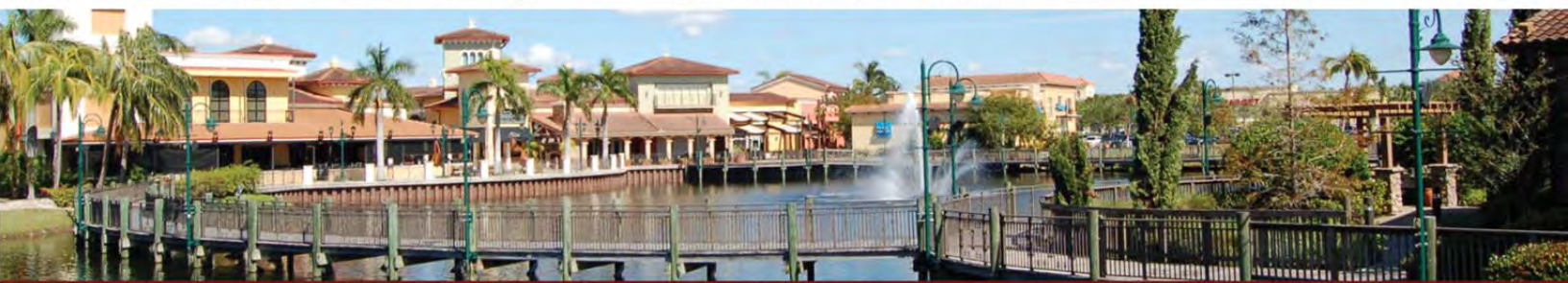


September 2018

*the Village of*  
**ESTERO**  
**LAND DEVELOPMENT  
CODE ASSESSMENT**



**CLARION**

**JOHNSON**  
ENGINEERING

<b>I.</b>	<b>INTRODUCTION AND OVERVIEW .....</b>	<b>I-1</b>
	<b>Introduction .....</b>	<b>I-1</b>
	<b>Overview of the Assessment .....</b>	<b>I-2</b>
<b>II.</b>	<b>DIAGNOSIS .....</b>	<b>II-1</b>
	<b>Theme 1: Create a User-Friendly Code .....</b>	<b>II-1</b>
	1.1. Make the Structure More Logical and Intuitive .....	II-2
	1.2. Use Graphics, Illustrations, and Flowcharts.....	II-3
	1.3. Improve Document Formatting and Referencing .....	II-5
	1.4. Make the Language Clearer and More Precise .....	II-6
	1.5. Modernize, Refine and Update Definitions .....	II-6
	1.6. Use a Procedures Manual .....	II-7
	1.7. Streamline Review Procedures .....	II-7
	<b>Theme 2: Implement the Comprehensive Plan .....</b>	<b>II-23</b>
	2.1. Introduction .....	II-23
	2.2. Create Higher Density, Walkable, Mixed Use Urban Centers in Appropriate Locations .....	II-23
	2.3. Strengthen Connections for Pedestrians, Vehicles, and Bicycles .....	II-24
	2.4. Enhance Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use, Development .....	II-24
	2.5. Support and Encourage Connections Between Public Parks/Sensitive Lands and Open Space Set-Asides on Private Lands .....	II-25
	2.6. Support and Encourage Sustainable Development Practices .....	II-25
	2.7. Strengthen Flood Protection and Stormwater Management Standards.....	II-26
	<b>Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the             Comprehensive Plan .....</b>	<b>II-27</b>
	3.1. Restructure, Modernize, and Tailor the Current Zone Districts .....	II-27
	<b>Theme 4: Consider Modernizing the Site Development Standards and Ensure             Their Consistency with the Comprehensive Plan .....</b>	<b>II-50</b>
	4.1. Mobility and Connectivity Standards.....	II-50
	4.2. Off-Street Parking, Loading, and Bicycle Standards.....	II-51
	4.3. Landscaping and Buffer Standards .....	II-53
	4.4. Tree Protection Standards .....	II-58
	4.5. Comprehensive Open Space Set-Aside Standards.....	II-61
	4.6. Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development .....	II-63
	4.7. Protect Residential Neighborhoods from Incompatible Encroachment – Neighborhood Compatibility Standards .....	II-66
	4.8. Conversion of Golf Courses to Other Forms of Development .....	II-68
	4.9. Standards and Incentives for Sustainable Development Practices.....	II-70
<b>III.</b>	<b>ANNOTATED OUTLINE OF NEW LAND DEVELOPMENT CODE .....</b>	<b>III-1</b>
	<b>Article 1. General Provisions .....</b>	<b>III-3</b>
	Section 1.1. Title.....	III-3
	Section 1.2. Authority .....	III-3

Section 1.3.	General Purpose and Intent .....	III-3
Section 1.4.	Applicability .....	III-3
Section 1.5.	Consistency with Comprehensive Plan.....	III-4
Section 1.6.	Relationship with Other Laws, Covenants, or Deeds .....	III-4
Section 1.7.	Official Zoning Map .....	III-4
Section 1.8.	Transitional Provisions .....	III-4
Section 1.9.	Severability .....	III-5
Section 1.10.	Effective Date .....	III-5
<b>Article 2.</b>	<b>Administration .....</b>	<b>III-7</b>
Section 2.1.	Advisory and Decision-making Bodies and Persons .....	III-7
Section 2.2.	Standard Application Requirements and Procedures .....	III-10
Section 2.3.	Application Specific Review Procedures and Decision Standards .....	III-12
<b>Article 3.</b>	<b>Zone Districts .....</b>	<b>III-17</b>
Section 3.1.	General Provisions.....	III-17
Section 3.2.	Agriculture Districts .....	III-19
Section 3.3.	Residential Districts .....	III-19
Section 3.4.	Recreational Vehicle Districts.....	III-20
Section 3.5.	Community Facilities Districts.....	III-20
Section 3.6.	Business Districts .....	III-20
Section 3.7.	Industrial Districts .....	III-21
Section 3.8.	Special Purpose Districts .....	III-21
Section 3.9.	Planned Development Districts.....	III-21
Section 3.10.	Overlay Districts .....	III-21
<b>Article 4.</b>	<b>Use Regulations.....</b>	<b>III-23</b>
Section 4.1.	General Provisions.....	III-23
Section 4.2.	Principal Uses .....	III-23
Section 4.3.	Accessory Uses and Structures.....	III-24
Section 4.4.	Temporary Uses and Structures .....	III-25
<b>Article 5.</b>	<b>Site Development Standards .....</b>	<b>III-27</b>
Section 5.1.	Mobility and Connectivity Standards .....	III-27
Section 5.2.	Off-Street Parking, Bicycle, and Loading Standards .....	III-27
Section 5.3.	Landscape and Buffer Standards .....	III-27
Section 5.4.	Open Space Set-Aside Standards .....	III-27
Section 5.5.	Fence and Wall Standards .....	III-27
Section 5.6.	Residential Compatibility Standards .....	III-28
Section 5.7.	Architectural, Form, and Design Standards.....	III-28
Section 5.8.	Sustainable Development Standards .....	III-28
Section 5.9.	Sustainable Development Incentives .....	III-28
Section 5.10.	Plat Standards .....	III-28
<b>Article 6.</b>	<b>Signage.....</b>	<b>III-29</b>
Section 6.1.	General .....	III-29
Section 6.2.	Measurement, Construction, and Maintenance Standards .....	III-29
Section 6.3.	Restrictions Based on Location .....	III-29
<b>Article 7.</b>	<b>Natural Resources .....</b>	<b>III-30</b>
Section 7.1.	Environmental and Natural Resource Standards .....	III-30

Section 7.2.	Flood Hazard Reduction Standards .....	III-30
Section 7.3.	Marine Facilities, Structures and Equipment Standards .....	III-31
Section 7.4.	Hurricane Preparedness .....	III-32
<b>Article 8.</b>	<b>Public Facility Funding and Coordination .....</b>	<b>III-33</b>
Section 8.1.	Impact Fees .....	III-33
Section 8.2.	Concurrency Management.....	III-34
Section 8.3.	Proportionate Fair Share Program .....	III-35
<b>Article 9.</b>	<b>Nonconformities .....</b>	<b>III-37</b>
Section 9.1.	General Applicability .....	III-37
Section 9.2.	Nonconforming Uses.....	III-37
Section 9.3.	Nonconforming Structures.....	III-38
Section 9.4.	Nonconforming Lots of Record .....	III-38
Section 9.5.	Nonconforming Signs .....	III-38
Section 9.6.	Nonconformities created by Eminent Domain or Voluntary donation of Land for a public purpose .....	<b>Error! Bookmark not defined.</b>
<b>Article 10.</b>	<b>Definitions and Rules for Construction, Interpretation, and Measurement.....</b>	<b>III-38</b>
Section 10.1.	Rules of Construction .....	III-39
Section 10.2.	General Rules for Interpretation .....	III-39
Section 10.3.	Rules of Measurement .....	III-40
Section 10.4.	Use Classifications and Use Categories .....	III-40
Section 10.5.	Definitions .....	III-40
<b>IV.</b>	<b>APPENDICES .....</b>	<b>A</b>



# I. INTRODUCTION AND OVERVIEW

## Introduction

The Village of Estero is preparing its first Land Development Code (LDC). The project will transform the current transitional LDC into a more user-friendly and efficient document, and establish zone districts and development standards that incorporate the community’s values for development form and quality in ways that implement and are consistent with the recently-adopted Estero Comprehensive Plan.

To assist with this process, the Village has retained a nationally-recognized team of planning consultants, led by Clarion Associates (assisted by Johnson Engineering), to work with the Village’s Community Development staff and Land Use Attorney on the project.

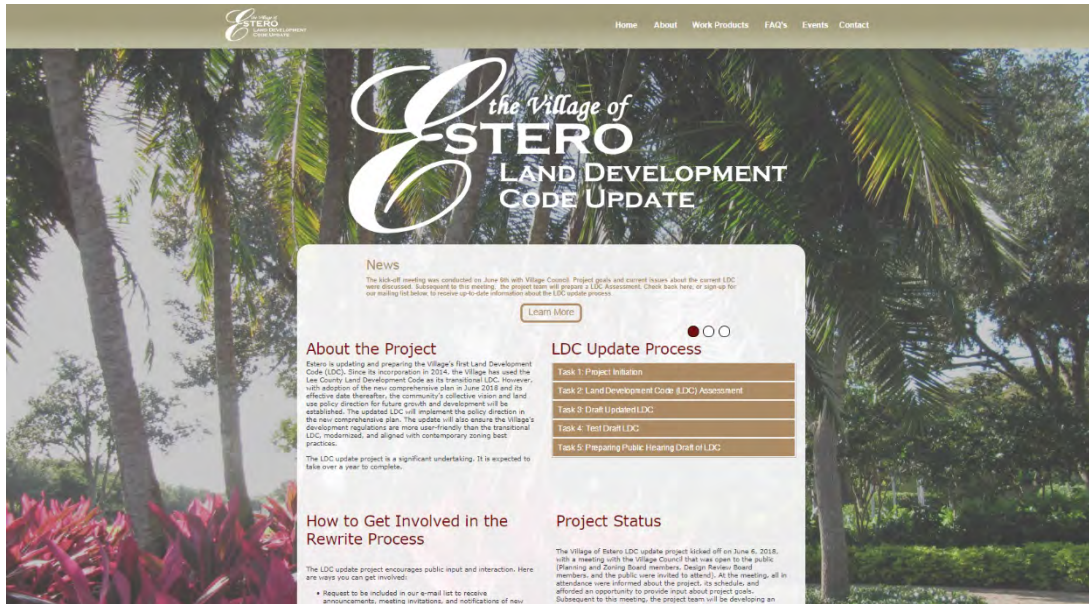
Rewriting the current regulations is a significant undertaking. The work is organized into five tasks, as shown below, and is expected to take over a year to complete.



## I. Introduction And Overview

### Overview of the Assessment

The Village encourages all members of the public to participate in the project and provide input. To assist in the effort, a project website, [www.esterozoning.org](http://www.esterozoning.org), has been established. It includes information about the project, ways to get involved, and will provide notice about upcoming events, news, and contact information. When work products are completed they will be placed on the website.



## Overview of the Assessment

This LDC Assessment is intended to be a starting point for discussions that need to take place about the Village's new LDC. The Assessment synthesizes the most important goals and policy direction included in the recently adopted Estero Comprehensive Plan along with other goals identified by the community that need to be accomplished in the project. It also includes an evaluation of how the current

### I. Introduction and Overview

### II. Diagnosis

- Theme 1: Create a User-Friendly Code
- Theme 2: Implement the Comprehensive Plan
- Theme 3: Modernize and Tailor the Zone Districts and Regulations to Implement the Comprehensive Plan
- Theme 4: Modernize the Development Standards and Ensure Their Consistency with the Comprehensive Plan

### III. Annotated Outline of New Land Development Code

### IV. Appendices

regulatory system (the transitional LDC) performs, and then suggests changes and the zoning tools needed in the new LDC if the identified goals and other policy direction are to be implemented.

The Assessment is organized into four parts and an Appendix (see graphic on previous page). Part I is this introduction and overview. Part II is a Diagnosis, which discusses the key goals and themes for the project, along with considerations and options for how the key goals can be achieved in the new LDC. Part III includes an Annotated Outline for how the new LDC would be restructured if the key themes identified in the Diagnosis are implemented. An Appendix is included in Part IV.

The new LDC will help facilitate the community's vision for future growth and development as directed in the comprehensive plan and by the Village Council. With input from Village staff, residents, business and property owners, the Planning and Zoning Board, and direction from the Village Council, the Assessment provides the framework for identifying the key themes that need to be addressed in the LDC to implement the plan and accomplish other important community goals. The key themes include preparing a user-friendly code that:

- Supports higher density, walkable, mixed-use places in appropriate locations in the Village;
- Strengthens connections for pedestrians, vehicles, and bicycles;
- Enhances design and form standards for mixed-use, commercial, and multifamily development;
- Protects residential neighborhoods from encroachment;
- Supports connections between public parks, sensitive lands, and open space set-asides;
- Encourages sustainable development practices; and
- Strengthens flood protection and storm water management standards.

