adjoining S.R. 82.
 - b. Conduct the necessary technical studies in 2011 to determine the potential for substantial trip diversions from Lehigh Acres residents, the viability of transit service to these Mixed-Use Communities, and the practicality of the maintaining the adopted level-of-service standards on S.R. 82.
 - c. Adopt a Lee Plan amendment establishing a multimodal transportation district (or comparable mechanism) no later than 2012.

POLICY 33.3.4: The new TDR program will have the following characteristics:

1. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
- ~~2. The maximum number of DR/GR TDR credits that may be established may not exceed 9,000 credits.~~
- ~~2.~~ 3. The preferred receiving locations for the transfer of TDRs are within appropriate designated Future Urban Areas due to their proximity to public infrastructure and urban amenities (see Objective 1.1), specifically such as the Mixed-Use Overlay, and the Lehigh Acres Specialized Mixed Use Nodes, and the future urban land use categories that allow bonus density (see Table 1(a)). The only acceptable sites in the DR/GR area permitted to receive for accepting transferred development rights are Mixed-Use Communities or Rural Golf Course Communities as shown on Map 17.
- ~~4. The transfer rate may include a multiplier that reflects the natural or restoration value of the tract from which development rights are transferred.~~
- ~~3.~~ One TDR credit may be created for each allowable dwelling unit in the DR/GR area. Incentives for permanently protecting indigenous native uplands, allowing up to one extra dwelling unit for each five acres of preserved or restored indigenous native uplands.
- ~~4.~~ As an additional incentive for protecting certain priority restoration lands (see Policy 33.2.3.2), each TDR credit created pursuant to the preceding subsection will qualify for up to two additional TDR credits if the credits are created from land in Tiers 1, 2, 3, or the southern two miles of Tiers 5, 6, or 7 as shown on the DR/GR Priority Restoration overlay.
- ~~5.~~ The maximum number of TDR credits can be created from Southeast DR/GR lands is 9,000.
- ~~6.~~ No more than 2,000 dwelling units can be placed in the Southeast DR/GR Mixed-Use Communities through the TDR credit program.
- ~~5.~~ Transfer rates may include a multiplier when units are transferred to Future Urban Areas that are proximate to public infrastructure and urban amenities.
- ~~7.~~ TDR credits may be redeemed as follows:
 - ~~a.~~ In Mixed-Use Communities in DR/GR areas, each TDR credit may be redeemed for a maximum of one dwelling unit and a maximum of 800 square feet of non-residential floor area.
 - ~~b.~~ In Rural Golf Course Communities, see Policy 16.2.7.
 - ~~c.~~ In the Future Urban Areas described in paragraph 2 above, each TDR credit can be redeemed for a maximum of 2 dwelling units. In these Future Urban Areas, the redemption of TDR credits cannot allow densities to exceed the maximum bonus density specified in Table 1(a).
 - ~~d.~~ Redemption of TDR credits within incorporated municipalities may be allowed where interlocal agreements set forth the specific terms of any allowable transfers and where the redemption allows development that is consistent with the municipality's comprehensive plan. As in the County's Future Urban areas, each TDR credit may be redeemed as 2 dwelling units.
- ~~8.~~ 6. When severing development rights from a tract of land in anticipation of transfer to another tract, a landowner must execute a perpetual conservation easement on the tract that acknowledges the severance of development rights and explicitly states one of the following options:
 - a. Continued agricultural uses will be permitted;
 - b. Conservation uses only;

- c. Conservation use and restoration of the property; or
- d. Some combination of the above options.

POLICY 33.3.5: The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Mixed-Use Communities as designated on Map 17.

POLICY 33.3.6: By 2012 Lee County will evaluate the establishment and funding of a DR/GR TDR bank that will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market.

XII. GLOSSARY

DENSITY - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except within areas identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 6) that have elected to use the process described in Objective 4.2 and except within areas identified as Rural or Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.