



# Land Development Code

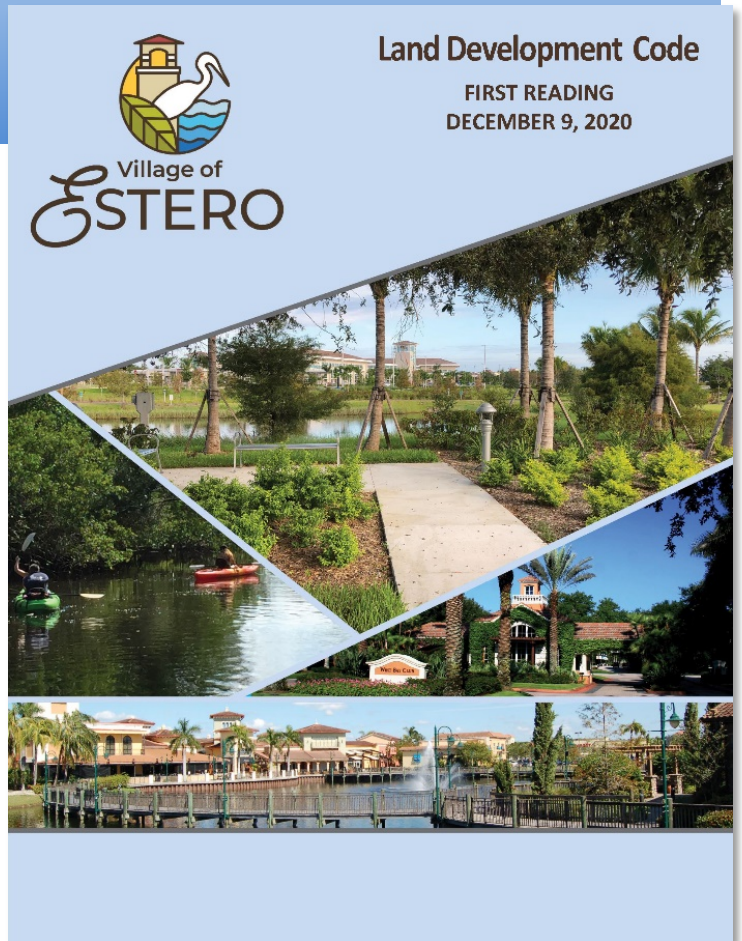
## Public Hearing - PZB



**December 15, 2020**

# Overview

- Overview of LDC Chapters
- Questions and Comments
- Next Steps
- Public Input



The LDC is available to the public at:  
<https://estero-fl.gov/land-development-code/>

# Chapter 1: General Provisions

- **Applications in Process**
  - Those accepted as “complete” before effective date are reviewed under current regulations
- **New Emergency Exemption** authority, for situations such as COVID-19
- **New** requirement for developer to provide **notice before beginning construction**
- **New** Provisions for **maintenance and nuisance**, used for Code Enforcement

Chapter 1:	General Provisions
Section 1-1	Title
Section 1-2	Authority
Section 1-3	General Purposes 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	Buildings and Building Regulations
Section 1-10	Severability
Section 1-11	Effective Date

# Chapter 2: Administration

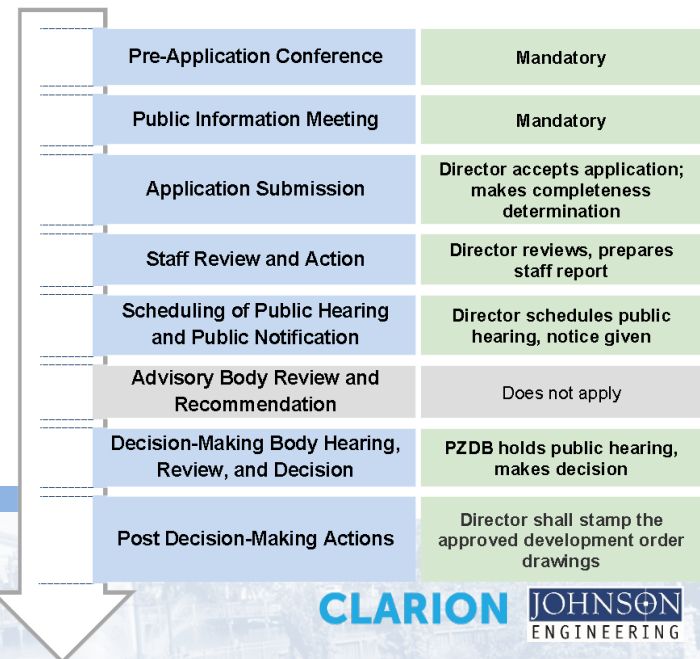
**Consolidates all procedures in one chapter**

