

**New Horizon 2035: Lee Plan Update  
Local Planning Agency Position Paper  
Lee County Mixed-Use  
November 18, 2011**

## **Background**

Central to the vision adopted through the 2011 Evaluation and Appraisal Report (EAR) is the development of mixed-use centers. According to the report, mixed-use centers are:

*“Places that feature a complementary mix of uses, promote livability and walkability, and include a variety of residential housing opportunities. ... These places (are) focused within compact centers of activity linked by a multi-modal transportation system that provides a more varied set of travel choices.”*

As places that bring people, neighborhoods, commercial centers, public facilities, parks, and multi-modal transportation systems together, mixed-use centers are essential to Lee County’s future.

While the EAR highlighted mixed-use centers as a central component of the county’s future vision, enabling and promoting development of mixed-use centers has been a focus of Lee County’s planning and development effort for nearly three decades. Here is a summary of the county’s thirty-year effort to foster mixed-use developments:

- 1984 – The Lee Plan adopts Future Land Use Categories that allow for a mixture of residential uses along with commercial, office, and (in some categories) light industrial.
- 1991 – Lee Plan policies were adopted to promote mixed-use developments through clustering uses, reducing vehicular trips, and minimizing sprawl. The policies called for the development of mixed-use zoning classifications such as planned villages.
- 1994 –The Mixed-Use Planned Development Zoning Classification (MPD) is adopted into the Lee County Land Development Code to help, *“capture within the development a substantial percentage of the vehicular trips that are projected to be generated.”* Amendments to the MPD have been adopted to further encourage mixed-use zoning.
- 2004 – The 2004 EAR identified the need to better promote the development of mixed-use centers including the establishment of mixed-use future land use overlay areas, form-based code standards, and development incentives and disincentives.
- 2007 – Lee Plan Goal 4: Sustainable Development Design is adopted to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Additional amendments to the Future Land Use Map Series are adopted to include an overlay depicting targeted mixed-use development areas.
- 2010 – The Compact Communities Code is adopted into the Lee County Land Development Code to provide form-based regulations intended to create compact, walkable neighborhoods and mixed-use areas.

- 2011 – The New Horizon 2035: 2011 EAR identifies mixed-use centers as one of the primary components of the county’s updated land use framework and highlights how the Lee Plan can be amended to better foster mixed-use through the county’s future development efforts—particularly those in redeveloping commercial centers and corridors.
- 2010-2011 – Community Planning Program initiates the planning of up to six mixed-use centers within three local community planning areas (North Fort Myers, Lehigh Acres, and Palm Beach Boulevard) utilizing the Compact Communities Code.

### **Challenges to Achieving Mixed-Use**

Despite the county’s efforts to support the development of mixed-use areas, the predominant development pattern in Lee County is comprised of single-use, separated residential, commercial, professional, industrial, and public space and parks areas that are each best accessed by personal vehicles. In order to determine why the county’s efforts to foster mixed-use have not achieved the intended goals, Lee County has been engaged in a series of staff charrettes, Local Planning Agency (LPA) policy workshops, and Community Sustainability Advisory Committee (Sustainability Committee) policy meetings. The goal of these discussions is to better understand why the county’s past efforts have not achieved the desired development practices and identify specific policies and practices that will enable the county to achieve its goal of developing mixed-use centers.

#### Suburban-based Lee Plan Policies

Through these different discussions, a common theme has come forward—the county has gotten where we are because of its land use policies and zoning standards. The LPA summed up the problem when they explained that, “we are trying to get to urban with suburban land uses and zoning.” Specifically, the county’s compatibility, density standards, buffering, open space requirements, separation of use restrictions, transportation and infrastructure level of service (LOS) standards, site location standards, and other comprehensive plan policies and LDC development requirements have been discussed as reasons the county has a predominantly suburban land use pattern. The regulations were designed to implement a more suburban form of development, where a development has a mixture of uses located adjacent to other uses but rarely has a true integrated and interconnected mix of uses.

In an effort to ensure compatibility between uses and adjacent neighborhoods, commercial centers, and public resources the county has adopted regulations that focus on density, intensity, height, building envelope, and use restrictions through the establishment of setbacks, sideyard buffers, height limits, minimum lot sizes, and lot coverage limits.

Conventional policies and standards are designed to provide for orderly growth, preventing overcrowding of land and people, alleviating congestion, and separating incompatible uses, and buffering adjacent uses. Over the last couple of decades, planners have become increasingly aware that conventional policies and standards are designed to develop suburbia and as a result have a strong influence on how we live our lives. In a study about what is the most appropriate land use tool for development of mixed-use neighborhoods John Barry explained:

*The conventional zoning practices that became widely accepted in the later part of the twentieth century have drastically changed the way American cities and towns have been physically planned and developed. Conventional zoning has encouraged suburban sprawl through its promotion of low density and single use development. The consequences of this type of zoning are not limited to the physical design of the neighborhoods in which we live and work. Sprawl has also changed the way in which Americans conduct their daily lives as we increasingly rely on the automobile to commute to school and work or run errands. (Connecticut Law Journal, Form Based Codes: Measured Success Through Both Mandatory and Optional Implementation)*

### *Lee Plan*

Examples of the county's conventional land use policies and development standards included within the Lee Plan are as follows:

- Buffering/Open Space Requirements:
  - Goal—77
  - Objectives—1.3, 31.4, 77.1, 77.2, 77.3,
  - Policies—1.1.7, 1.4.7, 5.1.5, 5.1.6, 6.1.6, 7.1.8, 16.3.5, 41.1.4, 77.1.1, 77.2.1, 77.3.1, 77.3.4, 107.11.4
  
- Compatibility:
  - Objectives—16.3, 47.2, 66.3
  - Policies—2.2.1, 6.1.1, 6.1.2, 7.1.1, 7.1.2, 7.1.3, 9.2.1, 16.3.3, 17.4.1, 18.1.7, 33.3.2, 46.2.2, 46.4.2, 47.5.4, 85.1.1, 105.1.2
  
- Site location:
  - Goals—6, 39
  - Objectives- 37.1, 37.3
  - Policies—1.4.5, 6.1.2, 18.1.7

In addition to these policies, the county's existing urban and mixed-use land use designations as established in the Future Land Use Element, Future Land Use Map, and Table 1(a) Summary of Residential Densities support densities that are too low to adequately foster mixed-use developments.

### *Land Development Regulations*

Lee County's experience with conventional land use policies and development regulations is not surprising; as a study of conventional land use practices by the American Planning Association (APA) found that such practices may hinder the building of traditional, mixed-use neighborhoods and community centers,

*An evaluation of development trends and the zoning requirements of many communities identified serious problems associated with .... suburban communities. In many instances, conventional zoning regulations are the major contributors towards many communities ... While*

*there is interest in traditional urban communities, existing zoning regulations make redevelopment of urban communities more difficult by applying suburban zoning standards. Larger setbacks and excessive parking requirements make many cherished urban buildings and spaces nonconforming. (American Planning Association)*

Additional planning research has shown that many communities have experienced challenges similar to those Lee County has faced when they tried to implement mixed-use goals through conventional based land use designations and zoning standards. While many local governments sought to use conventional based development policies and practices such as clustering land uses, planned development zoning classifications, and design standards tools to promote mixed-use development, such tools were designed to separate uses and guard against incompatibility. As explained in an article by the Michigan Association of Planning (now known as Michigan APA),

*Planned unit developments (PUD) have been used for many years as an effective means of developing coordinated larger sites. ... However, in many instances, what is intended to be a "mixed-use" development actually ends up being "multiple-use," where there are separate and distinct areas of land uses that are not truly integrated into a mixed-use development. The other limitation of a PUD is that it is designed primarily for the development of larger sites, and with few exceptions, is not well suited for use on individual lots in an urban environment.*

*Clustered open space developments have had success in preserving open space and natural features. ... While open space developments are a significant improvement from (other types of) conventional zoning, the developments still tend to be separated, single-use tracts of land.*

*Many communities have adopted design standards ... While these design standards have been effective in improving the appearance of buildings and landscaping, the standards fail to create meaningful change in the urban form - the end result is usually aesthetically-pleasing sprawl. (Michigan APA)*

Thus, despite the fact that the county desired mixed-use developments and had policies and regulations that allowed for such developments, the conventional land use and zoning practices predominantly found within Chapter 10: Development Standards and Chapter 34: Zoning of the Lee County Land Development Code have resulted in the county's suburban development pattern.

The lesson to be learned from the experiences of Lee County, planning research, and many other jurisdictions indicates that attempts to establish mixed-use centers through conventional zoning practices may not be successful because such practices are intended to develop suburban communities, not mixed-use areas.

#### *Market Forces and Development Process*

The market (aka development community, financial system, property seller, prospective property owner, and community member) is another reason for Lee County's suburban development pattern. The market contributed to suburbia by developing communities which were said to meet the overriding desire for single

family homes located in residential neighborhoods buffered from incompatible uses by landscaping, roadways, and gates. The so called, “*American Dream Home*” was fueled by the development of roadways and cheap fuel. The average American house size has more than doubled since the 1950s and now stands at 2,349 square feet while approximately seventy-five percent of Americans live in suburban communities. As the market has sought to meet the demand for single-family suburban homes and neighborhoods, there has been little to no perceived demand or need to construct more integrated mixed-use developments and centers.

Lee County’s development form has been shaped by four other significant market forces: 1) the timing of the Lee County’s growth, 2) large amounts of undeveloped suburban land uses, 3) developer specialization and 4) development financing. First, Lee County was largely developed after the suburban housing market became the dominant form of development in the mid-twentieth century. Unlike communities in the North and Southeast which originated in the eighteenth and nineteenth centuries, the county did not have many traditionally established downtown centers, connected neighborhoods, and integrated communities around which suburban neighborhoods developed. Second, when Lee County’s development boom began in the later part of the twentieth century, the county had vast amounts of undeveloped lands designated for low-density land uses. The market took advantage of these large land areas and produced vast areas of suburban developments. Third, as time progressed and the suburban movement grew, developers began to specialize in only one type of development. As a result, developers chose to specialize in one type of use (residential or commercial) and grew uncomfortable attempting mixed-use developments. Fourth, federal financing criteria made development project funding much more available for suburban communities than mixed-use developments. Thus, even developers who may have been interested in developing a mixed-use project were more likely to build a suburban development. Finally, as communities attempted to make mixed-use development easier to construct through techniques such as reduced or shared parking, the financial community grew uneasy about the viability of mixed-use centers without enough parking to satisfy the now ingrained suburban lifestyle.

### **Future Lee County Mixed-Use Practices**

Recognizing that the county needed policies and practices that would better promote and support the development of mixed-use projects, the New Horizon 2035: Lee Plan Update is being reviewed in order to determine how the county’s land use policies and practices can provide:

- Greater direction about how mixed-use centers ought to be developed;
- Minimize policy and regulatory constraints to mixed-use developments;
- Higher level of certainty about the approval process; and
- Better predictability about project outcomes.

Through these updates, the county intends to develop mixed-use policies and standards that focus on the development’s form, design, and intent. The goal is to ensure that county’s future mixed-use efforts produce mixed-use development not projects with adjacent mixture of uses.

In order to achieve this goal, the EAR recommended that the county refine its mixed-use approach to better account for the specific location, size, context, and design conditions of the county’s different urban, suburban,

and rural places. The report established a basic mixed-use framework which described the form, function, and components of mixed-use development. The LPA workshop (see attached discussion summary) in October 2011 built off this discussion as it sought to provide further mixed-use policy direction.

Staff is using this information to help develop a mixed-use policy and development strategy, which will be presented to the LPA and Sustainability Committee starting in December 2011. However, while staff continues to work through the development of this strategy, it is appropriate to confirm what the county is looking to accomplish through its future mixed-use practices by examining where mixed-use center should be located, what the form and character of mixed-use centers ought to be, and how to promote mixed-use through appropriate land use categories and standards.