This Assessment and the Annotated Outline will serve as the roadmap for the drafting of the new LDC.

Residents, business and property owners, elected and appointed officials, and all other stakeholders in the community are invited to read this Assessment and note the parts you agree with—as well as the parts that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with



## **I. Introduction And Overview**

### Overview of the Assessment

---

an open mind about different ways of collaborating in order to achieve the community's desired goals for future growth and development.

## II. DIAGNOSIS

### Theme 1: Create a User-Friendly Code

One concern heard about the current transitional LDC is that it is unclear and not user-friendly. Generally these concerns are valid. Specifically, the transitional LDC:

- Is not intuitive and logically-organized;
- Does not integrate graphics, illustrations, photographs, tables, or flowcharts to explain zoning terms;
- Contains formatting that is difficult to navigate;
- Includes different review standards in different places;
- Does not define a number of uses and some terms;
- Includes imprecise and sometimes inconsistent review standards;
- In some instances is not written in plain English;
- Is in general not tailored to the needs of the Village of Estero community.

For these reasons, an important project goal should be to make the new LDC more understandable and user-friendly. User-friendly regulations are easy to use, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. They use plain and precise language and graphics to illustrate complex zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different parts of the regulations. We suggest the current regulations can be made more user-friendly by:

- Reorganizing them in a logical and intuitive way;
- Incorporating graphics, illustrations, and tables to explain zoning concepts;
- Improving the formatting and numbering system;
- Making the language more clear and precise, and addressing internal inconsistencies;
- Modernizing and updating the definitions;
- Using a Procedures Manual; and
- Streamlining the review procedures, where appropriate.

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

#### 1.1. Make the Structure More Logical and Intuitive

---

The transitional LDC currently includes 24 chapters (Chapters 1 through 34 with ten chapter numbers held in reserve). The chapters are each divided into articles, which are further divided into divisions and sections. The current organization is not necessarily logical or intuitive. Some chapters focus on small specialized subject areas; (e.g., Chapter 3 – Explosives and Blasting Regulations); another consists of a specific development standard (e.g., Chapter 30—Signs), even though other development standards are found in other articles. To determine development the requirements for development, at a minimum, a complex interplay between Chapters 10—Development Standards, 33—Planning Communities, and 34—Zoning, must be navigated.

Typically, modern codes address these problems in several ways. The first is by consolidating all relevant regulations into a Land Development Code (LDC), which has already been accomplished in the transitional LDC. The second is to organize the regulations based on procedural and substantive relationships. This organization, which is shown in the sidebar in this section, is set out in more detail in Part III: Annotated Outline of the Village Land Development Code (LDC). This is what is recommended for the rewrite. (See outline, at right)

Under the reorganized structure, all procedures are consolidated into one article (Article 2: Administration), and the provisions common to all procedures are included in a standard procedures section. The zone districts (Article 3: Zone Districts) and use regulations (Article 4: Use Regulations) are consolidated into two integrated articles. All site development standards are consolidated and their applicability to different types of development organized in Article 5: Site Development Standards. The sign requirements are included in Article 6: Signage. The environmental and natural resource, flood hazard reduction, marine facilities, structures, and equipment, and hurricane preparedness standards are consolidated into Article 7: Natural Resources. Impact fee and concurrency management provisions are consolidated into Article 8: Public Facility Funding and Coordination. Nonconformity provisions are consolidated in an article on nonconformities (Article 9:

---

#### Outline of the Village Land Development Code

<b>Article 1</b>	<b>General Provisions</b>
<b>Article 2</b>	<b>Administration</b>
<b>Article 3</b>	<b>Zone Districts</b>
<b>Article 4</b>	<b>Use Regulations</b>
<b>Article 5</b>	<b>Site Development Standards</b>
<b>Article 6</b>	<b>Signage</b>
<b>Article 7</b>	<b>Natural Resources</b>
<b>Article 8</b>	<b>Public Facility Funding and Coordination</b>
<b>Article 9</b>	<b>Nonconformities</b>
<b>Article 10</b>	<b>Definition and Rules for Construction, Interpretation, and Measurement</b>

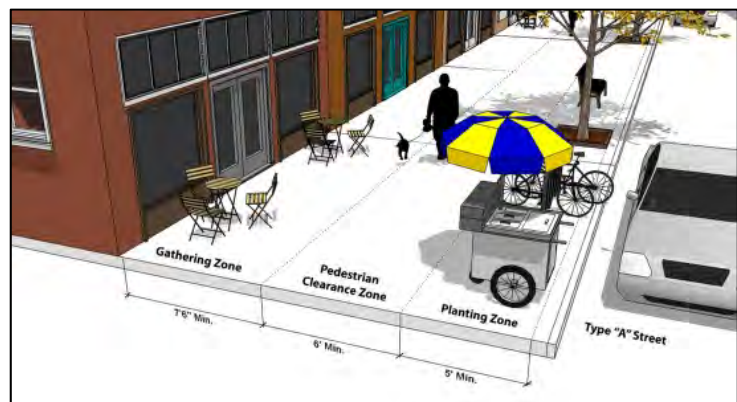
Nonconformities<sup>1</sup>). Finally, all definitions are consolidated into one article and located at the back of the regulations (Article 10: Definitions and Rules for Construction, Interpretation, and Measurement) since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

## 1.2. Use Graphics, Illustrations, and Flowcharts

One way to make regulations user-friendly is through the use of graphics, illustrations, photographs, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Flowcharts, illustrations, graphics, and diagrams are also helpful in zoning regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text. The transitional LDC does not take advantage of current graphic design concepts or tools, and recent thinking regarding how the use of clear illustrations and graphics can help explain or establish zoning requirements.

### 1.2.1. GRAPHICS AND ILLUSTRATIONS

Instead, the current regulations rely mainly on text to convey regulatory concepts. Overall, the document's reliance on text misses an opportunity to visually communicate the desired intention behind various provisions. Increasing the number and type of graphics throughout the LDC to help illustrate procedures, development form, and other zoning concepts (such as parking space dimensions, parking lot landscaping and other landscaping and screening requirements) would make the regulations more user-friendly (see example graphic on this page). Use of photographs demonstrating both preferred and discouraged development forms and patterns would also make the regulations more user-friendly.



<sup>1</sup> The enforcement provisions will remain in the Code of Ordinances.

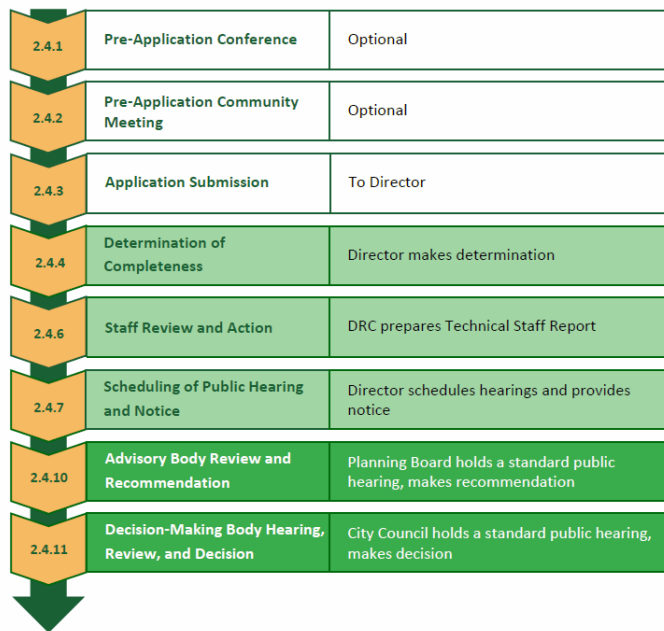
## II. Diagnosis

### Theme 1: Create a User-Friendly Code

#### 1.2.2. FLOWCHARTS AND SUMMARY TABLES

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application—from the time of application submission to the final decision on the application (see example flowchart from another community’s code on the next page).

**Figure 2.5.1.C.2: Text Amendments Procedure**



The transitional LDC does use some tables, though they are not clearly labeled, and lack repeating header rows that would follow across pages when printed (see Sec. 34-619. District Conversions). Some other standards that would benefit from summary tables include landscaping, off-street parking, open space set-asides, neighborhood compatibility standards, parking space standards, and exterior lighting. We suggest the new regulations use tables where appropriate, consolidating as much information as practical. Also, all tables should be labeled according to the subsection in which they are located, so they can be referenced elsewhere in the document (see example table below). Lastly, tables should be consistently formatted for readability.

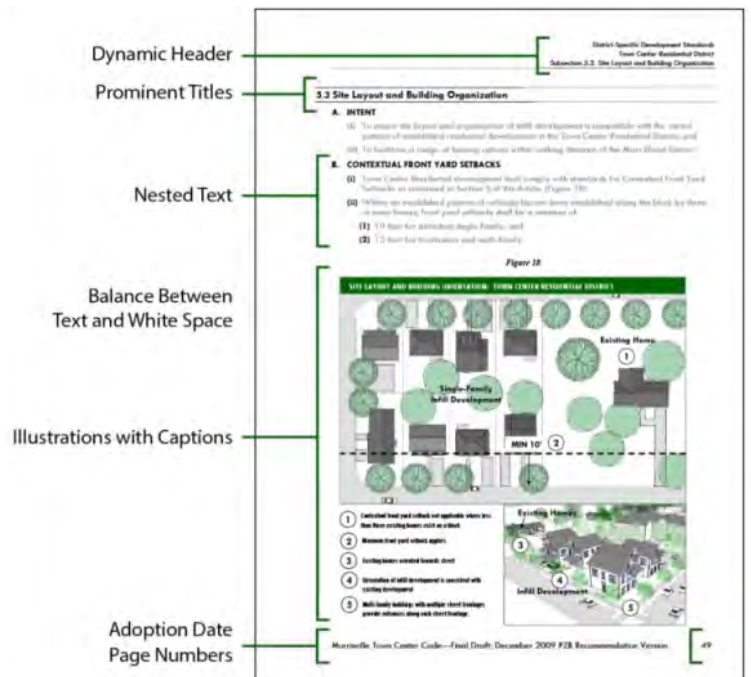
TABLE 3.8.6.D.11.C BEDROOMS BY RESIDENTIAL TYPE, SL-O DISTRICT		
Residential Type	Minimum Number of Bedrooms	Maximum Number of Bedrooms
Single-Family Detached	2	4
Two-Family (Duplex)	2	3
Townhome	2	3

### 1.3. Improve Document Formatting and Referencing

The format of the transitional LDC is difficult to navigate and use. Most pages in the regulations consist of text with wide margins. While some indentation is used to distinguish sub-sections, there could be a stronger use of white space and paragraph alignment to help make a visual distinction between provisions. The document could also make use of section headers, referencing systems, and an index, as well as a glossary of abbreviations. The table of contents could be enhanced with greater detail.

To improve readability, modern codes use distinctive heading styles to more clearly distinguish various sections, subsections, paragraphs, and subparagraphs (see example page layout from another community’s code on this page). When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret. Additionally, modern codes use:

- An easy to understand referencing system;
- A detailed table of contents;
- Detailed headers and footers which highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- Numerous cross-references;
- An index of topics at the end of the document; and
- A glossary of abbreviations.



As illustrated in the example page layout, we suggest all of these techniques be used in the new LDC.

Finally, we suggest the regulations establish a hierarchy of articles and sections with a numbering system that is logical—one that anchors sections in the article in which they are located. The current transitional LDC is organized into 24 chapters, which are then divided into articles, divisions and sections. Sections have a two part “address”

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

that does not reference the division, “(Article)-(Section).” At the end of some sections are lists of enacted ordinances.

To better organize the LDC, we recommend using a hierarchy of articles followed by section numbers. For example, the first section in the first article (Article 1: General Provisions) would be Section 1.1; the next subsection will start with 1.1.1; the next subsection will start with 1.1.1 A., and so on. This hierarchy is shown in the sidebars within Part III, Annotated Outline of the New Land Development Code (LDC).

---

#### 1.4. Make the Language Clearer and More Precise

---

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general/aspirational language can ensure the regulations are consistently interpreted. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

Finally, there are instances in the current regulations where language is general and imprecise. Additionally, there are conflicting provisions. During the rewrite, all procedures, standards, and all other ordinance language will be reviewed and where appropriate, modified with clear, precise, and measurable standards consistent with the Village’s planning and development goals.

---

#### 1.5. Modernize, Refine and Update Definitions

---

Definitions in the transitional LDC are distributed throughout the document, with an individual definition section for particular divisions. In Chapter 2 alone, there are definitions in Secs. 2-45, 2-95, 2-143, 2-264, 2-304, 2-344, 2-384, 2-403, 2-423, and 2-483. Some additional definitions may be found in other substantive non-definitions sections

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, in the new LDC all definitions will be consolidated into Article 10: Definitions and Rules of Construction, Interpretation, and Measurement. In addition, all definitions will be reviewed and where appropriate, modernized, refined, and modified. In addition, where needed, definitions will be added or removed. The result will be development regulations that are easier to understand and use.

## 1.6. Use a Procedures Manual

---

The transitional LDC includes many specific details relating to application submittal requirements. For example, the concurrency application process in Sec. 2-71 sets out nine specific items of information required including the phone number of the owner. We suggest the Village consider removing such details of the submittal requirements from the new LDC and placing them in a Procedures Manual that is authorized to be prepared by the Community Development Director.

The Procedures Manual would include application content requirements, information about application fees, schedules for application processing (e.g., times for processing applications), and information about nuts and bolts staff review processes. The manual might also include a summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If they are included in the LDC, the Village will need to amend the regulations every time the requirements change. Including them in a Procedures Manual referenced in the LDC avoids both cluttering the code and the necessity of amending the regulations every time a minor modification or correction to application material requirements is needed. Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. We suggest the Village consider this practice for Estero's regulations.

