

interest, with landscaping elements encouraged to demarcate change in the function of a public area and adjacent street.

Water management areas and the special plantings required for these areas are enumerated in Section 10-418. The goal for water management lakes is to appear natural and landscaped (as stated in Chapter 33), with options listed for lakeside amenities to enhance the public appeal and benefit.

Finally, vehicular use areas and garages must include planting areas equal to ten percent of the paved area. One tree is required for each parking island, plus one tree per vehicle use planting area. Section 33-114 also broadly references the treatment of parking areas, to generally incorporate comfortable green space areas including fountains, seating, planting, and pedestrian linkages. Parking garage screening treatments are also referenced in Section 33-114, yet no landscaping is mandated.

4.3.1.2. CORRIDOR LANDSCAPING FOR PARTS OF CORKSCREW ROAD AND US 41 CORRIDOR

The Corkscrew Road Overlay seeks to create attractively landscaped developments with buildings and activity oriented toward the streetfront. The US 41 Overlay seeks to create a well landscaped corridor, with enhanced buffering to screen parking adjacent to US 41.

4.3.1.3. PERIMETER BUFFERS

Perimeter buffering is required for all new development in Estero. Section 33-351 establishes requirements for perimeter buffering, which range from five-foot-wide Type A buffers to 50-foot-wide Type F buffers. Some special considerations established in Section 10-416 include: a wall requirement where roads, drives or parking areas are within 125 feet from an existing single family residential subdivision or lots; and buffering along a natural waterway of 50 feet landward measured from the mean high water line or top of bank, whichever is further landward, where existing native vegetation must be retained.¹⁸ Section 33-435 also provides for enhanced buffering and berm standards for automobile service

¹⁸ This buffer is subject to a natural resources maintenance easement in accordance with Section 10-328(a).

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stations and convenience food and beverage stores. Sections 33-455 through 477 provide for enhanced landscaping standards for big box stores.

4.3.1.4. LANDSCAPING AROUND SIGNS

Section 10-630, Signs, identifies that 100 square feet of plantings are required around the base of any ground sign at shopping centers or multi occupancy complexes. Section 30-94, generally addresses the landscaping requirements in conjunction with signs, without specifying any dimensional standards.

4.3.1.5. LANDSCAPE AND VEGETATION MAINTENANCE

Section 10-421 contains the rules for maintaining and pruning landscaping. Section 10-415 mandates an indigenous vegetation management plan describing maintenance and management techniques and methods for vegetation subject to protection requirements. This management plan and associated monitoring reports are required at time of development order submittal for approval, and at time of certificate of completion. Section 10-329 also requires a lake maintenance plan that is recorded as part of property owner documents to address matters of exotic plant control, and littoral vegetation maintenance.

4.3.1.6. IRRIGATION

Many times irrigation is overlooked in development codes, when in fact it has a significant relationship to the appearance and quality of landscaped areas, and can be an important factor in a community's water consumption rates. The transitional LDC includes some general standards on irrigation. Section 10-417 establishes irrigation design standards. Ordinance 15-01 includes requirements that landscape and irrigation design promote water conservation, including preservation and reestablishment of native plant communities, the use of drought-tolerant site-specific and shade producing plants, and design and maintenance of irrigation systems which eliminate waste of water due to over application or loss from damage.

4.3.1.7. PLANTING REQUIREMENTS

Sections 10-420 and 421 identify plant material, installation, and maintenance standards, including reference to xeriscape

principles for water conservation. Section 33-353 specifies all required trees in Estero must be upgraded to a minimum 45-gallon container, 12-foot to 14-foot planted height, six-foot spread and 3-inch caliper, or field grown equivalent, at the time of planting, and shrubs must be 36” high (or F Buffers must be 48” high at installation, maintained at 60” high).

4.3.2. OPTIONS

Based on our review of the current landscaping standards and the comprehensive plan goals and policy direction, we suggest the Village consider the following options for inclusion in the landscaping standards in the new LDC:

- Refine the general planting requirements and standards, and special purpose requirements with a single series of concise standards that are graphically illustrated. The goals of the Village to foster a “sense of place” should be emphasized through the new LDC standards. For example, placement of general trees could be directed to enhance the outdoor experience (i.e., shade trees at seating areas and bike racks).
- Refine the building foundation landscaping standards with the types of landscaping features required in the vicinity of buildings that contributes to community character, such as trellising, window boxes, planters, and hanging planters.
- Standardize the options for street tree placement based on a variety of roadway conditions that would support more complete streets and improved walkability. One option to encourage street trees in new developments is to establish that street trees are allowed, and that a developer implemented street tree program counts toward code required landscaping. The Village could also provide for developer-implemented plantings that comply with Village-initiated streetscape design based on

| Stormwater Management Areas Treated as Site Amenities | | |
|--|--|--|
|  | <p>Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity</p> | <p>To qualify, stormwater management facilities shall support passive recreation uses by providing access, gentle slopes (less than 3:1), and pedestrian elements such as paths and benches.</p> |
|  | | |
| Public Access Easements with Paths or Trails | | |
|  | <p>Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking</p> | <p>Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.</p> |
|  | | |

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conditions of corridors such as Corkscrew Road and US 41.

- Maintain open space set-aside standards and organize the current requirements for lakes versus dry detention areas to be part of the general landscaping section.
- Graphically illustrate buffer standards for ease of reference, like the example to the right. The potential for waivers of the buffer requirements between two uses that are compatible in proximity to one another should be considered.
- Organize landscape and vegetation maintenance requirements into a set of easy-reference diagrams of standard technical details for planting and maintaining trees, palms, shrubs, groundcovers, sod, mulch, and littorals¹⁹.

| BUFFER TYPE AND CONFIGURATION | TABLE 5.2.5.B.3.D-2: BUFFERYARDS AND TYPES | | | | | | OPTION 3: MINIMUM WIDTH 5 FEET |
|--|--|---|--------------|------------------------------------|---|--------|---|
| | OPTION 1: MINIMUM WIDTH 25 FEET | | | OPTION 2: MINIMUM WIDTH 15 FEET | | | |
| | PLANTINGS PER 100 LINEAR FEET | | SHRUBS | PLANTINGS PER 100 LINEAR FEET | | SHRUBS | |
| CANOPY TREES | UNDERSTORY TREES | | CANOPY TREES | UNDERSTORY TREES | | | |
| Type A: Basic | | | | | | | |
| This bufferyard functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet. | 3 | 0 | 0 | 1 | 6 | 0 | 3-foot-tall semi-opaque (75% transparent) fence or wall + 5 evergreen shrubs per every 100 linear feet |
| | | | | | | | |
| Type B: Aesthetic | | | | | | | |
| This bufferyard functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses. | 3 | 0 | 12 | 1 | 7 | 5 | 4-foot-tall semi-opaque (50% transparent) fence or wall + 10 evergreen shrubs per every 100 linear feet |
| | | | | | | | |
| Type C: Semi Opaque | | | | | | | |
| This bufferyard functions as a semi-opaque screen from the ground to at least a height of four feet. | 3 | 5 | 11 | 2 | 6 | 15 | 6-foot-tall opaque fence or wall + 15 evergreen shrubs per every 100 linear feet |
| | | | | | | | |

- Update the irrigation standards based on modern best practices. Options may include: low impact design techniques, overspray limitations, timer requirements, or requiring plans by a licensed landscape architect or certified irrigation designer.
- Include a desired plant palette for the Village in the LDC with graphic illustrations. Consider diagrams for calculations and plant specifications, such as the palm to canopy credit calculation or the material specifications for trees, palms and hedgerows.

4.4. Tree Protection Standards

4.4.1. THE TRANSITIONAL LDC

Tree protection is addressed in the transitional LDC in Chapter 10: Development Standards, Chapter 14: Environment and Natural Resources, and Chapter 33: Planning

¹⁹ Additional details that will be beneficial include root barrier, tree barrier, and protection details. The UF/IFAS Florida Friendly Landscaping Program provides guidance on current industry standards which can be cross referenced.

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Community Regulations. Chapter 10 addresses the methods for regulating the preservation of indigenous and native vegetation. Chapter 14 establishes the procedures for the protection and granting of approvals for the removal of protected trees.²⁰ Chapter 33 broadly references the goal to preserve existing native vegetation, whenever possible.

More specifically, Chapter 10: Development Standards, protects trees through the open space standards outlined in Section 10-415 by requiring that 50 percent of required open space must be set-aside for the purpose of preserving existing native trees. Native trees are defined as trees four to 15 inches caliper dbh of the species listed in Lee County Land Development Code Exhibit Appendix E – Protected Tree List, which is extensive, including 39 families of trees. Healthy sabal palms that are a minimum eight-foot clear trunk on sites over ten acres, are also required to be protected, and maintained on site. Additional protection standards apply to heritage trees (live oak, South Florida slash pine, or longleaf pine 20-inch caliper dbh or greater). At time of development permitting, heritage trees must be inventoried, surveyed, and protected, to the extent feasible, subject to specific removal criteria (explained below).

Protection of trees may be accomplished by maintaining the protected tree in place or relocating it on site. Relocation of protected trees onsite to designated open space areas or to preserve areas is allowed as a method of complying with the tree protection standards. Section 10-420 provides for credits for protected trees to meet the general tree planting requirements. Credits incentivize protection in place and relocation to onsite preserves.²¹

²⁰ Single-family residentially zoned properties that are five acres or less are currently exempt from tree protection and removal permitting standards.

²¹ The transitional LDC currently incentivizes:

- Maintaining or relocating healthy native trees with a four inch caliper dbh (through landscaping credits);

| INDIGEOUS NATIVE TREE AND PALM CANOPY CREDITS | |
|--|-----------|
| EXISTING CANOPY >4” CAL. DBH | 5 CREDITS |
| EXISTING SABAL PALM >8’ CT LOCATED WITHIN PRESERVED AREA | 3 CREDITS |
| EXISTING SABAL PALM >8’ CT RELOCATED ON SITE | 2 CREDITS |
| REPLACEMENT HERITAGE TREE | 1 CREDIT |

- To encourage larger contiguous indigenous native upland plant communities or indigenous native trees on large tracts, the larger the indigenous preserve area is, the more open space credit is attained, up to 150 percent credit for a three-acre area. Additionally, a ten percent credit can be achieved for other creative preservation strategies.

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Where native trees exist within 50 feet of an arterial or collector on sites over five acres in size, a 50-foot-wide buffer area for tree preservation is also required to be maintained when development is proposed.

Section 10-415 mandates an indigenous vegetation management plan describing maintenance and management techniques and methods for vegetation subject to protection requirements. This plan and associated monitoring reports are required at time of development order submittal for approval, and at time of certificate of completion.

Chapter 14, Article V Tree Protection, Division 1, generally, defines a “tree worthy of preservation” as any tree listed in the Florida Champion Tree Records compiled by the state. Section 14-380 further governs permitting for removal of any tree identified in the Lee County Protected Tree List. Removal of any tree worthy of preservation or any protected tree is restricted through the tree removal permitting process, which requires an administrative finding that removal is justified based on horticultural conditions or safety issues before a tree can be removed. Where a tree removal permit is determined to be justified based on horticultural or safety standards (see Section 14-412), special conditions may be attached to the permit which may include a requirement for successful replacement of trees permitted to be removed with trees of the same size and number, and of a compatible species.

Heritage trees proposed for removal are subject to an automatic replacement requirement. If removal of a heritage tree is unavoidable because the development plan precludes maintenance of the tree in a healthy state, it must be relocated onsite to an appropriate open space set-aside area, if feasible, or replaced with a compensating minimum 20-foot-high canopy tree that is to be maintained on the site.

Section 14-383 identifies the methods for tree protection during development.

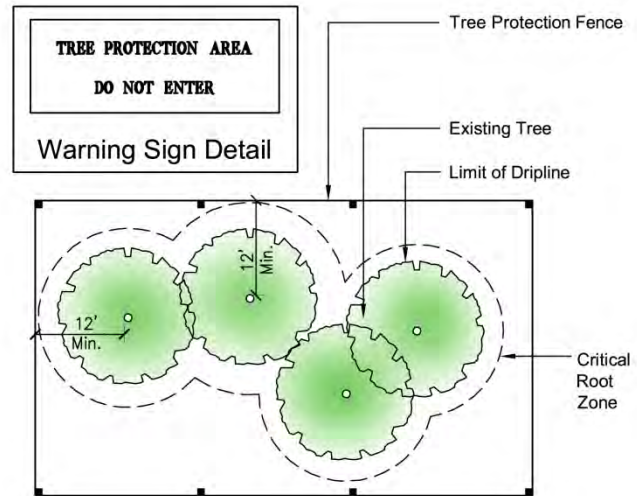
4.4.2. OPTIONS

Based on our review of the current tree protection standards and the plan goals and policy direction, we suggest the Village consider the following options for inclusion in the tree protection standards in the new LDC:

- Review the exemption for single family home sites from the tree removal permitting process. An alternative to the exemption may be an expedited permit process for single-family homeowners. It may be reasonable to consider allowing certain palms and accent trees as replacements for required canopy trees to address storm resilience and diversity.

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- Establish a Village-wide tree replacement program and process (including for single family subdivisions) to govern removal and replacement of established trees that are required by a development order for developed sites or subdivisions. Replacement programs have become more relevant as existing developments mature and communities focus on resiliency.
- Support the Village’s interest in maintaining environmental assets like heritage trees, by strengthening protection measures. Strengthened protections for heritage trees may include options such as: requiring a percentage of heritage trees to remain in place, adding review criteria that must be met before a heritage tree may be removed or relocated, or adding conditions for relocation or replacement as part of the tree removal permitting procedure.