### Mixed-use Locations Discussion

Recognizing that location is critical to the success of the county's future mixed-use strategy, a good deal of thought has gone into this first aspect of the county's mixed-use strategy. This topic involves whether the Future Land Use Map Mixed-Use Overlay should be amended to better delineate where mixed-use locations are and better direct how to blend such areas with the surrounding existing neighborhoods, service areas, and employment centers. The issue will be address through a discussion of the following concerns:

- Targeted locations that are specifically defined with specific land use categories and delineated on the Future Land Use Map.
- Flexible locations that are generally defined by an overlay on the Future Land Use Map.
- Redevelopment and infill locations that explain how to incorporate mixed-use areas within an existing development area.
- Greenfield and rural locations that explain how mixed-use areas can be used to help protect the character of rural communities.
- Mixed-use location criteria that help establish where mixed-use developments should be placed in proximity to residential, commercial, and industrial uses; transportation resources; and parks and public space areas.

### *Targeted Mixed-Use Locations*

The argument for better defined locations is that the current overlay map is too broad and does not articulate the county's mixed-use priorities. By better delineating mixed-use areas, the map could be better able to focus its mixed-use efforts into targeted areas. According to the EAR, the county should identify specific types of mixed-use areas (regional, community, neighborhood, or rural) and develop land use policies and standards for each of these areas. During their October 2011 mixed-use discussion, the LPA further identified a number of specific locations where the county should target future mixed-use activities (i.e.: Treeline Avenue from Corkscrew Road to Colonial Boulevard; airport area, Six Mile Cypress Parkway to Metro Parkway; Palm Beach Boulevard corridor west of I-75; Winkler Road and College Parkway; and Alva Center). The LPA also stated the county should be committed to mixed-use in targeted locations by not bending to community misperceptions about mixed-use, collaborating with community groups to help address their needs and concerns through the planning process, and working with property owners to recognize the financial advantages of developing a mixed-use project.

The county has targeted a number of mixed-use center areas as part of the community planning efforts in North Fort Myers, Lehigh Acres, Alva, Caloosahatchee Shores, and Palm Beach Boulevard. Additionally, the Estero community is working to identify potential locations as part of a current effort to update their community plan. Moreover, in four specific locations—North Fort Myers Town Center, Lehigh Acres Downtown, Lehigh Acres Community Center on Homestead Road, Lehigh Acres Neighborhood Center on Joel Boulevard, and the Palm Beach Boulevard Corridor west of I-75—the county has initiated the master planning of the community centers through implementation of the Compact Communities Code, planning of transportation improvements, and review of infrastructure needs. By targeting mixed-use locations, the county is able to focus its planning efforts, coordinate infrastructure concerns, and facilitate community planning efforts. Such publically sponsored planning efforts help attract private investments by ensuring that there is community support for the proposed effort, which makes the development review process more predictable.

#### *Flexible Overlay Mixed-use Locations*

While there is value in better targeting mixed-use locations, one of the strengths of the broad overlay map is that it is flexible and open. This flexibility allows privately initiated mixed-use efforts to come forward in locations not previously identified. Privately initiated efforts are often more likely to move beyond the planning stage because there is a known project developer and needed financial backing. This influence can be seen in the county's current planning efforts as only one of the two mixed-use projects currently under development review—Downtown Estero—is located within the mixed-use overlay.

#### *Redevelopment/Infill Mixed-Use Locations*

Redevelopment and infill mixed-use development areas are usually characterized by a high degree of existing build-out, which makes it difficult to assemble raw land on which to build. However, some districts within the county where there are many failed shopping plazas, professional buildings, and undeveloped infill sites present great opportunities in which to introduce a mixed-use development. While auto-oriented strip malls, large-lot developments, and vacant infill sites are fundamentally incompatible with mixed-use, these types of locations represent prime opportunities for conversion to mixed-use over the long term. This is because existing, underutilized suburban commercial centers and neighborhoods have large amounts of open land (parking lots, large open spaces, and stormwater areas) that may be better used as part of an overall mixed-use design. Additionally, they often are located along major roadways and can be easily linked to transit, surrounding neighborhoods, and nearby commercial areas. The key for the county will be to identify mixed-use locations that can easily transition to existing residential neighborhoods and developments so as to provide for the needs of the existing neighborhoods and businesses while protecting the existing character and viability of the community.

#### *Greenfield/Rural Mixed-Use Locations*

Development on greenfield sites in rural areas can be guided by mixed-use principles in order to minimize environmental impacts associated with new development. They may be used in Lee County's rural areas to help transfer existing rural densities into areas most suitable for development. While the county needs to be cautious when identifying greenfield locations so as to not further impact the remaining rural areas, small rural mixed-use centers (through the use of transfer of development rights), may help protect the county's

diminishing rural lands. Greenfield and rural locations that are appropriate for mixed-use include community centers where schools, post offices, parks, churches, convenience shops, personal services, and rural neighborhoods are located. The key is to develop and locate rural mixed-use areas in areas where they are most able to provide for the local needs of the community without allowing new development to encroach upon the rural agricultural areas and farming operations.

#### *Mixed-Use Location Criteria*

Regardless of whether the county targets specific mixed-use locations or promotes a variety of broadly defined areas, mixed-use developments need to be placed in appropriate locations. The county's many underutilized suburban strip centers and infill properties clearly offer the most promising locations, however carefully selected greenfield sites may help protect the county's vital rural lands. The following list expresses some of the criteria which have been identified by the EAR, LPA, and staff as to where mixed-use developments ought to be located:

- Adjacent to, centered within, or surrounded by active development areas, with a variety of diverse residential neighborhoods, employment centers, and public resources (i.e.: parks, government buildings, churches, greenways, and educational and sport facilities) nearby.
- In an area with a high level of connectivity to surrounding areas with strong accessibility via multiple transportation options:
  - Opportunities for pedestrian and bikeway access to residential, workplace, and park areas;
  - High level of accessibility to transit corridors and major roadways;
  - Be situated by intersections near major roadways;
  - Consider proximate to ports, airports, and major roadways; and
  - Promote housing near bus routes.
- Near a major transportation corridor with ample opportunities for bicycle and pedestrian access.
- Near economic development areas so that the mixed-use development can benefit from at least one strong economic anchor that provides jobs for residents, patrons for smaller shops and services, and destination for day users.
  - An economic anchor may include a large entity such as government office, health facility, college, transportation hub, or large employer or a group of organized smaller businesses such as medical offices, professional centers, or commercial retail center.
- Create synergies with surrounding residential neighborhoods, commercial districts, employment areas, government centers, transportation resources, public spaces and parks, greenways and blueways, and other community assets.

#### Location Recommendation

Recognizing the need to both clearly identify specific locations and allow for other development areas to be identified over time in appropriate locations, staff recommends that the current mixed-use overlay be maintained, with adjustments to help target pre-identified locations where public investment should be used to help foster the development of a mixed-use area. In order for the mixed-use overlay to achieve better success, breaking down the barriers described in this and other issue papers (i.e.: urban/suburban/rural/environmental resource area, mixed use land development standards, interchanges, transportation, and public infrastructure)



must also occur. This would include a revision to the conventional land use policies and regulations that restrict uses and promote separation where mixed-use center development meets the location criteria. These revisions would focus on the mixed use areas but must also specify which are applicable in areas outside of the overlay. Additionally, the Lee Plan should establish criteria to help identify where mixed-use centers ought to be located.

### Form and Character Discussion

Mixed-use developments are designed to be vibrant, diverse neighborhoods with higher densities and a range of complementary uses such as commercial shops, restaurants, services, employment centers, governmental services and resources, and public gathering spaces and park areas. They are characterized by their integrated, accessible, and context-oriented form that provides a variety of uses, diverse housing types, employment opportunities, multiple transportation resources, and are anchored by a central public space and civic activity.

The American Institute of Architects asserts that the following form and character features are essential components of mixed-use communities:

- Parks, schools, civic buildings, and commercial establishments located within walking distance of homes;
- Residences with narrow front setbacks, front porches, and detached rear garages or alley-loaded parking;
- Network of interconnected streets and paths suitable for pedestrians, bicyclists, and vehicles;
- Narrower streets with crosswalks, streetscaping, and other traffic-calming measures;
- In-scale development that fits the local context; and
- Buildings oriented to the street with parking behind.

At their October workshop, the LPA as well as the Sustainability Committee and Lee County staff echoed these ideas as they identified what mixed-use design practices should be addressed through the county's form and character policies. These ideas are the basis for the following list of form and character features:

- Human-scale active streetscapes should be established to promote walking, biking, public gatherings, and outside eating.
  - Issues regarding personal comfort should be addressed by providing ample shade, sitting and rest areas, accessible walking spaces, designated bicycle pathways, accessible public spaces, and welcoming green space areas.
- Step-down uses with the densest, most intense, and tallest buildings at the core of the development and less dense residential and public space uses at the fringe where they transition—not buffer—residential areas from surrounding commercial, professional, and other uses.
  - Height should be context-sensitive with smaller mixed-use developments at a more minimal height and community or regional centers a higher height consistent with the density and intensity of the area. Excessively tall buildings, like those along the river in downtown Ft Myers, should be avoided.
- Easily accessible commercial areas which attracts visitors as well as people who work and live in the area.
- Residential densities in the community need to be high enough to provide internal capture for retail and restaurant businesses after commuters have left.

- The highest density residential areas should be located within the commercial areas as well as immediately adjacent to the core areas.
- Moderate density residential single family lots (cottage homes, duplexes, granny flats, etc..) should be located adjacent to higher density residential.
- Lower density estate homes should be located adjacent to moderate density residential areas.
- Parks, civic, and other uses should be spread throughout the development to provide linkages from one area to another and help promote an active streetscape and community environment.
- Minimum density/intensity standards for transit-oriented mixed-use development should be 20-25 dwelling units per acre (du/a) with an additional 50,000 square feet of office and professional use. Residential density could be slightly lower (15 to 20 du/a) if additional office and professional space were incorporated at intensive densities (additional 25,000-35,000 sq. ft) to offset the loss of dwelling units.
- Connectivity within and between the development and other areas in the county should be at a high level to encourage internal capture, promote multi-modal transportation, and allow for short daily trips.
- Highly integrated transportation system designed to the human scale that features convenient transit service; short walkable blocks; grid system roadways; roundabouts; sidewalks, pedestrian pathways, and bikeways and crosswalks; traffic calming measures (narrow lanes, on-street parking, streetscaping, and speed humps); shared parking (structures, interior lot, and on-street parking); and transit hubs.
- Design needs to provide safe, walkable and bikeable conditions that protect the walker or bike rider from cars through streetscapes that include tree lined streets, on street parking, raised curbs, greenscape between sidewalks and the road, and designated bike lanes.
- The variety of types of housing units typical of TND gives people and households at all stages of life housing alternatives suited to their needs, thus providing stability to a community. The proper density of housing (typically very high) will also support the commercial and civic functions at the TND.
- An emphasis on transit in urban and mixed use areas to shift away from automobile scale of development. Revised Level of Service standards (including LOS for other modes) and traffic analysis requirements.
- Creation of a place as a destination rather than a place to drive past or through.
- Removal of barriers and/or provision of incentives.
- Mixed-use development requires local connectivity and access to all areas. Along with bicycling, walking, and vehicle access, mixed-use areas should provide additional access with choices including public transit. Buses provide transit options, but must be considered along with regional highway access.

The challenge for the county moving forward will be how to utilize such features in the development of future development projects in order to ensure that they achieve the desired mixed-use form and character. Questions regarding how to apply and where to use such features must be thought through in order that the county may determine how to establish policies related to mixed-use.

