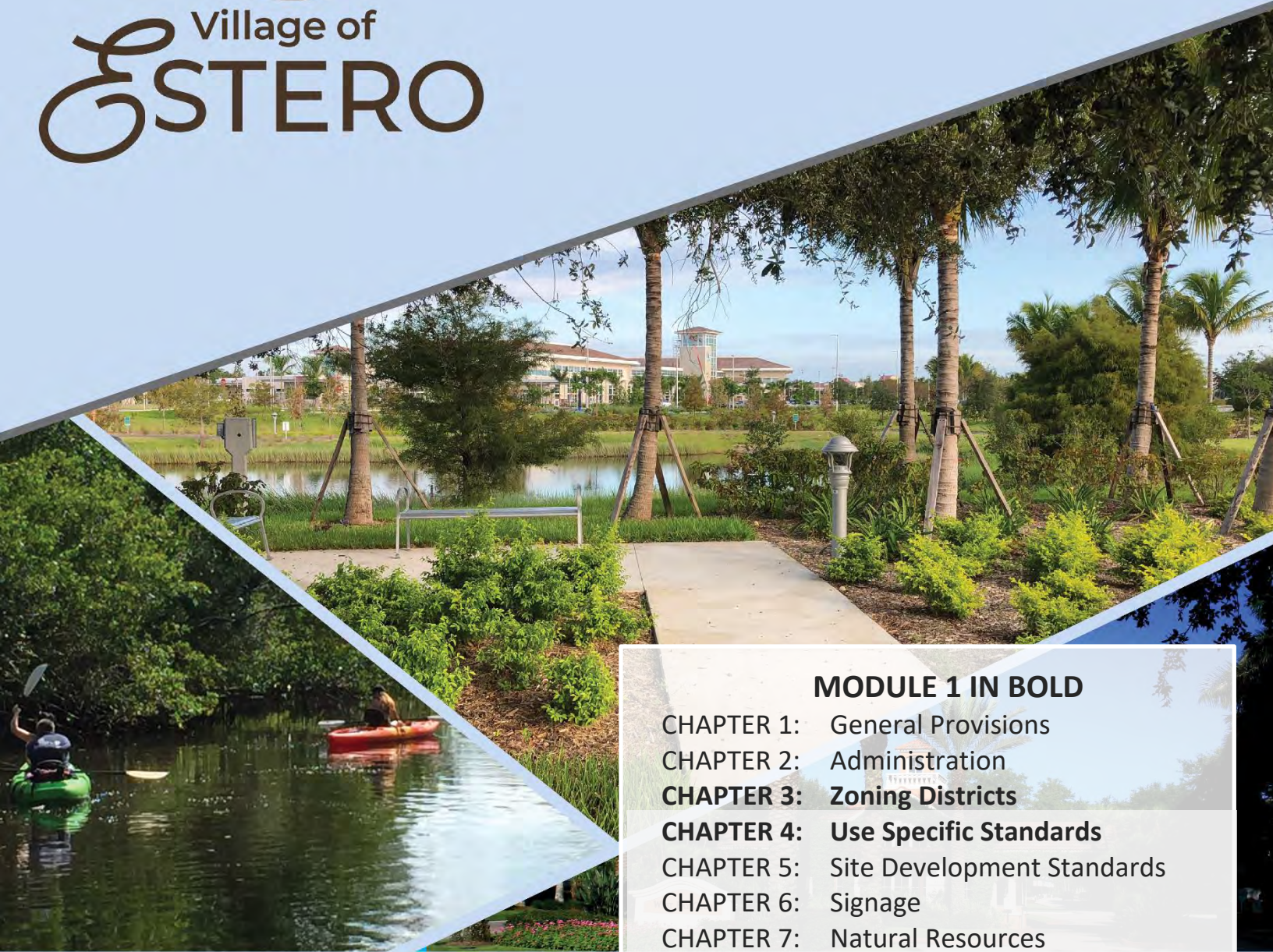




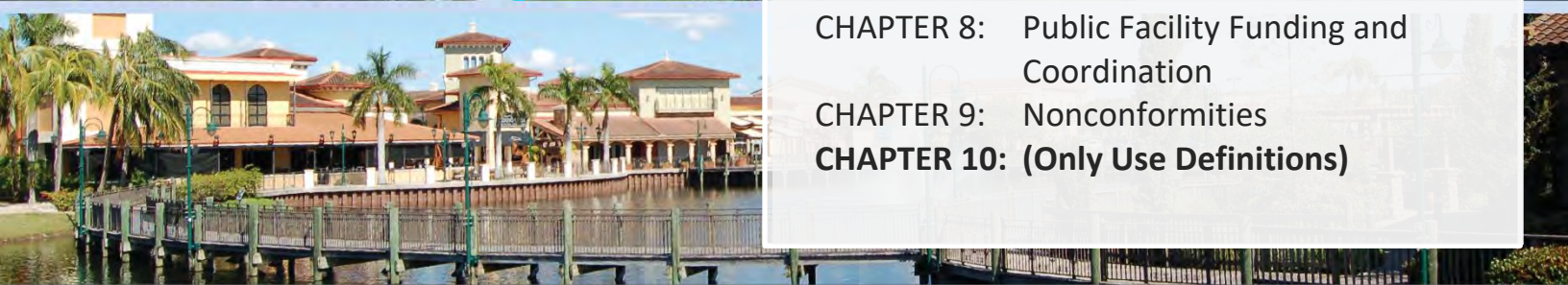
# = Land Development Code

REVIEW DRAFT – OCTOBER 13, 2020



## **MODULE 1 IN BOLD**

- CHAPTER 1: General Provisions
- CHAPTER 2: Administration
- CHAPTER 3: Zoning Districts**
- CHAPTER 4: Use Specific Standards**
- CHAPTER 5: Site Development Standards
- CHAPTER 6: Signage
- CHAPTER 7: Natural Resources
- CHAPTER 8: Public Facility Funding and Coordination
- CHAPTER 9: Nonconformities
- CHAPTER 10: (Only Use Definitions)**



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# LAND DEVELOPMENT CODE<sup>1</sup>

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<sup>1</sup> The transitional LDC was predominantly contained in Chapter 34, along with a handful of other chapter parts and sections noted in footnotes throughout the document. This title may be replaced by an article or division number, if appropriate, based on the Village's choice of language as it adopts other parts of traditional material originally written for the County.

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# CHAPTER 3

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## ZONING DISTRICTS

### COMMENTARY

**Chapter 3: Zoning Districts**, establishes and contains the dimensional and other basic regulations for the conventional, planned development, and overlay zoning districts in the Village.

- **Section 3-1, General Provisions**, establishes the different types of zoning districts, and indicates that compliance with district standards are required for all development.
- **Section 3-2, Agriculture District**, establishes the conventional agriculture district.
- **Section 3-3, Residential Districts**, establishes three conventional residential districts: a residential single-family district, a mobile home district, and a recreational vehicle park district.
- **Section 3-4, Business Districts**, establishes three conventional business districts, which address the different types of business, commercial, and mixed-use development needs in the Village.
- **Section 3-5, Special Purpose Districts**, establishes two districts: one for parks and one for environmentally critical lands.
- **Section 3-8, Legacy Districts**, carries forward existing Planned Unit Development districts, allowing them to continue to be regulated by their approved ordinances.
- **Section 3-7, Planned Development Districts**, establishes standards for the six planned development districts.
- **Section 3-8, Overlay Districts**, establishes the three overlay districts.

**Note:** This commentary is provided for reference purposes. It will be deleted in the adopted LDC.

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## CHAPTER 3. ZONING DISTRICTS<sup>73</sup>

### SECTION 3-1. GENERAL PROVISIONS

#### 3-101. COMPLIANCE WITH ZONING DISTRICT STANDARDS

Land in the Village shall not be developed except in accordance with the zoning district regulations of this chapter, and all other relevant provisions of this LDC.