4.5. Comprehensive Open Space Set-Aside Standards

The transitional LDC includes specific provisions related to the provision of open space set-asides in Section 10-415, Open Space. There are additional standards for planned developments found in Chapter 34, and for compact communities in Chapter 32. The open space set-aside standards in Section 10--415, are relatively comprehensive in nature, and apply varying levels of open space set-aside requirements for different types of development (residential, industrial, and other), for large and small projects.²² The provisions also have standards for the different types of open space that must be provided, based on the natural conditions of the land, and also have minimum dimensional requirements for open space.

Establishment of open space set-asides²³ and provision of land for recreation are key components to quality development and a healthy community, and the current

²² The standards for Other Residential development require that 35 percent of the site consist of open space for small projects and 40 percent for large projects. The standards for Industrial development require that ten percent of the site consist of open space for small projects and 20 percent for large projects. The standards for All Other Development requires that 20 percent of the site consist of open space for small projects and 30 percent for large projects.

²³ Open space set-asides are private lands on a development site that are set aside in perpetuity for the purpose of preserving environmentally sensitive lands, buffer areas, tree canopy,

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standards certainly achieve this goal. We suggest this basic framework for comprehensively addressing open space set-asides be carried forward, with refinements to tailor the standards to the zone districts and types of uses in Estero (for example, the standards might be based on residential, mixed-use, and nonresidential development); additionally, some distinctions might also be made based on the form of development in the areas the Village wants to achieve higher density/intensity, mixed-use, pedestrian-friendly, development, like:

- The proposed Village Center and Village Mixed-Use District; and
- All other areas in the Village.

The open space set-aside standards would continue to ensure a minimum level of “green” area and habitat/tree protection (as in the transitional LDC), but also include in the definition of “open space” required landscaping and buffer areas, environmentally sensitive lands, floodplains, other natural areas, stormwater management areas that are designed as site amenities, trails and greenways, areas set-aside for passive and active recreation, and gathering places.

The standards might also recognize that open space needs and functions are different in the proposed Village Center and Village Mixed-Use District, versus other areas in the Village. For example, open space standards in the Village Center and Village Mixed-Use District might require a lower set-aside percentage than in the other areas and would be flexible enough to allow features more prevalent in compact, mixed-use urban environments to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, roof-top or terrace gardens, and green roofs).

| LANDS COUNTED AS OPEN SPACE SET-ASIDES | | |
|--|---|---|
| AREA COUNTED AS COMMON OPEN SPACE SET-ASIDES | DESCRIPTION | DESIGN AND MAINTENANCE REQUIREMENTS |
| Natural Resource and Hazard Areas (wetlands, floodplains, flood hazard areas, shorelines) | | |
|  | Natural water resources, including wetlands, shorelines, streams, estuarine areas, riparian buffers, flood hazard areas, existing tree canopy and important wildlife habitat areas. | <ul style="list-style-type: none"> • Preservation of any existing natural resource, wetland, floodplain, and flood hazard areas shall have highest priority for locating open space. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, or unhealthy conditions. • See tree protection standards (Section 5.6, Tree Protection) • See CBPA-O district regulations (Section 3.9.6, CBPA-O: Chesapeake Bay Preservation Area Overlay) |
| Active Recreational Areas | | |
|  | Land occupied by areas and facilities used for active recreational purposes, such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses, including required public recreation area. | <ul style="list-style-type: none"> • Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. |

recreational lands (passive and active), meeting or gathering places, and the like. These lands are maintained in perpetuity.

The standards should also ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. These rules would give priority to protecting natural resources, wetlands, floodplains, and other environmentally sensitive lands.

Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides.

4.6. Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development

One of Estero’s distinctive hallmarks is the quality of its architecture and the design of its buildings. Such distinctive characteristics make the Village a valued place to live, work, and visit. Maintaining and enhancing a unified, consistent aesthetic and visual quality in building design is an important community goal that needs to be carried forward in the new LDC.

The architectural standards implemented in Estero since 2005 have produced an attractive built environment that concentrates on the themes of Mediterranean architecture. As the community matures, there is potential for new styles of architecture, as well as the resurrection of historic local vernacular, to blend and diversify the Village’s character.

Chapter 10: Development Standards, and Chapter 33: Planning Community Regulations, of the transitional LDC, contains the majority of the current architectural, form, and design standards.²⁴ In 2016, the Village adopted Section 33-393,²⁵ which requires a pattern book for any application for planned development rezoning.²⁶ The Design Review Board (DRB) enabling Ordinance 15-01 also enumerates architectural



²⁴ Chapter 34: Zoning, and Chapter 32: Compact Communities, also include standards for specific uses.

²⁵ Ordinance 2016-07.

²⁶ An often-referenced model pattern book is the Coconut Point pattern book.

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criteria. Given the priority placed on architectural quality in the Village, all architectural review and decision-making for new development or alterations (except for single family homes) is decided by the DRB, at a hearing.

The key architectural and design standards found in the transitional LDC include:

- Design standards and guidelines for commercial buildings (Section 10-620) which address building facades, roof treatments, and other detail features applicable to commercial buildings;
- Architectural and design standards that apply to all development²⁷ except single and two-family dwellings; (Sections 33-226 through 33-477). The preferred style identified in Section 33-227 is Mediterranean with Old Florida, where appropriate; however, there is little guidance about what constitutes Mediterranean, or Old Florida. The provisions also require that development must complement surrounding development. The color scheme in Section 33-334 calls for neutral, warm tones, and allows for bright colors as accents (but specifically excludes residential development);
- Architectural and design standards for the core area of the Village Center (Chapter 33);
- Standards that apply in the Corkscrew Road Overlay and the US 41 Overlay (Chapter 33) that specifically address how buildings front on the main corridors of US 41 and Corkscrew Road – these standards are meant to reinforce the importance of an appealing, more human scale aesthetic along these auto-oriented arterials;
- Supplemental architectural standards for automobile service stations and big box commercial development (Chapter 33); and
- Supplemental architectural standards applicable to automotive businesses, convenience, food and beverage stores, fast food restaurants, and wireless communication facilities (Chapter 34).
- It is important to note that some of the current provisions highlighted above are aspirational guidelines to cultivate flexibility and creativity; and some are more prescriptive measures to ensure more predictable outcomes. In addition, criteria which is applied by the DRB in their review of proposed development includes general guidance that proposed architecture must be in “good taste, good design, contribute to the image of beauty, spaciousness,

²⁷ Including commercial, religious, institutional, and mixed use development.

harmony, taste, fitness and high quality.” This is a very general standard which can be interpreted in different ways, and may lead to uncertainty in the development review process.

- Finally, and even though not in the transitional LDC, it is also important to recognize that comprehensive plan policy FLU-1.6.4 references interest in recognizing historic character in the vicinity of Old Estero.

Based on our review of these current standards, the general goal of the Village to maintain and enhance a high level of architectural, form, and design quality in its buildings, and the policy direction in the comprehensive plan, we suggest the Village consider the following refinements to the current architectural, form, and design standards:

- Consolidate all architectural, form, and design standards into one section in the LDC which establishes standards for multifamily, commercial (including office), institutional, and mixed-use development. The Village should consider the applicability of this section to various forms of development, such as: all new buildings; all building expansions or alterations over a certain threshold; and all substantial changes to building facades that are within view of a public right-of-way.
- Organize the standards into two categories – the actual standards, which are measurable, more prescriptive and required, and guidelines, which are aspirational – and place the strongest emphasis on the actual standards.
- For ease of use, organize both the standards and guidelines under general contextual elements²⁸ and detailed building design components.²⁹
- Because the predominant style developed in Estero since the architectural standards were adopted in 2005 has been a single style – Mediterranean – consider expanding the architectural style options to include different Mediterranean vernaculars (for example the following options have been identified: Mission Revival, Italian Renaissance Revival, Italian Countryside, Spanish Revival, Spanish Colonial Style) and Florida vernaculars (for example, the following options have been identified: Florida Plantation, Key West, Cracker, and local Koreshan). Expanded style options may be illustrated with graphic examples based on local historic structure imagery and references

²⁸ Views, placemaking, pedestrian orientation (including CPTED), climatic responses, complementary context, transitional design elements, modulation, and human scale elements.

²⁹ Building style, awnings, balconies, porches, color, columns, building entries, materials, roofs, windows, and adaptability features.

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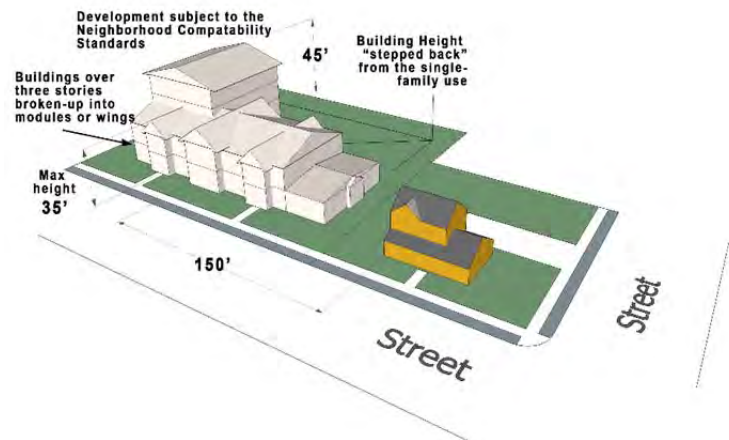
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such as guidelines established by the Treasure Coast Regional Planning Council³⁰.

- Honor the Village's historic character through context sensitive design, form, and architectural standards that promote recognition of the historic character in the area defined by Koreshan Park and the Boomer property on the west, the Broadway Avenue corridor on the north, Sandy Lane on the east, and Corkscrew Road on the south.
- Include transitional design and human scale standards that are aligned with objectives to counter characteristics of auto-oriented sprawl development for the corridors including North Estero along US 41. Possible solutions include standards for new development to address building design, scale, and proportion in ways that include some human scale elements and pedestrian and bicycle accommodations in addition to accommodating automobile access and movement.

4.7. Protect Residential Neighborhoods from Incompatible Encroachment – Neighborhood Compatibility Standards

Estero is blessed with a number of well-established, high quality, residential neighborhoods, and the plan and the community concur that maintaining and protecting these neighborhoods from incompatible encroachment is very important. As is the case in many communities, preservation of residential neighborhoods does not come without conflict, especially regarding development proposals at the edge of these neighborhoods, or in the transition areas between residential neighborhoods and commercial corridors. Sometimes the conflict can be especially jarring, such as when a large new office or retail building is erected adjacent to single-family backyards or other types of low density residential



³⁰ Examples of Florida architectural vernacular can be found in the Treasure Coast Regional Planning Council's *Delray Beach Central Business District Architectural Design Guidelines* (adopted by Ordinance 28-15, December 8, 2015) and *Architectural Detail Pattern Book* prepared for the Town of Jupiter with OBM Miami, Inc. (adopted June 20, 2000).

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development. The potential for these conflicts could occur in the future, as the Village continues to grow and develop. The conflicts typically line up neighbors or neighborhood groups against development applicants over issues the neighbors believe would affect the character and quality of their neighborhoods—building height, mass, or design; site lay-out; parking quantity or location; lighting; land uses; or expected (or feared) volumes of traffic.

There are few if any measurable and predictable minimum standards in the transitional LDC to ensure potentially incompatible development located adjacent to residential neighborhoods is compatible with the character of the neighborhood. Consequently, to better protect the character of existing residential neighborhoods from encroachment, we suggest the Village consider adding a set of residential compatibility standards.

An increasing number of communities across the nation have started including residential compatibility standards in their regulations to protect the character of established residential neighborhoods. If included in the new LDC, they would typically apply to any new nonresidential development, mixed-use development, and intense, multi-family development above a certain density that is adjacent to, across the street from, or within a certain distance from single-family and lower density residential development. Table 4.7: Potential Residential Compatibility Standards, includes a sampling of the types of neighborhood compatibility standards the Village should consider including in the new LDC.

| TABLE 4.7: POTENTIAL RESIDENTIAL COMPATIBILITY STANDARDS | |
|--|--|
| Site Layout | Requires structures to maintain consistent façade directions and building orientations as existing homes along the same block face |
| | Requires the primary entrance of a new building to face the street from which the building obtains its street address or mailing address |
| Building Façade Standards | Requires construction of a similar roof type as single-family or other low density residential development in terms of slope and arrangement to prevent abrupt changes in roof form |
| | Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with nonresidential development to be oriented away from adjacent single-family and other low density residential development |
| | Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family other low density residential development |
| Building Dimension Standards | Requires that no building be higher than ___ feet within 100 or 150 feet of a single-family or other low density residential development, and that buildings over __ feet in height be stepped back in height, so that the tallest part of the structure is the furthest from single-family and other low density residential development |
| | Requires massing standards for building facades visible from single-family or other low density residential development -- that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 or 50 linear feet without some form of projection or recess. Covered porches, |

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| TABLE 4.7: POTENTIAL RESIDENTIAL COMPATIBILITY STANDARDS | |
|--|--|
| | building wings, bay windows, pilasters, might be required to meet these requirements. |
| Site Design Standards | Requires when dealing with multi-building development, a continuum be established of use intensity, where uses of lowest-intensity are located closest to the single-family and other low density residential development, and moderate intensity uses sited between high-intensity uses and the lowest intensity uses |
| Location of Drive-Thrus and Outdoor Dining | Requires drive-thru facilities and outdoor dining areas to be located away from single-family and other low density residential development, to the maximum extent practicable. |
| Parking and Driveway Area Standards | Requires parking spaces be oriented away from single-family and other low density residential development |
| | Requires a fully-opaque vegetated buffer, fence, or wall, or a comparable buffer between single-family and other low density residential development and nonresidential and high density multi-family development ³¹ |
| | Requires parking structure facades adjacent to single-family or other low density residential development receive enhanced design treatment to soften their visual impact |
| Loading and Refuse Storage Area Standards | Requires loading and refuse storage areas be located beyond a certain distance from single-family and other low density residential development |
| | Requires loading and refuse storage areas be screened from view of single-family and other low density residential development, using materials that are the same as, or of equal quality to, the materials used for the principal building ³² |
| Signage Standards | Limits the sign area and maximum height of all signs by 25 percent of that normally allowed |
| Open Space Set-Aside Standards | Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or high density multi-family development, and the single-family or other low density residential development, unless there is a compelling reason for it to be located elsewhere on the site |

4.8. Conversion of Golf Courses to Other Forms of Development

There are an increasing number of communities that include regulations in their development codes governing golf course conversions. In Florida, Broward County, Plantation, and Collier County have provisions in either their development code or policies in their comprehensive plans.³³ Henderson, Nevada (the Las Vegas valley) and Palm Springs, California have or are in the process of adding provisions to their codes.