### Form and Character Recommendations

*These form and character principles express the mixed-use form of development which the county has been trying to establish for three decades. Throughout the New Horizon 2035: Lee Plan Update process, the county has led a discussion about how to ensure these principles get implemented through the development of true mixed-use places. Based on these discussions, staff has determined that the above form and character features ought to be utilized as the basis for design principles which should be applied to future mixed-use development projects.*

*Form and character design principles would expand upon the current Lee Plan Goal 4: Sustainable Development Design and the development standards established in the Lee County Land Development Regulations: Chapter 32 Compact Communities Code to create policies focused on the development of mixed-use places. Additionally, they would support additional new or updated mixed-use policies found throughout the Lee Plan, particularly the Visioning, Future Land Use, Transportation, and Community Facilities Elements.*

*Staff recommends that these mixed-use form and character design principles be developed according to the specific context of the mixed-use development—whether urban, suburban, or rural. Mixed-use development will follow these principles whether they are located in an area that has been targeted for mixed-use or whether the property chooses mixed-use. Staff also recommends that properties that follow such principles be provide mixed-use incentives such as bonus densities and/or intensities, transfer of development rights, and streamlined administrative review processes.*

*Particularly, staff recommends that the policies address the following considerations:*

- Higher densities and intensities within the mixed-use areas so as to support the development’s viability and ensure functional transit opportunities.*
- Open and accessible connectivity with surrounding development and neighborhoods must be provided through roadway, greenway, sidewalk, and park connections.*
- Neighborhoods that surround mixed-use ought to have minimum densities so as to provide a transition from the mixed-use development to surrounding residential areas.*
- Enhanced transit facilities (accessible and safe bus stops, shelters and stations, sidewalks, bike trails, etc...) will be provided to allow the center to be connected through a county-wide multi-modal transportation system.*
- Incentives for development which promote the implementation of mixed-use principles. Such incentives may include density bonuses, less intensive administrative processes, and other considerations as identified through the LPA discussions.*

### Mixed-Use Character Types Discussion

*Throughout the discussion about how to ensure future county land use policies and practices result in the types of mixed-use development that the county envisions for its future, one common concern was identified: how to ensure that the county’s land use standards promote such developments. While all of the county’s current land use categories allow for mixed-use, the standards have not resulted in the development of mixed-use projects. In*

*fact, as discussed in Urban-Suburban-Rural-Environmental Framework Issue Paper, the developments that resulted from current land uses rarely achieved the allowable density and intensity levels.*

*Addressing this concern has been identified as a critical component of achieving the county's vision for mixed-use and distinct urban-suburban-rural places. One way to accomplish this is to better define how the county expects mixed-use areas to be designed and also better express the purpose and intent of developments in these areas.*

*The following is a summary of three mixed-use character types that accomplish this goal in urban, suburban, and rural contexts:*

- High density and intensity mixed-use developments: designed to be located in urban communities and function like a downtown area with a high level of connectivity both internally and regionally, variety of housing types, many diverse economic and governmental operations, and varied public spaces. These are the regional hubs, which unite the entire region, providing for their center for commerce, government, and culture. These types of mixed-use developments are located in close proximity to an interchange of predominant roadways with high levels of transit service. With a proportion of civic to economic to residential space at approximately 15:60:35. This type of center would be expected to feature buildings with greatest height, mass, and scale as height ranges would range under 12 stories depending on the area.*
- Moderate density and intensity mixed-use developments: designed to be located in urban or suburban communities and function like a community center with strong levels of connectivity within the community and moderate amounts to other parts of the region, variety of housing types, highly visible and viable economic anchor, and varied public spaces. These are community centers, which meet the needs of the local area and community, providing for a central community hub for jobs, commercial needs, and public resources. They are typically located at the intersections of arterials and collector roadways where they may be served by existing and planned future transit. With a proportion of civic to economic to residential space at approximately 20:50:30. This type of center would be expected to feature buildings with a moderate height, mass, and scale as height ranges would range under 7 stories depending on the area.*
- Low density and intensity mixed-use developments: designed to be located in rural or suburban communities and function like a neighborhood center with block level grid connectivity and good external connections, limited housing options, few economic resources, and central gathering places. These are the neighborhood main streets which meet the commercial and social needs of the local neighborhood. They are typically between 3 and 5 acres in size and located along the main corridor or near the center of the neighborhood. With a proportion of civic to economic to residential space at approximately 15:35:50. This type of center would be expected to feature buildings with a low height, mass, and scale so as to easily blend with the surrounding areas as height ranges would range under 4 stories depending on the area.*

### Mixed-Use Character Types Recommendation

*As the county seeks to better promote the development of mixed-use developments, these character types staff recommends become the basis for the establishment of three mixed-use land use categories. Staff has identified the value of utilizing these three different mixed-use character types to help define how the county expects mixed-use areas to be designed and express the purpose and intent of developments in these areas. Specifically, the establishment of mixed-use land use characters would address a number of challenges the county has had in achieving its mixed-use development goals including:*

- *Identification of specific locations where mixed-use is required as part of the development project.*
- *Determination of what development policies and standards are to be applied to proposed mixed-use development projects. Mixed-use development policies and standards should address density and intensity provisions, development incentives, location criteria, civic to economic to residential space ratios, appropriate heights, infrastructure provision, and multi-modal transportation resources.*
- *Identification of how land uses are to be integrated within the development projects in order to ensure that such development result in a true mixed-use community not a multiple use development area.*
- *Establishment of an interconnected multi-modal transportation system that provides for the safety of all users and accessibility of all modes.*
- *Articulation of form and character principles that are to be applied in designated mixed-use areas. The principles should recognize the need to consider the relationships between the building and the street, the building and the block, the block and the surrounding area, and the overall development with the greater community and region.*

*Staff recommends that the LPA and Sustainability Committee review the three mixed-use character types and provide direction about how the descriptions could be implemented through future policies and land development standards. Specifically, staff recommends that the committee discuss appropriate densities and intensities, land use standards, and design considerations. Such discussions will be the basis of the land use designations to be presented as part of the December 2011 Mixed-Use Land Use Designations Issue Paper.*

*Questions that should be considered as part this discussion, which will occur at LPA and Sustainability Committee meetings in November and December include:*

- *Specify locations the are appropriate for:*
  - *High density and intensity mixed-use developments?*
  - *Moderate density and intensity mixed-use developments?*
  - *Low density and intensity mixed-use developments?*
- *Development standards that address density and intensity provisions, location criteria, civic to economic to residential space ratios, and appropriate heights:*
  - *High density and intensity mixed-use developments.*

- *Moderate density and intensity mixed-use developments.*
  - *Low density and intensity mixed-use developments.*
- *Context-based connectivity standards for:*
  - *High density and intensity mixed-use developments.*
  - *Moderate density and intensity mixed-use developments.*
  - *Low density and intensity mixed-use developments.*
- *Infrastructure provision standards for:*
  - *High density and intensity mixed-use developments.*
  - *Moderate density and intensity mixed-use developments.*
  - *Low density and intensity mixed-use developments.*
- *Types of mixed-use incentives that would effectively promote to development of mixed-use areas.*

**New Horizon 2035: Lee Plan Update  
Local Planning Agency Position Paper  
Lee County Mixed-Use  
November 29, 2011**

**Background**

Central to the vision adopted through the 2011 Evaluation and Appraisal Report (EAR) is the development of mixed-use centers. According to the report, mixed-use centers are:

*“Places that feature a complementary mix of uses, promote livability and walkability, and include a variety of residential housing opportunities. ... These places (are) focused within compact centers of activity linked by a multi-modal transportation system that provides a more varied set of travel choices.”*

As places that bring people, neighborhoods, commercial centers, public facilities, parks, and multi-modal transportation systems together, mixed-use centers are essential to Lee County’s future. Furthermore, the County cannot afford to continue to provide the basic infrastructure necessary to support future growth and development in the current suburban patterns.

While the EAR highlighted mixed-use centers as a central component of the county’s future vision, enabling and promoting development of mixed-use centers has been a focus of Lee County’s planning and development effort for nearly three decades. Here is a summary of the county’s thirty-year effort to foster mixed-use developments:

- 1984 – The Lee Plan adopts Future Land Use Categories that allow for a mixture of residential uses along with commercial, office, and (in some categories) light industrial.
- 1991 – Lee Plan policies were adopted to promote mixed-use developments through clustering uses, reducing vehicular trips, and minimizing sprawl. The policies called for the development of mixed-use zoning classifications such as planned villages.
- 1994 –The Mixed-Use Planned Development Zoning Classification (MPD) is adopted into the Lee County Land Development Code to help, *“capture within the development a substantial percentage of the vehicular trips that are projected to be generated.”* Amendments to the MPD have been adopted to further encourage mixed-use zoning.
- 2004 – The 2004 EAR identified the need to better promote the development of mixed-use centers including the establishment of mixed-use future land use overlay areas, form-based code standards, and development incentives and disincentives.
- 2007 – Lee Plan Goal 4: Sustainable Development Design is adopted to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Additional amendments to the Future Land Use Map Series are adopted to include an overlay depicting targeted mixed-use development areas.

- 2010 – The Compact Communities Code is adopted into the Lee County Land Development Code to provide form-based regulations intended to create compact, walkable neighborhoods and mixed-use areas.
- 2011 – The New Horizon 2035: 2011 EAR identifies mixed-use centers as one of the primary components of the county’s updated land use framework and highlights how the Lee Plan can be amended to better foster mixed-use through the county’s future development efforts—particularly those in redeveloping commercial centers and corridors.
- 2010-2011 – Community Planning Program initiates the planning of up to six mixed-use centers within three local community planning areas (North Fort Myers, Lehigh Acres, and Palm Beach Boulevard) utilizing the Compact Communities Code.

Despite the county’s efforts to support the development of mixed-use areas, the predominant development pattern in Lee County is comprised of single-use, separated residential, commercial, professional, industrial, and public space and parks areas that are each best accessed by personal vehicles. In order to determine why the county’s efforts to foster mixed-use have not achieved the intended goals, Lee County has been engaged in a series of staff charrettes, Local Planning Agency (LPA) policy workshops, and Community Sustainability Advisory Committee (Sustainability Committee) policy meetings. The goal of these discussions is to better understand why the county’s past efforts have not achieved the desired development practices and identify specific policies and practices that will enable the county to achieve its goal of developing mixed-use centers.

### **Challenges to Achieving Mixed-Use**

#### So What’s the Problem?

If the County has been supporting and promoting mixed use developments in their planning efforts for 30 years, why hasn’t the County seen more progress in the creation of mixed use places? Well first, Lee County is a County and not a City. In general, county planning practices, infrastructure planning and construction practices, and land development regulations don’t work together to create “town-like” communities, and that’s what mixed use development is. In Lee County some of the practical limitations to mixed use developments include:

1. The market dynamics in Lee County have consistently favored suburban residential and suburban commercial development. For example, many residential subdivisions are developed at densities LESS THAN the maximum density permitted by the adopted future land use designation.
2. Urban infrastructure systems are not in place to serve as a foundation for urban infill and redevelopment (as opposed to cities that do have that baseline infrastructure). The benefits of urbanization are shared by the community as a whole with regard to the financial and functional ability to provide regional scale infrastructure (such as roads, water and sewer, etc), however, the higher on-site cost to create the more detailed internal infrastructure is currently borne by the developer alone.
3. The County’s Utility Manual still includes technical specifications that not only foster suburban standards for utilities, including infrastructure placement, but may even restrict urban placement options.
4. Lee Plan and the County’s Land Development Regulations do not have urban standards for parks, transportation, parking, stormwater, or utilities.



5. Recent efforts, including the Compact Communities Code, do not completely resolve site design issues, currently include cross sections that do not provide for utilities, and does not work well for smaller infill parcels and redevelopment areas.

#### Suburban-based Policies & Regulations – A Closer Look

The LPA summed up the problem when they explained that, “we are trying to get to urban with suburban land uses and zoning.” Specifically, the county’s compatibility, density standards, buffering, open space requirements, separation of use restrictions, transportation and infrastructure level of service (LOS) standards, site location standards, and other comprehensive plan policies and LDC development requirements have been discussed as reasons the county has a predominantly suburban land use pattern.