#### 3-102. ESTABLISHMENT OF ZONING DISTRICTS

This LDC establishes the conventional, planned development, and overlay zoning districts identified in Table 3-102: Establishment of Zoning Districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.<sup>74</sup>

<b>TABLE 3-102: ESTABLISHMENT OF ZONING DISTRICTS</b>
<b>CONVENTIONAL DISTRICTS</b>
<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
<b>PLANNED DEVELOPMENT DISTRICTS</b>
Residential Planned Development (RPD) District
Community Facilities Planned Development (CFPD) District
Commercial Planned Development (CPD) District
Mixed-use Planned Development (MPD) District

<sup>73</sup> The zoning districts established in this chapter are based on the zoning district structure proposed in the Code Assessment, with significant additional consolidation in consultation with staff. The specific changes in districts that are carried forward, and the parameters of proposed new districts are highlighted in endnotes for each of the individual districts. *In some instances, the endnotes necessitate additional temporary blank pages to preserve the correct formatting of the districts. They will be removed in the Public Hearing Draft.*

<sup>74</sup> Provisions establishing the Official Zoning Map are at Section 1-7, Official Zoning Map.



<b>TABLE 3-102: ESTABLISHMENT OF ZONING DISTRICTS</b>
Estero Planned Development (EPD) District
Compact Communities Planned Development (CCPD) District
<b>OVERLAY DISTRICTS</b>
Corkscrew Road Overlay District
US 41 t Overlay District
Airport Compatibility Overlay District

### **3-103. ORGANIZATION OF ZONING DISTRICTS**

#### **A. Conventional Zoning Districts**

1. Conventional zoning districts include Agriculture, Residential, Business, and Special Purpose districts, as shown in Table 3-102: Establishment of Zoning Districts. Conventional districts are established initially by the Village’s adoption of this LDC, and subsequently by a zoning district map amendment (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)).
2. The general purpose and standards of each conventional zoning district are set forth in Section 3-2, Agriculture District, through Section 3-5, Special Purpose District.
3. For each conventional zoning district, the regulations set out the district’s purpose, the intensity and dimensional standards applicable in the district, the uses allowed in the district, and any zoning district regulations, if appropriate. Each conventional zoning district also includes an image or images of typical development in the district and an illustration depicting how the district’s dimensional and intensity standards apply to lots and typical building forms. Graphics are included for illustrative purposes only. If there is a conflict between an image and the text, the text controls.

#### **B. Planned Development Districts**

1. The general purpose of planned development (PD) districts, as shown in Table 3-102: Establishment of Zoning Districts, is set forth in Section 3-7, Planned Development Districts.
2. Planned development districts are adopted by the Village Council as zoning district map amendments in accordance with Sec. 2-501.D, Planned Development. The location of each specific planned development district is shown on the Official Zoning Map and recorded, as appropriate.
3. Planned development districts are subject to an approved PD Master Concept Plan, which establishes a plan for development, and specific rules for individual PD districts. As provided in Sec. 2-501.D, Planned Development, the PD Master Concept Plan is included with the adopting ordinance, and recorded as appropriate.
4. Lands may be reclassified from a conventional district to a planned development district in accordance with Sec. 2-501.D, Planned Development. Generally, PD districts require unified control of a parcel and allow for greater flexibility and a wider range of allowed uses than traditional conventional zoning districts allow, in return for innovative design, higher quality development, and community benefits.

#### **C. Overlay Districts**

1. Overlay zoning districts (see Table 3-102: Establishment of Zoning Districts), are established initially by the Village’s adoption of this LDC, and subsequently amended by the future approval of a zoning district map amendment (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)).
2. Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying conventional zoning district or PD district, or may provide a more flexible alternative to conventional zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying conventional zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the

regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations control.

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## SECTION 3-2. AGRICULTURE DISTRICT<sup>76</sup>

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### 3-201. GENERAL PURPOSE

The purpose and intent of the agricultural district is to provide appropriately located lands for agricultural and nursery production, agricultural support uses, low-density residential dwellings in a rural setting, and related uses.

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### 3-202. AGRICULTURE ZONING DISTRICT

The agriculture zoning district is identified in Table 3-202: Agriculture Zoning District.

TABLE 3-202: AGRICULTURE ZONING DISTRICT
Agriculture (AG) District

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<sup>76</sup> Even though Estero is becoming more developed, there are still areas of the Village where agricultural activities are ongoing and should be protected and maintained. For this reason, this section establishes an Agricultural zoning district. It sets out the general purposes of the agricultural zoning district, and then sets out the district standards.

### 3-203. AGRICULTURE (AG) DISTRICT

#### A. Purpose

The purpose of the Agriculture (AG) District is to provide lands to accommodate and maintain agricultural uses and low-density residential development. This is accomplished in the district by providing for agriculture as a primary use and accommodating single-family detached dwellings and mobile homes at low densities (5 acres per dwelling for mobile homes). Development allowed in the AG district includes agriculture uses, nurseries, agricultural support uses and businesses, single-family detached dwellings, animal care, and limited public facilities.

#### B. Concept



**C. Use Table**

The allowed principal and accessory uses in the AG District are identified in Table 3-203.C: AG District Uses

<b>TABLE 3-203.C: AG DISTRICT USES [1][2]</b>		
<b>P = Permitted; S = Permitted by approval of a Special Exception; E=Existing Only</b>		
<b>Use Type</b>	<b>Permission</b>	<b>Use Specific Standard</b>
<b>Principal Uses</b>		
Agricultural use <sup>i</sup>	P	Sec. 4-103; Sec. 4-103
Bed and breakfast	S	Sec. 4-108
Community garden	P	Sec. 4-113
Cultural facility, noncommercial	S	
Day care center <sup>ii</sup>	S	Sec. 4-116
Dwelling, mobile home <sup>iii</sup> or Dwelling, single-family residence	P	Sec. 4-118
Nature center	S	
Park, Village, County, or State <sup>iv</sup>	E	Sec. 4-102
Place of worship or Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor <sup>vi</sup>	S	Sec. 4-129
Schools, elementary, middle, or high <sup>vii</sup>	S	Sec. 4-102; Sec. 4-135
Utility, major <sup>viii</sup>	S	Sec. 4-139
Utility, minor <sup>ix</sup>	P	Sec. 4-140
<b>Accessory Uses</b>		
Antenna	S	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof or Green roof	P	Sec. 4-201
Dock	P	Sec. 4-201; Sec. 4-202.C
Excavation for ponds accessory to single-family residences	P	Sec. 4-201; 4-202.F
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Greenhouse	S	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
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.

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Lot Area (ft <sup>2</sup> )	39,500 <sup>[1]</sup>
Lot coverage, max (percent of total area)	25
Lot width, min. (ft.)	100
Lot depth, min (ft.)	130
Side setback, min. (ft.)	25
Rear setback, min. (ft.)	25
Street setback, min. (ft.)	
Local or private (ft.)	20 <sup>[2]</sup>
Collector or arterial (ft.)	25 <sup>[2]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 / 100 <sup>[3]</sup>
Side (ft.)	10
Rear (ft.)	5
Building height, max. (ft.)	35
Density (max.) (DUs/Acre)	1 / 1 per 5 <sup>[4]</sup>

NOTES:

- [1] The minimum area for a corner lot is one acre.
- [2] Setback from edge of right-of-way or street easement line.
- [3] 20 local or private street, 25 Collector or arterial. Also any accessory structure shall either be set back at least as far as the principal structure, or 100 feet, whichever is less.
- [4] Generally one, except for mobile homes maximum density is one mobile home unit per five acres.

<sup>i</sup> This use consolidates existing agricultural definitions into “agricultural use,” including: agricultural (farming) and animal husbandry. (In general farm animals and fish ponds are allowed; tropical, exotic and Florida Class I and II animals (zoo animals; FWC regulations: 68A-6.002 Categories of Captive Wildlife) are no longer allowed. (They are allowed in the EC district in the transitional LDC if approved as a necessary part of a specific land stewardship plan.)

<sup>ii</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>iii</sup> This use renames existing mobile home.