³¹ The transitional LDC requires a wall.

³² This is currently required by the transitional LDC.

³³ Broward County and Plantation include policy direction in their comprehensive plans. Collier County has adopted a provision in its development code.

Based on comments received during the kick-off meetings, it is an issue that appears Village residents would like to consider addressing in the new LDC.

If so, we suggest consideration about the type of regulations to use should start with a discussion of Collier County’s approach to the issue (a form of which has also been embraced by Palm Springs). It requires an applicant who proposes to convert a golf course to another use to submit an application of an “intent to convert” for review and recommendation by the Planning Commission and decision by the Board of County Commissioners. The applicant is required in the application to: 1) identify at least three alternative approaches to the conversion³⁴ and 2) conduct stakeholder outreach meetings.³⁵

The types of considerations the review board and elected officials are required to consider and base their recommendation or decision on include:

- Whether the conceptual design is compatible with the existing surrounding land uses;
- Whether a view of open space is provided that mitigates impacts to surrounding property owners that surround the golf course;
- Whether sufficient open space is retained and available for passive recreation;
- Whether the proposal includes adequate landscape buffers;
- Whether there is adequate preservation of native vegetation, trees, and understory;
- Whether the proposed lighting does not have an adverse impact on surrounding lands;
- Whether the proposed setbacks comply with the applicable standards;
- Whether the proposal complies with applicable floodplain requirements;
- Whether the proposal complies with applicable storm water management requirements; and

³⁴ The three alternatives must include: (1) county purchase of the land, (2) partial retention of the golf course, and (3) a conceptual development plan for the conversion. An applicant may propose more than three alternatives.

³⁵ The outreach meetings are required to be conducted before the Planning Commission’s consideration of the application. The applicant must prepare a summary report about the meetings, including a list of the attendees, the methods used, photos from the meetings, the results of the meetings, and a point-counterpoint list that identifies input from attendees and survey respondents.

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

- Whether the proposal complies with all other applicable standards in the LDC.

If the Village decides to include such a provision in the new LDC, the specific review process and considerations will need to be tailored to current Village practices and concerns. We will look for input and direction on the issues during the review of the Assessment.

4.9. Standards and Incentives for Sustainable Development Practices

While the transitional LDC includes some standards for sustainable development practices, preparation of a new LDC represents an opportunity to enhance and expand the number of sustainability requirements and incentives throughout the community. Sustainable development involves much more than the design of individual buildings. In fact, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through ground-mounted solar facilities) or storm water management (e.g. through low impact development or environmental site design) or to reduce vehicle miles traveled through better site design will have been lost unless tools to promote those results are included in the development code. Not only can sustainable development practices reduce the cost of development—both initially and in the long run—but they can help achieve significant community goals.



A green roof, like one shown in this example from San Diego, helps to reduce energy costs and stormwater runoff.

Plan policies and the general input during the kick-off meetings indicate the Village should consider including sustainable development provisions in the new LDC to reduce energy usage, increase the use of alternative energy (if possible), reduce water consumption, increase the protection and saving of trees and vegetation, increase opportunities for urban agriculture, increase opportunities for people to live in place as they get older, increase opportunities for reuse and recycling of construction materials, and reduce construction waste.

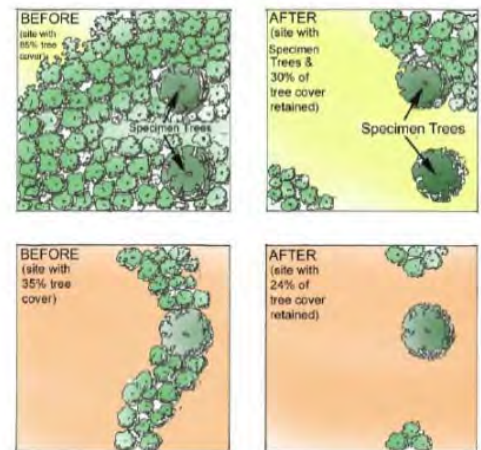


The transitional LDC includes very few standards and incentives to support many

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sustainable development practices and the procedures needed to implement them. For example:

- Solar panels are only expressly allowed in several places (e.g., Chapter 32. Compact Communities), and solar and wind systems are allowed as special exceptions (Section 2196, Uses Employing Energy or Wind Driven Electrical Generators). However, except with respect to compact communities, if setbacks or property development regulations need to be modified to locate either system on a site, either a variance or special exception is required.³⁶
- Low impact development, rain gardens, and bioswales are not mentioned or defined;
- Bio-retention areas are not mentioned;
- Green roofs are mentioned in Chapter 32. Compact Communities, as an innovative tool to treat storm water;
- Cool roofs are not mentioned;
- Universal design is not mentioned or defined;
- Environmental site design is not mentioned;
- The protections for trees are modest relative to tree protection standards included in an increasing number of modern development ordinances; and
- Programs like Certification for Leadership in Energy and Environmental Design (LEED), Green Globe, National Green Building Standard (NGBS), Energy Star, and Envision, are not mentioned.



Based on the general interest in incorporating sustainable development practices in the new LDC, we suggest the Village consider including in the new LDC provisions that define, require, incentivize, and support sustainable development practices. In over two decades of practice, we have learned several important lessons about how to promote sustainable development practices in land use regulations, if a community decides to include them. These key lessons are summarized below:

³⁶ The planned unit development district regulations do allow additional density as an incentive for using solar (Section 34-1040 (l)(2)).

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

- First, if a decision is made to include sustainable development tools in the new LDC, explicitly define key terms like wind, solar, universal design, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, alternative fuel filling stations, and recycling collection, transfer, treatment, and disposal facilities in the code.
- Second, if a decision is made to include sustainable development tools, remove barriers to market driven innovations in these areas. Explicitly address where on residential, commercial, office, and mixed-use developments, solar or wind energy systems³⁷ may be installed – both as accessory to another primary use of the land, and as primary uses of the land. Do not require variances or approvals for installing smaller and accessory devices. For larger and primary devices, establish objective standards and allow by right development subject to those standards, wherever possible. Ensure that site design and landscaping standards do not prohibit bioswales, rain gardens, and other tools of low impact development, but instead allow them to be counted towards required open space set-asides and landscaped areas.
- Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored. Resist the temptation to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically, and must be balanced with incentives needed to achieve other important goals.
- Fourth, write reasonable, objective, and enforceable standards for the sustainable development features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are energy and water conserving, low impact development, and resource recycling features that can be included at relatively low cost, where the additional cost is mitigated by the savings in time and expense by avoiding a variance procedure. Sometimes, these are the “tipping point” issues – areas where efficient market driven solutions are easily available, and the role of the development code is to strongly encourage their use through reasonable standards and procedural efficiencies.

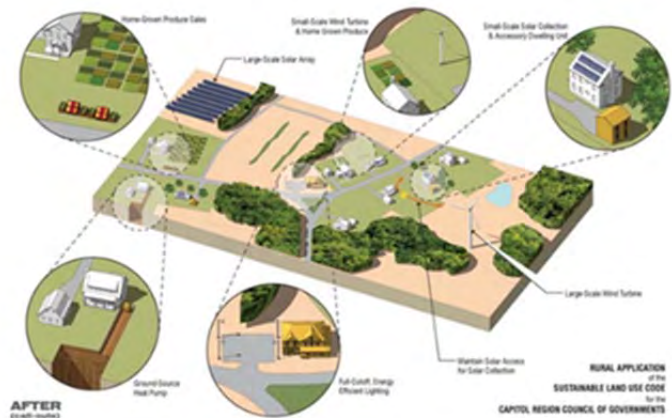
³⁷ While prospects for wind power are limited, maps from the National Renewable Energy Laboratory (NREL) suggest there may be some land where residential-scale wind power is viable in Estero.

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- Finally, be sure to coordinate the standards and incentives in the LDC with related provisions of the building code. Generally, if the topic is adequately addressed in other codes, they should not be repeated in the LDC, because repetition often leads to inconsistencies over time. On the other hand, site design features can and should be addressed in the LDC with little worry that those provisions will become inconsistent with other code provisions over time.

If a decision is made by the Village to include sustainable development standards or incentives in the new LDC, we suggest the Village consider including them for the following types of practices:

- Alternative energy systems that would include, but are not be limited to, solar, wind energy conversion systems (WECs), electric vehicle charging stations, and alternative fuel filling stations;
- Energy conservation techniques and devices including, but not limited to, cool roofs, green roofs, roof gardens, and green walls;
- Water conservation techniques and devices;
- Low impact development/environmental site design standards for storm water management;
- Conservation of green infrastructure;
- Urban agriculture activities including, but not limited to, community gardens and farmers markets;
- Compact, walkable urbanism that supports market driven and higher development densities with a mix of uses in key places, together with requirements for pedestrian and bicycle connectivity and a strong focus on the quality of the streetscape; and
- The incorporation of universal design techniques in homes, so people can live-in-place as they age.



Finally, and if the Village decides to include sustainable development standards or incentives in the new LDC, we suggest coordinating the new provisions with related

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

provisions of the building code, to ensure there are no conflicts and that the provisions are mutually supportive.

III. ANNOTATED OUTLINE OF NEW LAND DEVELOPMENT CODE

This part of the Assessment provides an overview of the proposed structure and general substance of the new Land Development Code (LDC) if the issues identified in Part II are addressed. As part of the review and discussion of the Assessment, the Village can provide more detailed direction about the nature and scope of the new LDC and specific provisions. When this process is completed, the actual drafting of the new LDC will begin.

The following pages are a general outline of the new LDC. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the new code, the outline provides an organizing framework for continued conversations with the Village about key code issues.

The sidebar outlines the proposed new structure, which includes ten articles

-
- Article 1. General Provisions**
 - Article 2. Administration**
 - Article 3. Zone Districts**
 - Article 4. Use Regulations**
 - Article 5. Site Development Standards**
 - Article 6. Signage**
 - Article 7. Natural Resources**
 - Article 8. Public Facility Funding and Coordination**
 - Article 9. Nonconformities**
 - Article 10. Definitions, Rules of Construction and Interpretation, and Rules of Measurement**

III. Annotated Outline of New Land Development Code

Article 1 General Provisions

ARTICLE 1. GENERAL PROVISIONS

Article 1: General Provisions, plays an important part in making the new LDC user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the Village regulates development, the general purposes of the LDC, establish the Official Zoning Map, and set down the rules governing the transition from the current to the new LDC.

SECTION 1.1. TITLE

This section will set forth the official name by which the regulations may be cited (e.g., “the Village of Estero Land Development Code”) as well as any acceptable shortened references (e.g., “the LDC” or “this LDC” or “this code”).

SECTION 1.2. AUTHORITY

This section will contain references to the authority by which the Village has to adopt the LDC in accordance with the Florida constitution and Florida Statutes. It will also include a provision stating that if the regulations cite a provision of the Florida Statutes or federal law that is amended or superseded, the regulations will be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of the Village Council when it adopted the LDC. It will include statements of intent, as appropriate, to reflect the goals, objectives, and policies in the Village’s comprehensive plan. Purpose statements related to the zone districts, the development standards, and the procedures will be located in those specific sections.

SECTION 1.4. APPLICABILITY

This section makes clear who is subject to the requirements of the LDC. It builds on and clarifies Section 1.02.00, Applicability, of the current development regulations, and relocates provisions related to applicability to this new section. It will state that unless stated otherwise or exempted, the standards and requirements of the LDC apply to all development within the corporate limits of the Village. It will also include a section on general exemptions.

Section 1.1. Title

Section 1.2. Authority

Section 1.3. General Purpose and Intent

Section 1.4. Applicability

Section 1.5. Consistency with Comprehensive Plan

Section 1.6. Relationship with Other Laws, Covenants, or Deeds

Section 1.7. Official Zoning Map

Section 1.8. Transitional Provisions

Section 1.9. Severability

Section 1.10. Effective Date

SECTION 1.5. CONSISTENCY WITH COMPREHENSIVE PLAN

This new section sets out the requirement that development be consistent with the Estero comprehensive plan, in accordance with the Florida Statutes.