1. **The application of Conventional Zoning Standards in Lee County has resulted in the county’s suburban development pattern.** Despite the fact that the county desired mixed-use developments and had policies and regulations that allowed for such developments, the conventional land use and zoning practices predominantly found within Chapter 10: Development Standards and Chapter 34: Zoning of the Lee County Land Development Code have contributed to the county’s suburban development pattern.
2. **Conventional zoning standards focus on separation of uses and limitations of density/intensity.** In an effort to ensure compatibility between uses and adjacent neighborhoods, commercial centers, and public resources Lee County has adopted regulations that focus on density, intensity, height, building envelope, and use restrictions through the establishment of setbacks, sideyard buffers, height limits, minimum lot sizes, and lot coverage limits. Lee County’s regulations were designed to implement a more suburban form of development, where a development has a mixture of uses located adjacent to other uses but rarely has a true integrated and interconnected mix of uses.
3. **Many tools used by conventional suburban regulations to promote mixed-use development were actually designed to separate uses.** Many local governments use development policies and practices such as clustering land uses, planned development zoning classifications, and design standards tools to promote mixed-use development. In reality, such tools can actually result in the separation of uses. As explained in an article by the Michigan Association of Planning (also known as the Michigan Chapter of the American Planning Association):

*Planned unit developments (PUD) have been used for many years as an effective means of developing coordinated larger sites. ... However, in many instances, what is intended to be a “mixed-use” development actually ends up being “multiple-use,” where there are separate and distinct areas of land uses that are not truly integrated into a mixed-use development. The other limitation of a PUD is that it is designed primarily for the development of larger sites, and with few exceptions, is not well suited for use on individual lots in an urban environment.*

*Clustered open space developments have had success in preserving open space and natural features. ... While open space developments are a significant improvement from (other types of) conventional zoning, the developments still tend to be separated, single-use tracts of land.*

*Many communities have adopted design standards ... While these design standards have been effective in improving the appearance of buildings and landscaping, the standards fail to create meaningful change in the urban form - the end result is usually aesthetically-pleasing sprawl. (Michigan APA)*

- 4. Conventional zoning regulations make redevelopment into urban communities more difficult by applying suburban zoning standards.** A study of conventional land use practices by the American Planning Association (APA) found that conventional zoning standards may hinder the building of traditional, mixed-use neighborhoods and community centers:

*An evaluation of development trends and the zoning requirements of many communities identified serious problems associated with .... suburban communities. In many instances, conventional zoning regulations are the major contributors towards many communities ... While there is interest in traditional urban communities, existing zoning regulations make redevelopment of urban communities more difficult by applying suburban zoning standards. Larger setbacks and excessive parking requirements make many cherished urban buildings and spaces nonconforming. (American Planning Association)*

- 5. Suburban development results in an increasing reliance on the automobile for travel.** Conventional policies and standards are designed to provide for orderly growth, preventing overcrowding of land and people, alleviating congestion, separating incompatible uses, and buffering adjacent uses. Over the last couple of decades, planners have become increasingly aware that conventional policies and standards are designed to develop suburbia and as a result have a strong influence on how we live our lives. In a study about what is the most appropriate land use tool for development of mixed-use neighborhoods John Barry explained:

*The conventional zoning practices that became widely accepted in the later part of the twentieth century have drastically changed the way American cities and towns have been physically planned and developed. Conventional zoning has encouraged suburban sprawl through its promotion of low density and single use development. The consequences of this type of zoning are not limited to the physical design of the neighborhoods in which we live and work. Sprawl has also changed the way in which Americans conduct their daily lives as we increasingly rely on the automobile to commute to school and work or run errands. (Connecticut Law Journal, Form Based Codes: Measured Success Through Both Mandatory and Optional Implementation)*

6. **The Lee Plan includes many examples of the county’s conventional land use policies and development standards.**

- Buffering/Open Space Requirements:
  - Goal—77
  - Objectives—1.3, 31.4, 77.1, 77.2, 77.3,
  - Policies—1.1.7, 1.4.7, 5.1.5, 5.1.6, 6.1.6, 7.1.8, 16.3.5, 41.1.4, 77.1.1, 77.2.1, 77.3.1, 77.3.4, 107.11.4
  
- Compatibility:
  - Objectives—16.3, 47.2, 66.3
  - Policies—2.2.1, 6.1.1, 6.1.2, 7.1.1, 7.1.2, 7.1.3, 9.2.1, 16.3.3, 17.4.1, 18.1.7, 33.3.2, 46.2.2, 46.4.2, 47.5.4, 85.1.1, 105.1.2
  
- Site location:
  - Goals—6, 39
  - Objectives- 37.1, 37.3
  - Policies—1.4.5, 6.1.2, 18.1.7
  
- Future Land Use Designations:

In addition to these policies, the county’s existing urban and mixed-use land use designations, as established in the Future Land Use Element, Future Land Use Map, and Table 1(a) Summary of Residential Densities, establish maximum densities and intensities within these categories. An evaluation of what densities and intensities would be necessary to better support and encourage mixed-use developments will be an important part of the solution to this issue.

**LESSON LEARNED:** The lesson to be learned from the experiences of Lee County, planning research, and many other jurisdictions, indicates that attempts to establish mixed-use centers through conventional zoning practices may not be successful because such practices are intended to develop suburban communities, not mixed-use areas.

Market Forces and Development Process – A Closer Look

The market (aka development community, financial system, property seller, prospective property owner, and community member) is another reason for Lee County’s suburban development pattern. The market contributed to suburbia by developing communities which were said to meet the overriding desire for single family homes located in residential neighborhoods buffered from incompatible uses by landscaping, roadways, and gates.

1. **Building the “American Dream.”** The so called, “*American Dream Home*” was fueled by the development of roadways and cheap fuel. The average American house size has more than doubled

since the 1950s and now stands at 2,349 square feet. Today, approximately seventy-five percent of Americans live in suburban communities. As the market has sought to meet the demand for single-family suburban homes and neighborhoods, there has been little to no perceived demand or need to construct more integrated mixed-use developments and centers.

## 2. **Lee County's development form has been shaped by other significant market forces.**

### Timing of Lee County's growth.

First, Lee County was largely developed after the suburban housing market became the dominant form of development in the mid-twentieth century. Unlike communities in the North and Southeast which originated in the eighteenth and nineteenth centuries, the county did not have many traditionally established downtown centers, connected neighborhoods, and integrated communities around which suburban neighborhoods developed.

### Large amounts of undeveloped suburban land uses.

Second, when Lee County's development boom began in the later part of the twentieth century, the county had vast amounts of undeveloped lands designated for low-density land uses. The market took advantage of these large land areas and produced vast areas of suburban developments.

### Developer Specialization.

Third, as time progressed and the suburban movement grew, developers began to specialize in only one type of development. As a result, developers chose to specialize in one type of use (residential or commercial) and grew uncomfortable attempting mixed-use developments.

### Development Financing.

Fourth, federal financing criteria made development project funding much more available for suburban communities than mixed-use developments. Thus, even developers who may have been interested in developing a mixed-use project were more likely to build a suburban development. Finally, as communities attempted to make mixed-use development easier to construct through techniques such as reduced or shared parking, the financial community grew uneasy about the viability of mixed-use centers without enough parking to satisfy the now ingrained suburban lifestyle.

## **Future Lee County Mixed-Use Practices**

### What is the Goal for Mixed-Use Practices?

The EAR identified a goal for the county's future mixed-use development efforts that would produce "communities" that integrate a mix of uses both vertically (provide a mixture of uses within buildings) and horizontally (connect buildings within a development through walkable site design) instead of "projects" that provide a collection of single use buildings adjacent to one another.

## How Can We Create Workable Solutions?

There are 4 steps to creating specific, functional, and targeted solutions for creating mixed-use developments.

- STEP 1. **Identify Opportunities.** Given that mixed-use developments will have a limited opportunity for absorption over the 2035 planning horizon, and given that the county has limited resources to provide direct incentives to help create mixed-use communities, the County should first identify the types of mixed-use opportunities that the County wants to create and/or support.
- STEP 2. **Different Tools for Different Opportunities.** The County can provide different types of tools to support mixed-use developments that will be consistent with the goal identified in the EAR. For example, the County can have one tool that are permissive (flexible) that allows the county to take advantage of unforeseen opportunities and another tools that is more directive (regulatory) that identifies a priority location for, at most, two to four locations where the county wants to create a partnership with landowners to insure that mixed-use development happens in those locations.
- STEP 3. **Clarify the locations of Mixed-Use Places.** The creation of appropriate land use designations and policies to support, encourage and provide real incentives for mixed-use development requires a clear understanding about how and where these polices will be applied.
- STEP 4. **Get the Details Right.** Successful mixed-use developments require sufficient density, intensity, range of uses and design standards to insure that they can be financially successful while maintaining compatibility with existing Lee County communities.

1. **Identify Opportunities.** In order to achieve this goal, the EAR recommended that the county refine its mixed-use approach to better account for the specific location, size, context, and design conditions of the county's different urban, suburban, and rural places. The report established a basic mixed-use framework which described the form, function, and components of mixed-use development. The LPA workshop (see attached discussion summary) in October 2011 built off this discussion as it sought to provide further mixed-use policy direction.

Urban Places. There are likely two distinct opportunities for mixed-use communities in Urban Places. The first Opportunity Urban Places may apply to between two and four key priority areas, where the county establishes a partnership with landowners to insure the provision of the necessary infrastructure and services in these areas so that they may develop or redevelop into true mixed-use communities. These infrastructure improvements and the provision of urban services, while substantial benefits to the community, are necessary to transition these areas to an urban form. These areas can then serve as a catalyst for the subsequent redevelopment of adjacent areas because they are highly visible and serve as an inspiration for a new development form in the Lee County marketplace.

The Second Opportunity Urban Places may apply to a broader set of locations where it would be desirable for these areas to become mixed-use communities, but there may be less expectation for development/redevelopment over the 2035 planning horizon, or the specific location is unforeseen at this time. In those cases the county may want to create a more permissive tool that is more flexible and will support these areas in becoming a mixed-use community, but may have a different incentive structure.

Suburban Places. Like the Second Opportunity Urban Places, Suburban mixed-use communities are still an important future opportunity, however, it is less likely that these areas will develop/redevelop over the planning horizon. A flexible tool that will support future mixed-use development within these areas is likely to be the most appropriate option.

Rural Places. The purpose of mixed-use communities within the county’s rural places is different. It provides an opportunity to provide more specific direction and form to rural commercial nodes that would be in keeping with the context and character of these areas.

- 2. Different Tools for Different Opportunities.** The Lee Plan currently has an adopted Future Land Use Map Mixed-Use Overlay that designates specific areas on the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. The overlay tool could be evolved to become more flexible and functional and could be further supported by the creation of a new Mixed-Use Future Land Use Designation that provided more targeted incentives for the First Opportunity and Second Opportunity Urban Places. The following paragraphs explain how these categories might be constructed:

NEW Mixed-Use Land Use Category.

Description. A prescriptive/regulatory tool that is assigned to specific properties which creates certainty with regard to entitlements, process, and incentives. This future land use category could best be implemented in conjunction with a new mixed-use zoning district that is created and administratively assigned to the properties concurrent with the plan amendment. This process would require a specific partnership with the landowners to establish density, intensity, mix of uses, form and site design standards, block structure for the properties, etc. The density/intensity bonus structure could be revised to establish TDR “tiers” that would prioritize these areas for higher density.

REVISED Mixed-Use Overlay.

Description. A permissive/flexible tool that is available within specified future land use designations (e.g., Central Urban, Urban Community, Suburban) and provides an opportunity for mixed use developments that include walkable features and meet other design and mixed use guidelines and standards and in return permit density calculations to occur on the entire parcel and establish TDR “tiers” that support this option.