<sup>iv</sup> This use renames existing “Parks group I.”

<sup>vi</sup> This consolidates and renames existing recreational facilities commercial group.

<sup>vii</sup> This use replaces existing: schools, noncommercial: Lee County School District. The commercial/noncommercial/ county distinction is removed.

<sup>viii</sup> This use reorganizes utility uses, primarily including essential service facilities group III (Electric power generating plants; Resource recovery facilities such as incinerators or generation of energy from waste materials) however, not including sanitary landfills.

<sup>ix</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations.)

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## SECTION 3-3. RESIDENTIAL DISTRICTS<sup>77</sup>

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### 3-301. GENERAL PURPOSE

The purpose of the residential zoning districts is to:

- A. Provide appropriately located lands for residential development that are consistent with the goals, policies, and objectives of the comprehensive plan;
- B. Support and preserve the development pattern and character of established neighborhoods;
- C. Provide a range and diversity of housing choices to meet the needs of the Village's citizens;
- D. Provide for safe and efficient vehicular, bicycle, and pedestrian access and circulation, and neighborhoods that promote multiple forms of mobility;
- E. Protect residential neighborhoods from incompatible development;
- F. Protect residential districts from flooding and other adverse environmental impacts;
- G. Provide for the public services and facilities needed to serve residential development;
- H. Maintain the Village's neighborhoods as safe and convenient places to live;
- I. Ensure compatible infill development; and
- J. Promote green building practices in terms of energy efficiency and conservation, the use of alternative energy, greenhouse gas reduction, water supply and water quality protection, food security, materials recycling, and similar goals.

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### 3-302. RESIDENTIAL DISTRICTS

The residential zoning districts in this LDC are identified in Table 3.3.2: Residential Zoning Districts.

<b>TABLE 3.3.2: RESIDENTIAL ZONING DISTRICTS</b>
Residential Single Family (RSF) District
Residential Multiple Family (RM-2) District
Mobile Home (MH) District
Recreational Vehicle (RV) District

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<sup>77</sup> This section establishes the residential zoning districts. It sets out the general purposes of the residential zoning district and identifies the three residential districts in the LDC.

### 3-303. RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT<sup>x</sup>

#### 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





**C. Use Table**

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

<b>TABLE 3-303.C :RSF DISTRICT USES [1][2]</b>		
<b>P = Permitted; S = Permitted by approval of a Special Exception; E = Existing Only as of <span style="background-color: yellow;">    </span> (insert effective date of LDC); Not listed = Prohibited</b>		
<b>Use Type</b>	<b>Permission</b>	<b>Use Specific Standard</b>
<b>Principal Uses</b>		
Community garden	P	Sec. 4-113
Day care center <sup>xii</sup>	S	Sec. 4-116
Dwelling, mobile home <sup>xiii</sup>	E	Sec. 4-118
Dwelling, single-family residence	P	
Golf course <sup>xiv</sup>	P	
Park, Village, County, or State <sup>xv</sup>	E	Sec. 4-102;
Place of worship	S	Sec. 4-102; Sec. 4-128
Schools, elementary, middle, or high <sup>xvi</sup>	S	Sec. 4-102; Sec. 4-135
Utility, minor <sup>xvii</sup>	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 <sup>xviii</sup>	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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

<b>D. Density and Dimensional Standards</b>		
Lot Area (ft <sup>2</sup> )		7,500
Lot coverage, max (percent of total area)		40
Lot width, min. (ft.)		75
Lot depth, min (ft.)		100
Side setback, min. (ft.)		7.5
Rear setback, min. (ft.)		20
Street setback, min.(ft.)		
Local or private (ft.)		20 <sup>[1]</sup>
Collector or arterial (ft.)		25 <sup>[1]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody	
Accessory use setback, min (ft/)		
Street (ft.)		20 / 25 <sup>[2]</sup>
Side (ft.)		7.5
Rear (ft.)		5
Building height, max. (ft.)		35
Density (max.)	See comprehensive plan	

NOTES:

[1] Setback from edge of right-of-way or street easement line.

[2] 20 local or private street, 25 collector or arterial.

\* As is discussed in the Code Assessment, the Residential Single Family-1 District in the transitional LDC is carried forward with modest refinements, and renamed Residential Single-Family (RSF) District. The district generally carries forward the district dimensional standards and makes minor refinements to the current uses (the changes involve deleting a few of the uses that are not consistent with district character (expansion of airport landing strips and helistops, mobile homes, and oil and gas excavation). The maximum density for development in the district is directed by the comprehensive plan.

<sup>xii</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>xiii</sup> This use renames existing mobile home.

<sup>xiv</sup> Permissions change: E changes to S.

<sup>xv</sup> This use renames existing "Parks group I"

<sup>xvi</sup> This use replaces existing: schools, noncommercial: Lee County School District. The commercial/ noncommercial/ county distinction is removed.

<sup>xvii</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

<sup>xviii</sup> This is a new accessory use.

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### 3-304. RESIDENTIAL MULTIPLE FAMILY (RM-2) DISTRICT<sup>xx</sup>

#### A. Purpose

The purpose of the Residential Multiple Family (RM-2) District is to provide for regulation of lands with an existing designation of RM-2 in appropriate locations that accommodate primarily small and medium scale two-family attached, townhouse, multifamily, and single-family detached development. It is the intent of the Village Council in establishing this district, and applying it to the Official Zoning Map that upon the adoption of this LDC, the RM-2 district not be applied to any additional lands in the Village.

#### B. Concept



**C. Use Table**

The allowed principal and accessory uses in the RM-2 District are identified in Table 3-305.C: RM-2 District Uses.

**TABLE 3-305.C : RM-2 DISTRICT USES [1][2]**

**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>		
Bed and breakfast	P	Sec. 4-108
Community garden	P	Sec. 4-113
Community residential home	P	
Continuing care retirement community	P	Sec. 4-114
Cultural facility, noncommercial	S	
Day care center <sup>xxi</sup>	S	Sec. 4-116
Dwelling, mobile home <sup>xxii</sup>	E	Sec. 4-118
Dwelling, single-family residence	P	
Dwelling, multiple-family	P	
Dwelling, townhouse	P	
Dwelling, two-family attached	P	
Golf course	E	Sec. 4-112
Nursing Home	P	Sec. 4-125
Park, Village, County, or State <sup>xxiii</sup> ,	P	
Place of worship and Religious facility	P	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor	S	Sec. 4-129
Schools, elementary, middle, or high	P	Sec. 4-102; Sec. 4-135
Utility, minor <sup>xxiv</sup>	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
<b>Accessory Uses</b>		
Antenna	P	Sec. 4-201
Automated teller machine (ATM)	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	P	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
Laundromat (as accessory to a multifamily dwelling or mobile home park)	P	Sec. 4-201
Pickleball facilities	S	Sec. 4-201; Sec. 4-202.M
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4.3.2(M)

**TABLE 3-305.C : RM-2 DISTRICT USES [1][2]**

**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
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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

STANDARD	SINGLE-FAMILY (ATTACHED)	TWO-FAMILY AND TOWNHOUSE	MULTIFAMILY	NONRESIDENTIAL
Lot Area, min (ft <sup>2</sup> )	6,500 <sup>l</sup>	7,500	10,000	10,000
Lot Area per unit (ft <sup>2</sup> )	N/A	3,750	3,000	N/A
Lot coverage, max. (percent of total area)	45	45	45	45
Lot width, min. (ft.)	65	37.5/unit	100	75
Lot depth, min (ft.)	100	100	100	100
Side yard setback, min. (ft.)	7	7	20	20
Rear yard setback, min. (ft.)	20	20	20	20
Street setback, min. (ft.)				
Local or private (ft.)	20 <sup>[1]</sup>			
Collector or arterial (ft.)	25 <sup>[1]</sup>			
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody			
Accessory use setback, min (ft/)				
Street (ft.)	20 / 25 <sup>[2]</sup>			
Side (ft.)	7	7	10	10
Rear (ft.)	5			
Building height, max. (ft.)	35	35	35	35
Density/Intensity (max.)	See comprehensive plan			

**NOTES:**

[1] Setback from edge of right-of-way or street easement line.