SECTION 1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEEDS

This section provides that in case of conflict between the LDC and other legislative enactments of the federal government, the state, or Village, the stricter provision applies, to the extent allowed by law. The section will also express that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, they control. The section will also clarify that the Village will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with Village requirements.

SECTION 1.7. OFFICIAL ZONING MAP

This section incorporates by reference the Official Zoning Map as well as any related maps. It will provide for amendment of the Official Zoning Map upon the approval of a rezoning application. It will clarify that the Official Zoning Map is now maintained in a digital format. It will also:

- Incorporate and refine the provisions in the existing regulations that relate to boundary interpretations; and
- Identify the Community Development Director as the person authorized to interpret the Official Zoning Map and determine where the boundaries of the different zone districts fall, if in dispute. It will also provide that appeals from the Community Development Director’s interpretations may be made to the Village Council.

SECTION 1.8. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section will provide the following:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations), and are subject to the penalties and enforcement provisions in Article 9: Enforcement.
- During the meeting on the Assessment, and during the code drafting process, we will explore with the Village, different options for how to treat development applications that are already submitted and in the development approval pipeline at the time the regulations become effective, but have not be acted upon.
- Existing development approvals and permits will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their

approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will subject the development to the new LDC. (As is discussed in Table 3.1.3: Proposed Zone District Structure, the RPD-CPD and PUD districts will be removed from zone district line-up, but recognized here as valid development approvals; any rules relevant to changes to development in these districts will also be addressed in this section.)

- Applications submitted after the effective date of the new LDC are subject to the procedures and standards of the new LDC.

SECTION 1.9. SEVERABILITY

This standard provision states that if any part of the new LDC is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect its application to other circumstances.

SECTION 1.10. EFFECTIVE DATE

This section establishes the effective date of the new LDC.

III. Annotated Outline of New Land Development Code

Article 1 General Provisions

ARTICLE 2. ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval or permit is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

As discussed in Section 1.1: Make the Structure More Logical and Intuitive, of the Assessment, this article consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process. Article 2: Administration, includes the following three sections:

- **Section 2.1. Advisory and Decision-Making Bodies and Persons**, which summarizes the development review responsibilities of the review boards and staff;
- **Section 2.2. Standard Application Requirements and Procedures**, which establishes a standard set of review procedures for the review of development applications; and
- **Section 2.3. Application Specific Review Procedures and Decision Standards**, which includes the specific review standards and any unique procedural review requirements for each individual application.

Each section is outlined and discussed in more detail below.

SECTION 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

The first section in the article identifies the advisory and decision-making bodies and persons responsible for the review and administration of development under the LDC. Provisions such as these help establish clear lines of authority in the decision-making procedures. This section will identify the specific responsibilities of each review board or staff person. Table 1.7.2: Estero: Proposed Development Review Procedures, from the diagnosis, provides an overview of the proposed new review procedures, and which board or person is responsible for review, advice, or making the decision. It is included on the following pages.

Section 2.1. Advisory and Decision-Making Bodies and Persons

Section 2.2. Standard Application Requirements and Procedures

Section 2.3. Application Specific Review Procedures and Decision Standards

III. Annotated Outline of New Land Development Code

Article 2 Administration

| COPY OF TABLE 1.7.2: ESTERO PROPOSED 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 ¹ |
| Discretionary Approval | | | | | | |
| Comprehensive Plan Amendment | <D> | <R> | | S | | W |
| Development of Regional Impact (DRI) # | <D> | <R> | | S | | W |
| Zoning District Map Amendment (Rezoning)# ² | <D> ³ | <R> | | S | | W |
| Planned Development (Rezoning) # | <D> | <R> | | S | | W |
| Development Agreement | <D> | <R> | | S | | |
| Special Exception | <A> / <D> ⁴ | <D> | | S | | W |
| Site Development | | | | | | |
| Development Order/Site Plan | | | | | | |
| Development Order/Site Plan # | <A> | | <D> | S | | W |
| Minor Amendments | | | | S | D | |
| Limited Development Order/ Minor Site Plan ⁵ | <A> | | | D | | W |
| Minor Amendments | | | | S | D | |
| Plat Review | <D> | | | S ⁶ | | |
| Vacation of Easement, Right-of-Way, or Plat | <D> | | | S | | |
| Concurrency | | | | | | |
| Certificate of Concurrency Compliance ⁷ | | | | D | | |
| Certificate of Concurrency Exemption ⁷ | | | | D | | |
| Concurrency Variance Certificate ⁷ | | | | D | | |
| Historic Preservation | | | | | | |
| Regular Certificate of Appropriateness | | | <D> ⁸ | S | | |
| Special Certificate of Appropriateness | | | <D> ⁸ | S | | |
| Density Bonus | | | | | | |
| Density Bonus | <D> | | | S | | |
| Permits | | | | | | |
| Commercial Building Repainting Permit | | | <D> | | | |
| Driveway/ Right-of-Way Permit ⁹ | | | | | | |
| Sign Permit | | | <D> ¹⁰ | D/S | | |
| Temporary Use Permit (includes Special Events) | | <A> / <D> ¹¹ | | D/S ¹¹ | | |
| Tree Removal/Vegetation Removal Permit | | | | D | | |
| Building Permit ¹² | | | | | | |
| Relief | | | | | | |
| Variance | | | | | | |
| Variance for Flood Hazard | | <D> | | S | | |
| Variance for Zoning | <A> / <D> ¹³ | <D> | | S | | W |
| Deviation | | | | | | |

COPY OF TABLE 1.7.2: ESTERO PROPOSED 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 ¹ |
|--|-----------------|-------------------------|---|--------------------------------|----------------------------|---------------------------------|
| Major Deviation | <A> | <D> | <D> | S | | |
| Minor Deviation | <A> | | | D | | |
| Appeal of Administrative Official | <A> | | | | | |
| Vested Rights | <D> | | | | | |
| Interpretation | | | | | | |
| Interpretation | <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 of ten acres or more, initiated by the Village, the Council is required to conduct two public hearings.
- A special exception as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.
- 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 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.
- The Community Development Director makes the decision as a part of the development order process.
- It is recommended the Village create a Historic Preservation Board, and that the DRB act as the Historic Preservation Board.
- Decided by Public Works.
- The DRB reviews monument signs only
- 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.
- A building permit is decided by the Building Official. The procedure is included in the Building Code..
- A variance as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.

SECTION 2.2. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

SEC. 2.2.1. PUBLIC INFORMATION WORKSHOPS

See discussion in Section 1.7.2.3, Refine Use of Public Information Workshops, for discussion on this procedure.

SEC. 2.2.2. PRE-APPLICATION CONFERENCE

See discussion in Section 1.7.2.4, Pre-Application Conference, for discussion on this procedure.

SEC. 2.2.3. APPLICATION SUBMISSION

This subsection includes procedures related to submitting application materials and required fees, which is what many consider the “beginning” of the development review process. It establishes general requirements for who may file an application and requires that development applications be submitted according to the form and content requirements established by the Director.

The existing regulations include submittal requirements for most development applications. This kind of information contributes to longer and more cumbersome regulations. It is proposed that Section 2.1, Advisory and Decision-making Bodies and Persons, authorize the Director to establish application requirements and a submission and review schedule for all development applications. It is also recommended that the new regulations follow the modern trend in zoning administration with respect to application forms and content requirements by authorizing the Community Development Director to consolidate forms, application requirements, fee information, and review and submittal schedules in a separate Procedures Manual (see Section 1.6, Use a Procedures Manual). An alternative would be to include them in an appendix to the LDC. Applicants can refer to the Procedures Manual to determine what materials and fees must be included in the application submission. If the Procedures Manual is used, the Village will be able to respond much more easily to changing needs for application requirements, since the manual can be revised by staff without formally amending the LDC.

This subsection also includes provisions governing the revision or withdrawal of applications, including rules governing the administrative/staff withdrawal of an application that has been inactive for an established period of time. It also establishes basic guidance concerning the timing under which the application fee for a withdrawn application may be refunded, and the review procedures for resubmitted applications containing substantial changes.

In addition, this subsection includes a provision that allows the current practice of simultaneous processing of applications, at the discretion of the Director, whenever two or more forms of review and approval are required under the regulations, so long as all applicable state and local requirements are satisfied. The provision will be evaluated to see if refinements are needed. It concludes with rules governing the examination and copying of application documents and related materials by members of the public.

SEC. 2.2.4. DETERMINATION OF COMPLETENESS

See discussion in Section 1.7.2.5, Application Completeness Determination, for discussion on this procedure.

SEC. 2.2.5. STAFF REVIEW AND ACTION

This subsection establishes the standard review procedures for staff (the Community Development Director or a designee) to review and take action on an application.

SEC. 2.2.6. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

This section will include a consolidated set of rules to establish how public hearings are scheduled, requirements for notices of public hearings, and a mechanism for the applicant to request and receive a deferral of consideration of an application.

It consolidates public notification requirements for all applications that are subject to public notification requirements. Generally, public notification is required through publication in a newspaper of general circulation, mailing of notice to adjoining landowners, and on-site posting of notice. Specific requirements for each of these different types of notice are provided, consistent with the Florida Statutes. To the extent we can comply with state law, while at the same time consolidating the notice requirements for the different types of development applications, this subsection will do so. The subsection also includes a provision authorizing that notice be sent to individuals or organizations who have registered to be notified.

We have found it quite helpful in consolidating and simplifying notice requirements to use a table of the general requirements. We propose using that approach in this subsection. An example of the table format from another jurisdiction is reproduced below.

| TABLE 2-200(I): PUBLIC NOTIFICATION FOR PERMIT APPROVALS | | | |
|--|---|---|--|
| APPLICATION FOR DEVELOPMENT PERMIT OR OTHER ACTION | NOTICE REQUIRED (DAYS BEFORE HEARING/ACTION) | | |
| | WRITTEN (SECTION 2-200(I)(2)) | PUBLICATION (SECTION 2-200(I)(3)) | POSTED (SECTION 2-200(I)(4)) |
| Text Amendment | | At least 30 days prior to public hearing | |
| Amendment to Official Zone District Map & Planned Development District | At least 15 days prior to public hearing | At least 30 days prior to public hearing | At least 15 days prior to public hearing |
| Special Exception Permit & Variance Permit | At least 15 days prior to public hearing | At least 15 days prior to public hearing | At least 15 days prior to public hearing |
| Appeal to Board of Zoning Appeals | At least 15 days prior to public hearing | At least 15 days prior to public hearing | At least 15 days prior to public hearing |
| Certificate of Appropriateness & Certificate of Hardship & Appeal of Development Services Director's Interpretation or Decision on Certificates of Appropriateness | | At least 15 days prior to public hearing | At least 15 days prior to public hearing |
| Land Development Agreements | At least 30 days prior to public hearing | At least 30 days prior to public hearing before Planning Commission At least 30 days prior to public hearing before City Council | At least 30 days prior to public hearing |

SEC. 2.2.7. ADVISORY BODY REVIEW AND RECOMMENDATION

For applications subject to review by an advisory body (e.g. the Planning and Zoning Board, the DRB, or the Historic Preservation Board), this subsection establishes the procedures for review and recommendation.

SEC. 2.2.8. DECISION-MAKING BODY HEARING, REVIEW, AND DECISION

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (e.g., Village Council, Planning and Zoning Board, DRB, Historic Preservation Board) and the body’s review and decision on the application (both quasi-judicial and other). It also describes generally the types of conditions that may be attached to certain forms of approvals granted under the article, written to reflect state law, federal law, and case law, where the procedure expressly allows applications to be “approved with conditions.” It also establishes “lapse of approval” provisions. Depending upon the specific type of approval, rules governing extensions are also included, where appropriate. These specify that an applicant may request an extension (for a period up to a limit stated in the LDC) by submitting a request prior to the expiration period, and that the extension is granted upon a showing of good cause by the applicant. Extensions may be granted by the person or body that granted the approval of the application.

SEC. 2.2.9. PUBLIC HEARING PROCEDURES

This subsection sets out public hearing procedures that the advisory and decision bodies should follow at public hearings, both quasi-judicial, and other.

SEC. 2.2.10. NOTIFICATION TO APPLICANT OF DECISION

This subsection explains the various ways in which an applicant receives notification of a decision made by a decision-making body or person.

SEC. 2.2.11. POST DECISION ACTIONS

This subsection describes actions that occur after a decision has been rendered, including appeals.

SECTION 2.3. APPLICATION SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

This section includes the review procedures for each individual type of development application, identifying whether each standard procedure applies. It also includes the review standards that are required to be applied to each individual application, as well as any special rules or exceptions. Each procedure will be accompanied by a review process flowchart.

SEC. 2.3.1. DISCRETIONARY APPROVAL

Sec. 2.3.1.(A) COMPREHENSIVE PLAN AMENDMENT

This subsection establishes the review procedure for a comprehensive plan amendment. The public is informed by a public information workshop, the Planning and Zoning Board hears and makes a recommendation on the application prior to a decision by the Village Council.