3. **Clarify the Location for Mixed-Use Places.** For the First Opportunity Urban Places (the priority mixed-use communities) and for specific Rural Places, it is important to be specific in identifying the targeted locations and to focus the county's resources in support of those locations. The following list expresses some of the criteria which have been identified by the EAR, LPA, and staff as to where mixed-use developments ought to be located:
- Adjacent to, centered within, or surrounded by active development areas, with a variety of diverse residential neighborhoods, employment centers, and public resources (i.e.: parks, government buildings, churches, greenways, and educational and sport facilities) nearby.
  - In an area with a high level of connectivity to surrounding areas with strong accessibility via multiple transportation options:
    - Opportunities for pedestrian and bikeway access to residential, workplace, and park areas;
    - High level of accessibility to transit corridors and major roadways;
    - Be situated by intersections near major roadways;
    - Consider proximate to ports, airports, and major roadways; and
    - Promote housing near bus routes.
  - Near a major transportation corridor with ample opportunities for bicycle and pedestrian access.
  - Near economic development areas so that the mixed-use development can benefit from at least one strong economic anchor that provides jobs for residents, patrons for smaller shops and services, and destination for day users.
    - An economic anchor may include a large entity such as government office, health facility, college, transportation hub, or large employer or a group of organized smaller businesses such as medical offices, professional centers, or commercial retail center.
  - Create synergies with surrounding residential neighborhoods, commercial districts, employment areas, government centers, transportation resources, public spaces and parks, greenways and blueways, and other community assets.

#### *First Opportunity Urban Place – Mixed-Use Locations*

During their October 2011 mixed-use discussion, the LPA further identified a number of specific locations where the county should target future mixed-use activities (i.e.: Treeline Avenue from Corkscrew Road to Colonial Boulevard; airport area, Six Mile Cypress Parkway to Metro Parkway; Palm Beach Boulevard corridor west of I-75; Winkler Road and College Parkway; and Alva Center).

The county has targeted a number of mixed-use center areas as part of the community planning efforts in North Fort Myers, Lehigh Acres, Alva, Caloosahatchee Shores, and Palm Beach Boulevard. Moreover, in four specific locations—North Fort Myers Town Center, Lehigh Acres Downtown, Lehigh Acres Community Center on Homestead Road, Lehigh Acres Neighborhood Center on Joel Boulevard, and the Palm Beach Boulevard Corridor west of I-75—the county has initiated the master planning of the community centers through implementation of the Compact Communities Code, planning of transportation improvements, and review of infrastructure needs. By targeting mixed-use locations, the county is able to focus its planning efforts, coordinate infrastructure concerns, and facilitate

community planning efforts. Such publically sponsored planning efforts help attract private investments by ensuring that there is community support for the proposed effort, which makes the development review process more predictable.

#### *Rural Places: Mixed-Use Locations*

Development on greenfield sites in rural areas can be guided by mixed-use principles in order to minimize environmental impacts associated with new development. They may be used in Lee County's rural areas to help transfer existing rural densities into areas most suitable for development. While the county needs to be cautious when identifying greenfield locations so as to not further impact the remaining rural areas, small rural mixed-use centers (through the use of transfer of development rights), may help protect the county's diminishing rural lands. Greenfield and rural locations that are appropriate for mixed-use include community centers where schools, post offices, parks, churches, convenience shops, personal services, and rural neighborhoods are located. The key is to develop and locate rural mixed-use areas in areas where they are most able to provide for the local needs of the community without allowing new development to encroach upon the rural agricultural areas and farming operations.

4. **Get the Details Right.** Form and character standards are important. Mixed-use developments are designed to be vibrant, diverse neighborhoods with higher densities and a range of complementary uses such as commercial shops, restaurants, services, employment centers, governmental services and resources, and public gathering spaces and park areas. They are characterized by their integrated, accessible, and context-oriented form that provides a variety of uses, diverse housing types, employment opportunities, multiple transportation resources, and are anchored by a central public space and civic activity.

The American Institute of Architects asserts that the following form and character features are essential components of mixed-use communities:

- Parks, schools, civic buildings, and commercial establishments located within walking distance of homes;
- Residences with narrow front setbacks, front porches, and detached rear garages or alley-loaded parking;
- Network of interconnected streets and paths suitable for pedestrians, bicyclists, and vehicles;
- Narrower streets with crosswalks, streetscaping, and other traffic-calming measures;
- In-scale development that fits the local context; and
- Buildings oriented to the street with parking behind.

At their October workshop, the LPA as well as the Sustainability Committee and Lee County staff echoed these ideas as they identified what mixed-use design practices should be addressed through the county's form and character policies. These ideas are the basis for the following list of form and character features:



- Human-scale active streetscapes should be established to promote walking, biking, public gatherings, and outside eating.
  - Issues regarding personal comfort should be addressed by providing ample shade, sitting and rest areas, accessible walking spaces, designated bicycle pathways, accessible public spaces, and welcoming green space areas.
- Step-down uses with the densest, most intense, and tallest buildings at the core of the development and less dense residential and public space uses at the fringe where they transition—not buffer—residential areas from surrounding commercial, professional, and other uses.
  - Height should be context-sensitive with smaller mixed-use developments at a more minimal height and community or regional centers a higher height consistent with the density and intensity of the area. Excessively tall buildings, like those along the river in downtown Ft Myers, should be avoided.
- Easily accessible commercial areas which attract visitors as well as people who work and live in the area.
- Residential densities in the community need to be high enough to provide internal capture for retail and restaurant businesses after commuters have left.
  - The highest density residential areas should be located within the commercial areas as well as immediately adjacent to the core areas.
  - Moderate density residential single family lots (cottage homes, duplexes, granny flats, etc..) should be located adjacent to higher density residential.
  - Lower density estate homes should be located adjacent to moderate density residential areas.
  - Parks, civic, and other uses should be spread throughout the development to provide linkages from one area to another and help promote an active streetscape and community environment.
- Minimum density/intensity standards for transit-oriented mixed-use development should be in the range of 20-25 dwelling units per acre (du/a), a density range that is considered by Lee Plan standards to be very high, along with an additional commercial floor area of approximately 50,000 square feet of office and professional use. Residential density could be slightly lower (15 to 20 du/a) if additional commercial floor area for office and professional space were incorporated at increased intensities (additional 25,000-35,000 sq. ft) to offset the loss of dwelling units. In both cases, additional floor area should be allocated for retail uses.
- Connectivity within and between the development and other areas in the county should be at a high level to encourage internal capture, promote multi-modal transportation, and allow for short daily trips.
- Highly integrated transportation system designed to the human scale that features convenient transit service; short walkable blocks; grid system roadways; roundabouts; sidewalks, pedestrian pathways, and bikeways and crosswalks; traffic calming measures

(narrow lanes, on-street parking, streetscaping, and speed humps); shared parking (structures, interior lot, and on-street parking); and transit hubs.

- Design needs to provide safe, walkable and bikeable conditions that protect the walker or bike rider from cars through streetscapes that include tree lined streets, on street parking, raised curbs, greenscape between sidewalks and the road, and designated bike lanes.
- The variety of types of housing units typical of Traditional Neighborhood Development gives people and households at all stages of life housing alternatives suited to their needs, thus providing stability to a community. The proper density of housing (typically very high) will also support the commercial and civic functions at the TND.
- An emphasis on transit in urban and mixed use areas to shift away from automobile scale of development. Revised Level of Service standards (including LOS for other modes) and traffic analysis requirements.
- Creation of a place as a destination rather than a place to drive past or through.
- Removal of barriers and/or provision of incentives.
- Mixed-use development requires local connectivity and access to all areas. Along with bicycling, walking, and vehicle access, mixed-use areas should provide additional access with choices including public transit. Buses provide transit options, but must be considered along with regional highway access.

### **Conclusions for Mixed-Use Places**

The opportunities for the County to transition from its current suburban development pattern to a true urban form in the proposed planning horizon of 2035 are limited. A two tiered approach appears to be the best solution. First, identify the location of two to four true urban areas where the County, along with affected property owners, targets true urbanism by providing the necessary infrastructure and services. Second, is the development of a permissive/flexible tool within specified future land use designation that provides an expanded opportunity for the development of mixed use areas.

This approach accepts the reality that large areas of the county will not transform into urban development while still allowing and encouraging mixed-use development to take place.

**New Horizon 2035: Lee Plan Update**  
**Issue Paper for Local Planning Agency**  
**Rural Landscape and Environmental Area Strategies**  
**January 11, 2012**

**Introduction**

One of the main focus areas of the current Lee Plan Update effort is to provide a clear and informed direction for future development of Lee County including its rural and environmentally sensitive areas. The rural areas of Lee County include several distinct Future Land Use categories currently described under Lee Plan Objective 1.4. These categories include: Outer Island, Rural Community Preserve, Open Lands, Density Reduction/Groundwater Resource (DRGR), and Coastal Rural. Environmental areas include lands designated as Wetlands as well as Wetland and Upland Conservation Lands.

There are 56,438 acres of land in the Rural, Coastal Rural, Open Lands and Rural Community Preserve future land use categories. This is 15% of unincorporated Lee County as a whole. A further 162,792 acres are in environmental categories: DRGR, Wetlands, and Conservation Land (Wetland and Upland). This amounts to additional 43% of unincorporated Lee County, totaling 58%. The existing rural and environmental areas include active and passive agricultural and ancillary uses, mining activity, existing and future residential uses, limited commercial uses, public preserves and parks, as well as wetland and flow-way areas. These areas provide working landscapes as well as valuable wildlife habitats. The Lee Plan delineates several large rural areas such as the northeast portion of the County along the Caloosahatchee River (Bayshore, North Olga, and Alva), the southeast portion of the County centered along Corkscrew Road, the Buckingham Rural Community Preserve, the Coastal Rural areas of Pine Island and the Outer Islands. Although Alva has a rural village in the northeast portion of the County, most of the rural areas have only scattered commercial uses. The majority of the Charlotte Harbor Pine Flatwoods area, the Yucca Pen, north of the City of Cape Coral, is now a state owned preserve. These rural and environmental lands are important sources for wildlife habitat, agricultural production, demand fewer public services, and help define the overall character of Lee County.

The EAR recommends that planning policies be introduced that recognize and reinforce the distinction between urban, suburban, and rural areas. The EAR recommends the adoption of tools to manage the location of growth such as an urban growth boundary or urban service area, including establishing standards to limit expansion of new development outside of designated urban areas. The EAR also recommends that Lee County identify tools and incentives that will support this new vision and preferred development patterns including funding, regulatory reform, and enhanced TDR programs. The EAR also states that the County will identify policies and processes for the evaluation of future land use map changes, especially for changes to rural lands.

This paper has three main purposes. The first is to list the desired goals of the Lee Plan for rural and environmental preserve areas as recommended in the EAR. These goals were the result of many meetings with the public throughout Lee County in 2010. In identifying these goals, planning staff is using the stated desires of Lee County residents to create primary topics for future amendments to the Lee Plan. The second is to identify and explain the main issues concerning the rural landscape within Lee County. Addressing these issues may require different measures than are appropriate in more densely developed areas. The third purpose is to provide alternatives and strategies to address these issues. Some of these measures may be easier to implement than others and many of them will be more effective when used in conjunction with each other.

### **Identify the Desires of the Rural Residents**

Beginning in the spring of 2010, planning staff conducted public meetings in various locations throughout Lee County designed to solicit the concerns and opinions of county residents. At those meetings attended primarily by rural residents, there were two main concerns. One was that residential densities not be allowed to increase in the non-urban areas. The other comment often heard was that the character of their community should be preserved. The most commonly expressed method for achieving these goals was through the limitation of further development in rural areas. Residents felt that increased residential development was contributing to reduced levels of service for roads and other services. They expressed fears that this situation could eventually become extreme enough that it would significantly degrade the quality of life within rural areas. Many residents also stated concerns that future development would be incompatible with the existing community character either through being the wrong type such as large-scale commercial centers, or be located in inappropriate locations. Rural residents generally desired that measures be taken to preclude the conversion of land to inappropriate or undesirable uses. The EAR identified a “toolbox” of general goals for rural areas. This included development and transportation standards to preserve rural character, preservation of open lands, and preservation of both agricultural lands and economically viable agriculture.

### **Issues of the Rural Areas**

#### **Preserving Community Character**

An expressed concern of rural residents is the impact of future development on the character of their communities. The rural areas are characterized by widely scattered single family homes on large parcels surrounded by agricultural land, open land, and environmental preserves. The natural environment predominates within these areas. Rural areas are the main locations within the county that still contain valuable environmental resources such as wildlife, wetlands, flow ways and natural habitats. These areas contain few commercial uses. Existing commercial uses are mainly scattered and generally small-scale. Community character within rural areas is

defined by intensity of use, or lack thereof, rather than by architectural style or building types. However, residents may wish to further address the subject of form and character as an aspect of possible future development.