[2] 20 local or private street, 25 collector or arterial.

<sup>xxi</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>xxii</sup> This use renames existing mobile home.

<sup>xxiii</sup> This use renames existing "Parks group I."

<sup>xxiv</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

### 3-305. MOBILE HOME (MH) DISTRICT<sup>xxv</sup>

#### A. Purpose

The purpose and intent of the Mobile Home (MH) District is to provide lands to accommodate the housing needs of those residents who prefer mobile home living as an alternative to conventional residential development, in appropriate locations in the Village. Uses allowed in the district include primarily mobile home dwellings, single-family detached dwellings, essential services, administrative offices, recreation facilities, laundromats, boat ramps, and other related accessory uses. The general layout of the district is designed to ensure potential adverse impacts on surrounding development is mitigated. It is the intent of the district standards to allow reasonable additional investment by allowing the replacement of single-wide mobile homes with double-wide mobile homes (as long as the replacement complies with the dimensional standards of the district), the replacement of mobile homes damaged by storm event, the replacement of a mobile home by a new mobile home as long as it is placed on the same building footprint, actions that would make the mobile homes less nonconforming, and actions that ensure the mobile home is maintained in good condition.

The MH District is a district originally established in the Lee County Land Development Code, and carried forward in this LDC. It is the intent of the Village Council in establishing this district, and applying it to the Official Zoning Map that upon the adoption of this LDC, the MH district not be applied to any additional lands in the Village.

#### B. Concept



**C. Use Table**

The allowed principal and accessory uses in the MH District are identified in Table 3-305.C: MH District Uses.

**TABLE 3-305.C : MH DISTRICT USES [1][2]**

**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 <sup>xxvi</sup>	S	Sec. 4-116
Dwelling, mobile home <sup>xxvii</sup>	P	Sec. 4-118
Dwelling, single-family residence	P	
Park, Village, County, or State <sup>xxviii</sup>	E	
Place of worship and Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, outdoor	S	Sec. 4-129
Utility, minor <sup>xxix</sup>	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
<b>Accessory Uses</b>		
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
Dock	P	Sec. 4-201; Sec. 4-202.C
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4-202.I
Satellite earth stations and amateur radio antennas	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201

NOTES:

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Standard	Residential	Nonresidential
Lot Area (ft <sup>2</sup> )	7,500 <sup>[1]</sup>	10,000 <sup>[1] [2]</sup>
Lot coverage, max (percent of total area)	40	
Lot width, min. (ft.)	50	100
Lot depth, min (ft.)	100	100
Side setback, min. (ft.)		
Internal park lot (ft.)	7	15
Park perimeter lot (ft.)	7	15
Rear setback, min. (ft.)		
Internal park lot (ft.)	15	20



**D. Density and Dimensional Standards**

Standard	Residential	Nonresidential
Park perimeter lot (ft.)	15	20
Street setback, min. (ft.)		
Local or private (ft.)	20 <sup>[2]</sup>	
Collector or arterial (ft.)	25 <sup>[2]</sup>	
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody	
Accessory use setback, min (ft/)		
Street (ft.)	20 / 25 <sup>[4]</sup>	
Side (ft.)	7	10
Rear (ft.)	5	
Building Height, max. (ft)	35	

NOTES:

- [1] Mobile home residential developments shall provide emergency shelters in accordance with the provisions of Sec. 4-118.F.
- [2] Setback from edge of right-of-way or street easement line.
- [3] Lot sizes and dimensional standards for recreational vehicle and mobile home parks approved pursuant to Lee County Ordinance 86-36 shall be in accordance with the approved site plan and ordinance.
- [4] 20 local or private street, 25 collector or arterial.
- [5] See Sec. 9-505, Placement of Mobile Home or Recreational Vehicle on Lot

**E. Other Standards**

Replacement of mobile home	<p>Replacement of a mobile home with another mobile home occupying the same footprint as the existing home is permitted.</p> <p>Replacement of a mobile home with a single-family dwelling is permitted on lots that meet the minimum lot area requirement, all other dimensional standards of this section, and all other requirements of this LDC.</p>
Replacement, remodel, or expansion of common areas	Replacement, remodel, or expansion of common or recreation areas is only be permitted if the overall development complies with Section 5-4, Landscape Standards; Section 5-5, Fence and Wall Standards; Section 5-8, Green Building Standards, and a type D buffer is established around the perimeter of the development.

<sup>xxv</sup> The Mobile Home Residential-2 District in the Transitional LDC is carried forward, with refinements. It is renamed the Mobile Home (MH) District and is meant to be applied to all mobile home districts in the Village. The district recognizes the validity of existing mobile home parks with no increase in densities or other similar modifications. Refinements are made to the uses (for example, the following current allowed uses are no longer allowed: private airport landing facilities, aircraft landing strips, helistops, community residential homes, day care facilities, excavation activities, the keeping and breeding of alligators and venomous reptiles, equine, real estate sales offices, and places of worship and other religious facilities. The other allowed uses are generally carried forward, with minor refinements). Language clarifies that it is the intent of the Village Council that the zoning district will not be applied to any undeveloped lands in the future.

<sup>xxvi</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>xxvii</sup> This use renames existing mobile home.

<sup>xxviii</sup> This use renames existing “Parks group I.”

<sup>xxix</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

### 3-306. RECREATIONAL VEHICLE (RV) DISTRICT<sup>xxx</sup>

#### A. Purpose

The purpose of the Recreational Vehicle (RV) District is to provide lands to accommodate seasonal (persons living in the units less than six months a year) or transient living in recreational vehicles and campgrounds. It is the intent of the district standards to allow reasonable additional investment by allowing the replacement of RV units with new or larger recreational vehicle unit as long as the unit complies with the dimensional standards of the district, and the replacement of recreational vehicles if the unit is damaged by storm event. The RV district is a district originally established in the Lee County Land Development Code, and carried forward in this LDC. It is the intent of the Village Council in establishing this district and applying it to the Official Zoning Map upon the adoption of this LDC, that the RV District not be applied to any additional lands in the Village.

#### B. Concept



**C. Use Table**

The allowed principal and accessory uses in the RV District are identified in Table 3-306: RV District Uses.

**TABLE 3-306: RV DISTRICT USES [1][2]**

**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>		
Day care center <sup>xxxii</sup>	S	Sec. 4-116
Dwelling, single-family residence	E	
Recreational vehicle	P	
Utility, minor <sup>xxxii</sup>	P	Sec. 4-140
Wireless telecommunications	S	Sec. 4-143
<b>Accessory Uses</b>		
Accessory Structures for Recreational Vehicle (RV) Development	P	
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
Dock	P	Sec. 4-201; Sec. 4-202.C
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Satellite earth stations and amateur radio antennas	P	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201

**NOTES:**

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Standard	All Uses
Lot Area (ft <sup>2</sup> )	2,000
Lot coverage, max (percent of total area)	40
Lot width, min. (ft.)	30
Lot depth, min (ft.)	55
Distance between recreational vehicles	10 <sup>[1] [2]</sup>
Distance from park perimeter	40 <sup>[3] [4]</sup>
Side setback, min. (ft.)	5
Rear setback, min. (ft.)	[1] [2] [5]
Street setback, min. (ft.)	
Local or private (ft.)	20 <sup>[6]</sup>
Collector or arterial (ft.)	25 <sup>[6]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 <sup>[7]</sup>