---

## 1.7. Streamline Review Procedures

---

### 1.7.1. OVERVIEW OF CURRENT REVIEW PROCEDURES

The current review procedures in the transitional LDC are generally based on those found in the Lee County LDC, though the Village has made some fairly significant changes. The biggest involve (1) eliminating the role of the hearing examiner in making decisions on development applications (instead relying on the Village Council, Planning and Zoning Board, and Design Review Board (DRB)), (2) creating and assigning review duties to the appointed DRB, and (3) increasing opportunities for the public to learn about and provide input on development applications through public workshops. The current review procedures are summarized in Table 1.7.1: Estero: Current Development Review Procedures.



## II. Diagnosis

### Theme 1: Create a User-Friendly Code

**TABLE 1.7.1: ESTERO CURRENT DEVELOPMENT REVIEW PROCEDURES**

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required

#-Mandatory Preapplication or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board	Village Manager	Community Development Director	Development Review Manager	Public Information Workshop <sup>1</sup>
<b>Discretionary Approval</b>							
<b>Comprehensive Plan Amendment</b>	<D>	<R>					W
<b>Development of Regional Impact</b>	<D>	<R>			S		W
<b>Text Amendment</b>	<D>	<R>			S		
<b>Zoning Map Amendment (Rezoning)<sup>2</sup></b>	<D> <sup>3</sup>	<R>			S		W
<b>Planned Development #</b>	<D>	<R>			S		W
<b>Special Exception</b>	<A> / <D> <sup>4</sup>	<D>			S		W
<b>Site Development</b>							
<b>Development Order<sup>5</sup></b>	<A>		<D>				W
<b>Minor Amendments</b>						D	
<b>Limited Review Development Order (LDO)<sup>6</sup></b>	<A>		<D>				W
<b>Minor Amendments</b>						D	
<b>Plat Review</b>	<D>	<R>			S <sup>7</sup>		
<b>Vacation of Easement, Right-of-Way, or Plat</b>	<D>	<R>			S		
<b>Concurrency</b>							
<b>Certificate of Concurrency Compliance<sup>8</sup></b>				D			
<b>Certificate of Concurrency Exemption<sup>8</sup></b>				D			
<b>Concurrency Variance Certificate<sup>8</sup></b>				D			
<b>Historic Preservation</b>							
<b>Regular Certificate of Appropriateness</b>	D <sup>9</sup>						
<b>Special Certificate of Appropriateness</b>	<D> <sup>9</sup>						
<b>Density Bonus</b>							
<b>Density Bonus</b>	<D>	<R>			S		
<b>Permits</b>							
<b>Commercial Building Repainting Permit</b>			<D>				
<b>Driveway/Right-of-Way Permit<sup>10</sup></b>							
<b>Sign Permit</b>			<D> <sup>11</sup>		D/S		
<b>Temporary Use Permit</b>		<D>			S		
<b>Tree Removal/Vegetation Removal Permit</b>					D		
<b>Bulding Permit <sup>16</sup></b>							
<b>Relief</b>							
<b>Variance</b>							
<b>Variance for Flood Hazard</b>		<D>			S		
<b>Variance for Zoning</b>	<A>* / <D> <sup>12</sup>	<D>			S		W
<b>Administrative Deviation</b>							
<b>Deviation for Height</b>	<A>	<D>	<sup>13</sup>		S		

**TABLE 1.7.1: ESTERO CURRENT DEVELOPMENT REVIEW PROCEDURES**

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required  
 #-Mandatory Preapplication or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board	Village Manager	Community Development Director	Development Review Manager	Public Information Workshop <sup>1</sup>
<b>Deviation for Sec.10-104<sup>14</sup></b>			<D>				
<b>Deviation (Other)<sup>15</sup></b>	<A>		<D>				
<b>Flood Hazard Appeal</b>	<A>						
<b>Interpretation</b>							
<b>Interpretation</b>	<A>				D		

NOTES

- Workshops are conducted by the body with decision authority; however, at the discretion of the Village Manager, a workshop for any type of development application may be required and conducted by the Planning & Zoning Board (see Ordinance 15-01).
- This is a quasi-judicial process for site-specific map amendments.
- For map amendments (rezonings) greater than ten acres, two public hearings of the Council are required.
- A special exception that is part of a map amendment (rezoning) must be decided by the Village Council when considering the rezoning.
- Development orders are required for all development permits, defined as:  
*A building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land. (Sec.2-54)*  
 The Village differentiates large development orders from small development orders by size. Large development orders are proposed development over ten acres or with two acres or more of proposed impervious cover.
- LDO eligible actions listed in Sec. 10-174 include: improvements determined by the Director to have no impacts on public facilities; the addition or enlargement of impervious area where total impervious area does not exceed 2,500 square feet; outdoor recreation facilities provided total cumulative impervious area does not exceed 5,000 square feet; improvements with insignificant impacts on public facilities, installation of new utility lines, or improvements to a County-maintained road right-of-way; and subdivision of land into four lots or less meeting 11 specific criteria.
- Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney
- Concurrency actions have been approved by the Village Manager as a part of the development orders process.
- The Village has not established a Historic Preservation Board (HPB). Village Council makes decisions on certificates of appropriateness or delegates this authority.
- Decided by Public Works
- The DRB reviews monument signs only.
- A variance as a part of a map amendment (rezoning), must be decided by the Village Council as a part of the rezoning.
- Ordinance 15-01 does not provide this authority. The DRB interacts with height of architectural features when dealing with architectural issues.
- Includes infrastructure- and engineering-related provisions as well as native vegetation, landscaping of parking and vehicle use areas, and site design standards and guidelines for commercial developments.
- This is a residual category. One recent example includes allowing shoreline hardening of a golf course lake edge (DRB approved February 14, 2018).
- The Building Official decides the building permit. The procedure is in the Building Code.

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

A review of the current procedures in the transitional LDC shows:

- There is no table that summarizes procedures;
- There are no code-delineated standard review procedures;
- Some procedures can be refined to become more efficient, e.g., the development order/limited development order procedure and the administrative deviation procedure;
- Some procedures are not needed and can be deleted; and
- Several new procedures need to be added to address the goals for drafting the new LDC, modernize the development review process, and incorporate zoning best practices (e.g., possibly a golf course conversion procedure).

#### 1.7.2. STREAMLINING THE REVIEW PROCEDURES

Based on our independent review of the planning, zoning, and development review procedures, and discussions with staff, we suggest the following modifications be made to better organize and streamline the review procedures.

- Consolidate all development review procedures into one article, Article 2: Administration, as shown in Part III, Annotated Outline of the New Land Development Code (LDC).
- Establish a set of standard procedures, which:
  - Locates in one place the planning, zoning, and development review procedures that apply to all development applications;
  - Carries forward but streamlines the public information workshops for comprehensive plan amendments, zoning map amendments (rezonings), planned developments, development of regional impact resolutions, special exceptions, variances; and major site plans;
  - Requires pre-application conferences for more complex development applications;
  - Clarifies when an application is complete, and when formal review timelines are initiated;
  - Consolidates public notice requirements;

- Establishes a common set of rules that apply to all post-decision development orders and other approvals (amendments, expiration, etc.);
- Streamlines and modifies certain application-specific review procedures; and
- Adds or codifies several new procedures.

The suggested development review procedures for the new LDC are summarized in Table 1.7.2: Estero Suggested Development Review Procedures, and are discussed in more detail after the table.

<b>TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES</b>						
A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required						
#-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop <sup>1</sup>
<b>Discretionary Approval</b>						
Comprehensive Plan Amendment	<D>	<R>		S		W
Development of Regional Impact (DRI) #	<D>	<R>		S		W
Zoning District Map Amendment (Rezoning)# <sup>2</sup>	<D> <sup>3</sup>	<R>		S		W
Planned Development (Rezoning) #	<D>	<R>		S		W
Development Agreement	<D>	<R>		S		
Special Exception	<A> / <D> <sup>4</sup>	<D>		S		W
<b>Site Development</b>						
<b>Development Order/Site Plan</b>						
Development Order/Site Plan #	<A>		<D>	S		W
Minor Amendments				S	D	
Limited Development Order/ Minor Site Plan <sup>5</sup>	<A>			D		W
Minor Amendments				S	D	
Plat Review	<D>			S <sup>6</sup>		
Vacation of Easement, Right-of-Way, or Plat	<D>			S		
<b>Concurrency</b>						
Certificate of Concurrency Compliance <sup>7</sup>				D		
Certificate of Concurrency Exemption <sup>7</sup>				D		
Concurrency Variance Certificate <sup>7</sup>				D		
<b>Historic Preservation</b>						
Regular Certificate of Appropriateness			<D> <sup>8</sup>	S		
Special Certificate of Appropriateness			<D> <sup>8</sup>	S		
<b>Density Bonus</b>						
Density Bonus	<D>			S		

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

<b>TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES</b>						
A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop <sup>1</sup>
<b>Permits</b>						
<b>Commercial Building Repainting Permit</b>			<D>			
<b>Driveway/ Right-of-Way Permit<sup>9</sup></b>						
<b>Sign Permit</b>			<D> <sup>10</sup>	D/S		
<b>Temporary Use Permit (includes Special Events)</b>		<A> / <D> <sup>11</sup>		D/S <sup>11</sup>		
<b>Tree Removal/Vegetation Removal Permit</b>				D		
<b>Building Permit<sup>12</sup></b>						
<b>Relief</b>						
<b>Variance</b>						
<b>Variance for Flood Hazard</b>		<D>		S		
<b>Variance for Zoning</b>	<A> / <D> <sup>13</sup>	<D>		S		W
<b>Deviation</b>						
<b>Major Deviation</b>	<A>	<D>	<D>	S		
<b>Minor Deviation</b>	<A>			D		
<b>Appeal of Administrative Official</b>	<A>					
<b>Vested Rights</b>	<D>					
<b>Interpretation</b>						
<b>Interpretation</b>	<A>			D		
<p>NOTES</p> <ol style="list-style-type: none"> <li>Workshops are conducted by the body with decision authority; however, at the discretion of the Village Manager, a workshop for any type of development application may be required and conducted by the Planning &amp; Zoning Board (see Ordinance 15-01).</li> <li>This is a quasi-judicial process for site-specific map amendments.</li> <li>For (map amendments) rezonings of n ten acres or more, initiated by the Village, the Council is required to conduct two public hearings</li> <li>A special exception as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.</li> <li>Development orders/site plans are decided by the DRB; limited development orders/minor site plans are decided by the Community Development Director. New thresholds for development orders/site plans and limited development orders/minor site plans will be established, and the threshold for limited development order/minor site plan are proposed to be increased. (Applications currently eligible for a limited development order will be incorporated into limited development order/minor site plan review. Current LDO eligible actions listed in Sec. 10-174 include: improvements determined by the director to have no impacts on public facilities; addition or enlargement of impervious area where total impervious area does not exceed 2,500 square feet; outdoor recreation facilities provided total cumulative impervious area does not exceed 5,000 square feet; Improvements with insignificant impacts on public facilities, installation of new utility lines, or improvements to a County-maintained road right-of-way; and subdivision of</li> </ol>						

TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES						
A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop <sup>1</sup>
<p>land into two lots or less meeting 11 specific criteria).</p> <p>6. Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney</p> <p>7. The Community Development Director makes the decision as a part of the development order process.</p> <p>8. It is recommended the Village create a Historic Preservation Board, and that the DRB act as the Historic Preservation Board.</p> <p>9. Decided by Public Works.</p> <p>10. The DRB reviews monument signs only.</p> <p>11. For special events (permitted as a temporary use), with an expected attendance threshold, for example at least 300-400 people, the permit is decided by the Planning and Zoning Board instead of the Community Development Director. The Director provides staff review.</p> <p>12. A building permit is decided by the Building Official. The procedure is in the Building Code.</p> <p>13. A variance as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.</p>						

**1.7.2.1. CONSOLIDATE PROCEDURES INTO ONE ARTICLE**

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, we suggest locating all procedures for development review in one article, Article 2: Administration. The article would include standard procedures common to all development applications, as well as review standards and any special rules for individual development applications (where relevant).

**1.7.2.2. ESTABLISH A SET OF STANDARD PROCEDURES**

Currently, the elements common to the development review process are addressed separately for each different type of development application, resulting in redundancy and inconsistencies. To address this problem, modern codes establish a set of standard review procedures that apply to all development applications. We suggest a set of standard procedures that addresses review requirements relevant to all development applications be included in the new LDC. The types of procedural requirements included in the standard procedures section would address:

- Who has authority to submit applications;
- Pre-application conferences;

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

- Public information workshops;
- Reference to the establishment of application fees and a review schedule (which will be located outside the LDC);
- Completeness determination provisions;
- Rules governing preparation of the staff report;
- Public notification and public hearing requirements;
- Deferral and withdrawal of applications;
- Procedures for review and approval of applications by staff, the review boards, and the Village Council (including the imposition of conditions of approval);
- Appeals;
- Post-decision actions and notifications;
- Amendments; and
- Expiration and lapse of approval.

The transitional LDC includes many of these provisions, but they are established under individual development application procedures.

#### **1.7.2.3. REFINE USE OF PUBLIC INFORMATION WORKSHOPS**

The transitional LDC requires the Planning and Zoning Board to conduct public information workshops prior to the public hearings on applications for:

- Comprehensive plan amendments;
- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Any other application for which the Village Manager determines a public information meeting should be conducted.

It requires the Design Review Board (DRB) to conduct public information workshop meetings prior to making a decision on any development order/site plan.

The Village recommends that workshops be conducted prior to application submittal; however, there are currently no binding standards on timing. There is currently no specific notice requirement. At the workshop, the applicant is required to provide a detailed overview of the development proposal, answer questions, and provide documents and information relevant to the review of the development proposal.