The majority of rural areas, outside of the southeast DR/GR area, have incorporated goals, objectives, and policies specific to their particular communities. These were done as grass roots planning efforts and cover the communities of Alva, North Olga, Bayshore, Greater Pine Island, and the Buckingham Rural Community Preserve. All of these efforts have focused on preservation of these rural communities. The community planning process is in place in these communities and the issue of form and character could be further addressed at the community level.

Agricultural land is another defining characteristic of rural areas. Preserving both agricultural lands and the economic viability of agricultural activity is an important part of maintaining not just the aesthetic and character of rural areas, but is important to Lee County's economic health.

### **Density**

The majority of southeast Lee County is designated with the Density Reduction Groundwater Resource (DRGR) future land use category. This category permits a maximum of one dwelling unit per ten acres. Lee County recently adopted a plan specifically to address the southeast DRGR area. This plan incorporates clustered development and TDR regulations in order to concentrate development into compact nodes while preserving the majority of the land.

Much of the area along the Caloosahatchee River is in the Rural future land use category. This category allows a maximum of one dwelling unit per acre. This level of density, when built out, does not conform to rural levels of development and is more in line with suburban development. In addition, a density of one unit per acre is not sufficient to allow the benefits that can be attributed to high density urban forms of development, such as walkability or vehicle trip capture. By being too dense for rural landscapes and not dense enough for urban landscapes, a density of one unit per acre promotes sprawl and all its attendant problems.

To the north of the Rural lands along the river, between I-75 and the Hendry County line the land is designated with DRGR or Open Lands future land use categories. The Open Lands category also permits one dwelling unit per ten acres but with the provision that a density of one unit per five acres can be achieved if the development uses the planned development zoning process. The Open Lands areas are within the Bayshore and Alva planning communities which have both adopted community plans to address residents' concerns about future development.

Pine Island is another community with large rural areas. The Rural category on Pine Island was amended to create the Coastal Rural future land use category. This category was created to

address residents' concerns about increased development and hurricane evacuation. The category has reduced density, from one unit per acre for Rural to one unit per ten acres for Coastal Rural with the provision that higher densities could be achieved in proportion to the amount of conservation or agricultural easements on the land. A clustered form of development was incentivized to preserve the rural character.

The bridgeless islands of Lee County are mainly rural in nature but with small areas of higher density such as the north end of Upper Captiva and the built-out portion of Useppa Island. A large part of these islands are in the Wetlands and Conservation Lands future land use categories. Those upland portions in non-urban categories are in the Outer Island future land use category. This category is similar to the Rural category. It allows one dwelling unit per acre and is intended to preserve and maintain the rural character of the outer Lee Islands. Many of the platted areas on Cayo Costa, a bridgeless barrier island, have been acquired by the State of Florida for conservation purposes. The state is still in the process of acquiring property on Cayo Costa.

### **Utilities**

Most rural areas in Lee County do not have access to public water and sanitary sewer services, relying on wells and septic tanks instead. Lee Plan Standard 11.2 requires that residential density greater than 2.5 units per acre must be provided with sanitary sewer service. This has contributed to keeping rural residential densities low. Lee County Utilities provides services consistent with Lee Plan Map 6, Future Water Service Areas, and Map 7, Future Sewer Service Areas. The majority of the rural areas are depicted as lying outside of Future Service Areas. The one notable exception is Buckingham which is located within the Future Water Service Areas. However, it may be desirable to consider new policy language that addresses Lee County's intent to not provide these services in additional rural areas; with the exception of any rural villages that are meant to cluster density in order to preserve rural character.

### **Road Levels of Service and Design Issues**

Roads in rural areas are generally characterized by open drainage swales and no shoulders. Many roads are narrow and have no lane delineation. These roads generally have minimal pedestrian facilities or access. As such, many of these rural roads are not usually capable of handling increases in traffic levels without significant improvement. Allowing a build out of the rural areas at the current permitted maximum density may require significant improvements to many rural roads at significant cost. These improved roads would not conform to the community character in rural landscapes.

## **Possible Strategies**

There are a variety of strategies and actions that could be taken to protect the character of rural and environmental areas of Lee County. Some of the methods listed below are already in use in all or part of Lee County. Some of the measures have significant drawbacks or require judicious use. Some measures may be applied only to certain locations and not others. Many measures may work well when used in conjunction with each other. The use of other strategies could be expanded.

### **Urban Growth Boundaries/Service Areas**

Establishing an Urban Growth Boundary (UGB) or Urban Service Area is a method of addressing overdevelopment within rural areas. UGBs have the advantage of creating a “bright line” that clearly distinguishes between areas where urban and suburban densities are permitted and where they are not. This can reduce sprawl development by preventing medium density suburban development at the interface between urban and rural areas. A disadvantage of UGBs is that they have a history of controversy. Landowners outside of the UGB may protest the perceived devaluation of their land. Also it is always possible to expand an Urban Growth Boundary. The existing Lee Plan was developed utilizing the urban services concept, but the plan does not provide clear policy direction as to the County’s intent as to where the County will provide utilities.

### **Transfers of Development Rights and Purchase of Development Rights**

The transfer of developments right (TDR) process is based upon the legal concept that the right to develop a piece of property is one part of the bundle of rights included with the ownership of property. The bundle of rights includes density, intensity of development as well as air, mineral, and oil rights. A TDR program or system allows the right to develop property to be severed and transferred (sold) or relocated to another piece of property. This can be characterized as the sending site and the property to which the rights are transferred to is typically referred to as the receiving site. Purchasers are usually other landowners who want to increase the density of their developments. Local governments may also buy and sell development rights in order to control price, design details or restrict growth. Once the transfer has occurred most TDR systems require a legal restriction on the sending parcel prohibiting the development of the transferred rights on the sending parcel. The receiving site is allowed to increase its development potential by the transferred development rights. Urban areas of the county may be receiving areas for TDR units. The benefits of this for the urban areas will be discussed in the issue paper for urban areas.

Another alternative to outright land purchases is a PDR, or Purchase of Development Rights, system. Like a TDR, a purchaser can pay a lesser price to willing sellers in order to place a conservation easement on a parcel in order to sever the development rights from that piece of

land. This option may be more acceptable to landowners than an outright purchase of their land as it has advantages similar to a Transfer of Development Rights. First, it allows landowners to keep their land. Second, the landowner still receives an economic benefit from the land. Third, the owner does not have to resort to either selling the land for development or developing it them self. Fourth, the tax burden on the land is lowered since it may no longer be developed at higher densities or intensities. A PDR program may be especially desirable as a means of preserving agricultural land since it allows for the land to still be economically viable indefinitely while providing assurance against future development. The main difference between PDRs and TDRs is that PDRs are performed through an independent, dedicated agency or institution whereas TDRs are normally private contracts between individuals or corporations.

Creation of a TDR credit bank would allow for development rights to be sold and purchased by landowners and developers. A credit bank would allow for landowners to sell their TDR units even if there are no available buyers yet. This bank would also facilitate TDR sales by allowing for the collection of many small sales of units into large lots for purchase. TDRs generally work best in conjunction with other incentives and regulations that create “donor” and “receiving” areas.

A good example of an existing land acquisition and PDR program is in Volusia County. In 2000 Volusia County created the Volusia Forever Program to foster long-term land conservation. Over 38,000 acres have been protected through outright acquisition (15,200 acres) and purchase of conservation easements (22,800 acres). This program has been used to conserve environmentally sensitive land, outdoor recreation land and agricultural land. Types of agricultural land protected include cattle ranching, silviculture, and sod operations. County staff administers the program with assistance from a nine-member citizen advisory committee. The program is funded through a voter-endorsed .2 mils tax.

Certain locations within the rural areas can be designated as rural villages or compact communities in order to allow for higher densities than the rest of the rural areas. This may allow for location-appropriate levels of residential and commercial development that serve rural areas. These rural villages may act as receiving areas for TDR banks, allowing excess residential density to be removed from large portions of rural areas. In addition, rural villages could be subject to development regulations designed to preserve community character of the area. Lee County has already enacted measures along these lines in certain portions of the rural areas. As part of the recently adopted North Olga Plan, Lee Plan Policy 35.1.3 states that the county will examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services. In addition, the recently adopted plan for the DRGR areas contains provisions for compact communities near or on arterial roads.



Planning staff has been discussing with County Lands staff the possibility of creating a TDR credit land bank for land preserved under the Lee County 20/20 program. This credit bank would sell the Development Rights from 20/20 lands to developers. The income from this bank could be used to provide additional funding for the 20/20 program. In creating this land bank, the county could provide an immediate source of TDR units for use in receiving areas.

### **Regulate new residential subdivisions**

Currently, it is possible to construct a subdivision of one-acre residential lots on the majority of AG-2 zoned land with no approval other than administrative approval through development orders. This can result in a suburbanized, overly dense development intruding into rural communities. This problem is made worse by the current development regulations used by Lee County. The current regulations only allow a proposed residential development to cluster the homes on a smaller piece of land while preserving the remainder if the developer uses the planned development zoning process. This process is more time consuming and costly than the administrative process used to simply divide the land into one-acre lots that conform to the AG-2 zoning district. New policies and regulations can be adopted to reduce the problems caused by such new residential subdivisions within the rural areas of the county. Procedures can be developed to encourage clustering of homes into compact rural places of limited scale while placing the remaining land into environmental preserves. Policies such as these are currently in place for the Southeast Lee County planning community. Objective 26.1 of the Lee Plan establishes a “Rural Village Mixed Use Overlay” to preserve the rural character of the Alva planning community. Similarly, the recently adopted Lee Plan Objective 35.2 contains policies intended to prevent and reduce the negative impacts of future residential developments in the North Olga community. Similar policies may be adopted for other rural areas within the county.

### **Restrict density and utilities**

Reducing the maximum allowed densities in non-urban future land use categories can immediately reduce the potential increase of residential density in rural areas. However, such a measure could be objected to by landowners wanting to retain their previous permitted density. A possible alternative is to reduce the maximum permitted density in certain future land use categories while permitting landowners to sell TDR units on their land under the previously permitted density. This measure may work with an established TDR land bank.

The county may also limit the availability of further water and sewer service in rural areas. Although this may not explicitly prevent development in rural areas, this can relieve the county of much of the expense of utility installation and maintenance incurred by such development.

### **Community Level Planning**

The desires of rural residents can often be addressed through the adoption of comprehensive community plans. These plans can be tailored to specific locations and address the specific

concerns of that community. Lee County already has several rural planning communities that have taken this approach with North Olga, Bayshore, and Alva as examples.

Certain planning communities in Lee County require that proposed development must provide an opportunity for the general public to meet with the developers to provide input and recommendations about their proposal. In this way, the residents in rural areas can do much to preserve and maintain the desired character of their community. This approach is already being used in the Estero and Lehigh Acres planning communities, for example. In addition to providing for the review of development by community residents, a community plan can adopt design standards such as form and character criteria for commercial and mixed-use development. These criteria can address the concerns and issues of the rural residents. A community plan may also be useful in designating the locations of commercial nodes or rural villages that address the needs of that rural community.

### **Form and Character regulations**

The rural character can be addressed by regulations maintaining a consistent style of development. This would allow new development to occur while addressing existing residents' concerns about the impact of new development upon their community. The particular desired style can vary by community and can be determined through local measures such as the aforementioned community approval process and/or community plans. Although Lee County's rural areas are more defined by low development intensity rather than architectural style, these regulations may become more important if and when additional rural villages are established in the county.

### **Continued Land Acquisition, Easements and Rural Land Trusts**

Land acquisition programs such as Conservation 20/20 or the Calusa Land Trust can be established to purchase portions of rural areas that are especially inappropriate for increased residential density. An alternative to purchasing land outright is the establishment of agricultural easements on existing farmland. This would allow for the continued agricultural use and an economic return for the landowner while precluding increased residential density.