#### D. Density and Dimensional Standards

Standard	All Uses
Side (ft.)	5
Rear (ft.)	5
Building Height, max. (ft.)	35

**NOTES:**

- [1] No recreational vehicle or enclosed appurtenance shall be located closer than 25 feet to any common use accessory building.
- [2] No recreational vehicle or enclosed appurtenance shall be placed closer than ten feet to a recreational vehicle park perimeter boundary, a recreational vehicle park building, or to another recreational vehicle or enclosed appurtenance under separate ownership.
- [3] All recreational vehicle parks shall provide an open space a minimum of 40 feet wide that is adjacent to and completely around the boundary of the site, except for portions of the park adjacent to land classified in the MH district. No road shall be placed closer than 40-feet from an open space area.
- [4] All recreational vehicle parks developed after 1978 shall provide a vegetative visual screen with a minimum height of eight feet within the 40-foot open space area that is completely around the site of a park (except for portions of the park adjacent to land classified in the MH district).
- [5] A roof overhang or eave may encroach into the required ten-foot separation if the encroachment is 12 inches or less.
- [6] Setback from edge of right-of-way or street easement line.
- [7] 20 local or private street, 25 collector or arterial.
- [8] Lot sizes and dimensional standards for recreational vehicle and mobile home parks approved pursuant to Lee County Ordinance 86-36 shall be in accordance with the approved site plan and ordinance.
- [9] See Sec. 9-505, Placement of Mobile Home or Recreational Vehicle on Lot

#### E. Other Standards

RVs Not Permanent Residences	The use of a recreational vehicle unit by a permanent resident as a permanent residence, as the terms are defined in Ch. 196, Fla. Stat., is expressly prohibited. <sup>xxxiii</sup>
Tiedowns	<p>(1) The following recreational vehicles shall be properly tied down in accordance with the standards in F.A.C. 15C-1, as follows:</p> <p>(a) All permanent units.</p> <p>(b) All travel trailers, motor homes or camping trailers left unattended for more than two weeks during the months of June through December. For purposes of this section only, the term "unattended" is interpreted to mean that the owner of the unit has not provided for a person to be responsible for the unit in the event of a hurricane watch alert as set forth in subsection (2) below.</p> <p>(2) All travel trailers, motor homes, or camping trailers shall be tied down within 48 hours of the issuance of a hurricane watch for the Village by the National Hurricane Center. Travel trailers, motor homes or camping trailers not tied down will be removed within 48 hours of such a hurricane watch, or placed within an approved off-lot storage area.<sup>xxxiv</sup></p>
Additions to RVs	<p>Additions to recreational vehicles, including utility rooms and enclosures, are allowed in RV parks designed for seasonal use on permanent units, if:</p> <p>(1) The individual recreational vehicle site meets or exceeds the minimum required lot area for the RV District.</p> <p>(2) The total floor area of additions, excluding open decks and stair landings, does not exceed the total floor area of the recreational vehicle.</p> <p>(3) The maximum height of additions does not exceed one story or the height of the recreational vehicle, whichever is less.</p> <p>(4) Open decks, up to 120 square feet in area, comply with all setback requirements. (Stair landings incorporated into a deck shall be included in the square footage of the deck.) The deck may be enclosed with screen (no other material) and covered with a metal pan roof.</p> <p>(5) A stair or stair landings attached to an addition and not incorporated into an open deck is permitted to encroach three feet into the side and rear setbacks. Stair landings shall not exceed 18 square feet in area.</p> <p>(6) Utility rooms and enclosures comply with the dimensional standards of this district and are no closer than ten feet to another recreational vehicle, utility room or enclosure.<sup>xxxv</sup></p>
Maintenance and Replacement	RVs may be maintained, replaced, or replaced with larger RVs provided required lot setbacks are met.

Off-Lot Storage	<p>Off-lot storage facilities for recreational vehicles is allowed for periods of non-occupancy. All off-lot storage facilities shall comply with the following:</p> <ol style="list-style-type: none"> <li>(1) A continuous visual screen shall be provided that is at least eight feet in height along any lot line abutting a residential use under separate ownership.</li> <li>(2) The off-lot storage area is limited to ten percent of the total area of the recreational vehicle park.</li> <li>(3) The off-lot storage area shall comply with all the requirements of this LDC, and all other Village laws and regulations.<sup>xxxvi</sup></li> </ol>
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<sup>xxx</sup> As is discussed in the Code Assessment, the Recreational Vehicle-3 District in the transitional LDC, is carried forward, with minor refinements as appropriate, and renamed Recreational Vehicle (RV) District. The current allowed uses are generally carried forward. The district recognizes the validity of existing locations in the Village with no increase in densities or other similar modification. Language clarifies that it is the intent of the Village Council that the zone district will not be applied to any additional lands in the future.

<sup>xxxi</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>xxxii</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

<sup>xxxiii</sup> This simplifies Sec. 34-762 of the Transitional LDC, removing an exemption for pre 1985 residents.

<sup>xxxiv</sup> This carries forward Sec. 34-763(a) of the Transitional LDC.

<sup>xxxv</sup> This carries forward Sec. 34-764 of the Transitional LDC,

<sup>xxxvi</sup> This carries forward Sec. 34-765 of the Transitional LDC.

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## **SECTION 3-4. COMMERCIAL DISTRICTS**

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### **3-401. GENERAL PURPOSE**

The commercial zoning districts are established for the general purpose of ensuring there are lands in the Village that provide a range of retail, office, service, lodging, employment, light industrial, and related development to meet the needs of the Village's residents and visitors, as well as the residents of the region. More specifically, the commercial zoning districts are established to:

- A. Strengthen the Village's economic base, and provide employment, retail, lodging, and related commercial opportunities close to home for Village residents;
- B. Provide appropriately located lands for a full range of business and commercial uses needed by the Village's residents, businesses, workers, and visitors, as well as residents of the region, consistent with the goals, objectives, and policies of the comprehensive plan;
- C. Create suitable environments for various types of mixed-use development, where business, office, retail, service, lodging, and residential development is designed and integrated in compatible ways;
- D. Encourage, support, and ensure a high quality design in retail, office, lodging, service, employment, and related development in the Village;
- E. Accommodate new infill development and redevelopment that is consistent with the goals, objectives, and policies of the comprehensive plan, especially along certain of the Village's older commercial corridors;
- F. Ensure commercial development is located and designed to protect and preserve the character of residential single-family neighborhoods; and
- G. Create suitable environments for various types of businesses, and protect them from the adverse effects of incompatible development.

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### **3-402. COMMERCIAL ZONING DISTRICTS**

The commercial zoning districts in this LDC are identified in Table 3.4.2: Commercial Zoning Districts.

<b>TABLE 3.4.2: COMMERCIAL ZONING DISTRICTS</b>
Commercial Special Office (CS) District
Urban Commercial Redevelopment (UCR) District
Community Commercial (CC) District

**3-403. COMMERCIAL SPECIAL OFFICE DISTRICT (CS)<sup>xxxvii</sup>**

**A. Purpose**

The purpose of the Commercial Special Office (CS) district is to provide lands that accommodate and support suitable locations for the development of offices, and a number of other low-impact uses subject to special exception approval. The district is intended to be used to separate and buffer residential and other low- or medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.<sup>xxxviii</sup>

**B. Concept**



**C. Use Table**

The allowed principal and accessory uses in the CS District are identified in Table 3-403.C: CS District Uses

**TABLE 3-403.C: CS DISTRICT USES [1][2]**

**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>		
Clubs, lodges, or community-oriented associations <sup>xi</sup>	P	
Counseling, nonresidential <sup>xii</sup>	P	
Elementary, middle, or high school	P	
Food or beverage, limited service	S	
Medical or dental lab <sup>xiii</sup>	S	
Nursing home <sup>xiv</sup>	S	Sec. 4-125
Office, general business	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Outpatient care facilities <sup>xvi</sup>	S	Sec. 4-126
Personal services group <sup>xvii</sup>	S	Sec. 4-112
Research and development laboratories <sup>xviii</sup>	S	
Utility, minor <sup>xix</sup>	P	Sec. 4-140
Vocational or trade school <sup>i</sup>	S	
<b>Accessory Uses</b>		
Automated teller machine (ATM)	P	Sec. 4-201
Drive-through facility	P	Sec. 4-202.D

**NOTES:**

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Standard	All Uses
Lot Area (ft <sup>2</sup> )	7,500
Lot coverage, max (percent of total area)	50
Lot width, min. (ft.)	50
Lot depth, min (ft.)	100
Side setback, min. (ft.)	10 <sup>[1]</sup>
Rear setback, min. (ft.)	20 <sup>[1]</sup>
Street setback, min. (ft.)	
Local or private (ft.)	20 <sup>[2]</sup>
Collector or arterial (ft.)	25 <sup>[2]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 <sup>[3]</sup>
Side (ft.)	10 <sup>[4]</sup>
Rear (ft.)	10 <sup>[4]</sup>
Building height, max. (ft.)	35



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Intensity/density	See comprehensive plan
<b>NOTES:</b>	
[1] Thirty (30) feet when adjacent to a residential use or Residential district.	
[2] Setback from edge of right-of-way or street easement line.	
[3]	
[3] 20 local or private street, 25 collector or arterial.	
[4] The greater of 10 ft. or the amount of space necessary to hold a required buffer.	