Sec. 2.3.1.(B) DEVELOPMENT OF REGIONAL IMPACT (DRI)

This subsection establishes a review procedure for a development of regional impact (DRI) resolution, building on Section 34-83(b)(4) of the transitional LDC. The public is informed by a public information workshop, and the Planning and Zoning Board hears and makes a recommendation on the application prior to a decision by the Village Council.

Sec. 2.3.1.(C) ZONE DISTRICT MAP AMENDMENT (REZONING)

This subsection establishes the procedure for a site specific zone district map amendment (rezoning). The public is informed by a public information workshop, and the Planning and Zoning Board then hears and makes a recommendation on the application prior to a decision by the Village Council.

Sec. 2.3.1.(D) PLANNED DEVELOPMENT

As discussed in Section 1.7.2.7.(A), Planned Development Procedures, this subsection establishes the review procedures for a planned development. The public is informed by a public information workshop, and the Planning and Zoning Board hears and makes a recommendation on the application prior to a decision by the Village Council.

Sec. 2.3.1.(E) DEVELOPMENT AGREEMENT

As discussed in Section 1.7.2.7.(D), Include Procedure for Development Agreements, this subsection establishes the review procedures for approving a development agreement. A minimum of two public hearings are required to be held before the Village Council decides whether or not to enter into a proposed development agreement; one of the public hearings may be conducted by the local planning agency (the Planning and Zoning Board).

Sec. 2.3.1.(F) SPECIAL EXCEPTION

This subsection establishes the review procedure for a special exception, building on Section 34-83(b)(1)a of the transitional LDC. The public is informed by a public information workshop, and the decision is made by the Planning and Zoning Board. An appeal from the Board’s decision may be taken to the Village Council. (Special exceptions applied for as a part of a zone district map amendment (Rezoning) are decided by the Village Council when considering the application for the zone district map amendment (rezoning)).

SEC. 2.3.2. SITE DEVELOPMENT

Sec. 2.3.2.(A) DEVELOPMENT ORDER / SITE PLAN

As discussed in Section 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, this subsection establishes the review procedure for development orders/ site plans. The public is informed by a public information workshop, and a decision is made by the Design Review Board. An appeal of the DRB’s decision may be taken to the Village Council.

III. Annotated Outline of New Land Development Code

Article 2 Administration

Sec. 2.3.2.(B) MINOR AMENDMENTS TO DEVELOPMENT ORDER / MAJOR SITE PLAN

This subsection establishes the procedure for minor amendments to a development order/site plan. The Development Review Manager makes the decision.

Sec. 2.3.2.(C) LIMITED DEVELOPMENT ORDER / MINOR SITE PLAN

As discussed in Section 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, this subsection establishes the review procedure for limited development orders/minor site plans. The public is informed by a public information workshop prior to a decision by the Community Development Director. An appeal of the Director's decision may be taken to the Village Council.

Sec. 2.3.2.(D) MINOR AMENDMENTS TO LIMITED DEVELOPMENT ORDER / MINOR SITE PLAN

This subsection establishes the procedure for minor amendments to a limited development order / minor site plan. The Development Review Manager makes a decision.

Sec. 2.3.2.(E) PLAT REVIEW

This subsection establishes the procedure for plat review, The Community Development Director conducts a staff review of the application specifically consulting the Village Professional Surveyor and Mapper and the Village Attorney, before a decision by the Village Council.

Sec. 2.3.2.(F) VACATION OF EASEMENT, RIGHT-OF-WAY, OR PLAT

This subsection establishes the procedure for vacation of an easement, right-of-way, or plat, The Community Development Director conducts a staff review of the application, before a decision by the Village Council.

SEC. 2.3.3. CONCURRENCY

This section establishes the concurrency review procedures that are carried forward from Chapter 2, Article II, Concurrency Management System, of the transitional LDC. As discussed in Section 8.2, Concurrency Management, the Community Development Director replaces the Village Manager in making concurrency decisions. The section includes procedures for reviewing and deciding a certificate of concurrency compliance, a certificate of concurrency exemption, and a concurrency variance certificate.

SEC. 2.3.4. HISTORIC PRESERVATION

This subsection establishes procedures for issuing a certificate of appropriateness (regular or special). The Historic Preservation Board makes a decision. (It is recommended the DRB serve as the Historic Preservation Board).

SEC. 2.3.5. BONUS DENSITY

This subsection will be revised and tailored to address Village goals in the new LDC.

SEC. 2.3.6. PERMITS**Sec. 2.3.6.(A) COMMERCIAL BUILDING REPAINTING PERMIT**

This subsection carries forward the current procedure for review of a commercial building repainting permit. The DRB makes a decision on the application.

Sec. 2.3.6.(B) DRIVEWAY OR RIGHT OF WAY PERMIT

This subsection grants the Public Works Department purview over driveway and right-of-way Permits.

Sec. 2.3.6.(C) SIGN PERMIT

This subsection establishes and carries forward the current procedure for a sign permit. There are separate subsections for the standard application and applications for monument signs. Standard applications are decided by the Community Development Director. Monument signs are decided by the DRB.

Sec. 2.3.6.(D) TEMPORARY USE PERMIT

This subsection establishes the procedure for a temporary use permit. Except for special events involving large numbers of persons (e.g. over 500), applications are reviewed and decided by the Community Development Director. Large special events are decided by the Planning and Zoning Board.

Sec. 2.3.6.(E) TREE REMOVAL/VEGETATION REMOVAL PERMIT

This subsection establishes and carries forward the procedure for review of a tree removal/vegetation removal permit. Applications are reviewed and decided by the Community Development Director.

Sec. 2.3.6.(F) BUILDING PERMIT

This subsection carries forward the current procedure for review of a building permit. The Building Official makes a decision on the application. The procedure is in the Building Code.

SEC. 2.3.7. RELIEF**Sec. 2.3.7.(A) VARIANCE****SEC. 2.3.7.(A)(1) ZONING VARIANCE**

This subsection establishes and carries forward the procedures for a zoning variance. The public is informed by a public information workshop and the Planning and Zoning Board makes a decision. An appeal may be taken from the Board's decision to the Village Council. (When a variance is requested as part of a zone district map amendment (rezoning), the application is considered in conjunction with the application for the map amendment, and a decision on the variance application is made by the Village Council).

SEC. 2.3.7.(A)(2) FLOOD HAZARD VARIANCE

This subsection establishes and carries forward the procedures for a flood hazard variance. The Planning and Zoning Board makes a decision.

III. Annotated Outline of New Land Development Code

Article 2 Administration

Sec. 2.3.7.(B) *DEVIATION*

SEC. 2.3.7.(B)(1) MAJOR DEVIATION

As discussed in Section 1.7.2.7.(C), Modernize and Update Procedure for Deviations , this section establishes the procedure for a major deviation. Major deviations are decided by the Planning and Zoning Board or the Design Review Board. An appeal of the decision may be taken to the Village Council.

SEC. 2.3.7.(B)(2) MINOR DEVIATION

As discussed in Section 1.7.2.7.(C), Modernize and Update Procedure for Deviations , this section establishes the procedure for a minor deviation. Minor deviations are decided by the Community Development Director. An appeal of the Director’s decision may be taken to the Village Council.

Sec. 2.3.7.(C) *APPEAL OF ADMINISTRATIVE OFFICIAL*

This section establishes and carries forward the procedures for an appeal of a decision of an Administrative Official. The appeal is heard and decided by the Village Council.

SEC. 2.3.8. INTERPRETATION

This subsection establishes and carries forward the procedures for interpretation of the text of the LDC, uses, the zone district boundaries, and any conditions of development approval for approved development orders. The Community Development Director makes all interpretations. The decision of the Director may be appealed to the Village Council.

SEC. 2.3.9. VESTED RIGHTS

This subsection establishes a new vested rights procedure. The Village Council will conduct the hearing on a request for a vested rights determination, and make the decision.

ARTICLE 3. ZONE DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

This section starts with a subsection that describes base zoning districts, planned development districts, and overlay districts, and explains how they relate to one another. For example, the subsection describes overlay zone districts as superimposed over portions of an underlying base zone district, which applies additional or alternative development regulations to those applied by the underlying zone district.

The second subsection establishes the various zone districts, typically with a summary table that identifies the zone district by name and official abbreviation. The table has a hierarchical format, organizing zone districts by base districts (agriculture, residential, recreational vehicle, community facilities, business, and industrial), special purpose districts, planned development districts, and overlay districts. Within each group, zone districts are generally listed from the least to the most intensive. Table 3.1: Proposed Zone Districts shows both the proposed line-up of zone districts.

- Section 3.1. General Provisions**
- Section 3.2. Agriculture Districts**
- Section 3.3. Residential Districts**
- Section 3.4. Recreational Vehicle Districts**
- Section 3.5. Community Facilities Districts**
- Section 3.6. Business Districts**
- Section 3.7. Light Industrial Districts**
- Section 3.8. Special Purpose Districts**
- Section 3.9. Planned Development Districts**
- Section 3.10. Overlay Districts**

TABLE 3.1: PROPOSED ZONE DISTRICTS

| Proposed Zone Districts | FLUM Designation Which District Implements |
|---|--|
| BASE DISTRICTS | |
| Agriculture Districts | |
| Agriculture (AG) District | Wetland Conservation Urban Commercial Transitional Mixed Use Public Parks and Recreation Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2 |
| Residential Districts | |
| <i>Single -Family Districts</i> | |
| Residential Single-Family Conservation (RSFC) District | Village Neighborhood 2 |
| Residential Single Family (RSF) District | Village Center Village Neighborhood 1 |

III. Annotated Outline of New Land Development Code

Article 3 Zone Districts

| TABLE 3.1: PROPOSED ZONE DISTRICTS | |
|--|---|
| Proposed Zone Districts | FLUM Designation Which District Implements |
| | Village Neighborhood 2 |
| <i>Multiple-Family Districts</i> | |
| Residential Multiple Family (RMF) District | Wetland, Conservation Village Neighborhood 1 Village Neighborhood 2 |
| <i>Mobile Home Districts</i> | |
| Mobile Home Conservation (MHC) District | Village Neighborhood 1 |
| Mobile Home Small Lot (MHSL) District | Village Neighborhood 1 Village Neighborhood 2 |
| | Conservation Village Neighborhood 1 Village Neighborhood 2 |
| Mobile Home Large Lot (MHLL) District | Village Neighborhood 1 |
| Recreational Vehicle Districts | |
| Recreational Vehicle (RV) District | Wetland Conservation Village Center Village Neighborhood 2 Village Neighborhood 1 |
| Community Facilities District | |
| Community Facilities (CF) District | Public Parks and Recreation Public Facilities Village Center |
| Business Districts | |
| Neighborhood Commercial (NC) District [NEW] | |
| Urban Commercial Redevelopment (UCR) District [NEW] | Urban Commercial Village Neighborhood 2 |
| Community Commercial (CC) District | Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1 |
| Office-Mixed-Use (OMX) District [NEW] | |
| Village Mixed-Use (VMX) District [NEW] | |
| Industrial Districts | |
| Light Industrial (IL) District | TBD |
| SPECIAL PURPOSE DISTRICTS | |
| Environmentally Critical district (EC) | Environmentally critical district (EC) |
| PLANNED DEVELOPMENT DISTRICTS | |
| Residential Planned Development (RPD) District | Wetland |

| TABLE 3.1: PROPOSED ZONE DISTRICTS | |
|---|--|
| Proposed Zone Districts | FLUM Designation Which District Implements |
| | Conservation Transitional Mixed Use Village Neighborhood 1 Village Neighborhood 2 |
| Community Facilities Planned Development (CFPD) District | Urban Commercial |
| Commercial Planned Development (CPD) District | Wetland Conservation Urban Commercial Transitional Mixed Use Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2 |
| Mixed Use Planned Development (MXP) District | Wetland Conservation Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1 |
| Estero Planned Development (EPD) District | Village Center |
| OVERLAY DISTRICTS | |
| Corkscrew Road Redevelopment Overlay (CRRO) District | N/A |
| US 41 Redevelopment (US 410) Overlay District | N/A |

SECTION 3.2. AGRICULTURE DISTRICTS

SEC. 3.2.1. GENERAL PURPOSE OF AGRICULTURAL DISTRICTS

This subsection sets out the general purpose of the Agriculture Districts.

SEC. 3.2.2. AGRICULTURAL (AG) DISTRICT

See discussion in Section 3.1.3.1.(A), Agriculture Districts, of the Diagnosis.

SECTION 3.3. RESIDENTIAL DISTRICTS

SEC. 3.3.1. GENERAL PURPOSE OF RESIDENTIAL DISTRICTS

This subsection sets out the general purpose of the Residential Districts, of the Diagnosis.

SEC. 3.3.2. RESIDENTIAL SINGLE FAMILY-CONSERVATION (RSFC) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

III. Annotated Outline of New Land Development Code

Article 3 Zone Districts

SEC. 3.3.3. RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

SEC. 3.3.4. RESIDENTIAL MULTIPLE FAMILY (RMF) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

SEC. 3.3.5. MOBILE HOME CONSERVATION (MHC) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

SEC. 3.3.6. MOBILE HOME SMALL LOT (MHSL) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

SEC. 3.3.7. MOBILE HOME LARGE LOT (MH SL) DISTRICT

See discussion in Section 3.1.3.1.(B), Residential Districts, of the Diagnosis.

SECTION 3.4. RECREATIONAL VEHICLE DISTRICTS

SEC. 3.4.1. GENERAL PURPOSE OF RECREATIONAL VEHICLE DISTRICTS

This subsection sets out the general purpose of the Recreational Vehicle District.