We suggest the Village consider making refinements to this procedure by requiring public information meetings prior to application submission for:

- Comprehensive plan amendments;
- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Development orders/site plans only.

Other suggested refinements are to clarify the purpose of the meetings in the regulations, establish basic requirements for what must be made available by the applicant to the public about the development proposal, establish basic ground rules for how the meetings should be conducted including timing and public notice requirements, require the applicant to submit a summary of the issues discussed at the meeting (which would be part of the public record), require the summary to be part of the application submittal, and allow any person in attendance at the meeting to submit a written response to the applicant's summary (which would also become part of the public record).

#### **1.7.2.4. PRE-APPLICATION CONFERENCE**

The transitional LDC requires a pre-application conference be conducted with staff before submission of an application for



## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

mining facilities,<sup>2</sup> and encourages (but does not require) pre-application conferences for planned developments and wireless communications facilities.<sup>3</sup> Pre-application conferences are optional for all other applications.<sup>4</sup>

Best practices suggest that conducting a pre-application conference between a potential applicant and staff, especially for a more complex development proposal, is an effective way to expedite the development review process. Encouraging potential applicants to meet informally with staff to present conceptual plans and get staff input prior to submittal of an application helps address substantive issues and procedural requirements before significant time and expense are invested in preparing or processing applications. We suggest the Village consider including a pre-application conference requirement in the new LDC for:

- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Development orders/site plans.

Pre-application conferences would be encouraged for other applications that require a public hearing. The provision would also clarify the purpose of such meetings, set basic ground rules if a pre-application conference is conducted, and explain the effect of the meetings (i.e., discussions are not binding on the Village and processing times do not start until a formal application is submitted and accepted).

#### **1.7.2.5. APPLICATION COMPLETENESS DETERMINATION**

In the transitional LDC, staff is charged with the intake of applications and then determining whether the application is

---

<sup>2</sup> See Sec. 34-372 (planned developments and mining facilities) (however, there is no mining planned development in the Village).

<sup>3</sup> See Sec. 34-1445(a), wireless communications facilities.

<sup>4</sup> Currently, upon an applicant's request, staff does meet with an applicant before an application is submitted. In many respects, this provision would codify current practices.

complete.<sup>5</sup> For actions that require public hearings, the Department begins review of an application for completeness (or in the case of planned developments, sufficiency) only when the Department receives a complete application form, all required documents, and the filing fee.<sup>6</sup> The language in the transitional LDC is fairly general about how a completeness review is determined.

We suggest the new LDC make it express in the standard procedures that all applications will be reviewed and determined “complete” for review, before formal review of the application will begin. What this means is the new LDC would include a subsection in the standard procedures authorizing the Community Development Director (or a designee) to review submitted applications to determine whether they are “complete.” The provision would apply to selected development applications and state that application processing does not begin until after a formal determination that the application is “complete.” Completeness means all relevant and appropriate application submittal requirements are received and the appropriate fees are paid.

The Community Development Director would be given a specific number of working days to review and make a “completeness” determination. After this review, the Community Development Director either notifies the applicant the application is “complete,” and processing of the application will begin, or returns the application to the applicant as “incomplete,” with written notice of the deficiencies. The applicant is then given a specific amount of time within which to resubmit a revised application. If it is not submitted within that timeframe, the application is considered withdrawn. The clock does not start running for staff review of an application until the application is determined “complete.” Once accepted, there is an expectation that the review will progress at a reasonable pace.

---

<sup>5</sup> See Sec. 10-1(b).

<sup>6</sup> See Sec. 34-201(b).

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

#### 1.7.2.6. CONSOLIDATE PUBLIC NOTIFICATION REQUIREMENTS

The transitional LDC generally consolidates the public notification provisions in several sections of the code (see Secs. 34-202 and 34-236), with several exceptions.<sup>7</sup>

We suggest all public notification requirements be consolidated into one subsection in the standard procedures section, and shown in a table, to the extent possible. During the drafting of consolidated public notification requirements, the required days of advance notice and when public documents will be available should be made consistent, if possible. An example of how this was done in another community’s code—and how it is suggested to be done in the new LDC—is shown below.

TABLE 3.3.E.3: PUBLIC HEARING NOTICE TIMING REQUIREMENTS <sup>1</sup>			
APPLICATION TYPE	PUBLISHED NOTICES	NOTICE TIMING REQUIREMENT	
		MAILED NOTICES	POSTED NOTICES
Text Amendment to revise other than Principal Use Table	Publish notice of City Commission public hearing at least 10 calendar days before the hearing		
Text Amendment to revise Principal Use Table	Publish notice of first City Commission public hearing at least 7 calendar days before the hearing		
City-initiated General, Site-Specific, or Historic Overlay Zoning District Map Amendment to reclassify 10 or more contiguous acres	Publish notice of second City Commission public hearing at least 5 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing on a nomination proposal at least 10 calendar days before the hearing date <sup>2</sup>	
City-initiated General, Site-Specific, or Historic Overlay Zoning District Map Amendment to reclassify parcel(s) involving less than 10 contiguous acres	Publish notice of City Commission public hearing at least 10 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing at least 10 calendar days before the hearing date <sup>2</sup> Mail notice of City Commission public hearing at least 30 calendar days before the hearing	Post notice of City Commission public hearing on site at least 10 calendar days before the hearing
General, Site-Specific, or Historic Overlay Zoning District Map Amendment initiated by any person other than the City	Publish notice of City Commission public hearing at least 10 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing at least 10 calendar days before the hearing <sup>2</sup>	
Planned Development		Mail notice of City Commission public hearing at least 15 calendar days before the hearing	
Special Use Permit			
Public or Semipublic Use Permit			

Example Partial Table from Dania Beach, FL

<sup>7</sup> Notice of public hearings is required for hearings before the historic preservation board in Section 22-203(2). Written notice of an application for a private landing strip is required to be sent by certified mail to property owners in Section 22-203(e)(7).

### 1.7.2.7. SPECIFIC STREAMLINING PROCEDURES

Efficient development review procedures make a development code more user-friendly. Our review of the current procedures in the transitional LDC suggests there is opportunity to improve procedural efficiency by streamlining several review procedures, deleting several procedures, and creating several new ones. The proposed changes are identified in Table 1.7.2: Estero Proposed Development Review Procedures, and summarized below.

#### 1.7.2.7.(A) Planned Development Procedures

The intent of planned developments is to offer an applicant flexibility from the zone district regulations and development standards in return for greater development quality, to identify the specific uses allowed, and in some instances to encourage preferred development types (e.g., walkable urbanism; better pedestrian, vehicular, and bicycle connections; better tree protection; more open space; etc.). The majority of current developments in Estero have been approved as planned developments.

The planned development procedures in Chapter 34, Article IV of the transitional LDC, while complex, have served the community well. They provide flexibility to vary standards, and require that the development includes a master plan to provide zoning regulations and the overall plan for development for the PD. Table 3.1.3: Proposed Zone District Structure, identifies the planned development procedures that are proposed to be carried forward in the new LDC. In the drafting stage, we will review the current procedures and standards, and make refinements, where appropriate, to streamline development review.

#### 1.7.2.7.(B) Rename Development Order/Site Plan, Establish Different Procedure for Development Order/Site Plan and Limited Development Order/Minor Site Plan, and Increase Threshold for Limited Development Order/Minor Site Plan

The development order and limited development order procedures in the transitional LDC involve the review and evaluation of a site plan for a proposed development to ensure it complies with the applicable standards and other

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

requirements of the LDC. In most development codes, this procedure is called site plan review, since it requires an applicant to submit and have reviewed a site plan of proposed development.

We suggest the new LDC change the name for the development order procedure to development order/site plan, since it more accurately characterizes the type of review carried out. We also suggest that the procedures in the new LDC include two types of site plan review: development order/site plan review and limited development order/ minor site plan review.<sup>8</sup> Development order/site plan would consist of projects above a certain size. They would be reviewed and decided by the DRB (with appeals taken to the Village Council). All other proposed development, unless exempted, would be considered a limited development order/minor site plan, and would be reviewed and decided by the Community Development Director (with appeals to the Village Council).<sup>9</sup>

#### **1.7.2.7.(C) Modernize and Update Procedure for Deviations**

Administrative adjustments or deviations are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits without affecting compatibility, preserve local development contexts like building façade rhythms, or allow minor adjustments to development standards (e.g., off-street parking or landscaping standards) without affecting development quality. In addition to measureable thresholds identifying maximum adjustment or deviation amounts, the provisions also have clear standards of approval and rules governing expiration and amendment to help ensure the provision is not abused. They are accomplished outside of the variance process, and as such, do not require the applicant to demonstrate “hardship.”

In the transitional LDC, administrative deviations are possible for 23 specific subjects listed in Sec. 10-104(a), mostly related to engineering and infrastructure provisions, and for parking

---

<sup>8</sup> Another possible name for “limited development order / minor site plan” is “minor development order / minor site plan.” The appropriate term will be chosen during drafting.

<sup>9</sup> All projects that are considered subject to limited development in the transitional LDC would be subject to limited site order/minor site plan review.

area landscaping and commercial site design. The Community Development Director makes a decision based on specific standards included in the section.

In addition, the DRB has authority to decide deviations that impact building appearance or design. No threshold limitations are included about the degree or size of the deviations that can be approved. Additionally, this general standard is subject to multiple interpretations, and consequently there is a degree of uncertainty about exactly what type of deviations the DRB can decide.<sup>10</sup> Finally, the Planning and Zoning Board also has authority to decide requests for deviations of building or structure height.

In many respects, these multiple levels of deviations are complex, and in some instances difficult to administer and understand. They are also not bounded as tightly by specific thresholds and standards as those in most modern development codes.

We suggest the Village consider revising and clarifying these deviation procedures by establishing a two-tier procedure for deviations: minor deviations and major deviations. Minor deviations would be decided by the Community Development Director (or a designee) and major deviations would be decided by either the Planning and Zoning Board or DRB.

Even though the complete list of what constitutes a minor deviation or major deviation would need to be specifically defined at the drafting stage, minor deviations might include the deviations currently identified in Section 10-104(a), along with deviations of the following standards by up to 10 percent, subject to specific review standards:

- Other dimensional standards;
- Other off street parking space standards;
- Other landscaping standards; and

---

<sup>10</sup> In some because of this lack of clarity, the Community Development Director has had to make interpretations about whether certain types of deviations can be considered by the DRB.

## II. Diagnosis

### Theme 1: Create a User-Friendly Code

---

- Targeted design standards, like fenestration or modulation of façades.

Major deviations would specifically focus on deviations to the above standards by over ten and up to 15 percent, and possibly other specific design and form standards which are not subject to review as minor deviations.

#### **1.7.2.7.(D) Include Procedure for Development Agreements**

The transitional LDC allows the Village Council to enter into development agreements in accordance with Secs. 163.3220-163.3243, Fla. Stat., the Florida Local Government Development Agreement Act.<sup>11</sup> Currently development agreement applications are controlled by provisions in an administrative code (see Section 2-96). Since there is a reasonable possibility the Village Council might decide to enter into a development agreement in future years, we suggest a development agreement procedure be included in the new LDC.

---

<sup>11</sup> See Secs. 2-91 through 2-140.

## **Theme 2: Implement the Comprehensive Plan**

---

### **2.1. Introduction**

---

The Florida statutes and laws require that a local government land development code be consistent with and implement an adopted comprehensive plan. The Village officially adopted its first comprehensive plan, the Estero Comprehensive Plan, on June, 13, 2018. The plan includes a number of goals and policies. The key goals that need to be implemented in the new LDC include:

- Supporting higher density, walkable, mixed-use places in appropriate locations in the Village (the Village Center and Transitional Mixed-Use areas) ;
- Strengthening connections for pedestrians, vehicles, and bicycles;
- Enhancing architectural, form, and design standards for mixed-use, commercial, and multifamily development;
- Supporting connections between public parks, sensitive lands, and open space set-asides;
- Encouraging sustainable development practices; and
- Strengthening flood protection and storm water management standards.

Each will be implemented. The following sections summarize the specific plan goals and policies that establish these directives, and then identify the actions that will be taken in the new LDC to implement each of the policy directives.

### **2.2. Create Higher Density, Walkable, Mixed Use Urban Centers in Appropriate Locations**

---

Policies in the comprehensive plan direct that the new LDC establish regulations that support and encourage the development of higher density, mixed-use, urban centers in several locations – in the Village Center (FLU 1.2.1 and 1.2.10) and the Transitional Mixed-Use (FLU 1.2.1 and 1.2.8) areas identified in the plan. The Village has implemented the policies related to development of the Village Center through the Estero planned development district, which will be carried forward, with refinements, as appropriate. It is suggested the Village consider implementing the policies related to the Transitional Mixed-use area, in part, through the establishment of a new Village Mixed-Use District (see Section 3.1.3, Proposed Zone District Structure).



---

### **2.3. Strengthen Connections for Pedestrians, Vehicles, and Bicycles**

---

Policies in the comprehensive plan direct that development practices encourage and support a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways (TRA 1.2.2). The system should provide connections between neighborhoods, commercial and mixed-use centers; enable multi-modal transportation access; and where feasible, provide connections between adjacent uses. It is suggested the Village consider implementing this plan direction in the new LDC by adding a set of mobility, circulation, and connectivity standards that require and encourage new development to provide a variety of connections for pedestrians, bicycles, and vehicles, between and within developments (see Section 4.1, Mobility and Connectivity Standards; Section 4.2, Off-Street Parking, Loading, and Bicycle Standards; and Section 4.6, Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development).

---

### **2.4. Enhance Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use, Development**

---

The comprehensive plan recognizes that high quality architecture and building design is a hallmark of the Village, and architectural, form, and design standards play a key role in ensuring this tradition is carried forward. Policies in the plan include supporting horizontal and vertical mixed-use areas with a form and design that unifies “live, work, play, and shop” destinations through higher densities, walkable urbanism, and incentives that result in reduced parking and buffer requirements (FLU 1.9.1). These types of development are also to be supported with a circulation system that connects residential and nonresidential areas for both automobile and non-automobile trips (FLU 1.9.2). The plan is also clear that development is to be of high quality, including incorporating elements from historic structures into new future architectural design (HOU 1.3.3). It is suggested the Village consider implementing this plan direction in the new LDC through the refinement and enhancement of the current architectural, form, and design standards (see Section 4.6, Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development).