**New graphics**, including:

- **Flowcharts** to explain each process
- **Summary Table of Review Procedures**

Chapter 2:	Administration
Section 2-1	Purpose
Section 2-2	Summary Table of Applications
Section 2-3	Decision Making and Advisory Bodies and Persons
Section 2-4	General Procedures
Section 2-5	Application-Specific Review Procedures and Decision Standards

Figure 2-502.A.2: Development Order Procedure Flowchart



# Section 2-2: Summary Table of Applications

## Identifies:

- **Type** of application
  - Comprehensive Plan
  - Rezoning
  - Development Orders
  - Other
- Roles of **decision-making bodies** for each application
- Shows **when public information meetings** and **public hearings** are required

TABLE 2-201: SUMMARY TABLE OF DEVELOPMENT APPLICATIONS				
A-Appeal D-Decision R-Recommendation S-Staff Review				
W-Public Information Meeting Required				
#Mandatory Pre-application Conference < >-Public Hearing Required				
Review Procedure	Village Council	Planning Zoning and Design Board	Community Development Director	Public Information Meeting <sup>1</sup>
<b>Discretionary Approval</b>				
Comprehensive Plan Amendment	<D>	<R>	S	W
LDC Text Amendment	<D>	<R>	S	
Rezoning (Zoning Map Amendment) <sup>2</sup>	<D> <sup>3</sup>	<R>	S	W
Planned Development	<D>	<R>	S	W
Planned Development Minor Amendment	<A>	<D>	S	
Planned Development Administrative Amendment		<A>	D	
Special Exception	<A> / <D> <sup>4</sup>	<D>	S	W
Bar Special Permit	<D>			
<b>Site Development</b>				
Development Order				
Development Order <sup>5</sup>	<A>	<D> <sup>6</sup>	S	W

# Section 2-2: Summary Table of Applications

## New

- **Plats** go directly to Council for approval
- **New Bar Special Permit** approved directly by Council
- **Director (staff) will review small projects** (limited development orders, minor changes) instead of Boards
- **Public information meetings waived** for smaller items such as monument signs



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## Section 2-3: Decision-Making and Advisory Bodies and Persons

### New

- Consolidates PZB and DRB into one Board -- PZDB
  - Seven members
  - Review of larger projects

#### ***PZB recommendation***

11 members appointed to PZDB when LDC is enacted, and reduce board size to seven over time

***DRB will review this evening***

# Section 2-4: General Procedures

## New

- **Preapplication meetings** with staff will be required for development orders and rezonings
- Updates review timeframes for statutory compliance

Section 2-4	General Procedures
Section 2-401	Public Information Meeting
Section 2-402	Preapplication Conference
Section 2-403	Development Application Submission
Section 2-404	Staff Review and Action
Section 2-405	Scheduling of Public Hearing and Public Notice
Section 2-406	Deferral of Public Hearing
Section 2-407	Public Hearing Procedures
Section 2-408	Decision Making Body Review and Decision
Section 2-409	Post Decision Making Applications





# Section 2-4: General Procedures

## Expands Public Notice Requirements

- Applicants **post sign on property** for zoning and development orders
- Applicant **mails notice** of public hearing to adjacent property owners **14 days prior** to hearing
- **Newspaper ads** for items required by Florida Statute:
  - Land Development Code amendments
  - Comprehensive Plan amendments
  - Ordinance second readings