SEC. 3.4.2. RECREATIONAL VEHICLE (RV) DISTRICT

See discussion in Section 3.1.3.1.(C), Recreational Vehicle Districts, of the Diagnosis.

SECTION 3.5. COMMUNITY FACILITIES DISTRICTS

SEC. 3.5.1. GENERAL PURPOSE OF COMMUNITY FACILITIES DISTRICT

This subsection sets out the general purpose of the Community Facility Districts.

SEC. 3.5.2. COMMUNITY FACILITIES (CF) DISTRICT

See discussion in Section 3.1.3.1.(D), Community Facilities Districts , of the Diagnosis.

SECTION 3.6. BUSINESS DISTRICTS

SEC. 3.6.1. GENERAL PURPOSE OF COMMERCIAL DISTRICTS

This subsection sets out the general purpose of the Business Districts.

SEC. 3.6.2. NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

See discussion in Section 3.1.3.1.(E), Business Districts, of the Diagnosis.

SEC. 3.6.3. URBAN COMMERCIAL REDEVELOPMENT (UCR) DISTRICT

See discussion in Section 3.1.3.1.(E), Business Districts, of the Diagnosis.

SEC. 3.6.4. COMMUNITY COMMERCIAL (CC) DISTRICT

See discussion in Section 3.1.3.1.(E), Business Districts, of the Diagnosis.

SEC. 3.6.5. OFFICE MIXED USE (OMX) DISTRICT

See discussion in Section 3.1.3.1.(E), Business Districts, of the Diagnosis.

SEC. 3.6.6. VILLAGE MIXED USE (VMX) DISTRICT

See discussion in Section 3.1.3.1.(E), Business Districts, of the Diagnosis.

SECTION 3.7. INDUSTRIAL DISTRICTS

SEC. 3.7.1. GENERAL PURPOSE OF INDUSTRIAL DISTRICT

This subsection sets out the general purpose of the Industrial Districts.

SEC. 3.7.2. LIGHT INDUSTRIAL (IL) DISTRICT

See discussion in Section 3.1.3.1.(F), Industrial Districts, of the Diagnosis.

SECTION 3.8. SPECIAL PURPOSE DISTRICTS

SEC. 3.8.1. GENERAL PURPOSE OF SPECIAL PURPOSE DISTRICTS

This subsection sets out the general purpose of the Special Purpose Districts.

SEC. 3.8.2. ENVIRONMENTALLY CRITICAL (EC) DISTRICT

See discussion in Section 3.1.3.2, Special Purpose Districts, of the Diagnosis.

SECTION 3.9. PLANNED DEVELOPMENT DISTRICTS

SEC. 3.9.1. GENERAL PURPOSE OF PLANNED DEVELOPMENT DISTRICTS

This subsection sets out the general purpose of the Planned Development Districts.

SEC. 3.9.2. RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT

See discussion in Section 3.1.3.2, Special Purpose Districts, of the Diagnosis.

SEC. 3.9.3. COMMERCIAL PLANNED DEVELOPMENT (CPD) DISTRICT

See discussion in Section 3.1.3.2, Special Purpose Districts, of the Diagnosis.

SEC. 3.9.4. MIXED USE PLANNED DEVELOPMENT (MXP) DISTRICT

See discussion in Section 3.1.3.2, Special Purpose Districts, of the Diagnosis.

SEC. 3.9.5. ESTERO PLANNED DEVELOPMENT (EPD) DISTRICT

See discussion in Section 3.1.3.2, Special Purpose Districts, of the Diagnosis.

SECTION 3.10. OVERLAY DISTRICTS

SEC. 3.10.1. GENERAL PURPOSE OF OVERLAY DISTRICTS

This subsection sets out the general purpose of the Overlay Districts.

SEC. 3.10.2. CORKSCREW ROAD REDEVELOPMENT OVERLAY (CRRO) DISTRICT

III. Annotated Outline of New Land Development Code

Article 3 Zone Districts

See discussion in Section 3.1.3.4, Overlay Districts, of the Diagnosis.

SEC. 3.10.3. US 41 REDEVELOPMENT OVERLAY (US 410) DISTRICT

See discussion in Section 3.1.3.4, Overlay Districts, of the Diagnosis.

ARTICLE 4. USE REGULATIONS

Article 4: Use Regulations, consolidates all use regulations in one article, including accessory uses and structures and temporary uses and structures. Article 4 is organized into four sections. It begins with a section containing general provisions; this is followed by sections on principal uses, accessory uses and structures, and temporary uses and structures.

SECTION 4.1. GENERAL PROVISIONS

Section 4.1. General Provisions

SECTION 4.2. PRINCIPAL USES

Section 4.2. Principal Uses

SEC. 4.2.1. GENERAL

Section 4.3. Accessory Uses and Structures

This subsection sets out the purpose of the principal use table(s) and outlines its organization.

Section 4.4. Temporary Uses and Structures

SEC. 4.2.2. PRINCIPAL USE TABLE

This includes the heart of the article, principal use table(s) that builds on the current list of uses in the transitional LDC, which are consolidated into one or several tables. The subsection begins with introductory material explaining how to use the table(s). The table will reflect revisions to the lineup of zone districts as discussed in Section 3.1.3, Proposed Zone District Structure, and the new classification system for principal uses (see Section 4.2.3 below). The current line-up of principal uses—and their designation as permitted, or allowed as a special exception, or prohibited—will serve as a starting point for modernizing the uses in each zone district. The principal use table(s) will also include new uses that do not appear in the transitional LDC, and will modernize the existing lineup of allowable principal uses. In addition, a final column of the principal use table(s) will contain references to applicable use-specific standards (see Section 4.2.4 below) for those uses that are subject to specific regulations in addition to general development standards. Below is an example excerpt from a principal use table prepared for another community.

| Table 4-2(e): Principal Use Table | | P=Permitted by right C=Allowed subject to conditional use permit U=Allowed subject to provisional use permit - =Prohibited A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document | | | | | | | | | | | | | | | | | | | Use-Specific Standards | | | | | | | | | | | | | | |
|-----------------------------------|--|--|-----|-----|------|-----|------|-----|------|-----|------|-----|------|-----|------|-----|-----|-----|-----|-----|------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|--------|--------|--------|---|---|
| Use Category | Use Type | 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 | | |
| | | Residential Use Classification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Household Living | Dwelling, duplex | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, live/work | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, mansion apartment | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, manufactured home | - | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, multi-family | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, single-family detached | - | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, townhouse | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dwelling, upper story | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Group Living | Assisted living facility | - | C | C | C | C | C | C | C | C | C | C | C | C | C | C | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Continuing care retirement community | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Dormitory | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Lodging house | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | | Public, Civic, and Institutional Use Classification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Community Services | Auditorium, conference and convention center | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |
| | Club or lodge | - | U | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Community center, private | P | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

SEC. 4.2.3. CLASSIFICATION OF PRINCIPAL USES

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table(s) and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses (see discussion in Section 3.1.6, Use a Three-tiered System to Classify Uses). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” “Commercial Uses,” and “Industrial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics, such as “Household Living” and “Group Living” (under Residential Uses). Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Example uses under the Household Living category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the principal use table(s) will be defined in Article 10: Definitions and Rules of Construction and Measurement. This three-tiered system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zone districts.

SEC. 4.2.4. STANDARDS SPECIFIC TO PRINCIPAL USES

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zone districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the use-specific standards in the transitional LDC.

SECTION 4.3. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use, and a swimming pool is typically considered an accessory structure to a single-family dwelling. This section will build on the accessory uses and structures in the transitional LDC, but will add a table of accessory uses and structures, and more detail about their use and application.

SEC. 4.3.1. GENERAL

This subsection sets out the purpose of the section and outlines its organization.

SEC. 4.3.2. ACCESSORY USE/STRUCTURE TABLE

This subsection includes an accessory use table that lists common accessory uses and structures (such as home occupations, swimming pools, satellite dish antennas, outdoor storage), shows the zone districts in which each is allowed, and references any use-specific standards applicable to the accessory use or structure. The table largely carries forward and consolidates accessory uses and structures recognized in the current

transitional LDC, refining the list to include modern accessory uses and structures (such as solar panels, wind conversion systems, water cisterns, backyard gardens, etc.). Below is an example of an accessory use table from another community’s development code.

Table 4-4(b): Accessory Use/Structure Table
 P=Permitted by right | C=Allowed subject to conditional use permit | U=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

| Accessory Use/Structure | 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 | Specific Standards for Use/Structure | |
|--|-----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-----|-----|-----|-----|---------|---------|---------|---------|-----|-----|-----|------|--------|--------|--------|--------------------------------------|-----------------|
| Accessory dwelling unit | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(1) | |
| Agritourism activity | P | P | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | P | - | - | - | - |
| Antenna, building-mounted | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(2) |
| Antenna, amateur (ham) radio | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(3) |
| Automated teller machine (ATM) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(4) |
| Automatic car wash | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(5) |
| Caretaker dwelling | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - |
| Child care center (as an accessory use) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(7) |
| Community garden (as an accessory use) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(8) |
| Drive-through | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(9) |
| Electric vehicle (EV) level 1, 2, or 3 charging station | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(10) |
| Family day home (as accessory to a dwelling) | - | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | - | - | - | - | P/ C | P/ C | P/ C | P/ C | - | - | - | - | - | - | - | - | Sec. 4-4(d)(11) |
| Helicopter landing facility (as an accessory use) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | P | - | - | P | - | - | - | - | - | - | - | Sec. 4-4(d)(12) |
| Home garden (as accessory to a dwelling) | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | P | P | P | P | - | - | - | - | - | - | - | - | - |
| Home occupation | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Sec. 4-4(d)(13) |
| Keeping of animals outside a dwelling (as accessory to a dwelling) | - | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | P/ C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Sec. 4-4(d)(14) |
| Outdoor display of merchandise (as accessory to a Retail Sales and Services use) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Sec. 4-4(d)(16) |
| Outdoor seating (as accessory to an Eating Establishments use) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 4-4(d)(17) |
| Outdoor storage | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Sec. 4-4(d)(18) |

SEC. 4.3.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

This includes a set of general standards that generally apply to all accessory uses and structures.

SEC. 4.3.4. SPECIFIC STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zone districts). As with the standards specific to principal uses, special attention is paid to standards for new accessory uses and structures, new standards for carried-forward accessory uses and structures, and improving the standards specific to accessory uses and structures that are scattered throughout the transitional LDC.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

Temporary uses are uses or structures that are proposed to be located in a zone district only for a limited duration. They include special, or temporary events, which typically last for a short duration and are intended

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to attract large numbers of people at one time (e.g., concerts, fairs, circuses, large receptions or parties, and community festivals), but do not include private parties attracting less than a certain number of persons, nor events normally associated with the permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home). This section will add a table of temporary uses and structures, and more detail about their use and application.

SEC. 4.4.1. GENERAL

This subsection sets out the purposes of the section and outlines its organization.

SEC. 4.4.2. TEMPORARY USE/STRUCTURE TABLE

This subsection includes a temporary use table that lists allowed temporary uses and structures, and references any use-specific standards applicable to the temporary use or structure.

SEC. 4.4.3. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

This subsection sets out standards that always apply to certain temporary uses, structures, or events (or if appropriate, apply to certain temporary uses or structures in particular zone districts. As with the standards specific to principal and accessory uses, special attention will be paid to standards for new temporary uses and structures, and standards for carried-forward temporary uses and structures.

ARTICLE 5. SITE DEVELOPMENT STANDARDS

Article 5: Site Development Standards, contains all of the development standards in the new LDC related to the physical layout of new development. The standards in the article include:

- Mobility and connectivity standards;
- Off-street parking bicycle parking and loading standards;
- Landscaping and buffer standards;
- Open space set-aside standards;
- Fence and wall standards;
- Exterior lighting standards;
- Residential compatibility standards;
- Architectural, form, and design standards;
- Sustainable development standards;
- Sustainable development incentives; and
- Plat standards.

Section 5.1. Mobility and Connectivity Standards

Section 5.2. Off-Street Parking, Bicycle, and Loading Standards

Section 5.3. Landscape and Buffer Standards

Section 5.4. Open Space Set-Aside Standards

Section 5.5. Fence and Wall Standards

Section 5.6. Exterior Lighting Standards

Section 5.7. Residential Compatibility Standards

Section 5.8. Architectural, Form, and Design Standards

Section 5.9. Sustainable Development Standards

Section 5.10. Sustainable Development Incentives

Section 5.11. Plat Standards

SECTION 5.1. MOBILITY AND CONNECTIVITY STANDARDS

See discussion in Section 4.1, Mobility and Connectivity Standards, of the Diagnosis.

SECTION 5.2. OFF-STREET PARKING, BICYCLE, AND LOADING STANDARDS

See discussion in Section 4.2 Off-Street Parking, Loading, and Bicycle Standards, of the Diagnosis.

SECTION 5.3. LANDSCAPE AND BUFFER STANDARDS

See discussion in Section 4.3, Landscaping and Buffer Standards, of the Diagnosis.

SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

See discussion in Section 4.5, Comprehensive Open Space Set-Aside Standards, of the Diagnosis.

SECTION 5.5. FENCE AND WALL STANDARDS

The existing fence and wall standards, found in different places of the transitional LDC, will be consolidated in this section, and carried forward with refinements to ensure they conform to the character and development form established in the new zone district structure of the new LDC.