## **2.5. Support and Encourage Connections Between Public Parks/Sensitive Lands and Open Space Set-Asides on Private Lands**

---

Comprehensive plan policy TRA 1.2.2 C directs that development practices should result in corridors linking neighborhoods to each other, and corridors linking public parks, and public facilities with Estero Community Park, the Estero River, Koreshan State Park, and Estero Bay Preserve. This plan direction can be achieved through a combination of land acquisition by the Village in conjunction with regulations in the new LDC that require establishment of pedestrian connections and greenways along identified corridors through open space set-aside standards (see Section 4.1, Mobility and Connectivity Standards; and Section 4.5, Comprehensive Open Space Set-Aside Standards).

---

## **2.6. Support and Encourage Sustainable Development Practices**

---

Policies in the comprehensive plan direct the promotion of Florida-friendly and xeriscape landscaping (CCM-1.10.4), strengthening tree protection requirements (CCM-1.6.2), and encouraging the use of clean fuels and alternative energy (CCM-1.11.1). In addition, during the kick-off meetings, a number of community members supported the idea of the new LDC encouraging and supporting sustainable development practices generally. The Village might consider implementing this plan direction and general goal in the new LDC through:

- Strengthened tree protection standards (see Section 4.4, Tree Protection Standards);
- The encouragement of Florida-friendly and xeriscape landscaping (4.3, Landscaping and Buffer Standards);
- New sustainable development standards and incentives (Section 4.9, Standards and Incentives for Sustainable Development Practices); and
- Strengthened flood protection and storm water management standards (Section 2.7, Strengthen Flood Protection and Stormwater Management Standards).

## II. Diagnosis

### Theme 2: Implement the Comprehensive Plan

---

## 2.7. Strengthen Flood Protection and Stormwater Management Standards

---

The Village's location in southwest Florida subjects it to conditions that may cause flooding during storms. The comprehensive plan recognizes this vulnerability and contains policies relevant to strengthening the flood protection and stormwater management standards of the new LDC. These include restoring natural flow-ways and drainage systems (INF 1.1.4), requiring stormwater management systems for redevelopment (INF 1.1.5) and when rebuilding after destruction by natural forces (FLU1.7.2), protecting potable water wellfields (INF 1.2.1), reducing flood risk in coastal areas through tools such as green streets and ecological asset protection (CCM 1.3.10), and preparing and implementing a new Stormwater Master Plan (INF 1.1.2 and INF 1.1.3).

The Village is in the process of preparing a new Stormwater Management Plan. The plan will include recommendations on development standards related to flood protection and stormwater management. The policy directives in the plan can be implemented by including the regulatory actions directed in the new Stormwater Management Plan in the new LDC.

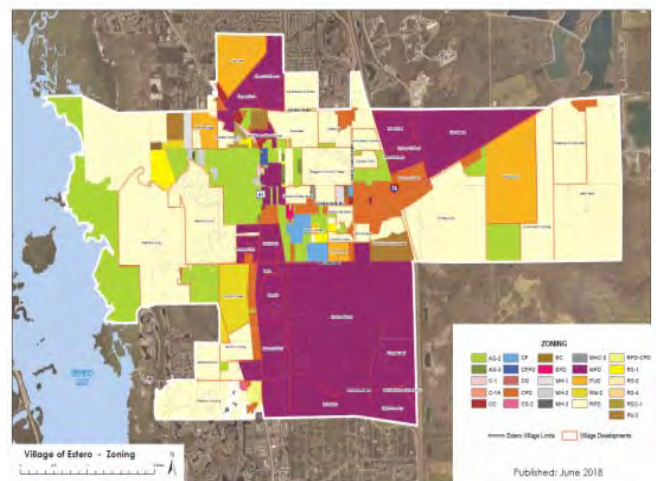
## Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

### 3.1. Restructure, Modernize, and Tailor the Current Zone Districts

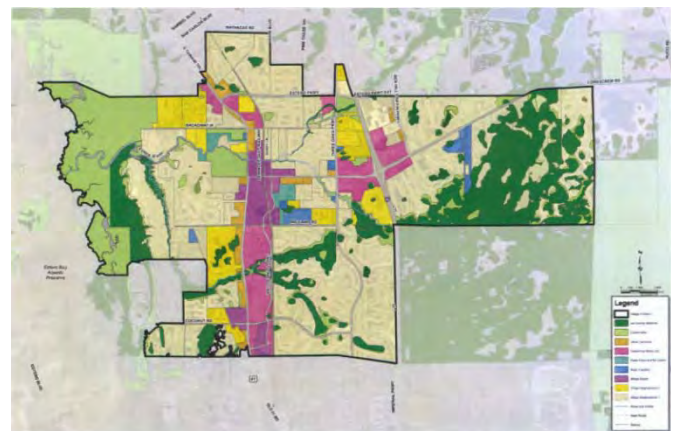
#### 3.1.1. INTRODUCTION

Zone districts and allowable uses are core elements of a land development code. They establish the general development character of different geographical areas in the community, along with what uses may be developed in different locations. Based on the policy direction in the recently-adopted comprehensive plan, additional input received during the project kick-off meetings, and our independent review of the transitional LDC, we recommend a significant restructuring of the current zone districts<sup>12</sup> in order to better align the districts with development patterns in the Village and plan policy direction, incorporate best practices tools, modernize the districts, and simplify and make the district structure more user-friendly. The key elements of the restructured districts include:

- A simpler zone district structure with:
  - 15 base districts;
  - Five planned development districts;
  - and



Estero Zoning District Analysis



Future Land Use Map

<sup>12</sup> This should not be surprising, since the transitional LDC is basically the Lee County LDC, with modest variations adopted by the Village during the early years of incorporation.

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

---

- One special purpose district.
- Zone district categories with purpose statements and (if applicable) standards that apply to all districts within the category;
- Consolidation of certain districts where they achieve similar purposes, allow similar uses, and establish similar rules;
- Deletion of a number of districts that are not relevant or needed in the Village;
- Establishment of several new business districts to implement the comprehensive plan and establish a logical array of commercial and mixed-use development options in the Village, including:
  - A Neighborhood Commercial (NC) district that will provide lands for small-scale neighborhood serving uses in close proximity to, and within, residential neighborhoods;
  - An Urban Corridor Redevelopment (UCR) District, to replace the current C-1 district in order to encourage and support high quality commercial, mixed-use, and moderate density residential redevelopment on C-1 zoned lands;
  - A new Office-Mixed-Use (O-MX) District to support high quality stand-alone office development, as well as mixed-use development that includes offices; and
  - A Village Mixed-Use (VMX) District, that implements the policy direction in the comprehensive plan; and
- Modernization of the format of all the districts to better communicate their character and the zone district regulations.

As background, it is important to understand that, in considering how best to restructure the zone districts, a systematic evaluation was conducted that involved:

- First, evaluation of the current zone district structure;
- Second, evaluation of land use policy direction and future land use classifications in the comprehensive plan; and

- Third, consideration of the other key goals for the update project, in particular the desire to make the current regulations more user-friendly and efficient.

This analysis is summarized below in Section 3.2.1, Overview of Current Zone Districts. Based on these considerations, the proposed structure for the zone districts is outlined and discussed in Section 3.2.2, Proposed Zone District Structure. The section concludes with suggestions about how to reorganize and simplify the system for classifying and establishing uses and use-specific regulations (see Section 3.2.5, Identify and Classify Uses in a Simpler and More Flexible Way) and how to improve the organization of zone regulations generally (see Section 2.2.3, Modernize Format of Zoning Districts).

### 3.1.2. OVERVIEW OF CURRENT ZONE DISTRICTS

The transitional LDC includes 79 zone districts:

- 54 base zone districts;
- Three special purpose districts;
- 13 planned development districts; and
- Eight redevelopment or community overlay districts (of which, only two apply in the Village)<sup>13</sup>.

#### 3.1.2.1. BASE DISTRICTS

The 54 base districts consist of three agricultural districts, 21 residential districts, four recreational vehicle park districts, four community facility districts, 16 commercial districts, three marine-oriented districts, and three industrial districts. See Table 3.1.2.1: Base Zone Districts in Transitional LDC.

<sup>13</sup> The Corkscrew Road Redevelopment and US 41 Redevelopment Overlay Districts apply within the Village. Page Park Community, Malatcha Residential, Malatcha Historic, Caloosahatchee Shores Olga Planning Community, Caloosahatchee Shores State Route 80 Corridor, and San Carlos Island Redevelopment Overlay Districts apply outside the Village.

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

**TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC**

District	Purpose Statement
These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
<b>Agricultural Districts</b>	
Provides for agricultural operations, with residential uses permitted as ancillary to agriculture. Also accommodates compact communities as long as agricultural or natural lands are protected.	
AG-1: Agricultural	Provides for agricultural operations, with residential uses permitted as ancillary to agriculture. Also accommodates compact communities as long as agricultural or natural lands are protected.
AG-2: Agricultural	
AG-3: Agricultural	
<b>Residential Districts</b>	
Permit various types of residential units at various densities in the urban service area where infrastructure exists or can feasibly be extended, and lower-density single-family and mobile homes in nonurban areas.	
RSC-1: Residential Single-Family Conservation	Allows existing single-family dwellings; lots, structures, and uses that do not conform to the requirements of other single-family residential districts; and the residential use of lawfully existing nonconforming lots (minimum lot size smaller than RSC-2 at 4,000 square feet).
RSC-2 Residential Single-Family Conservation	Allows existing single-family dwellings that do not conform to the requirements of other single-family residential districts; and the residential use of lawfully existing nonconforming lots (minimum lot size larger than RSC-1 at one acre).
RSA	Allows all uses permitted by right in RSC-1 or RSC-2 districts. Minimum lot size is 6,500 square feet.
RS-1: Residential Single-Family	Allows for detached, single-family dwellings at varying lot sizes ranging from 7,500 square feet (RS-1) to two acres (RS-5).
RS-2: Residential Single-Family	
RS-3: Residential Single-Family	
RS-4: Residential Single-Family	
RS-5: Residential Single-Family	
TFC-1: Residential Two-Family Conservation	Accommodates and protects existing two-family units and lots that do not conform to other district regulations. These districts are not available for new development.
TFC-2: Residential Two-Family Conservation	
TF-1: Residential Two-Family	Allows conventionally built duplex, two-family, and single-family dwellings.
RM-2: Residential Multiple-Family	Allows a variety of residential use types for development which is not part of a planned development, or which falls below the requirements for residential planned developments.
RM-3: Residential Multiple-Family	
RM-6: Residential Multiple-Family	
RM-8: Residential Multiple-Family	
RM-10: Residential Multiple-Family	
MHC-1: Mobile Home Conservation Residential	Allows and protects mobile home developments lawfully developed under the 1962 or 1968 zoning regulations (MHC-1 or MHC-2) that do not conform to other mobile home districts.
MHC-2: Mobile Home Conservation Residential	
MH-1: Mobile Home Residential	Allows mobile homes with residential lot sizes ranging from 7,500 square feet (MH-1) to 5,000 square feet (MH-2).
MH-2: Mobile Home Residential	
MH-3: Mobile Home Residential	Allows mobile homes in mobile home communities with more moderate densities and larger lot sizes (21,000 square feet in MH-3 and 40,000 square feet in MH-4).
MH-4: Mobile Home Residential	
<b>Recreational Vehicle Districts</b>	
Allows recreational vehicle (RVs) for temporary or seasonal vacationers.	
RV-1	Allows recreational vehicle (RVs) for temporary or seasonal vacationers. These districts use less space per vehicle than the mobile home districts per dwelling (2,000 square feet in R-3, the only existing RV district in the Village).
RV-2	
RV-3	
RV-4	
<b>Community Facilities Districts</b>	
These districts allow community service uses, government facilities, parks, group homes, schools, and some medical facilities	
CF-1	Provides lands that accommodate community service uses, government facilities, parks, group homes, schools, and some medical facilities.
CF-2	

**TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
CF-3	
CF-4	
<b>Commercial</b>	
Allows for a broad range of different types of commercial uses in a variety of context (neighborhood serving, community serving, general, highway, tourist, special). Also allows for continuance of certain uses/structures that existed on August 1, 1986, that were permitted under 1962 County Zoning Regulations (amended 1978). Except for the purpose of accommodating existing development, prevents rezoning of parcel ten acres or greater in size to one of the base commercial districts.	
C-1A: Commercial	Allows continuance of commercial and certain residential uses/structures permitted under 1962 Lee County Zoning Regulations (amended 1978) that lawfully existed on August 1, 1986. Prevents land to be rezoned to this district after February 4, 1978.
C-1: Commercial	
C-2: Commercial	
C-2A: Commercial	Allows for continuation of most commercial and residential uses in the C-2 district (but not industrial and manufacturing uses). This district is not available to landowners through normal procedures, but shall be used only by the Village Council on its own initiative to achieve the purpose stated in this subsection.
CN-1: Neighborhood Commercial	Allows small-scale commercial uses within or adjacent to residential areas. States substantial buffering and other design techniques will be used to prevent negative impacts on residential lands.
CN-2: Neighborhood Commercial	Allows CM-1 uses and consumer-oriented commercial uses (food, drugs, sundries, hardware personal services, and similar items) of moderate scale, including neighborhood shopping centers. Allows greater floor area and serves a broader market area than CN-1.
CN-3: Neighborhood Commercial	Allows broad range of small-scale retail, office and personal service uses adjacent to and within residential areas without the need to obtain CPD (Commercial Planned Development) zone district designation. (District is especially designed for Lehigh Acres).
CC: Community Commercial	Allows medium- to large-scale consumer-oriented commercial uses, particularly for community or regional shopping centers. In addition to retail sales, district also allows wide range of services, including financial, business, and professional offices, all arranged in discrete commercial centers or evolving business districts. They have a greater floor area than development in the CN districts. Buffering is required, along with designed gradients of intensity adjacent to less intense uses.
CG: General Commercial	Allows consumer-oriented commercial uses at a scale which is not suited for CN or CC districts. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.
CS-1: Special Commercial Office	Allows standard office uses, and a minimum level of retail sales and personal services uses to provide convenient access to goods and services for the offices. While uses in the district typically require easy access from arterial or high-volume collector roads, the district is intended to separate and buffer residential and other low/medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.
CS-2: Special Commercial Office	Allows standard office uses, and other low-impact uses that can be allowed by special exception. The district is intended to be used to separate and buffer residential and other low- or medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.
CH: Highway Commercial	Allows commercial uses along major highways. The market for such uses is presumed to consist of transient visitors rather than residents or long-term visitors to the Village.
CT: Tourist Commercial	Allows commercial uses and services, and accommodations (includes housing and recreation facilities), that primarily serve tourists, other visitors, and short-term or seasonal residents. Lands designated CT are expected to be located near or adjacent to an attractor of tourism such as gulf beach frontage, theme parks, major public or private parks, and other recreational or scenic resources.
CP: Commercial Parking	Allows for the provision of automobile parking subordinate to other uses on other parcels of



## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

**TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
	land where it is not appropriate to permit the full range of uses allowed by the district.
CI: Intensive Commercial	Allows commercial uses which have similar needs as industrial uses. They include warehousing, distribution and transportation of goods. The CI district is intended to be located between consumer-oriented commercial and light industrial uses.
CR: Rural Commercial	Allows limited commercial uses in the nonurban areas of the Village. It should be small-scale and neighborhood-oriented in character and uses allowed, and provide other goods and services specific to rural productive activities, such as farming or ranching. The standard of physical development must be or closely approximate that of a minor commercial development as set forth in standard Section 6.1.2.1 of the Lee Plan.
Marine-Oriented Districts	
CM: Commercial Marinas	Allows commercial marinas and other uses incidental to marinas. The principal uses are limited to waterfront-dependent uses required for the support of recreational boating and fishing.
IM: Industrial Marine	Allows commercial and industrial waterfront-dependent uses (.boatbuilding, major hull and engine maintenance/repair, icing and shipping of fish and seafood (fish and seafood processing requires a special exception), and other uses of similar scope and scale). Uses are more intense than those encountered in a recreational marina, but do not include storage and commodity handling facility uses, and equipment attendant to waterborne commerce movement uses found in the PORT district.
PORT	Allows waterborne commerce movement, including, but not limited to wharfs and docks for sea- and river-going bulk carriers (ships and barges), bulk storage of commodities, warehousing for goods received or awaiting shipment, and other similar uses.
Industrial Districts	
IL: light Industrial District	Allows variety of light industrial and quasi-industrial commercial uses.
IG: General Industrial District	Allows various heavy industrial uses which potentially produce extensive adverse impacts on surrounding uses or resources. The uses produce noise, odors or increased hazards of fire, and are generally incompatible with lower-intensity land uses.
IR: Rural Industrial District	Allows limited industrial uses in nonurban areas. Uses are limited to industrial uses having a close relation to agricultural products, or produce goods or provide services essential to agriculture.

### 3.1.2.1. SPECIAL PURPOSE DISTRICTS

The three special purpose districts are summarized in Table 3.1.2.1: Special Purpose Districts in the Transitional LDC. Their purpose is to provide lands to accommodate certain types of uses and conditions which do not normally occur within the other districts in the transitional LDC.

**TABLE 3.1.2.1: SPECIAL PURPOSE DISTRICTS IN THE TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
ECD: Environmentally Critical District	Preserves and protects certain lands and waters areas in the unincorporated county which have important ecological, hydrological or physiographic importance. The application of the EC district is intended to prevent a public harm by precluding development that adversely impacts lands in their natural state and otherwise adversely affects a defined public interest.
Airport Compatibility District	The purpose of this district is to establish protection around SWFIA and Page Field in accordance with state and federal law. It addresses height obstructions, airport hazards, wildlife attractants,

**TABLE 3.1.2.1: SPECIAL PURPOSE DISTRICTS IN THE TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
	noise, runway protection zones, light emissions, reflectivity and power interference, aircraft overflights, and public investment in air transportation facilities. <sup>14</sup>
PUD: Planned Unit Development District	Parts of the old PUD regulations are retained in this district to allow completion of these developments which received preliminary approval prior to August 1, 1986. Subsequent to September 30, 1985, no application for preliminary approval of a planned unit development will be accepted. (Breckenridge, Wildcat Run, and The Vines are PUDs).

**3.1.2.2. PLANNED DEVELOPMENT DISTRICTS**

The 13 planned development districts are summarized in Table

3.1.2.1: Planned Development Districts in the Transitional LDC.

Only five of these districts are currently being used in Estero.

**TABLE 3.1.2.1: PLANNED DEVELOPMENT DISTRICTS IN THE TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
AOPD: Airport Operations Planned Development	Accommodate lands where public airports and ancillary facilities are located.
CFPD: Community Facilities Planned Development	Accommodates governmental, religious and community service uses which support development throughout the community, but which, due to the size, intensity or nature of the use and the potential impact on adjacent development, roads or other infrastructure, is not allowed as a by-right use.
Compact PD: Compact Planned Development	Accommodates compact neighborhoods with shopping and workplaces nearby. The Compact PD is the sole subject of Chapter 32 Compact Communities, incorporating form-based provisions and traditional neighborhood design.
CPD: Commercial Planned Development	Accommodates the retail sale/distribution of consumer goods and services, financial services, and offices (including doctor’s offices but not inpatient facilities).
EPD: Estero Planned Development	Accommodates development that is consistent with the specific goals and objectives for the Village Center Area in the comprehensive plan. Development in the PD should be pedestrian-friendly (walkable and bikeable), support a mix-use of uses at greater densities or intensities than elsewhere in the village, where appropriate preserve community history, and protect natural resources and the environment (particularly along the Estero River). The EPD contains four-tiers of sub-districts ranging in density from 6 dwellings per acre (Tier 1) to 21 dwellings units per acre (Tier 4), with additional density available when developments provide significant public benefits. Tier 4 is currently the same as a compact planned development.
IPD: Industrial Planned Development	Accommodates the manufacture and storage/distribution of goods/materials, and limited commercial uses intended to serve the employees/patrons of businesses, in a planned development context.
RPD: Residential Planned Development	Allows accommodation of increased residential density/ancillary development in rural or outer-island categories in the comprehensive plan, if the PD is independent of Village-subsidized facilities and services, and the project will not have adverse economic, environmental, fiscal or social impact on its surrounding or the Village.

<sup>14</sup> The Airport Compatibility District is applicable only in the unincorporated portions of Lee County unless an interlocal agreement exists between a municipality and the county. While no interlocal agreement currently exists between the Village and the county with respect to this district, there is a small amount of land within the Village that should be subject to the district; currently, the Village solicits comments from airport staff on projects on these lands.

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

**TABLE 3.1.2.1: PLANNED DEVELOPMENT DISTRICTS IN THE TRANSITIONAL LDC**

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
RDP-CDP	Accommodates a planned development option in Pelican Landing only.
MEPD: Mine Excavation Planned Development	Accommodates mining uses/activities and resource extraction.
MHPD: Mobile Home Planned Development	Accommodates increased residential density for mobile homes/ancillary development in a planned development context, in rural or outer island categories in the comprehensive plan, if the PD is independent of Village-subsidized facilities and services, and will not have an adverse economic, environmental, fiscal, or social impact to its surroundings or the Village.
MPD: Mixed-Use Planned Development	Accommodates planned developments with a mix of uses in order to reduce the number of vehicular trips. A broad range of residential and nonresidential uses are allowed (including some low and moderate impact light industrial and manufacturing uses.
PRFPD: Private Recreational Facilities Planned Development	Accommodates private recreational facilities in a planned development context, in suitable areas within DR/GR (Density Reduction/ Groundwater Resource) areas. The DR/GR areas are meant to counterbalance existing rights to construction in Cape Coral and Lehigh Acres that have not yet been built, and contain much of the land east of I-75; they excluded the Village boundaries at the time of incorporation.
RVPD: Recreational Vehicle Planned Development	Accommodates all new recreational vehicle development and any expansion of an existing recreational vehicle development(required to be rezoned RVPD district).

### 3.1.2.3. OVERLAY DISTRICTS

There are eight redevelopment and community overlay districts. Their purpose is to support and encourage revitalization of redevelopment areas through master planning. This is done by the establishment of special development standards for the overlay district. Compliance with the standards is voluntary. Landowners have the option to either proceed under the redevelopment overlay standards, or the rules in the base zone district.

There are two redevelopment overlay districts in the transitional LDC that apply in the Village. They are:

- The Corkscrew Road Overlay; and
- The US 41 Overlay.

### 3.1.3. PROPOSED ZONE DISTRICT STRUCTURE

Based on this evaluation of the current zone district structure, land use policy directed in the comprehensive plan, and a key project goal of making the new LDC more user-friendly and efficient, we suggest the the Village consider restructuring the zone districts in the new LDC as outlined in Table 3.1.3: Proposed Zone District Structure. The table organizes the districts into the following groups:

- Base districts:
  - Agriculture Districts
  - Residential Districts
  - Recreational Vehicle Districts;
  - Business Districts;
  - Light Industrial Districts;
  - Special Purpose Districts;
- Planned Development Districts; and
- Overlay Districts.

The proposed changes are discussed in further detail following the table.

So the reader can better compare the current zone district structure to the proposed structure, the first column in the table outlines the current zone districts. Where current districts are proposed to be deleted or consolidated, that is noted. The listing of the districts under each group generally starts with the least intense districts, extending to the highest-intensity districts. In addition, so the reader can relate the proposed zone district structure to the Future Land Use Map (FLUM) categories in the Estero Comprehensive Plan, the final column in the table shows the corresponding comprehensive plan FLUM land use classifications that are being implemented by the proposed zone districts.

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
<b>BASE DISTRICTS</b>		
<b>Agriculture Districts</b>		
Agricultural district (AG-2)	<b>Agriculture (AG) District</b>	Wetland Conservation Urban Commercial Transitional Mixed Use Public Parks and Recreation Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2
Agricultural district (AG-3)		Village Neighborhood 1

## II. Diagnosis

Theme 3:Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
Agricultural district (AG-1)	<b>[DELETE]</b>	District is currently not applied in the Village of Estero
<b>Residential Districts</b>		
<i>Single -Family Districts</i>		
Residential single-family conservation district (RSC-1)	<b>Residential Single-Family Conservation (RSFC) District</b>	Village Neighborhood 2
Residential single-family district (RS-1)	<b>Residential Single-Family (RSF) District</b>	Village Center Village Neighborhood 1 Village Neighborhood 2
Residential single-family conservation district (RSC-2)	<b>[DELETE]</b>	Village Neighborhood 1
Residential single-family district (RS-2)		Village Neighborhood 1
Residential single-family district (RS-4)		Districts are currently not applied in the Village of Estero
Residential single-family attached district (RSA)		
Residential single-family district (RS-3)		
Residential single-family district (RS-5)		
Residential two family conservation district (TFC-1)		
Residential two family conservation district (TFC-2)		
Two-family district (TF-1)		
<i>Multiple-Family Districts</i>		
Residential multiple family district (RM-2)	<b>Residential Multiple Family (RMF) District</b>	Wetland, Conservation Village Neighborhood 1 Village Neighborhood 2
Residential multiple family district (RM-3)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Residential multiple family district (RM-6)		
Residential multiple family district (RM-8)		
Residential multiple family district (RM-10)		
<i>Mobile Home Districts</i>		
Mobile home conservation residential district (MHC-2)	<b>Mobile Home Conservation (MHC) District</b>	Village Neighborhood 1

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
Mobile home residential district (MH-1)	<b>Mobile Home Small Lot (MHSL) District</b>	Village Neighborhood 1 Village Neighborhood 2
Mobile home residential district (MH-2)		Conservation Village Neighborhood 1 Village Neighborhood 2
Mobile home residential district (MH-3)	<b>Mobile Home Large Lot (MHLL) District</b>	Village Neighborhood 1
Mobile home conservation residential district (MHC-1)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Mobile home residential district (MH-4)		
<b>Recreational Vehicle Districts</b>		
Recreational vehicle district (RV-3)	<b>Recreational Vehicle (RV) District</b>	Wetland Conservation Village Center Village Neighborhood 2 Village Neighborhood 1
Recreational vehicle district (RV-2)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Recreational vehicle district (RV-4)		
<b>Community Facilities District</b>		
Community facilities (CF)	<b>Community Facilities (CF) District</b>	Public Parks and Recreation Public Facilities Village Center
<b>Business Districts</b>		
	<b>Neighborhood Commercial (NC) District [NEW]</b>	
	<b>Urban Commercial Redevelopment (UCR) District [NEW]</b>	Urban Commercial Village Neighborhood 2
Community commercial district (CC)	<b>Community Commercial (CC) District</b>	Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1
	<b>Office-Mixed-Use (OMX) District [NEW]</b>	
	<b>Village Mixed Use (VMX) District</b>	