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS

Application Type	Notice Required		
	Published	Mailed	Posted
<b>Discretionary Approvals</b>			
<b>Comprehensive Plan Amendment</b>	Publish notice of PZDB public hearing in a newspaper of general circulation at least ten calendar days before the hearing.  Publish notice of first Village Council hearing in a newspaper of general circulation at least seven calendar days before first hearing.  Publish notice of second Village Council public hearing in a newspaper of general circulation at least five days before hearing.	For Plan map amendment, mail notice of public hearing at least 14 calendar days before PZDB hearing and Village Council first hearing.	For Plan map amendment, post notice of public hearing at least 14 calendar days before first hearing of PZDB.
<b>Land Development Code Text Amendment (General)</b>	Publish notice of public hearing in a newspaper of general circulation at least ten calendar days before hearings of Village Council.	None	None
<b>Village initiated Site</b>		Mail notice of public	

# Section 2-5: Application-Specific Review Procedures and Decision Standards

## New

- **PD Master Concept Plan expiration**
  - Development Order or plat must be approved within five years for 50% of development
- **Development Order expiration**
  - 5 years if not constructed or substantial commencement (50% of approved development);
  - 2 extensions of 2 years each allowed
- **Final Plan Approval process created**

## Section 2-5 Application-Specific Review Procedures and Decision Standards

Section 2-501	Discretionary Approvals
Section 2-502	Site Development
Section 2-503	Certificate of Concurrence
Section 2-504	Historic Preservation Certificate of Appropriateness
Section 2-505	Permits
Section 2-506	Relief
Section 2-507	Administrative Interpretation

# Chapter 3: Zoning Districts

## Modernizes and simplifies Zoning Districts

- Used transitional LDC as starting point
- Based on Plan direction and current conditions
- **69 districts → 17 districts**
- US 41 and Corkscrew Road Overlay Districts are retained

### Chapter 3: Zoning Districts

Section 3-1 General Provisions

Section 3-2 Agricultural District

Section 3-3 Residential Districts

Section 3-4 Commercial Districts

Section 3-5 Special Purpose Districts

Section 3-6 Legacy Districts

Section 3-7 Planned Development Districts

Section 3-8 Overlay Districts

# Zoning Districts

## New Zoning District Lineup

### Interesting Note

The majority of property in the village (> 80%) is zoned Planned Development

TABLE 3-102: ESTABLISHMENT OF ZONING DISTRICTS

CONVENTIONAL DISTRICTS
<b>Agriculture District</b>
Agriculture (AG) District
<b>Residential Districts</b>
Residential Single Family (RSF) District
Residential Multiple Family (RM-2) District
Mobile Home (MH) District
Recreational Vehicle (RV) District
<b>Commercial Districts</b>
Commercial Special Office (CS) District
Urban Commercial Redevelopment (UCR) District
Community Commercial (CC) District
<b>Special Purpose Districts</b>
Parks and Community Facilities (P) District
Environmentally Critical (EC) District
<b>Legacy Districts</b>
PUDs and RPD-CPD
PLANNED DEVELOPMENT DISTRICTS
Residential Planned Development (RPD) District
Community Facilities Planned Development (CFPD) District
Commercial Planned Development (CPD) District
Mixed-use Planned Development (MPD) District
Esteros Planned Development (EPD) District
Compact Communities Planned Development (CCPD) District
OVERLAY DISTRICTS
Corkscrew Road Overlay District
US 41 Overlay District
Airport Compatibility Overlay District



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# Zoning Districts – Conventional District Structure (Example: Residential Single Family)

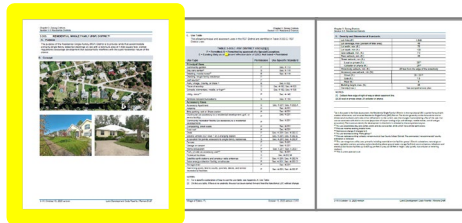
## Each zoning district explains

- Purpose
- Allowable Uses
- Setbacks and lot sizes

**A. Purpose;**  
describing the district

**B. Concept;** helpful aerial or streetside photos

## 3-303 RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT



Chapter 3: Zoning Districts  
Section 3-3: Residential Districts

### 3-303. RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT

#### A. Purpose

The purpose of the Residential Single Family (RSF) District is to provide lands that accommodate primarily single-family detached dwellings on lots with a minimum area of 7,500 square feet. District regulations discourage development that substantially interferes with the quiet residential nature of the district.