SECTION 5.6. RESIDENTIAL COMPATIBILITY STANDARDS

See discussion in Section 4.7, Protect Residential Neighborhoods from Incompatible Encroachment – Neighborhood Compatibility Standards, of the Diagnosis.

SECTION 5.7. ARCHITECTURAL, FORM, AND DESIGN STANDARDS

See discussion in Section 4.6, Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed Use Development, of the Diagnosis.

SECTION 5.8. SUSTAINABLE DEVELOPMENT STANDARDS

See discussion in Section 4.10, Standards and Incentives for Sustainable Development Practices, of the Diagnosis.

SECTION 5.9. SUSTAINABLE DEVELOPMENT INCENTIVES

See discussion in Section 4.10, Standards and Incentives for Sustainable Development Practices, of the Diagnosis.

SECTION 5.10. PLAT STANDARDS

This section will build on the existing provisions found in Chapter 10, Article II, Division 5, Plats, of the transitional LDC, with no substantial changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

ARTICLE 6. SIGNAGE

Article 6: Signage, contains the sign regulations The existing sign regulations found in Chapter 30, Signs, of the transitional LDC, will be carried forward with no substantial changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

SECTION 6.1. GENERAL

This section carries forward with no substantial substantive changes Chapter 30, Article 1, In general, of the transitional LDC.

- SEC. 6.1.1. PURPOSE AND INTENT**
- SEC. 6.1.2. APPLICABILITY**
- SEC. 6.1.3. PROHIBITED SIGNS**
- SEC. 6.1.4. PERMITTED SIGNS**
- SEC. 6.1.5. PARKING OF ADVERTISING VEHICLES**
- SEC. 6.1.6. REMOVAL OF DANGEROUS SIGNS**

SECTION 6.2. MEASUREMENT, CONSTRUCTION, AND MAINTENANCE STANDARDS

This section carries forward with no substantial substantive changes Chapter 30, Article 2, Measurement, construction, and maintenance standards, of the transitional LDC.

- SEC. 6.2.1. MEASUREMENT OF SIGN AREA**
- SEC. 6.2.2. MEASUREMENT OF SIGN HEIGHT**
- SEC. 6.2.3. LOCATION**
- SEC. 6.2.4. CONSTRUCTION STANDARDS; LANDSCAPING**
- SEC. 6.2.5. SIGN IDENTIFICATION AND MARKING**
- SEC. 6.2.6. MAINTINENCE**

SECTION 6.3. RESTRICTIONS BASED ON LOCATION

- SEC. 6.3.1. GENERAL**
- SEC. 6.3.2. ON-SITE SIGNS**
- SEC. 6.3.3. OFF-SITE SIGNS**

Section 6.1. General

Section 6.2. Measurement, Construction, and Maintenance Standards

Section 6.3. Restrictions Based on Location

ARTICLE 7. NATURAL RESOURCES

SECTION 7.1. ENVIRONMENTAL AND NATURAL RESOURCE STANDARDS

The existing environment and natural resources standards found in Chapter 14, Environment and Natural Resources Standards, of the transitional LDC, will be carried forward with no substantial changes to the substantive regulations except for the tree protection standards (discussed in Section 4.4, Tree Protection Standards, of the Diagnosis), and modest refinements to conform the regulations to the proposed format of the new LDC.

SEC. 7.1.1. WILDLIFE AND HABITAT PROTECTION

This section carries forward with no substantial substantive changes Chapter 14, Article 2, Wildlife habitat protection, of the transitional LDC.

SEC. 7.1.2. WELLFIELD PROTECTION

This section carries forward with no substantial substantive changes Chapter 14, Article 3, Wellfield protection, of the transitional LDC.

SEC. 7.1.3. WETLANDS PROTECTION

This section carries forward with no substantial substantive changes Chapter 14, Article 4, Wetlands protection, of the transitional LDC.

SEC. 7.1.4. TREE PROTECTION

See discussion in Section 4.4, Tree Protection Standards, in the Diagnosis.

SEC. 7.1.5. MANGROVE PROTECTION

This section carries forward with no substantial substantive changes Chapter 14, Article 6, Mangrove protection, of the transitional LDC.

SEC. 7.1.6. CLEAN WATER PROVISIONS

This section carries forward with no substantial substantive changes Chapter 14, Article 7, Clean water provisions, of the transitional LDC.

SECTION 7.2. FLOOD HAZARD REDUCTION STANDARDS

The existing flood hazard reduction standards found in Chapter 6, Article IV, Flood Hazard Reduction Standards, of the transitional LDC, will be carried forward with no substantial changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

Section 7.1. Environmental and Natural Resource Standards

Section 7.2. Flood Hazard Reduction Standards

Section 7.3. Marine Facilities, Structure and Equipment Standards

Section 7.4. Hurricane Preparedness

SEC. 7.2.1. GENERAL

This section carries forward with no substantial substantive changes Chapter 6, Division 1, Generally, of the transitional LDC.

- Sec. 7.2.1.(A) *FINDINGS OF FACT***
- Sec. 7.2.1.(B) *PURPOSE AND INTENT***
- Sec. 7.2.1.(C) *OBJECTIVES***
- Sec. 7.2.1.(D) *APPLICABILITY***
- Sec. 7.2.1.(E) *BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD***
- Sec. 7.2.1.(F) *WARNING AND DISCLAIMER OF LIABILITY***

SEC. 7.2.2. STANDARDS

This section carries forward with no substantial substantive changes Chapter 6, Division 3, Standards, of the transitional LDC.

- Sec. 7.2.2.(A) *GENERAL STADARDS***
- Sec. 7.2.2.(B) *SPECIFIC STANDARDS***
- Sec. 7.2.2.(C) *STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS OR FLOODWAYS***
- Sec. 7.2.2.(D) *STANDARDS FOR SUBDIVISION AND OTHER DEVELOPMENT PROPOSALS***
- Sec. 7.2.2.(E) *STANDARDS FOR AREAS OF SHALLOW FLOODING***
- Sec. 7.2.2.(F) *STANDARDS FOR AREAS IN THE B, C, AND X ZONES***

SECTION 7.3. MARINE FACILITIES, STRUCTURES AND EQUIPMENT STANDARDS

The existing marine facilities, structures, and equipment standards found in Section Chapter 26, Marine Facilities, Structures, and Equipment Standards, of the transitional LDC, will be carried forward with no substantial changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

SEC. 7.3.1. GENERAL

This section carries forward with no substantial substantive changes Chapter 26, Article 1, In General, of the transitional LDC.

SEC. 7.3.2. DOCK AND SHORELINE STRUCTURES

This section carries forward with no substantial substantive changes Chapter 26, Article 2, Docks and shoreline structures, of the transitional LDC.

SEC. 7.3.3. MARINE SANITATION

This section carries forward with no substantial substantive changes Chapter 26, Article 3, marine sanitation, of the transitional LDC.

SECTION 7.4. HURRICANE PREPAREDNESS

The existing hurricane preparedness provisions found in Chapter 2, Article XI, Hurricane Preparedness, of the transitional LDC, will be carried forward with no substantial changes to the substantive regulations, and modest refinements to conform the regulations to the proposed format of the new LDC.

SEC. 7.4.1. PURPOSE AND INTENT

SEC. 7.4.2. APPLICABILITY

SEC. 7.4.3. DETERMINING IMPACTS

SEC. 7.4.4. IMPACT MITIGATION

SEC. 7.4.5. APPEAL

ARTICLE 8. PUBLIC FACILITY FUNDING AND COORDINATION

Article 8: Public Facility Funding and Coordination, includes the regulations addressing impacts, fees (Section 8.1), concurrency (Section 8.2), and proportionate fair share (Section 8.3). Section 8.1 includes impact fee regulations for roads and regional and community parks. Even though in the past the Village has collected road and park (regional and community) impact fees through Lee County ordinances, the Village recently adopted road and park impact fees that will be included in this article. It should also be noted that the Village has opted into and currently collects fees and receives benefits from Lee County's impact fee regulations for fire/ems facilities and schools. This practice will continue, but those regulations will remain in Lee County's LDC. The new LDC will include a provision recognizing the Village has opted into these County impact fee regulations, and will collect these impact fees (which will benefit future growth and development in the Village).

Section 8.1. Impact Fees

Section 8.2. Concurrency Management

Section 8.3. Proportionate Fair Share Program

Section 8.2, Concurrency Management and Section 8.3, Proportionate Fair Share Program, generally carry forward the procedures and standards for concurrency set out in Chapter 2, Article II (Divisions 1 and 2, respectively) of the transitional LDC, with changes to reflect differences in geography and government structure of the Village, and reorganization for clarity.

SECTION 8.1. IMPACT FEES

SEC. 8.1.1. AUTHORITY

This section identifies the authority of the Village to exact road and park (regional and community) impact fees on new growth and development in the Village.

SEC. 8.1.2. ROADS IMPACT FEES

This section identifies the authority of the Village to exact road and park (regional and community) impact fees on new growth and development in the Village.

- Sec. 8.1.2.(A) PURPOSE AND INTENT**
- Sec. 8.1.2.(B) APPLICABILITY AND EXEMPTIONS**
- Sec. 8.1.2.(C) IMPOSITION OF FEES**
- Sec. 8.1.2.(D) COMPUTATION OF AMOUNT**
- Sec. 8.1.2.(E) PAYMENT**
- Sec. 8.1.2.(F) BENEFIT DISTRICT ESTABLISHED**
- Sec. 8.1.2.(G) TRUST FUND ACCOUNTS**
- Sec. 8.1.2.(H) USE OF FUNDS**
- Sec. 8.1.2.(I) REFUND OF FEES PAID**

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Sec. 8.1.2.(J) *PREPAYMENT OF FEES*

Sec. 8.1.2.(K) *DEFERRAL OF FEES*

Sec. 8.1.2.(L) *CREDITS*

Sec. 8.1.2.(M) *APPEALS*

SEC. 8.1.3. REGIONAL AND COMMUNITY PARKS IMPACT FEES

Sec. 8.1.3.(A) *PURPOSE AND INTENT*

Sec. 8.1.3.(B) *APPLICABILITY AND EXEMPTIONS*

Sec. 8.1.3.(C) *IMPOSITION OF FEES*

Sec. 8.1.3.(D) *COMPUTATION OF AMOUNT*

Sec. 8.1.3.(E) *PAYMENT*

Sec. 8.1.3.(F) *BENEFIT DISTRICT ESTABLISHED*

Sec. 8.1.3.(G) *TRUST FUND ACCOUNTS*

Sec. 8.1.3.(H) *USE OF FUNDS*

Sec. 8.1.3.(I) *REFUND OF FEES PAID*

Sec. 8.1.3.(J) *CREDITS*

Sec. 8.1.3.(K) *APPEALS*

SECTION 8.2. **CONCURRENCY MANAGEMENT**

This section carries forward Chapter 2, Article II, Division 1 of the transitional LDC, updating the provisions to conform them with state law.

SEC. 8.2.1. PURPOSE AND INTENT

This subsection carries forward Section 2-43, Intent, and Section 2-44, Purpose, of the transitional LDC, while reflecting changes in state law.

SEC. 8.2.2. APPLICABILITY

This subsection carries forward Section 2-42 of the transitional LDC, correcting for geography. It states concurrency management regulations are applicable throughout the Village.

SEC. 8.2.3. CERTIFICATE OF CONCURRENCY EXEMPTION

This subsection carries forward Section 2-46(b) of the transitional LDC, declaring certain actions exempt from concurrency compliance.

SEC. 8.2.4. CONCURRENCY CERTIFICATION

This subsection carries forward Section 2-46 of the transitional LDC. It sets out compliance standards for a development to demonstrate the development will not violate adopted levels of service.

SEC. 8.2.5. VESTED RIGHTS

This subsection carries forward Section 2-49 of the transitional LDC. It sets out regulations and procedures available to applicants with existing development order rights, or a DRI development order that predates March 1, 1989, while reflecting changes in state law.

SEC. 8.2.6. CONCURRENCY MANAGEMENT INFORMATION SYSTEM

This subsection carries forward Section 2-50 of the transitional LDC. The Director is responsible for maintaining both inventory of maximum, utilized, and available capacity for public services; and a list of development orders issued by the Village. The subsection will be modified to remove standards for areas outside the Village’s jurisdiction.

SEC. 8.2.7. CONCURRENCY VARIANCE CERTIFICATE

This subsection carries forward Section 2-51, Variances, of the transitional LDC. This includes strict criteria for allowing a concurrency variance when strict application of concurrency requirements would constitute an unconstitutional taking of property without due process of law.

SEC. 8.2.8. REVOCAION OF CONCURRENCY CERTIFICATE

This subsection carries forward Section 2-53 of the transitional LDC, authorizing the Director to revoke a concurrency certificate for cause.

SEC. 8.2.9. APPEALS

This subsection carries forward Section 2-52 of the transitional LDC allowing appeals of administrative decisions on concurrency determinations.

SECTION 8.3. PROPORTIONATE FAIR SHARE PROGRAM

This section carries forward Chapter 2, Article II, Division 2 of the transitional LDC, while reflecting changes in state law.

SEC. 8.3.1. PURPOSE AND INTENT

This subsection carries forward Section 2-66 of the transitional LDC, while reflecting changes in state law.