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### **3-404. URBAN COMMERCIAL REDEVELOPMENT (UCR) DISTRICT<sup>ii</sup>**

#### **A. Purpose**

The purpose of the Urban Commercial Redevelopment (UCR) District is to provide lands that accommodate and support development, infill, and redevelopment in a high quality, more walkable, and mixed-use context, and fosters the development of unique destinations rather than strip development patterns. Development allowed in the district includes community and neighborhood serving retail, office, lodging (hotels), assisted living, government (public and quasi-public), civic, residential, and mixed-use development. The vertical mixing of residential and nonresidential uses within a single project, with residential development above the ground floor, is strongly encouraged. The horizontal mixing of well-integrated stand-alone residential and nonresidential development is also encouraged.

#### **B. Concept**



**C. Use Table**

The allowed principal and accessory uses in the UCR District are identified in Table 3-404.C: UCR District Uses.

**TABLE 3-404.C: UCR DISTRICT USES [1][2]**

**P = Permitted; S = Permitted by 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>		
Bait and tackle shop	P	
Banks and financial institutions <sup>iii</sup>	P	Sec. 4-112
Cinemas and theaters <sup>lv</sup>	S	Sec. 4-112
Clubs, lodges, or community-oriented associations <sup>lvi</sup>	P	
Day care center <sup>lviii</sup>	P	Sec. 4-116
Drugstore	P	Sec. 4-112
Dwelling, live-work <sup>lx</sup>	P	Sec. 4-117
Dwelling, multiple-family <sup>lxi</sup>	P	Sec. 4-119
Dwelling, townhouse <sup>lxii</sup>	P	
EMS, fire, or sheriff's station <sup>lxiii</sup>	P	
Grocery store or food market <sup>lxiv</sup>	P	Sec. 4-112
Hotels/motels <sup>lxv</sup>	P	Sec. 4-123
Laundry services <sup>lxvi</sup>	P	Sec. 4-112
Library <sup>lxvii</sup>	P	
Medical or dental lab <sup>lxviii</sup>	P	
Office, contractors or general business <sup>lxix</sup>	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Park, Village, County, or State <sup>lxx</sup>	E	Sec. 4-102
Repair shop, household <sup>lxxi</sup>	P	Sec. 4-112
Personal services group I <sup>lxxii</sup> or group II <sup>lxxiii</sup>	P	Sec. 4-112
Recreational facilities, indoor <sup>lxxiv</sup>	P	
Restaurant, Standard	P	Sec. 4-132; Sec. 4-133
Retail sales group I <sup>lxxv</sup>	P	Sec. 4-112
Utility, minor <sup>lxxvi</sup>	P	Sec. 4-140
<b>Accessory Uses</b>		
Antenna	P	Sec. 4-201
Automated teller machine (ATM)	P	Sec. 4-201
Bike parking rack or Bike share station	P	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	P	Sec. 4-201
Community garden	P	Sec. 4-201; Sec. 4-113
Community recreation facility (as accessory to a residential development)	P	Sec. 4-201
Composting, small-scale	P	Sec. 4-201
Cool roof or Green roof	P	Sec. 4-201
Drive-through facility	P	Sec. 4-201; Sec. 4-202.D
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

**TABLE 3-404.C: UCR DISTRICT USES [1][2]**

**P = Permitted; S = Permitted by Special Exception;  
E = Existing Only as of [ ] (insert effective date of LDC); Not listed = Prohibited**

Use Type	Permission	Use Specific Standard
Electric vehicle (EV) level 3 charging station	P	Sec. 4-201; Sec. 4.3.2(F)
Fences	P	Sec. 4-201
Garage or carport	P	Sec. 4-201
Home occupation	P	Sec. 4-201; Sec. 4.3.2(H)
Outdoor display of merchandise (as accessory to a retail sales use)	P	Sec. 4-201
Satellite earth stations and amateur radio antennas	P	Sec. 4-201; Sec. 4.3.2(M)
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4.3.2(N)
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	P	Sec. 4-201; Sec. 4.3.2(O)

**NOTES:**

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Standard	Two-family attached and townhouse	Nonresidential and mixed-use <sup>[4]</sup>
Lot Area (ft <sup>2</sup> )	[1]	20,000
Lot coverage, max (percent of total area)	45	
Lot width, min. (ft)	100	
Lot depth, min (ft)	100	
Side setback, min. (ft)	15 <sup>[2]</sup>	15
Rear setback, min. (ft)	25 <sup>[2]</sup>	25
Street setback, min. (ft.)		
Local or private (ft.)	20 <sup>[3]</sup>	
Collector or arterial (ft.)	25 <sup>[3]</sup>	
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody	
Accessory use setback, min (ft/)		
Street (ft.)	20 / 25 <sup>[5]</sup>	
Side (ft.)	10 <sup>[6]</sup>	
Rear (ft.)	10 <sup>[6]</sup>	
Building Height, max. (ft)	45	
Intensity/density	See comprehensive plan	

**NOTES:**

[1] First two dwelling units in the same building: 7,500 square feet. Each additional dwelling unit: additional 3,000 square feet.

[2] the structures on the whole parcel on which the project is developed shall comply with the setbacks, as measured from the boundaries of the whole parcel.

[3] Setback from edge of right-of-way or street easement line.

[4] Multifamily dwelling may be developed in a vertical mixed-use development as an allowed permitted use.

[5] 20 local or private street, 25 collector or arterial.

[6] The greater of 10 ft. or the amount of space necessary to hold a required buffer.

**E. Other Standards**

Architectural Standards	All new development and redevelopment, shall meet the standards of Chapter 5: Site Development Standards.
Connectivity <sup>xxxvii</sup>	To the maximum extent practicable, the vehicular and pedestrian circulation systems of the development should be designed to allow vehicular and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints, or if it is inappropriate due to traffic safety issues, or it is undesirable due to the proposed development's incompatibility with existing development on the adjacent parcel. Easements allowing vehicular or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the appropriate land records.
Pedestrian Circulation <sup>xxxviii</sup>	Sidewalks shall be provided on the sides of the street, with a planting strip that is five feet in width. Street trees shall be planted at one per 40 feet on center (on average), ground cover and/or grates shall be located in the planting strip area). Sidewalks shall be at least five feet wide along local street frontages. Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, or with decorative bollards.
Parking <sup>xxxix</sup>	<p>To the maximum extent practicable, 50 percent of new or additional surface vehicle parking shall be located to the side or rear of the development's principal building(s) or in a parking structure.</p> <p>To the maximum extent practicable, surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas.</p> <p>All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.</p>

<sup>xxxvii</sup> This carries forward the existing Commercial Special Office-2 (CS) District from the transitional LDC. Dimensional standards are carried forward from Secs. 34-845, 34-1174 and 34-2192 of the transitional LDC.

<sup>xxxviii</sup> This carries forward the purpose from Sec. 34-841 of the transitional LDC.

<sup>xl</sup> This use renames the existing fraternal club use.

<sup>xli</sup> This use renames existing social services groups I & II.