The direction of county land preservation efforts may be through land stewardship programs. One new revenue source for preservation purposes may be through a TDR credit bank from lands purchased through the Lee County 20/20 program. The county may explore fostering the creation of a land trust to preserve not just environmental lands, wildlife and water resources, but also for the preservation of agricultural land and activity. A rural lands trust would need to be an active participant in the community or communities in which it operated. Although professional staff may be employed to administer the trust, it is necessary for local volunteers to shoulder most of the work in order for the trust to succeed. The Calusa Land Trust operating in the

Greater Pine Island area does not employ any staff in order to maximize available funds for the trust's main goals.

### **Recommendations**

Staff recommends that the county expand the current TDR program so that it covers all rural lands, rather than just the DRGR areas and wetlands. This expansion could include the following provisions. First, creating a TDR bank to facilitate buying and selling of TDR units. Second, determining the potential of existing and future Conservation 20/20 lands as a source of TDR units. Third, explore the possibility of a PDR option within the Conservation 20/20 or other conservation programs to allow for the purchase of development rights from willing sellers rather than purchasing their land outright.

Staff further recommends exploring the viability of applying to all rural lands those goals, objectives, and policies that are currently used in specific portions of Lee County for preserving the aesthetics and character of the rural landscape. The county could consider applying provisions such as the newly adopted Goal 35 throughout all appropriate rural areas.

Staff recommends that the county should work with the rural communities such as North Olga, Pine Island, Alva, and others to identify potential locations for an appropriately-scaled rural village to act as a TDR receiving area for TDR units located in those communities.

Staff recommends that the possibility be considered of establishing an Urban Growth Boundary within Lee County. Even if an outright UGB is not created, measures that limit the intrusion of urban growth into rural areas should be established.

Staff recommends that the effectiveness of community level planning should be evaluated. This would include evaluating existing community plans in rural areas as well as determining the feasibility of community plans for rural areas not already covered by such plans. Other community-level measures should also be reviewed. This includes the effectiveness of current local review efforts by residents groups as well as any potential future local review panels. The review should be used to determine whether or not additional measures should be taken for community-level planning, if local planning efforts are having any negative impacts on rural areas, or if current levels of local planning are sufficient to meet the needs of rural areas.

**New Horizon 2035: Lee Plan Update**  
**Local Planning Agency Position Paper**  
**Suburban Framework**  
**January 23, 2012**

The New Horizon 2035 Evaluation and Appraisal Report (EAR) states that suburban areas “are typically characterized by their lower intensity development patterns and a clear separation between uses.” In Lee County suburban areas are recognized as being the predominate form of development in Lehigh Acres, San Carlos Park, Estero, Fort Myers Shores, Iona McGregor, and portions of North Fort Myers and Caloosahatchee Shores.

The suburban areas of Lee County, as described in the previous issue paper “Current Status of Lee County,” include the following future land use categories: Urban Community, New Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Burnt Store Marina Village, and Outer Islands. These suburban land use categories comprise 106,520 acres, which constitutes 28 percent of Lee County. The uses found in the suburban areas of Lee County vary, and include uses such as single-family homes, multi-family homes, hotels, golf courses, big-box retail, regional shopping malls, office, and sports arenas.

These land uses and development types have made Lee County a predominantly suburban community, a pattern that will continue even as the county seeks to protect its rural communities and better define its urban development and mixed-use centers, offering more land use choices for residents, visitors, and businesses. In recognition of the continued prevalence of suburbia, the primary focus of this issue paper will be on ways to improve the form and character of Lee County’s suburban communities. Issues that will be discussed include: transportation networks and services, recreation opportunities, and suburban services and other opportunities.

**Existing Lee County Suburban Design:**

Lee County is largely a suburban community without a substantial urban core to build around. Historically suburban areas were built as bedroom communities that complemented an existing urban core. The EAR characterizes the Lee County form of suburban development as follows:

- Suburban Form and Use:
  - Low to moderate density;
  - More defined separation of uses; and
  - Public spaces are amenities for internal development.
- Suburban Transportation:
  - Extensive Street pattern, limited connectivity within regional street network;
  - Large block lengths and street widths; and
  - Moderate pedestrian connections and access.

Lee County suburban development, both commercial and residential, is largely based on tract development, where most development infrastructure and site improvements are provided by

the individual developer or site owner. These infrastructures and site improvements include onsite utility lines, stormwater retention and detention, parking, open space, sidewalks, and connections to public transportation infrastructure. This type of development encourages systems and facilities that serve individual developments that are often disconnected from adjoining developments. This has led to an inefficient land use pattern. These inefficiencies have produced densities and intensities that are often well below what was anticipated in the suburban future land use categories in Lee County.

### **Concerns Expressed During the Development of the EAR**

During the EAR process planning staff held numerous meetings throughout Lee County in order to assess the concerns and needs of Lee County community members. Many of the concerns were geared towards the suburban style of development prevalent in Lee County. Below are the community's concerns applicable to suburban areas.

#### **Connections**

Many of the residents in the suburban areas of Lee County expressed concern about the lack of pedestrian connections to adjacent neighborhoods and commercial uses. While community members expressed a want for a certain level of a separation of uses to protect their local neighborhoods, many also desire increased connections to adjacent developments and nearby shops and services. There was also concern about commercial developments that do not provide sufficient connections to surrounding residential and commercial areas, creating inefficient transportation patterns.

The most desirable form of connectivity would be pedestrian and bicycle connections that would allow for walking, biking, and other non-vehicular modes of transportation to nearby places, including commercial and recreational opportunities.

Residents also saw a need for additional connections for vehicles. This was especially the case in Lehigh Acres where canals disrupt both vehicles and pedestrians. Vehicular connection is also an issue in areas where gated residential communities limit access to adjacent road networks.

#### **Neighborhood Recreation Opportunities**

One of the most common concerns was access to parks and open space near the neighborhoods where community members live. Lee County requires 20 to 30 percent open space for most developments. Physical access to open space for recreational purposes is limited. While Lee County develops and manages regional parks, the county does not provide additional neighborhood scale parks that are available to the public.

#### **Public Infrastructure**

There was also a concern with the lack of water and sewer infrastructure in moderately dense areas such as Lehigh Acres. Lehigh Acres is within the Florida Government Utility Authority (FGUA) area, and is not served by Lee County Utilities. Much of Lehigh Acres is platted into ¼ acre lots, and water quality will be an issue if all of these lots are developed with well and septic

systems. Lee County has little to no control over the deployment of utilities infrastructure in Lehigh Acres, but may be able to adopt policies that encourage development in the areas where utilities exist or are planned by FGUA such as a lot swapping program.

### Community Character

One of the most prevalent complaints about suburban developments is that they lack a unique character and sense of place. The Lee County residents also expressed concern about the lack of community identity and character. The community character issues are exacerbated by the lack of distinction between the urban, suburban, and rural areas in Lee County. While increased community character could be achieved through community architectural themes, development should also take advantage of historic and natural features as well as make a distinction between the various communities' urban, suburban, and rural qualities.

### **Strategies and Recommendations:**

There are many different methods to address the issues and resident concerns within the suburban areas of Lee County. The EAR identifies Suburban Area Principles of Form and Use that could be used to describe the ideal suburban setting. In many of our existing suburban areas it is evident that attention was not given to these principles equally. Below are the concerns of Lee County suburban residents and a discussion of possible strategies that may be used to address these concerns.

### Community Character

Lee County has sought to address concerns about the lack of community character for over a decade through its community planning program. The Lee Plan update should build upon this effort by utilizing the new Form and Character Element to establish distinct design principles that guide the future development of suburban communities. Specifically, the Lee Plan should establish policies and practices that support distinct local design styles, interconnected and well-defined community centers, and local landscape and hardscaped features. Additionally, the new Communities Element should work to ensure that each local community clearly identifies its vision for the local area and establishes a set of goal, objectives, and policies that will enable it to achieve that vision.

### Protection of Existing Neighborhoods from future urban development

There are suburban areas within Lee County that have character, sufficient recreational opportunities, public infrastructure, pedestrian connections and vehicular connections. These areas should be maintained.

The suburban future land use categories standard density range is from 1 unit an acre to 6 units an acre. However, many of these areas did not develop at the maximum standard density. Given this situation, another strategy could provide a pool of the existing unallocated residential density to apply to urban areas where additional density is required, while simultaneously capping the density in these suburban areas as they were developed. If it is

determined that an existing suburban area of the Lee County should be maintained how it is and the developed density is below the maximum standard density, it could be assumed that additional density would not be developed in these areas in the future. Therefore, the difference between the maximum standard density and the actual density could be capped, “maintaining” and protecting these suburban areas as they currently exist. This would also allow Lee County to encourage increased density in the desired urban areas without changing the potential amount of development allowed by the Future Land Use Map.

### Public Infrastructure Services and Transportation Systems

The suburban development model followed in Lee County typically relies on infrastructure to be provided for and constructed by private developers, without much coordination between developers. Additionally, the segregated form has resulted in a development pattern that disconnects one development from the next. This model has led to inefficiencies in the way public infrastructure services and transportation systems are provided – particularly those related to stormwater retention facilities, bicycle-pedestrian connections, vehicular connectivity, parking facilities, and parks and recreation resources. The following sections highlight these inefficiencies and discuss opportunities to address such issues through amendments to the Lee Plan and changes to the county’s land development practices.

*Stormwater Retention:* Every suburban development is required to have its own separate stormwater retention system. Often they are constructed in the form of large retention ponds, streams, and wells that consume large amounts of land and are often placed at the edge of the development in order to provide buffer between adjacent properties and uses. The location and size of the stormwater systems contribute to the challenges Lee County is facing as it promotes segregation of uses, discourages connectivity, and promotes inefficient and underutilized infrastructure systems. These concerns may be addressed through the following future county land development practices and policies:

- Strengthen future land use, utility, and form and character policies in the Lee Plan that promote shared stormwater retention facilities between adjacent developments;
- Strengthen future land use, parks, and form and character policies in the Lee Plan that promote the use of stormwater facilities as part of a community’s public space, park, open space, and recreational resources; and
- Strengthen future land use, utility, and conservation policies that foster the development of stormwater facilities that function as part of the county’s natural habitat system.

*Bicycle - Pedestrian Connections:* The gaps in the pedestrian sidewalks are another significant suburban development concern. The sidewalk gaps occur when adjacent properties have not

yet developed or two adjacent developers have not coordinated their internal bicycle pedestrian (bike-ped) systems. The reason for the gaps is that the Lee County Land Development Code relies upon each developer to build the sidewalks for their respective properties. This can make it difficult to use the bike-ped facilities. Such practices lead to the development of sidewalks to nowhere or bike ways that end without a destination point. This issue can be addressed through the following changes to the county's development policies and practices:

- Lee Plan transportation, future land use, and form and character policies that provide for bike-ped connections between adjacent neighborhoods, commercial and office areas, civic areas, and parks and recreational resources;
- Land development regulations that require bike-ped interconnectivity between adjacent developments;
- Land development regulations that require bike-ped coordination between adjacent developments;
- Retrofit existing sidewalks and bikeways;
- Seek opportunities to utilize the county's greenways and trails systems to help provide bike-ped connections where sidewalks and bikeways cannot be made; and
- Provision of sidewalks along county and state roadways.

As discussed in the Transportation Issue Paper, Lee County began to address these issues in November 2009 when the county adopted a Complete Streets Resolution, which seeks a safe and integrated transportation system for all users and modes.

*Vehicular Connections:* Another major concern with current suburban development practices is incomplete vehicular connections. The problem with these connections is that the county is dependent upon private developers to construct roadways between adjacent properties. The solution to vehicular connections is more challenging than bike-ped connections because once the residents are living in the community they become adverse to car connections as they don't want others driving through their neighborhoods. This is due to the perception that through traffic is hazardous and inconvenient. Additionally, it is more difficult to extend roadways than to retrofit sidewalks and bikeways. Thus, to address the unique challenges of vehicular connectivity, the following changes to the county's development policies and practices are recommended:

- Lee Plan transportation, future land use, and form and character policies that require roadways connections between adjacent neighborhoods, commercial and office areas, civic areas, and parks and recreational resources to be established during the development phase.