SEC. 8.3.2. APPLICABILITY

This subsection carries forward Section 2-68 of the transitional LDC, correcting for geography. The proportionate fair share program is applicable within the Village, but not available to certain DRIs or developments exempt from concurrency requirements.

SEC. 8.3.3. PROCEDURE

This subsection carries forward Section 2-71, Application process, of the transitional LDC.

SEC. 8.3.4. GENERAL STANDARDS

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This subsection carries forward Section 2-69, General requirements, of the transitional LDC. It establishes requirements for consistency with plans, codes, and capital improvement schedules.

SEC. 8.3.5. DETERMINING PROPORTIONATE FAIR SHARE MITIGATION

This subsection carries forward Section 2-72 of the transitional LDC. It establishes the methodology for determining or calculating proportionate fair share.

SEC. 8.3.6. IMPACT FEE CREDIT FOR PROPORTIONATE FAIR SHARE MITIGATION

This subsection carries forward Section 2-73 of the transitional LDC. It allows proportionate fair share mitigation to be applied as a credit against impact fees.

SEC. 8.3.7. APPROPRIATION OF FAIR SHARE REVENUES

This subsection carries forward Section 2-75 of the transitional LDC. Proportionate fair-share revenues are deposited in an appropriate project account for funding of scheduled improvements and may be appropriated by the Village.

SEC. 8.3.8. INTERGOVERNMENTAL IMPACTS

This subsection carries forward Section 2-70, Intergovernmental Coordination, and Section 2-76, Cross Jurisdictional Impacts, of the transitional LDC, correcting for changes in geography. This allows for integrating intergovernmental coordination and interlocal agreements into the proportionate fair share program.

ARTICLE 9. NONCONFORMITIES

This article consolidates all rules pertaining to nonconformities. It builds on the rules in the transitional LDC governing nonconformities (Sections 34-3201-3206, 3221-3224, 3241-3242, 34-3271-3275 (where appropriate), and 30-55). It refines some of the current provisions, includes best practice provisions that are found in modern codes, and where appropriate, adds a few provisions to better support project goals.

SECTION 9.1. GENERAL APPLICABILITY

This section establishes the rules that generally apply to all nonconformities.

SEC. 9.1.1. PURPOSE AND SCOPE

This subsection establishes that the article addresses legally established uses, structures, lots, signs, and site features (off-street parking and landscaping) that do not comply with requirements in the new LDC. It builds on Section 34-3201 of the transitional LDC.

SEC. 9.1.1. AUTHORITY TO CONTINUE

This new subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this article.

SEC. 9.1.2. DETERMINATION OF NONCONFORMITY STATUS

This new subsection includes a standard provision stating that the landowner, not the Village, has the burden of proving the existence of a lawful nonconformity.

SEC. 9.1.3. MINOR REPAIRS AND MAINTENANCE

This new subsection states that routine maintenance of nonconforming structures, structures housing nonconforming uses, nonconforming signs, and nonconforming site features, will be allowed to keep these nonconformities in the same condition they were at the time the nonconformity was established.

SEC. 9.1.4. CHANGE IN TENANCY OR OWNERSHIP

This new subsection will state that except for signs, change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 9.2. NONCONFORMING USES

This section establishes specific rules governing nonconforming uses. It will build on Sections 34-2221-2224 in the transitional LDC, with some refinements and clarification. The section will address enlargement, abandonment, relocation, and reconstruction after damage (new), and generally carry forward the current rules.

Section 9.1. General Applicability

Section 9.2. Nonconforming Uses

Section 9.3. Nonconforming Structures

Section 9.4. Nonconforming Lots Of Record

Section 9.5. Nonconforming Signs

Section 9.6. Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose

SECTION 9.3. NONCONFORMING STRUCTURES

This section will establish specific rules governing nonconforming structures. It will build on the rules in Sections 34-3203, and 3241-3242 (and Section 34-3204 on the replacement and roof repair of mobile homes and recreational vehicles), in the transitional LDC. It will address enlargement, abandonment, relocation, and reconstruction after damage.

SECTION 9.4. NONCONFORMING LOTS OF RECORD

This provision addresses established lots of record that were platted or legally created prior to the effective date of the new LDC, but that do not meet the dimensional requirements of the zone district where they are located. It will take applicable and appropriate provisions from Sections 34-3271-3275 in the transitional LDC, but will attempt to simplify these provisions, and establish rules relevant to nonconforming lots in Estero. The general intent will be to allow a single-family residential dwelling to be built on a nonconforming lot in a residential district, and allow either, and as appropriate, a residential or nonresidential allowed use in other districts (on a nonconforming lot), that is designed to comply with the applicable standards in the new LDC, to the maximum extent practicable.

SECTION 9.5. NONCONFORMING SIGNS

This section will generally carry forward, with refinements and clarification, Section 30-55, of the transitional LDC, and establish rules governing the treatment of nonconforming signs.

SECTION 9.6. NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE

This section will build on Section 34-3206, Nonconformities created by eminent domain proceedings or voluntary donation of land for public purpose, of the transitional LDC, and provide relief for those nonconformities created by eminent domain actions, or nonconformities created by the voluntary donation of land for a public purpose. We suggest the Village consider making the proposed development on the site “conforming,” only after a plan for development is approved that demonstrates compliance with applicable development standards, to the maximum extent practicable.

ARTICLE 10. DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

Article 10: Definitions and Rules for Construction, Interpretation, and Measurement, is the last article in the new LDC. It builds on a number of the provisions and defined terms in the transitional LDC. It will consolidate the definitions found in all parts of the transitional LDC into this article, and add, modernize, refine, and modify definitions, as appropriate. It will also enhance the definitions and the use of definitions by:

- Including rules of construction;
- Consolidating all rules of measurement;
- Adding definitions of all uses identified in the use table(s) in Article 4: Use Regulations; and
- Removing standards from the definitions, and placing them in the appropriate place in the new code.

It will also use graphics and illustrations, in certain instances, to communicate rules of measurement, but the code language will make it clear that the graphics are illustrative only, and if there is a conflict between the text and a graphic or illustration, the text controls. Clear definitions of important words and phrases not only make life easier for those who must interpret and administer the regulations and for those who must make decisions and consider appeals—they also make it much easier for the public to know what is required.

SECTION 10.1. RULES OF CONSTRUCTION

This section builds on and consolidates the general rules for construction found in the transitional LDC. The section addresses general issues related to construction of language, including:

- The meaning of standard terms such as “shall,” “should,” “will,” and “may,”
- The use of plural and singular nouns;
- The meaning of conjunctions; and
- How time is computed.

SECTION 10.2. GENERAL RULES FOR INTERPRETATION

This section builds on and consolidates the general rules for interpreting the LDC found in the transitional LDC (see Section 1-2(a)&(b)), and where necessary, adds new provisions.

Section 11.1. Rules of Construction

Section 11.2. General Rules for Interpretation

Section 11.3. Rules of Measurement

Section 11.4. Use Classifications and Use Categories

Section 11.5. Definitions

SECTION 10.3. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the LDC (like how to measure bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements that are required to interpret standards). The result is a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement.

SECTION 10.4. USE CLASSIFICATIONS AND USE CATEGORIES

This section explains and then identifies the general use classifications used in the LDC, and specifically the use table(s), and describes the physical features and functions of the use categories that organize the use types under each use classification.

SEC. 10.4.1. PRINCIPAL USE CLASSIFICATION SYSTEM

This section explains the use structure described in Section 4.2.4, Classification of Principal Uses, and defines use classifications and use categories within the use classifications, and individual uses within each use category.

SEC. 10.4.2. INTERPRETATION OF UNLISTED USES

This section provides a procedure and standards to guide how to interpret uses not defined and used in the LDC. The Community Development Director is authorized to make this interpretation.

SECTION 10.5. DEFINITIONS

This section consolidates all definitions of terms used throughout the LDC. In preparing this section on definitions, we will evaluate all existing definitions, and then refine and modernize the definitions, and add new definitions, as appropriate, so the updated LDC has a clear, modern, and workable set of definitions. We will use the definitions found in the transitional LDC as a starting point for the definitions section, but will add definitions related to the zone districts, the uses, and the development standards, as necessary. We also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements. Finally, we verify that key definitions conform to state and federal law, and constitutional requirements.

IV. APPENDICES

Appendix A: Zone District Examples (Full Page)

Article 3: Zoning Districts

Section 3.4 Commercial Base Zoning Districts

3.4.7 C-COR: Corridor Commercial District

3.4.7. C-COR; CORRIDOR COMMERCIAL DISTRICT²⁷

A. Purpose

The purpose of the C-COR; Corridor Commercial district is to provide lands that accommodate a moderate range of primarily commercial uses along commercial corridors, in ways that support infill and redevelopment. Allowed uses include, retail sales, personal services, office, eating and drinking, visitor accommodation, recreation/entertainment, and vehicle sales and services uses, moderate density townhome and multi-family dwellings, and mixed-use development.



B. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

C. Intensity and Dimensional Standards

| Standard | Town home and Multi-Family | All Other Uses [4] |
|--|----------------------------|--------------------|
| Lot Area, min. (sf.) | 8,000 | 10,000 |
| 1 Lot Width, min. (ft.) | 50 | 50 |
| 2 Front Yard Setback, min. (ft.) | 15 | 10 |
| 3 Side Yard Setback, min. (ft.) | 7.5 [1] | 10 |
| 4 Corner Side Yard Setback, min. (ft.) | 7.5 | 15 |
| 5 Rear Yard Setback, min. (ft.) | 20 | 10/30 [2] |
| Building Height, max. (ft.) | 35 | 35 |
| Density, max (dus/acre) | 5 [3][4][5] | Not applicable |
| Floor Area Ratio (FAR), max. | Not Applicable | 0.25[4][5] |

Notes: sf. = square feet; ft. = feet; min. = minimum; max. = maximum

[1] Only applies to the exterior units.

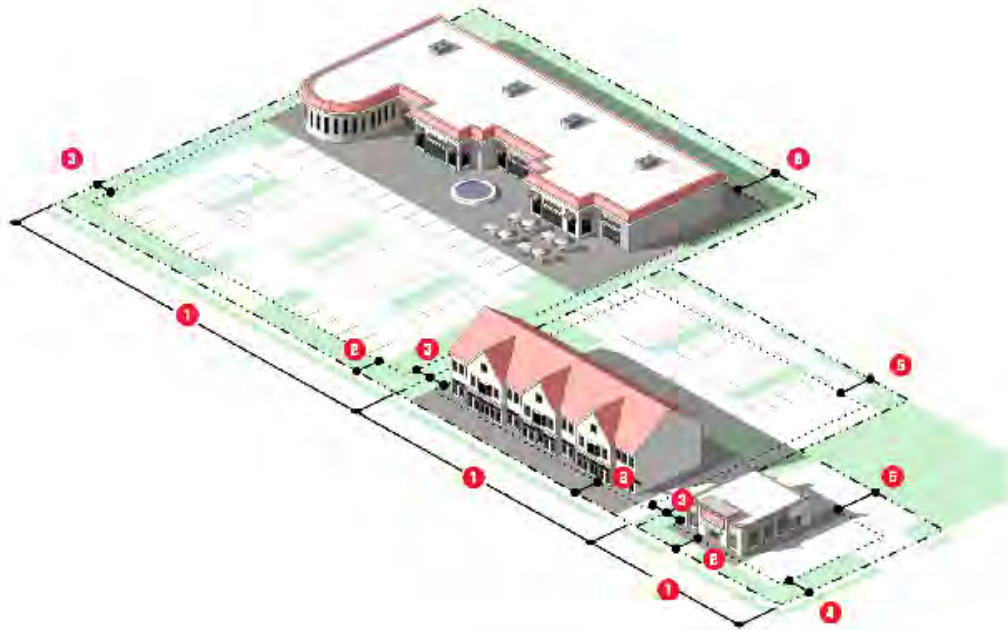
[2] Twenty-five (25) feet when adjacent to a residential use or a Residential district.

[3] Residential development north of Pankin Road and west of Rock Springs Road (Park Avenue) shall be restricted to no more than 2 dwelling units an acre, unless otherwise authorized through the adopted Wekiva Parkway Interchange Plan.

[4] Horizontal mixed-use development shall comply with the standards in "All Other Uses."

[5] Horizontal mixed-use development may achieve both the maximum density for "Townhome and Multifamily" and the maximum FAR for "All Other Uses."

Article 3: Zoning Districts
 Section 3.4 Commercial Base Zoning Districts
 3.4.7 C-COR: Corridor Commercial District



D. Reference to Other Standards

| | | |
|--|-------------------|---|
| Article 5: Development Standards | Section 5.10 | Signs |
| Section 5.1 Off-Street Parking, Bicycle Parking, and Loading Standards | Section 5.11 | Green Building Standards |
| Section 5.2 Landscaping and Buffer Standards | Section 5.12 | Green Building Incentives |
| Section 5.3 Tree Protection Standards | Section 5.13 | Roads, Streets, Sidewalks, and Bikeways |
| Section 5.4 Open Space Set-Aside Standards | Section 5.14 | Utilities |
| Section 5.5 Fences and Walls | Section 5.15 | Guarantees and Sureties |
| Section 5.6 Exterior Lighting | Section 5.16 | Miscellaneous Standards |
| Section 5.7 Development Design Guidelines | Article 6: | Environmental Standards |
| Section 5.8 Neighborhood Compatibility Standards | Article 7: | Concurrency Management System |
| Section 5.9 Agricultural Compatibility Standards | | |