#### B. Concept



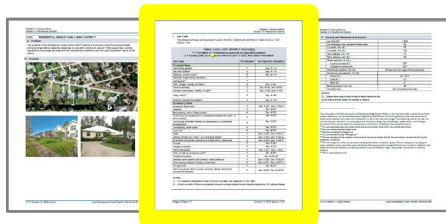
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# Zoning Districts – Conventional District Structure (Example: Residential Single Family)

**C. Use Table:** Table shows permissions for principal uses and accessory uses, and cross references to standards in Ch. 4

**D. Density and Dimensional Standards;** list standards specific to the district

## 3-303 RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT



### C. Use Table

The allowed principal and accessory uses in the RSF District are identified in Table 3-303.C: RSF District Uses

**TABLE 3-303.C: RSF DISTRICT USES [1]**  
P = Permitted; S = Permitted by approval of a Special Exception;  
E = Existing Only as of      (insert effective date of LDC); Not listed = Prohibited

Use Type	Permission	Use Specific Standard
<b>Principal Uses</b>		
Community garden	P	Sec. 4-113
Day care center	S	Sec. 4-116
Dwelling, mobile home	E	Sec. 4-118
Dwelling, single-family residence	P	
Golf course	P	
Park, Village, County, or State	E	Sec. 4-102;
Place of worship	S	Sec. 4-102; Sec. 4-128
Schools, elementary, middle, or high	S	Sec. 4-102; Sec. 4-135
Utility, minor	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
<b>Accessory Uses</b>		
Accessory apartment	S	Sec. 4-201; Sec. 4-202.A
Antenna	P	Sec. 4-201
Bike parking rack or Share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E
Excavation for ponds accessory to single-family residences	S	Sec. 4-201; Sec. 4-202.F
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Park, private as accessory use	S	Sec. 4-201
Pickleball facilities	S	Sec. 4-202.M
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4-202.P



#### NOTES:

[1] For a specific explanation of how to use the use table, see Appendix A: Use Table.

# Sec. 3-3 Residential

## Additional Residential Districts

TABLE 3-302: RESIDENTIAL ZONING DISTRICTS

	Residential Single Family (RSF) District
	Residential Multiple Family (RM-2) District
	Mobile Home (MH) District
	Recreational Vehicle (RV) District

### Mobile Home (MH) And Recreational Vehicle (RV)

- Consolidates the MH and RV districts from transitional LDC into one MH and one RV district

### Residential Multiple Family (RM-2)

- Carried forward from transitional LDC

### ***Purpose Statement of MH and RV district states:***

It is the intent of the Village Council... that upon adoption of this LDC, the [RM-2, MH, or RV] district **not be applied to any additional lands in the Village.**



# Secs. 3-4 and 3-6

## Sec. 3-4 Commercial Districts

TABLE 3-402: COMMERCIAL ZONING DISTRICTS

Commercial Special Office (CS) District

Urban Commercial Redevelopment (UCR) District

Community Commercial (CC) District

- **Urban Commercial Redevelopment (UCR)** is a new district replacing C-1
- Encourages redevelopment along US41 in the north part of the Village
- Standards added to improve pedestrian circulation and connectivity



## Sec. 3-6 Legacy Districts

TABLE 3-602: LEGACY DISTRICTS

Planned Unit Development (PUD) Districts

RPD-CPD District

Recognizes older designations approved by Lee County; placed on Official Zoning Map, existing PUD/RPD regulations apply, but not allowed as new districts