- Land development regulations that require vehicular interconnectivity between adjacent developments during the development phase.
- Land development regulations that require roadway coordination between adjacent developments.
- Utilization of the community planning process to help address community concerns through the planning and development phase.
- Furthermore, these practices discourage walkability and perpetuate the need to use a vehicle for all trips.

*Vehicular Parking:* One of the most ubiquitous features of the suburban built landscape is the ever-present and abundant parking lot. The suburban forms of development necessitate people drive to get from place. Since vehicles spend the majority of the time parked, suburban developments increase the demand for large areas of parking. Compounding this problem is the lack of pedestrian connectivity between adjoining developments, which prevents people from walking from one place to another and requires each parcel to provide for the parking needs of its patrons and employees. Additionally, parking standards require that each use provide parking to meet the needs of peak times, which occurs on very rare occasions. The result of these issues is that most suburban developments have redundant, unnecessary, and underutilized parking facilities. Changes to the county’s land use policies and development that will address these issues include:

- Lee County transportation, land use, and form and character policies that encourage shared parking areas and interconnected developments.
- Cooperative parking standards and land development regulations which require adjacent properties to share parking facilities.
- Decreased parking standards in conjunction with bike-ped facilities to reduce demand for single occupancy vehicle use and promote desirable densities and intensities
- On street parking standards which would allow cars to park on street near the building entrance.
- Improved and safer pedestrian connections and access.

*Neighborhood Public Spaces, Park, and Recreational Resources:* The focus on the single family residence with its individual yards and play areas and large disconnected suburban subdivisions has resulted in a lack of public space, park, and recreational resources at the neighborhood level. Rather, suburban developments focus on regional sport fields and community centers to provide for the community’s park and recreational needs. The lack of bike-ped connections within suburban development areas means that such areas are most easily accessed by car— even to those land areas located adjacent to the park or recreational facilities. The lack of easily accessible neighborhood parks or recreational facilities was a problem for the

community members who participated in the county's visioning efforts. In addition to community or regional park resources and recreational facilities, many would prefer local neighborhoods playgrounds, parks, and public spaces. In order to address the neighborhood needs for park and recreational facilities, the following changes to the county's park and development policies and practices are recommended:

- Lee Plan policies for parks, future land use, and form and character that support and encourage neighborhood resources.
- Lee Plan policies for parks, future land use, transportation, and form and character that require interconnectivity.
- Land development and county park practices that provide for the needs of neighborhood park and recreational resources.
- Land development, transportation, and county park practices that require bike-ped connections between parks and surrounding development areas and neighborhoods.

**New Horizon 2035: Lee Plan Update**  
**Local Planning Agency Position Paper**  
**Urban Framework**  
**January 23, 2012**

The New Horizon 2035 Evaluation and Appraisal Report (EAR) states that urban areas “include an integrated mix of housing types and uses in a compact, pedestrian and transit-friendly pattern.” In Lee County, urban areas are, or are envisioned to be, the area immediately south of the city of Fort Myers, the core of Lehigh Acres, along U.S. 41 in North Fort Myers, portions of Iona McGregor, and around Florida Gulf Coast University and the Southwest Florida International Airport.

The urban areas of Lee County, as described in the previous issue paper “Current Status of Lee County,” include the following future land use categories: University Community, Intensive Development, Central Urban, Tradeport, Industrial Development and the five interchange future land use categories. These urban land use categories comprise 45,578 acres (or 71 square miles), which constitutes just less than 12 percent of Lee County. The uses found in the urban areas are similar to the suburban areas of Lee County and include uses such as single-family homes, multi-family homes, hotels, golf courses, big-box retail, regional shopping malls, office, research, and industrial and sports arenas.

The similarity in land uses and development types in the urban and suburban areas in Lee County have made it difficult to distinguish these areas from one another. This paper will primarily focus on ways to improve the form and character of Lee County’s urban areas to make them more distinctive. Issues that will be discussed include: appropriate urban form, allowing increased density, transportation networks and services, and urban services and other opportunities.

**Existing Lee County Suburban Design:**

Unincorporated Lee County is largely a suburban community. Urban areas are typically adjacent to the urban areas found in the incorporated portions of Lee County that have transitioned over time from suburban developments. The EAR characterizes the Lee County desired urban development form as follows:

- Urban Area Principles of Form and Use:
  - Provide a mix of residential, commercial and recreational uses.
  - Align public investments, incentives, and policies to encourage and protect redevelopment and revitalization opportunities that leverage existing economic assets.
  - Promote revitalization in developed neighborhoods that are aging.

- Urban Area Principles of Transportation:
  - Enhance or create an interconnected street grid system that links civic buildings, squares, parks and other neighborhood uses.
  - Prioritize a transportation network and pattern of complete streets that encourages walking and bicycling.
  - Encourage and support transit.
  - Reduce the number and length of automobile trips and vehicle miles traveled.

### **Urban Development Strategies and Concerns**

Urban communities have a well defined development pattern which is clearly and visibly distinct from suburban and rural development patterns. Urban communities are built to accommodate a greater level of activity than suburban and rural places. They offer an array of interconnected land uses, housing options, employment and business opportunities, and park and recreational resources. In order to accommodate this higher level of activity, urban areas typically have significantly higher density levels than surrounding suburban communities, greater mixture of building types, and more intense building mass and form.

Varied modes of transportation provide people options on how to move within the urban community. Transportation alternatives (walk, bike, vehicle, and transit) are essential to the urban community as they provide a foundation for the anticipated high level of activity. Sidewalks are the predominant form of local transportation in urban areas as they link together buildings, public spaces, parking facilities, and other urban places. Roadways and bikeways form an interconnected grid pattern to link the urban community together and enable a transition from one neighborhood to another. Parking facilities are common community resources and shared by multiple properties and uses.

Throughout the evaluation of past planning practices and consideration of future planning direction, a number of concerns have been raised concerning the lack of a distinct urban development form and character within Lee County. Many of these concerns dealt with issues that are similar to the concerns raised about the county's suburban developments and mixed-use areas —lack of community connections, neighborhood recreational and park resources, underutilized public infrastructure systems, and ill defined community character. As a result, the response to how to address these concerns will mirror the strategies outlined in the, "Suburban Framework" and "Lee County Mixed-Use" issue papers. The difference is that the scale and form that urban areas should be developed more intense than that of the suburban areas and larger than in mixed-use centers.

By offering this greater intensity in the appropriate locations, Lee County will provide a great number of housing and lifestyle choices. It is not meant to take away from or replace the suburban develop pattern that is established; rather, it promotes options that will allow Lee County to meet the demands of a changing market.

The following section summarizes the concerns and highlights future urban development strategies.

### Urban Development Concerns and Recommendations

Urban communities are typically well defined higher density development areas with interconnected land uses, housing options, neighborhood spaces, and transportation alternatives. However, community members were concerned that Lee County's urban areas do not follow this typical model. Specifically, people were concerned that the urban areas in Lee County:

- Are not clearly defined from the suburban areas as they blend together with similar development patterns and density standards;
- Do not have interconnected land uses, rather they are as separated as the county's suburban areas;
- Do not feature a diverse array of housing options as most homes in the county's urban areas are single family homes;
- Lack small, neighborhood based public spaces, parks, and recreational resources as the county focuses its park and recreational resources on large regional facilities and greenways;
- Are not built to density high enough to support an urban way of life, as the identified urban areas rarely achieve the maximum densities allow by the future land use category; and
- Do not support multiple modes of transportation as single occupied vehicles cars are the predominant and most easily accessible mode.

In order to address these concerns, staff has been working to identify strategies aimed at promoting the redevelopment and infill of targeted urban areas. Since most of the targeted areas are already developed areas, these are long term strategies which will be implemented incrementally over the next twenty-five or more years. The goal is to guide the redevelopment of these urban areas through policies aimed at:

*Mixed-use Centers:* As discussed in the "Lee County Mixed Use" issue papers the county should work to establish standards that guide the development of mixed-use centers. The standards should establish the centers' locations, density and intensity, and appropriate uses. Additionally, form and character practices should be developed that: guide the planning and placement of building layout and master planning strategies; transportation systems; infrastructure and utility services; parks and public space areas; and other community resources.

*Urban Future Land Use Categories:* All urban future land use categories should be evaluated and updated to address the following issues:

- Maximum density and intensity standards.
- Minimum density and intensity thresholds.

- Appropriate locations.
- Integration of land uses.
- Types of allowed land uses.

*Urban Development Form and Character Principles:* As highlighted in the “Lee County Mixed Use” issue papers the county should work to establish form and character principles that guide the development of mixed-use and urban development areas. Such principles are important to urban areas as they will help support the urban future land use categories by guiding the planning and development of urban communities. As discussed in the paper, such form and character should address:

- Higher densities and intensities within the urban development areas so as to support the development’s viability and ensure functional transit opportunities;
- Provide open and accessible connectivity with surrounding development and neighborhoods through roadway, greenway, sidewalk, and park connections;
- Neighborhoods that surround mixed-use ought to have minimum densities so as to provide a transition from the mixed-use development to surrounding residential areas;
- Enhanced transit facilities (accessible and safe bus stops, shelters and stations, sidewalks, bike trails, etc...) will be provided to allow the center to be connected through a county-wide multi-modal transportation system; and
- Incentives for development which promote the implementation of urban development principles. Such incentives may include density bonuses, less intensive administrative processes, and other considerations as identified through the LPA and CSAC discussions.

*Neighborhood Park and Public Spaces:* As discussed in the, “Suburban Framework” issue paper, neighborhood parks and public spaces are important to the livability and character of local neighborhoods. In urban communities, neighborhood parks and public spaces are even more important as they help link the various parts of the community together. In order to help promote the development of urban neighborhood parks and public spaces, the Lee Plan should be updated to include urban development principles that consider:

- Development of pocket parks, courtyards, and seating areas within urban centers, neighborhoods, and along walkway areas;
- Promotion of walkways, bikeways, and trails to connect urban business, shopping, neighborhood, and civic areas together and as opportunities to promote sustainability; and
- Use of fountains, sculptures, and other urban public art features as community markers.

*Transfer and Purchase of Development Rights:* As discussed in the “Rural Landscape and Environmental Area Strategies” issue paper the county should seek to use TDR and PDR programs to help provide additional bonus density within the county’s urban areas. The TDR and PDR programs would provide an additional incentive to developers seeking to build within the urban areas while also helping support the preservation of the county’s rural communities.

*Multi-modal Transportation Systems:* As discussed in the “Transportation” issue paper urban development areas function best when they are connected by an integrated multi-modal

transportation system. Such a system provides multiple transportation alternatives and enables people to move quickly and efficiently through an urban community. However, such a system depends upon appropriate density and intensity to ensure there are enough people to make the system function.

Additionally, as discuss in the “Suburban Framework” issue paper, future Lee Plan policies ought to address the following transportation issues:

- Completion of sidewalk systems along all roadways within the urban areas;
- Improved vehicular connections within the urban areas so that adjacent developments interconnect; and
- Revised parking standards that to include shared parking provisions, on street parking, structure parking facilities, and other urban parking practices.

*Public Infrastructure:* As discussed in the “Suburban Framework” issue paper, public stormwater infrastructure systems in Lee County are underutilized and contribute to the character concerns raised through the Lee Plan update process. Often the location of stormwater infrastructure systems are at the edge of properties, takes up large amounts of land, act as buffers between uses, and discourage community connectivity. In order to address these issues the following policy updates should be considered:

- Establish or expand future land use, utility, and form and character policies in the Lee Plan that promote shared stormwater retention facilities between adjacent developments;
- Establish or expand future land use, parks, and form and character policies in the Lee Plan that promote the use of stormwater facilities as part of a community’s public space, park, open space, and recreational resources; and
- Establish or expand future land use, utility, and conservation policies that foster the development of stormwater facilities that function as part of the county’s natural habitat system.