<sup>xlii</sup> This use renames existing laboratories group II.

<sup>xliii</sup> This use consolidates and renames existing health care facilities group I (nursing and personal care facilities not including continuous nursing care) and health care facilities group II (skilled nursing care facilities and hospices with physician and continuous nursing care).

<sup>xliiii</sup> This use renames existing: health care facilities group III (outpatient care facilities).

<sup>xlv</sup> This carries forward personal services group I (generally involving the care of the person or the person's apparel), but excludes ATMs (an accessory use).

<sup>xlv</sup> This use renames existing: research and development laboratories group IV.

<sup>xlv</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; Natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

<sup>i</sup> This is a new use.

<sup>ii</sup> As is discussed in the Code Assessment, the Urban Commercial Redevelopment (UCR) District replaces and builds on the C-1 district in the transitional LDC. (It could also be applied to other lands designated Urban Commercial on the Future Land Use Map of the comprehensive plan.) The goals of the district are to encourage and support the development of unique destinations rather than strip development patterns, achieve high quality development and redevelopment, and encourage and support mixed-use, pedestrian-friendly development. The district allows community and neighborhood commercial, office, lodging (hotels), assisted living, government (public and quasi-public), civic (schools and places of worship), residential, and mixed-use development. It does not allow the most intense light industrial and industrial type uses currently allowed in the C-1 district in the transitional LDC. To support walkable urbanism, higher development quality, and a more pedestrian-friendly environment, some basic design and form standards are included in the district regulation lot depth is deleted, but setbacks, height, and lot coverage requirements are maintained.

<sup>iii</sup> Permissions change: new P.

- lv This is a new use.
- lvi This use renames existing fraternal club. Permissions change: new P.
- lviii This use consolidates day care center, adult; and day care center, child; which have similar permissions.
- lx This use renames existing live-work unit. Permissions change: as existing use, only allowed in deleted districts; new P.
- lxi This use renames existing multiple-family building. Permissions change: new P.
- lxii Permissions change: new P.
- lxiii Permissions change: new P.
- lxiv This consolidates many existing uses and categories: All food stores including food stores group I [(bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens; enclosed fruit and vegetable markets, meat or poultry markets (no slaughtering), produce markets, specialty food stores (including health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water)] and food stores group II (primarily the retail sale, on a bulk basis, of meat products for freezer storage). Permissions change: new P.
- lxv Permissions change: new P.
- lxvi This is a new use for what is typically known as a laundromat (coin-operated).
- lxvii Permissions change: new P.
- lxviii This use renames existing laboratories group II. Permissions change: new P.
- lxix This is a new use.
- lxx This use renames existing "Parks group I"
- lxxi This is a new use building on repair shops group I.
- lxxii This carries forward personal services group I (generally involving the care of the person or the person's apparel), but excludes ATMs (an accessory use). Permissions change: new P.
- lxxiii This carries forward personal services group II (beauty spas, massage establishments, reducing or slenderizing salons), but excludes health clubs (which falls under indoor recreation facilities), massage parlors. Permissions change: new P.
- lxxiv This is a new use that includes many of the uses in recreational facilities commercial group IV, but not: Arena, stadium, amphitheater, convention or exhibition halls.
- lxxv This new use consolidates many existing use groups that may all be categorized as retail sales and services of consumer goods: All specialty retail shops; all household and office furnishings; department stores; hardware store; hobby store and game shops; lawn and garden supply stores; rental or leasing establishments group I & II; used merchandise stores group I; bookstores; clothing stores; home furnishing stores; musical instrument stores; phonograph and phonograph record stores, secondhand; shoe stores); variety store.
- lxxvi This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations.)
- lxxvii A well-connected system of streets and pedestrian walkways will help place-making in the district, and ensure a minimum level of access and circulation.
- lxxviii These standards are intended to ensure a strong role for sidewalks and other pedestrian walkways and connections, over time.
- lxxix These standards are intended to ensure that off-street parking does not undermine the effort to support a more friendly pedestrian environment.

### 3-405. COMMUNITY COMMERCIAL (CC) DISTRICT<sup>lxxx</sup>

#### A. Purpose

The purpose of the Community Commercial (CC) District is to provide lands that accommodate high quality, medium-scale, community-serving commercial development (particularly shopping centers). The primary allowed uses include retail sales, personal services, eating and drinking establishments, offices, recreation/entertainment uses, and vehicle and boat sales and services. Development form should focus on the establishment of high quality, medium-scale, walkable, and connected centers that serve a market area of multiple neighborhoods, and are designed so as not to adversely impact the character of adjacent residential single-family neighborhoods.

#### B. Concept



**C. Use Table**

The allowed principal and accessory uses in the CC District are identified in Table 3-405.C: CC District Uses

**TABLE 3-405.C: CC DISTRICT USES [1][2]**

**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>		
Animal clinic	P	
Animal shelter <sup>lxxxix</sup>	P	Sec. 4-104
Bait and tackle shop	P	
Banks and financial institutions	P	Sec. 4-112
Broadcast studio, commercial radio and television	P	
Cinemas and theaters <sup>lxxxiv</sup>	P	Sec. 4-112
Clubs, lodges, or community-oriented associations <sup>lxxxv</sup>	P	
Day care center <sup>lxxxvii</sup>	P	Sec. 4-116
Drugstore	P	Sec. 4-112
EMS, fire, or sheriff's station	P	
Grocery store or food market <sup>lxxxix</sup>	P	Sec. 4-112
Funeral home or mortuary	P	Sec. 4-120
Laundry services <sup>xc</sup>	P	Sec. 4.2.13
Library	P	
Medical or dental lab <sup>xcii</sup>	P	
Moving and storage facility <sup>xciii</sup>	S	
Newspaper/periodical publishing establishment <sup>xciv</sup>	P	
Nonresident counseling, guidance, training, and rehabilitation <sup>xcv</sup>	P	
Office, contractors or general business <sup>xcvi</sup>	P	Sec. 4-112
Office, medical	P	Sec. 4-112
Outpatient care facilities <sup>xcvii</sup>	P	Sec. 4-126
Park, Village, County, or State <sup>xcviii</sup>	E	Sec. 4-102
Personal services group I <sup>xcix</sup>	P	Sec. 4-112
Personal services group II <sup>c</sup>	P	Sec. 4-112
Pet services	P	Sec. 4-127
Place of worship	P	Sec. 4-102; Sec. 4-128; Sec. 4-131
Recreational facilities, indoor <sup>ci</sup>	P	
Recreational facilities, outdoor <sup>cii</sup>	S	Sec. 4-129
Religious facility	S	Sec. 4-102; Sec. 4-128; Sec. 4-131
Repair shop, household <sup>ciii</sup>	P	Sec. 4-112
Research and development laboratories <sup>civ</sup>	S	
Restaurant, convenience or standard	P	Sec. 4-132
Restaurant, fast casual or fast food	S	Sec. 4-132; Sec. 4-133
Retail Sales group I and II <sup>cv</sup>	P	Sec. 4-112; Sec. 4-134
Self storage	S	Sec. 4-136
Showroom, wholesale	S	



**TABLE 3-405.C: CC DISTRICT USES [1][2]**

**P = Permitted; S = Permitted by APPROVAL OF A Special Exception;  
 E = Existing Only as of [ ] (insert effective date of LDC); Not listed = Prohibited**

<b>Use Type</b>	<b>Permission</b>	<b>Use Specific Standard</b>
Tattoo or body piercing establishment <sup>cvii</sup>	P	Sec. 4-112
Tobacco shop <sup>cviii</sup>	P	Sec. 4-112
Utility, minor <sup>cix</sup>	P	Sec. 4-140
Vehicle and boat rental and sales <sup>cx</sup> , or repair and maintenance <sup>cxii</sup>	S	Sec. 4-112; Sec. 4-141; Sec 4-142
Vocational or trade school <sup>cxiii</sup>	P	
Warehouse <sup>cxiv</sup>	S	
<b>Accessory Uses</b>		
Bus station <sup>cxv</sup>	S	Sec. 4-201
Food or beverage, limited service	S	Sec. 4-201

**NOTES:**

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

[2] *On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.*

<b>D. Density and Dimensional Standards</b>	
<b>Standard</b>	<b>All Uses</b>
Lot Area (ft <sup>2</sup> )	20,000
Lot coverage, max (percent of total area)	40
Lot width, min. (ft.)	100
Lot depth, min (ft.)	100
Side setback, min. (ft.)	15
Rear setback, min. (ft.)	25
Street setback, min. (ft.)	
Local or private (ft.)	20 <sup>[1]</sup>
Collector or arterial (ft.)	25 <sup>[1]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody.
Accessory use setback, min (ft/)	
Street (ft.)	20 / 25 <sup>[2]</sup>
Side (ft.)	10 <sup>[3]</sup>
Rear (ft.)	10 <sup>[3]</sup>
Building height, max. (ft.)	35
Intensity/Density <sup>[2]</sup>	See comprehensive plan

NOTES:

[1] Setback from edge of right-of-way or street easement line.