# Sec. 3-7 Planned Development

**TABLE 3-701: PLANNED DEVELOPMENT ZONING DISTRICTS**

Residential Planned Development (RPD) District
Community Facilities Planned Development (CFPD) District
Commercial Planned Development (CPD) District
Mixed-use Planned Development (MPD) District
Estero Planned Development (EPD) District
Compact Community Planned Development (CCPD) District

PLANNED DEVELOPMENT DISTRICTS USES [1]						
Approved as part of a PD Master Concept Plan Bank cell = prohibited						
	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
	A			A	A	
		A	A	A		
		A	A	A	A	
			A	A		Sec. 4-120
	A			A		Sec. 4-112
		A				

## Planned Developments

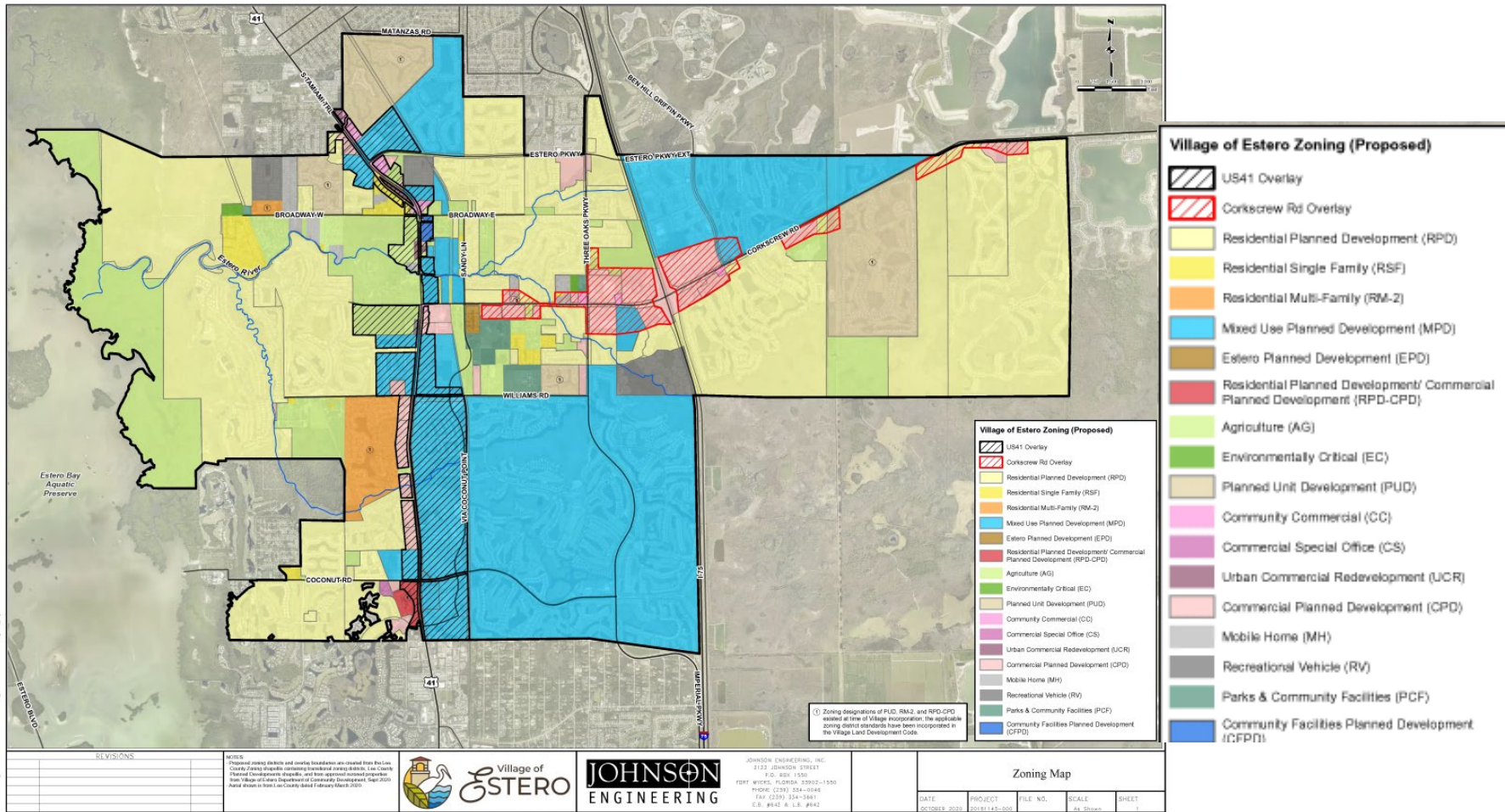
- All Planned Developments must have a Master Concept Plan and a Pattern Book