## II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
	<b>[NEW]</b>	
Commercial district (C-1A)	<b>[DELETE]</b>	Urban Commercial
Commercial district (C-1)		Urban Commercial Village Neighborhood 2
Commercial district (C-2)		Districts are currently not applied in the Village of Estero
Commercial district (C-2A)		
Neighborhood commercial district (CN-1)		
Neighborhood commercial district (CN-2)		
Neighborhood commercial district (CN-3)		Transitional Mixed Use
General commercial district (CG)		
Special commercial office district (CS-1)		District is currently not applied in the Village of Estero
Special commercial office district (CS-2)		Village Neighborhood 2
Highway commercial district (CH)		Districts are currently not applied in the Village of Estero
Tourist commercial district (CT)		
Commercial parking district (CP)		
Intensive commercial district (CI)		
Rural commercial district (CR)		
<b>Marine-Oriented Districts</b>		
Marine commercial district (CM)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Marine industrial district (IM)		
Port district (PORT)		
<b>Industrial Districts</b>		
Light industrial district (IL)	<b>Light Industrial (IL) District</b>	TBD
General industrial district (IG)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Rural industrial district (IR)		
<b>PLANNED DEVELOPMENT DISTRICTS</b>		
Residential planned development district (RPD)	<b>Residential Planned Development (RPD) District</b>	Wetland Conservation Transitional Mixed Use Village Neighborhood 1 Village Neighborhood 2
Community facilities planned development district (CFPD)	<b>Community Facilities Planned Development (CFPD) District</b>	Urban Commercial
Commercial planned	<b>Commercial Planned</b>	Wetland

**TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE**

Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
development district (CPD)	<b>Development (C PD) District</b>	Conservation Urban Commercial Transitional Mixed Use Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2
Mixed use planned development district (MPD)	<b>Mixed Use Planned Development (MXP) District</b>	Wetland Conservation Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1
Estero planned development	<b>Estero Planned Development (EPD) District</b>	Village Center
Compact planned development (Compact PD)	<b>[Reference or create summary process for Compact PD District, so it is unnecessary to carry forward entire Compact PD regulations]</b>	Village Center-Tier 4
RPD-CPD <i>(Pelican Landing is the only instance of RPD-CPD designation [reference: ZVL2014-00039])</i>	<b>[Remove from district line-up, but recognize validity of approved RPD-CPD in Section 1.8, Transitional Provisions in Article 1: General Provisions ( include there rules relevant to amendments and how to treat new development in the RPD-CPD)]</b>	Urban Commercial Village Center Village Neighborhood 2
Mobile home planned development district (MHPD)	<b>[DELETE]</b>	Districts are currently not applied in the Village of Estero
Recreational vehicle planned development district (RVPD)		
Industrial planned development district (IPD)		
Airport operations planned development district (AOPD)		
Private recreational facilities planned development (PRFPD)		
Mine excavation planned		



## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
development district (MEPD)		
<b>SPECIAL PURPOSE DISTRICTS</b>		
Environmentally critical district (EC)	<b>Environmentally Critical (EC) District</b>	Conservation Public Facilities
Airport compatibility district	<b>[Delete from district line-up since it only applies to a small area in the Village; require area where it applies to comply with district standards by referencing in Lee County LDC, or establishing supplementary standards (versus a district) in new LDC that incorporates relevant standards.]</b>	Applies to any building that exceeds 125 feet in height
Planned unit development district (PUD)	<b>[Remove from district line-up, but recognize validity of approved PUDs in Section 1.8, Transitional Provisions in Article 1: General Provisions (include in that section rules relevant to amendments and how to treat new development in approved PUD)]</b>	Wetland Public Facilities Village Neighborhood 2 Village Neighborhood 1
<b>OVERLAY DISTRICTS</b>		
Corkscrew Road Redevelopment Overlay District	<b>Corkscrew Road Redevelopment Overlay (CRR O) District</b>	N/A
US 41 Redevelopment Overlay District	<b>US 41 Redevelopment (US 41 O) Overlay District</b>	N/A
San Carlos Island Redevelopment Overlay District	<b>[DELETE]</b>	District is currently not applied in the Village of Estero

### 3.1.3.1. BASE DISTRICTS

#### 3.1.3.1.(A) Agriculture Districts

The Agricultural 2 (AG-2) District is carried forward, with refinements as appropriate, and renamed **Agricultural (AG)**

**District.** The uses allowed are more limited than in the current AG-2 and AG-3 districts and generally allow agriculture activities, single-family detached, and limited public and civic uses. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

### **3.1.3.1.(B) Residential Districts**

The Residential Single-Family Conservation-1 District is carried forward, with refinements as appropriate, and renamed **Residential Single-Family Conservation (RSFC) District**. The dimensional standards are generally carried forward (with a minimum lot area of 4,000 sf). The current allowed uses are carried forward, with refinements as appropriate.

The Residential Single Family-1 District is carried forward with refinements as appropriate, and renamed **Residential Single-Family (RSF) District**. The dimensional standards are generally carried forward (with a minimum lot area of 7,500 sf). The current allowed uses are carried forward. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

The Residential Multiple Family District-2 is carried forward, with refinements as appropriate, and renamed **Residential Multiple Family (RMF) District**. The dimensional standards are generally carried forward (with the following minimum lot area standards for the following uses: single-family attached- 6,500 sf; duplex and townhouse- 7,500 sf (lot area per unit- 3,750); multifamily- 14,000 sf (lot area per unit -3,000); and nonresidential uses- 10,000 sf. The current allowed uses are carried forward. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

The Mobile Home Residential Conservation -2 District is carried forward, with refinements as appropriate, and renamed **Mobile Home Conservation (MHC) District**. The current dimensional standards are carried forward (with a minimum lot area of 7,500 sf, which may be reduced to 3,750 sf if on central sewage system). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

---

densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

The Mobile Home Residential-2 District is carried forward, with refinements as appropriate, and renamed **Mobile Home Small Lot (MHSL) District**. The current dimensional standards are carried forward (minimum lot area- 5,000 sf for residential uses). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

The Mobile Home Residential-3 District is carried forward, with refinements as appropriate and renamed **Mobile Home Large Lot (MHLL) District**. The current dimensional standards are carried forward and refined as appropriate (minimum lot area- 21,000 sf for residential uses). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

#### **3.1.3.1.(C) Recreational Vehicle District**

The Recreational Vehicle -3 District is carried forward, with refinements as appropriate, and renamed **Recreational Vehicle (RV) District**. The current dimensional standards are carried forward, with refinements as appropriate (minimum lot area- 2,000 sf). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

#### **3.1.3.1.(D) Community Facilities District**

The **Community Facilities (CF) District** is carried forward.

**3.1.3.1.(E) Business Districts**

The new **Neighborhood Commercial District (NC)** would be designed as a neighborhood serving district in which small-scale, neighborhood serving uses (e.g., restaurants, delis, financial institutions, personal service uses, etc. – auto-oriented uses and drive-thrus would be prohibited) are developed. The scale of development in the district would be controlled through dimensional standards, building floorplate limitations, and some basic form and design standards. It is contemplated these districts would be located at the edge of residential neighborhoods, or at street intersections within neighborhoods. Additionally, and to further ensure development in the district is compatible with adjacent or surrounding neighborhoods, residential compatibility standards would be applied in the edge areas.

The new **Urban Commercial Redevelopment (UCR) District** would replace the current C-1 district. In addition, it could be applied to any other lands designated Urban Commercial on the Future Land Use Map of the comprehensive plan. The goals of the district are to foster the development of unique destinations rather than strip development patterns, achieve high quality development and redevelopment, and encourage and support mixed-use, pedestrian-friendly development. The district would allow community and neighborhood commercial, office, lodging (hotels), assisted living, government (public and quasi-public), civic (schools and places of worship), residential, and mixed-use development. It would not allow the most intense light industrial and industrial type uses currently allowed in the C-1 district. To support walkable urbanism, higher development quality, and a more pedestrian-friendly environment, measurable design and form standards would be included as requirements; minimum lot area requirements would be deleted in the district (but setbacks, height and lot coverage requirements would be maintained). Finally, and consistent with plan direction, incentives would be established for horizontal and vertical mixed-use development.

The **Community Commercial (CC) District** is carried forward, with refinements as appropriate (with a minimum lot area of

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

---

20,000 sf). The current allowed uses are generally carried forward (including auto-oriented uses).

The new **Office Mixed Use (OMX) District** would accommodate stand-alone office development, as well as mixed-use development with offices. To ensure a high quality of design and form, basic form and design standards would be included in the district.

The **Village Mixed-Use (VMX) District** provides lands that support and encourage mixed-use, walkable urbanism. It would allow commerce, (regional, community, and neighborhood commercial uses), offices, lodging (hotels), government (public and quasi-public), residential, and supporting civic uses (like schools and places of worship). Development should be at moderate densities/intensities. To ensure development is in a form that is attractive, pedestrian-friendly, well-connected, and supports multiple modes of mobility, basic form and design standards will be included as requirements. Additionally, and to encourage and support mixed use development, density and possibly other incentives will be included for certain levels of vertical and horizontal mixed-use development. It is contemplated the areas designated Transitional Mixed Use in the Future Land Use Element of the comprehensive plan could be classified TMX district on the Zone District Map They are areas, “characterized by primarily existing or emerging developments where the Village’s largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are in place or readily expandable to support moderately intense levels of mixed commercial and residential development” (FLU-10). They are generally in the north Estero area near the intersections of US 41 with Broadway and Estero Parkway, the Coconut Point DRI, and the four quadrants of the I-75 and Corkscrew Road interchange.

#### **3.1.3.1.(F) Industrial District**

The **Light Industrial (IL) District** would build on the current IL district, but would limit uses to general office, research and

development, and other light industrial uses that are compatible with a general office environment (e.g., establishments primarily engaged in the transformation of previously prepared materials into new products, including the assembly of component parts). It would not include activities that generate off-site noise, odor, vibration, etc. It could also include support uses such as restaurants. To ensure development in the district maintains a certain level of form and quality, basic form and design standards would be included and required.

### 3.1.3.2. SPECIAL PURPOSE DISTRICTS

The **Environmentally Critical (EC) District** is carried forward.

### 3.1.3.3. PLANNED DEVELOPMENT DISTRICTS

The **Residential Planned Development (RPD), Commercial Planned Development (CPD), Mixed Use Planned Development (MXPd)**, and **Estero Planned Development (EPD) Districts** are carried forward, with modest refinements as appropriate.

### 3.1.3.4. OVERLAY DISTRICTS

Currently, the **Corkscrew Road Redevelopment Overlay (CRRO)**, and **US 41 Redevelopment Overlay (US 410) Districts** are proposed to be carried forward. However, as the drafting of the new LDC proceeds, we will closely evaluate whether it is appropriate to carry forward or delete these overlay districts based on factors such as whether their standards are no longer consistent with Village goals, or whether other zoning tools (i.e., development standards), can be used to more efficiently achieve the goals of the overlays.

## 3.1.4. MODERNIZE FRAMEWORK FOR UPDATED DISTRICTS

In discussing the restructuring of the zone districts, it is also important to recognize the current layout of zone district regulations could also be improved. For example, in Chapter 34, Article VI, District Regulations, of the transitional LDC, districts are arranged in broad divisions (e.g., Agricultural Districts, Residential Districts) occasionally with subdivisions. (e.g. One-and Two-Family Residential Districts, Multiple-Family Districts). Each division or subdivision, follows the same format with purpose statements listed together, then a permitted use table, then a property development regulations (dimensions) table. To simplify the use table,

## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

---

some uses are grouped into use activity groups. Like most modern codes, the transitional LDC places use regulations in a separate article or section (Chapter 34 Article VII, Supplementary District Regulations), where they can be reviewed more comprehensively (see Section 3.1.5, Identify and Classify Uses in a Simpler and More Flexible Way). Overall, as currently presented, information in the zone district regulations is difficult to digest quickly.

Modern approaches to laying out zone district regulations include attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the new LDC include a purpose statement, a reference to the use table and use-specific standards, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zone district layout is shown in the graphic on the following page. Full page examples are included as Appendix A .

2.4. RS-18: Single-Family Residential<sup>27</sup>

A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

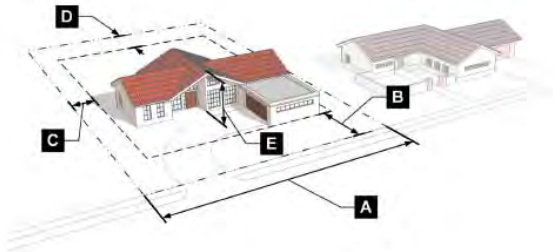
B. RS-18 Lot and Building Standards

Lot Standards	
A	Width (minimum) 100 feet
	Area (minimum) 18,000 sq. ft.
	Density (maximum) 2 du/acre
Setbacks (minimum)	
B	Front 25 feet [1]
C	Side 10 feet
	Side, abutting street 15 feet
D	Rear 25 feet [2]
Height (maximum)	
E	Building height 22 feet
Impervious Coverage (maximum)	
	Building coverage 35 percent [3]
	Total coverage 60 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6

Notes:  
 [1] Currently 30 feet in RS-18a  
 [2] Currently 30 feet in RS-18a  
 [3] Currently 25 percent in RS-18a



<sup>27</sup> This district is a consolidation of the RS-18a and the RS-18b districts.

2.10. RM-3: High-Density Multifamily<sup>27</sup>

A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

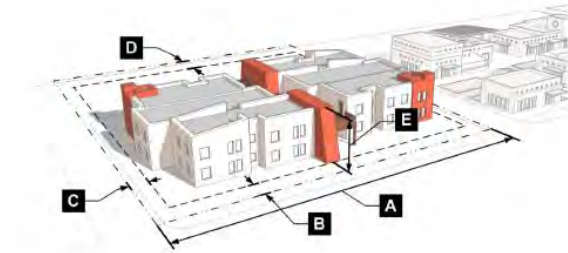
B. RM-3 Lot and Building Standards

Lot Standards	
A	Width (minimum) 100 feet
	Area (minimum) 8,000 sq. ft. [1] <sup>#</sup>
	Density (maximum) 20 du/acre
Setbacks (minimum)	
B	Front 10 feet [2] <sup>#</sup>
C	Side [3]
D	Rear 20 feet [5]
Height (maximum)	
E	Building height 25 feet
Impervious Coverage (maximum)	
	Building coverage 40 percent [6] <sup>##</sup>
	Total coverage 70 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.23
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering	Section 5.6
Site and Building Design	Section 5.7

Notes:  
 [1] Currently 23,760 sq. ft. (1/2 acre)  
 [2] Currently 20 feet  
 [3] Did not carry forward the side setback abutting a street, which is currently 15 feet  
 [4] Currently 10 feet  
 [5] Currently 25 feet  
 [6] Currently 25 percent



<sup>27</sup> This district is carried forward from the current RM-3 district.