## New

- Underground utilities required for new planned developments

# Zoning Districts – Official Zoning Map

Zoning Map applies the new district lineup to the Village



# Chapter 4: Use Specific Standards

- **Consolidates all use specific standards in one location**
- Provides for **temporary uses**
- Carries forward necessary **alcoholic beverages language**

## Chapter 4: Use Specific Standards

Section 4-1 - General Provisions  
- Use Specific Standards for Principal Uses

Section 4-2 Use Specific Standards for Accessory Uses

Section 4-3 Temporary Uses and Structures

Section 4-4 Alcoholic Beverages



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# Chapter 4: Use Specific Standards - Notable Changes

## All Uses, If Rezoning

- If commercial, or five acres or greater, developed as planned developments. (Exceptions for parks, schools, places of worship, religious facilities)

## Principal Uses

- **Bar (4-107):** Only allowed with Council Review on lands designated Transitional Mixed-Use and Village Center in Plan
- **Brewpub or Micro-brewery, -winery, or –distillery (4-109):** (New use) Limits on non-production (restaurant, tours, etc.) area and limits on adverse effects from production and distribution
- **Medical Marijuana Dispensaries (4-124):** Listed and specifically prohibited as per existing ordinance
- **Golf Course Conversion (4-121):** If in or adjacent to planned development must be by planned development; “Preserve Areas” in master plan
- **Wireless Facilities (4-143):** Updated to reflect the changes to State law in 2017

## Accessory Uses

- **Electric Vehicles Charging Stations (4-202.E):** Reserves EV charging-equipped spaces for EV vehicles and limits interference with circulation or landscaping
- **Outdoor Storage (4-202.L):** For UCR, CC, and PDs—prohibits in front of the principal structure
- **Pickleball (4-202.M):** In conventional districts only allowed by special exception with public hearing; limits adverse impacts to adjacent properties. (lighting, noise, etc.)
  - Director may require mitigation measures

## Temporary Uses

- **Farmers Market (4-303.B):** Replaces Oct. through April restriction - markets may be open a max. of 60 days a year. (can be nonconsecutive)
  - Markets must have established rules and an authorized manager.
- **Special Event(4-303.G):** Automobile, mobile home, RV and Boat sales not allowed as a special event



# Chapter 5: Site Development Standards

- **Consolidates development standards that govern the physical design of development projects, including requirements for:**
  - Parking
  - Street and sidewalk networks
  - Landscaping
  - Fences/ walls and lighting
  - Architectural, form, and building design
  - Green building
  - Residential impacts
  - Utilities

<b>Chapter 5:</b>	<b>Site Development Standards</b>
<b>Section 5-1</b>	General Site Development Standards
<b>Section 5-2</b>	Off-Street Parking, Bicycle Parking, and Loading Standards
<b>Section 5-3</b>	Mobility and Connectivity Standards
<b>Section 5-4</b>	Landscape Standards
<b>Section 5-5</b>	Fence and Wall Standards
<b>Section 5-6</b>	Exterior Lighting Standards
<b>Section 5-7</b>	Architectural, Form, and Design Standards
<b>Section 5-8</b>	Green Building Standards
<b>Section 5-9</b>	Plat Standards
<b>Section 5-10</b>	Utilities
<b>Section 5-11</b>	Fire Safety
<b>Section 5-12</b>	Refuse and Solid Waste Disposal Facilities
<b>Section 5-13</b>	Residential Impact Standards
<b>Section 5-14</b>	Clearing, Grading, and Filling of Land

# Sec. 5-4 Landscape Standards

## Landscape standards include:

### 5-403. Estero Plant Palette (**NEW**)

- Material Standards

### 5-404. Tree Preservation (**EXPANDED**)

### 5-405. General Tree Standards & Tree Credits

- **Street Trees count as General Tree Credits (NEW)**

### 5-406. Perimeter Buffers

### 5-407. Building Perimeter Plantings

### 5-408. Open Space and Stormwater Management Areas

- **Open Space designation priorities (NEW)**

### 5-409. Parking and Vehicular Access Area Landscaping

### 5-410. Screening of Service Areas

### 5-411. Installation and Maintenance Standards

- **Cultivated Tree Removal / Renovation (NEW)**

### 5-412. Supplemental Landscaping for Specific Uses

### 5-413. Irrigation Standards (**UPDATED**)



# Sec. 5-7 Architectural, Form and Design Standards

## Standards include:

### Architectural Styles and Characteristics (**UPDATED**)

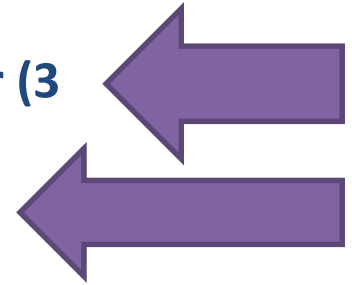
- Mediterranean Revival (5 substyles), Florida Vernacular (3 substyles), Alternative Styles (Prairie or Iconic)

### Site Contextual Standards

- Mixed Use Development Standards (**NEW**)

### Building Design Standards

- Exterior Color (**UPDATED**)



#### *Mixed recommendation:*

##### **Add**

- Coastal Contemporary
- British West Indies

#### *DRB recommendation*

- Allow warm grays and whites
- Limit use of bright colors as architectural detail

# Sec. 5-13 Residential Impact Standards

## **New standards for development of commercial uses on land within 300 feet of land containing or zoned for residential**

- Addressed at development order application stage
- **Hours of operation** may be **limited**
- **Required parking** provided off-street, placed to **minimize impact to adjacent residences**
- Access points arranged to **avoid traffic conflict with residential areas**
- **Parking lots** abutting residences **screened** with perimeter buffer
- **Pedestrian connections** to public sidewalks and nearby residential areas encouraged
- **Noise directed away from residences**





# Chapter 6: Signage

**Carries forward most of the existing sign regulations from the transitional LDC – combines two chapters into one**

- **Billboards prohibited** per comprehensive plan
- New tables that illustrate sign requirements at-a-glance
- Prohibited signs cannot received a variance or deviation

## Chapter 6: Signage

Section 6-1 General

Section 6-2 Measurement, Construction, and Maintenance Standards

Section 6-3 Restrictions Based on Location

Section 6-4 Nonconforming Signs

TABLE <>: PERMANENT SIGNS IN RESIDENTIAL DEVELOPMENT

General Requirements			
Maintenance	A homeowners' association or similar entity shall be responsible for maintenance of each sign		
Location	Set back 15 ft from edge of public right-of-way		
Location	Set back 15 feet from an entrance road, except that if the sign is in the median strip of the entrance boulevard, the minimum required setback is five feet		
Illumination	May be illuminated with a steady light shielded so as not to interfere with vehicular traffic, subject to Section 5.5, Exterior Lighting Standards.		
Design	May incorporate or be incorporated into accessory entrance structural features such as a project wall or landscaping		
Residential Development Signs			
Specific Signs	Number	Maximum Height & Sign Area	Other Requirements
	Boulevard entrance: 1 in median,		Shall only include