<sup>#</sup> The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.

<sup>##</sup> A shallower setback will encourage more walkable and dense development in key areas throughout the city.

<sup>##</sup> Revised to match the proposed limits in the RM-1 and RM-2 districts.

3.1.5. IDENTIFY AND CLASSIFY USES IN A SIMPLER AND MORE FLEXIBLE WAY

As discussed earlier, in the transitional LDC, permitted uses are established within a series of tables under groups of districts (e.g., there is a use table for all uses in the agricultural districts, and another for one- and two-family residential districts).

In many modern codes, and we suggest it is appropriate here, use regulations are established in a separate article, and organized into one or several master use tables, which show the list of allowed uses by zone district. It is best to consolidate the list into as few tables as possible, for example a table each for principal, accessory, and temporary uses.

The principal use table(s) should identify permitted, special exception, and prohibited uses, and also include a cross-reference to any applicable use-specific standards, which would be located after the table. This is the



## II. Diagnosis

### Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

approach we suggest be used in the new LDC. An example portion of a use table from another community’s code is shown below.

Use Category		Use Type	Table 4-2(e): Principal Use Table																					Use-Specific Standards													
			C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	RTH	O-1	O-2	O-3	O/S	B-1		B-2	B-3	UMU	M-1	M-2	M-3	G-PD	SRM-PD	UMU-PD	TND-PD			
<b>Residential Use Classification</b>																																					
<b>Household Living</b>	Dwelling, duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	A		
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	C	C	P	-	-	-	-	A	A	A	A
	Dwelling, mansion apartment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A
	Dwelling, manufactured home	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, multi-family	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A
	Dwelling, single-family detached	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Dwelling, townhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-
<b>Group Living</b>	Assisted living facility	-	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Continuing care retirement community	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
	Lodging house	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Public, Civic, and Institutional Use Classification</b>																																					
<b>Community Services</b>	Auditorium, conference and convention center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Club or lodge	-	U	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
	Community center, private	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

### 3.1.6. USE A THREE-TIERED SYSTEM TO CLASSIFY USES, AND SIMPLIFY LIST OF USES

The uses in the transitional LDC are based on the standard industrial classification system; consequently, the lists of uses are lengthy and most likely needlessly detailed –especially for the Village, and certainly more detailed and complex than the use structure found in most modern development codes. Even though use activity groups are established for the industrial uses (and a few others) that consolidate the detailed list of industrial uses, they are not employed for most other use classes. This approach is especially problematic in a place like Estero, which is a small Village, with limited and fairly straightforward uses, relative to larger urban areas and counties. For these reasons, and based on best practices, we suggest the new LDC incorporate a simpler and more understandable

three-tiered use classification system that organizes uses at three different levels:

- **Use Classifications** (broad general classifications such as Residential, Commercial, and Industrial);
- **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as “Group Living” and “Household Living” under the Residential classification—Use Categories are broader than most existing Use Activity Groups); and
- **Uses** (specific uses within the Use Categories, such as single-family dwelling, duplex dwelling, multi-family building dwelling, and townhouse dwelling under the Household Living category and Residential classification).

Many communities are moving to this use classification approach due to its more robust structure and flexibility. In addition, we suggest the use regulations in the new LDC define use categories broadly and consolidate and simplify some of the current uses, including specific uses only if they are sufficiently different from other uses or need to be included because they are subject to special review (e.g., as a special exception in a particular district).

## II. Diagnosis

Theme 4: Consider Modernizing the Site Development Standards and Ensure Their Consistency with the Comprehensive Plan

---

# Theme 4: Consider Modernizing the Site Development Standards and Ensure Their Consistency with the Comprehensive Plan

---

## 4.1. Mobility and Connectivity Standards

---

Today, many communities across the country are modifying their transportation and development policies to support and require an approach that calls for a connected network of streets, sidewalks, and pedestrianways. The Village recognized this initially while still a planning community in Lee County,<sup>15</sup> and includes policies supporting a connected network of streets, sidewalks, and pedestrianways in its recently adopted comprehensive plan.<sup>16</sup> To implement these policies, the streets, sidewalks, and pedestrianways in the Village should be designed to enable safe, convenient, and comfortable travel for users of all ages and abilities, regardless of whether their mode of transportation is walking, driving, or bicycling. The approach also acknowledges the use of streets not only for vehicular travel, but, in certain places, as destinations (e.g., for sidewalk dining and social gathering) as well as links between places. It also considers the use of streets, sidewalks, and pedestrianways in the context of the surrounding development and the zone districts in which they are located. The following summarizes the characteristics of this connected system:

- Pedestrian infrastructure such as sidewalks, textured crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities, and sidewalk bulb-outs;
- Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes—including center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, on-street parking, street trees, planter strips, and ground cover;
- Bicycle accommodations, such as bicycle parking, neighborhood greenways, wide paved shoulders, and protected or dedicated bicycle lanes six feet in width with buffers and barriers between moving vehicles; and

---

<sup>15</sup> In the County Ordinance, Estero-specific language dating back to 2005 calls for pedestrian walkways, transportation linkages, strategies for enabling pedestrians to coexist with vehicles, and accommodations for public transit vehicles.

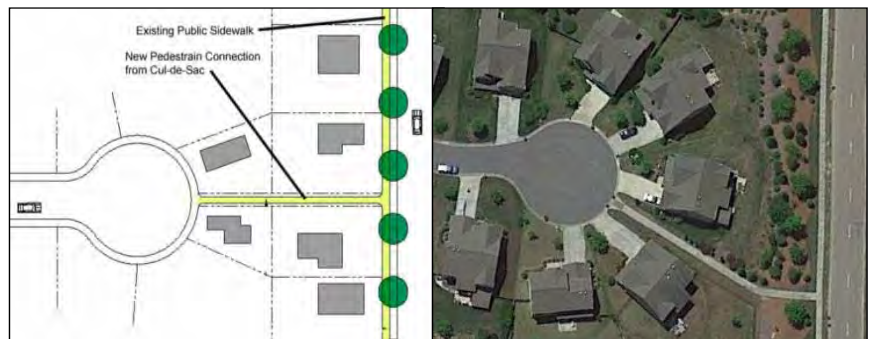
<sup>16</sup> Estero Comprehensive Plan policy TRA-1.1.3 encourages rights-of-way within mixed-use centers and the Old Estero Area to include pedestrian ways. Policy TRA-1.2.2 encourages links between neighborhoods, commercial, and mixed use centers through integrated transportation systems.

- Public transit accommodations, such as bus pullouts, bus shelters, and dedicated bus lanes.

The transitional LDC includes requirements for some of these kinds of provisions.

Understanding that there are clear limits on what can be achieved in the community given that Estero is primarily a built-out place, we suggest the Village consider including the following refinements in the new LDC.

- **Multimodal (pedestrian, vehicle, and bicycle) access and circulation, where appropriate.** Access and circulation standards that expressly encourage new development and redevelopment, where appropriate, to provide integrated multimodal access and circulation that addresses anticipated pedestrian, vehicular, and bicycle demands. This might include provisions for sidewalks, bicycle facilities, and use of traffic calming devices.



- **Sidewalk and related pedestrianway standards.** Provisions that new development and certain redevelopment place sidewalks and street trees on both sides of a street, where infrastructure layout allows for it.
- **Connected access and circulation systems.** Carry forward and add, as appropriate, connectivity standards to ensure extensions of streets and sidewalks from developments to adjoining undeveloped land, connections of pedestrianways, and cross-access requirements between the internal access and circulation systems of adjoining commercial and office developments. Additionally, standards that would encourage areas being redeveloped to dedicate additional connections between existing streets, where appropriate.

## 4.2. Off-Street Parking, Loading, and Bicycle Standards

The current off-street parking standards are located in Chapter 34, Article VII, Division 26, Parking, in the transitional LDC. The section lists requirements for off-street parking and loading areas. Those standards establish minimum off-street parking standards, off-street loading standards, vehicular stacking requirements (for drive-throughs), and set down minimum requirements for the general layout of the parking lots, and parking spaces. The provisions also provide the Community Development

## II. Diagnosis

### Theme 4: Consider Modernizing the Site Development Standards and Ensure Their Consistency with the Comprehensive Plan

Director discretion to administratively approve a reduction of the minimum off-street parking requirements by up to ten percent, in specific circumstances<sup>17</sup> or if a parking demand study demonstrates that special circumstances exist resulting in a reduced need for off-street parking.

Many of these provisions are commonly found in development codes. However, there is room for improvement. We suggest the Village consider the following refinements in the new LDC .

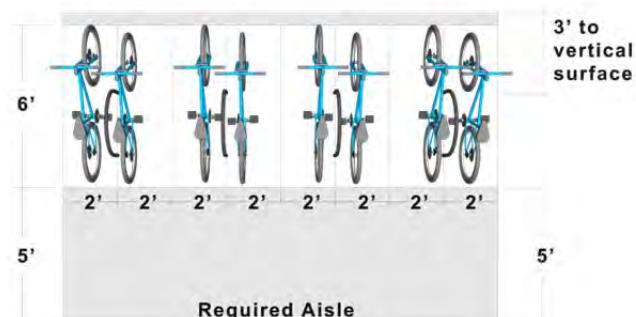
Modernize the minimum parking requirements to bring them into conformity with best practices. This would involve comparing the Village’s parking requirements with standards recommended in the Institute of Transportation Engineers’ (ITE’s) Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses.

Establish different parking standards for the places where more intense, mixed-use, and walkable development patterns will be supported versus all other places in the Village -- moving away from the “one size fits all” baseline standards in the current regulations.

Place the parking standards in a unified parking table that sets out the parking requirements for all allowable uses based on the uses in the permitted use table, along with provisions for uses with variable parking demands, and provisions that allow the Community Development Director to require preparation of a parking demand study for unusual uses where there is no reliable parking demand data.

Require that a portion of the required surface parking in most areas of the community be located on the sides or rear of buildings.

Add bicycle parking standards that would be applied in certain base districts that require bicycle parking on-site. Incentivize the use of bicycle parking in other locations for retail establishments of a certain size, or in certain zone districts that permit a certain amount of intensity. Also specify acceptable types of bicycle storage,



<sup>17</sup> For example, where the use is close to a transit stop, or when some residents will either walk or use bicycles.

consistent with standards recommended by the Association of Pedestrian and Bicycle Professionals.

Refine the current flexibility provisions that could be used to address parking standards. This might include:

- More measureable shared parking provisions, as well as off-site parking provisions that are subject to limitations on distance from the site and requirements for good pedestrian access from the off-site parking location to the site; and
- Adding provisions that allow parking reductions based on the provision of valet or tandem parking for certain types of uses.

---

### 4.3. Landscaping and Buffer Standards

---

The transitional LDC currently has a comprehensive and strong set of landscape standards that address site landscaping, vehicular use area and parking garage landscaping, perimeter buffers and screening, corridor landscaping, landscaping around signs, landscape and vegetation maintenance, irrigation, and plantings. Since 2005, the Village has placed an emphasis on the landscaping component of new development through upgraded buffering and sizing requirements for plantings. The current Landscaping standards are outlined below, followed by options to consider in the new LDC.

#### 4.3.1. THE TRANSITIONAL LDC

##### 4.3.1.1. SITE LANDSCAPING

The current site landscaping standards include requirements for building foundation plantings, streets, pedestrianways, service areas, open space, and water management areas.

Building foundation plantings apply to all commercial projects with special provisions for shopping centers. Sections 33-330 and 33-335 also reference façade enhancement through shrubs or vines growing upright on wire or trellising and window boxes.

Standards for street trees can be challenging given the conflicts between tree roots and utility corridors along rights-of-way. The code requires that standard typical street sections provide for landscaping on all roadways, and that they be grassed and mulched. Installation and maintenance of landscaping and

## II. Diagnosis

### Theme 4: Consider Modernizing the Site Development Standards and Ensure Their Consistency with the Comprehensive Plan

---

irrigation systems in county maintained road right-of-way may be performed at the developer's option and expense. Specifications for placement, type or spacing of street trees is currently not codified, with the exception of the Village Center standards and diagrams. Section 33-506 references cross sections for Connecting Streets in the Village Center with typical planting areas for street trees located between on-street parking and sidewalks for blocks designated as Tier 1, Tier 2 or Tier 3. Section 33-353 also suggests that plantings such as street trees is an example of a defining element to be utilized in new development. Section 33-362 specifies that a minimum four-foot-wide planting strip is required, where possible, between sidewalks or bikeways installed along project frontage roads (this, however, is not an adequate width for the planting of street trees).

Pedestrianways are allowed to occupy space within required landscape buffers. Pedestrianways are encouraged as lakeside amenities and for linkage within parking lots. Section 33-362 includes guidance that walkways should be defined with vertical plantings, such as trees or shrubs.

General landscape standards for service areas are supplemented with shielding requirements for loading areas and docks, and refuse areas. Section 33-438 further elaborates on the requirements for screening of trash storage areas requiring an eight foot high enclosure around dumpsters at a service station. Chapter 33 includes the screening requirements for outparcels, parking lots, loading and service areas, and shopping cart areas associated with big box stores.

The transitional LDC does not establish standards for landscaping recreation areas, except that buffers may accommodate pedestrianways as a form of passive recreation and that active recreation areas are subject to general landscape requirements.

Section 10-415 identifies the minimum site area that is to be dedicated for open space. The requirements range from none for single or two-family residences, to 40 percent for large residential projects. Section 33-113 specifies how open space associated with commercial developments should be made places of public