# Chapter 7: Natural Resources

## Consolidates Natural Resource Standards in one chapter

- Carries forward existing protections from transitional LDC
  - Wildlife
  - Wetlands
  - Wellfields
  - Flood Hazard
  - Marine Facilities
  - Hurricane Preparedness

### Chapter 7: Natural Resources

- Section 7-1** Natural Resources General Standards
- Section 7-2** Environmental and Natural Resource Standards
- Section 7-3** Flood Hazard Reduction Standards
- Section 7-4** Marine Facilities, Structures, and Equipment Standards
- Section 7-5** Hurricane Preparedness



# Chapter 8: Public Facility Funding and Coordination

## Chapter 8: Public Facility Funding and Coordination

### Section 8-1 Impact Fees

### Section 8-2 Concurrency Management

- **Updates** the road and park impact fee provisions per Village Ordinances 2018-09 and -10
- **References** Lee County’s fire protection, EMS, and school impact fees
- **Reduced use of credits** from 20 years to 10 years
- **Updates concurrency** to be consistent with plan policies and state law. Concurrency requirements for potable water, sanitary sewer, solid waste disposal, surface water management, and public schools are mandatory
- Transportation concurrency removed (not mandatory per state); addressed by traffic impact studies (Sec. 5-308)

TABLE 8-102.B: ROAD IMPACT FEE SCHEDULE

Land Use Type	Unit	Road Impact Fee Due
<b>Residential</b>		
Single-family residence (Detached)	Dwelling Unit	\$9,966
Multi-Family, Low Rise (including two-family attached and townhome 1-2 story)	Dwelling Unit	\$7,750
Multi-Family, Mid-Rise (3-10 stories)	Dwelling Unit	\$5,760
Multi-Family, High-Rise (11+ stories)	Dwelling Unit	\$4,700
Mobile home/RV park	Pad/Park site	\$5,293
Assisted Living Facility (ALF)	Dwelling Unit	\$2,138
Continuing Care Retirement Community	Dwelling Unit	\$2,540
Hotel/Motel or timeshare	Room/unit	\$4,497
<b>Retail Commercial</b>		
Shopping Center	1,000 sq. ft.	\$11,476
Bank	1,000 sq. ft.	\$25,579
Car wash, Self-service	Stall	\$6,112



# Chapter 9: Nonconformities

- **Establishes development rules** for uses, structures, lots, or landscaping that was conforming at time developed or installed, but no longer complies (ex: mobile home parks)
- Generally allows to continue in place, but establishes rules governing what happens when discontinued or destroyed
- Current rules generally carried forward
- Bring older properties into compliance as is feasible
- Includes provisions for structures damaged by fire or other natural forces

## Chapter 9: Nonconformities

**Section 9-1** Purpose

**Section 9-2** Nonconforming Use of Land

**Section 9-3** Nonconforming Buildings and Use of Buildings

**Section 9-4** Nonconforming Uses of Buildings

**Section 9-5** Nonconforming Lots

**Section 9-6** Nonconforming Screening and Buffering

**Section 9-7** Nonconformities Created by Eminent Domain Proceedings or Voluntary Donation of Land for Public Purpose

**Section 9-8** Uses approved by Special Exception or Permit

# Chapter 10: Definitions and Rules for Construction , Interpretation, and Measurement

- Definitions of terms
- How to measure lots and setbacks
- **New** definition for Measurement of roof height
- **Revised** density calculation for Assisted Living Facilities –  
2 beds = 1 unit

## Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement

- Section 10-1** General Rules for Construction
- Section 10-2** General Rules for Interpretation
- Section 10-3** Rules of Measurement
- Section 10-4** Definitions

# Next Steps

**Public Hearing and First Reading  
with Village Council**

**December 9**

**Meeting with Design Review Board**

**December 9**

**Public Hearing with  
Planning and Zoning Board**

**December 15**

**Public Hearing and Second Reading  
with Village Council**

**January 6**

- Includes Council comments and public input

eComments can be submitted via the following webpage link for public comments:  
<https://estero-fl.gov/land-development-code/>



# Questions and Discussion