[2] 20 local or private street, 25 collector or arterial.

[3] The greater of 10 ft. or the amount of space necessary to hold a required buffer.

<sup>lxxx</sup> As is discussed in the Code Assessment, the Community Commercial (CC) District in the transitional LDC is generally carried forward. The dimensional standards are carried forward. The allowed uses are generally carried forward (including auto-oriented uses), with some refinements, which include (1) consolidation of some of the uses to make their organization more efficient, (2) the deletion of some uses that are not appropriate for the district (for example the expansion of aircraft landing strips, helipads and heliports, and oil and gas exploration), and (3) the addition of townhomes, multifamily, and live/work units and a few other new uses.

<sup>lxxxii</sup> This is a new use.

<sup>lxxxiv</sup> This is a new use.

<sup>lxxxv</sup> This use renames existing fraternal club.

<sup>lxxxvii</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>lxxxix</sup> This consolidates many existing uses and categories: All food stores including food stores group I [(bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens; enclosed fruit and vegetable markets, meat or poultry markets (no slaughtering), produce markets, specialty food stores (including health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water)] and food stores group II (primarily the retail sale, on a bulk basis, of meat products for freezer storage).

<sup>xc</sup> This is a new use for what is typically known as a laundromat (coin-operated).

<sup>xcii</sup> This use renames existing laboratories group II.

<sup>xciii</sup> This is a new use.

<sup>xciv</sup> This is a new use.

<sup>xcv</sup> This use renames existing social services group I and II Permissions change: new P.

<sup>xcvi</sup> This is a new use.

<sup>xcvii</sup> This use renames existing: health care facilities group III (outpatient care facilities).

<sup>xcviii</sup> This use renames existing "Parks group I."

<sup>xcix</sup> This carries forward personal services group I (generally involving the care of the person or the person's apparel), but excludes ATMs (an accessory use).

- <sup>c</sup> This carries forward personal services group II (beauty spas, massage establishments, reducing or slenderizing salons), but excludes health clubs (which falls under indoor recreation facilities), massage parlors.
- <sup>ci</sup> This is a new use that includes many of the uses in recreational facilities commercial group IV, but not: arena, stadium, amphitheater, convention or exhibition halls.
- <sup>cii</sup> This consolidates and renames existing recreational facilities commercial group.
- <sup>ciii</sup> This is a new use building on repair shops group I.
- <sup>civ</sup> This use renames existing: research and development laboratories group IV
- <sup>cv</sup> This new use consolidates many existing use groups that may all be categorized as retail sales and services of consumer goods: all specialty retail shops; all household and office furnishings; department stores; hardware store; hobby store and game shops; lawn and garden supply stores; rental or leasing establishments group I & II; used merchandise stores group I; bookstores; clothing stores; home furnishing stores; musical instrument stores; phonograph and phonograph record stores, secondhand; shoe stores); variety store.
- <sup>cvi</sup> This is a new use split out from personal services group IV because the Village will probably want to allow in a different location than some of the other uses in this use type.
- <sup>cvii</sup> This is a new use.
- <sup>cix</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).
- <sup>cxii</sup> This is a new use that provides for the sale or rental of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or other similar vehicles.
- <sup>cxiii</sup> This is a new use for establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles. Establishments that provide for the sale (including auctions) or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).
- <sup>cxiii</sup> This is a new use.
- <sup>cxiv</sup> This consolidates existing cold storage warehouse and processing; mini-warehouse; private warehouse; processing and warehousing; public warehouse.
- <sup>cxv</sup> This use renames existing transportation services group III and only includes one type use: bus stations.

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## **SECTION 3-5. SPECIAL PURPOSE DISTRICTS**

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### **3-501. GENERAL PURPOSE**

The purpose and intent of the special purpose districts is to recognize and provide lands for certain types of uses and conditions which are not addressed in the other conventional zoning districts.

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### **3-502. SPECIAL PURPOSE ZONING DISTRICTS**

The special purpose zoning districts in this LDC is identified in Table 3.5.2: Special Purpose Zoning Districts.

<b>TABLE 3.5.2: SPECIAL PURPOSE ZONING DISTRICTS</b>
Environmentally Critical (EC) District (EC)
Parks and Community Facilities (P) District

**3-503. ENVIRONMENTALLY CRITICAL (EC) DISTRICT<sup>cxvi</sup>**

**A. Purpose**

The purpose and intent of the Environmentally Critical (EC) District is to preserve and protect certain land and water areas in the Village which have critical ecological, hydrological, or physiographic importance, such as wetlands. Classification of lands to the EC district is intended to prevent a public harm by precluding the use of the land for purposes for which it is unsuited in its natural state, and adversely affects the public interest.

**B. Concept**



**C. Use Table**

The allowed principal and accessory uses in the EC District are identified in Table 3.5.3(C): EC District Uses

**TABLE 3.5.3(C): EC DISTRICT USES [1][2]**

**P = Permitted; S = Permitted by approval of a Special Exception;  
E = Existing Only as of [ ] (insert effective date of LDC); Not listed = Prohibited**

Principal Use Type	Permission	Use Specific Standard
Boating and canoeing with no motors except electric trolling motors	P	
Fishing, sport or recreational	P	
Forest management activities	P	
Hiking and nature study, including clearing for pedestrian boardwalks	P	
Outdoor education	P	
Utility, minor <sup>cxvii</sup>	P	Sec. 4-140
Wildlife management and game reserves	P	

**NOTES:**

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

<sup>cxvi</sup> This carries forward the Environmentally Critical (ECD) District in Secs. 34-981 to -984 of the transitional LDC, with minor refinements to conform the format and structure to the new draft LDC.

<sup>cxvii</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

**3-504. PARKS AND COMMUNITY FACILITIES (P) DISTRICT<sup>cxviii</sup>**

**A. Purpose**

The purpose and intent of the Parks and Community Facilities District is to provide land for active and passive recreation, and for public buildings such as government offices, libraries, and schools. Classification of primarily public lands to the P district is intended to preserve land for public use, including parks, libraries, and noncommercial cultural facilities.

**B. Concept**



**C. Use Table**

The allowed principal and accessory uses in the P District are identified in Table: 3-504.C P District Uses.

**TABLE 3-504.C: P DISTRICT USES [1][2]**

**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>		
Cultural facility, noncommercial <sup>cxix</sup>	P	
Emergency operations center	S	
EMS, fire, or sheriff's station	S	
Hiking and nature study, including clearing for pedestrian boardwalks	P	
Library	P	
Nature Center	P	
Outdoor education	P	
Park, Village, County, or State <sup>cxxi</sup>	P	Sec. 4-102
Post office	P	
Schools, elementary, middle, or high	P	Sec. 4-102
Utility, minor <sup>cxvii</sup>	P	Sec. 4-102; Sec. 4-140

**TABLE 3-504.C: P DISTRICT USES [1][2]**

**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>Accessory Uses</b>		
Bike parking rack	P	Sec. 4-201
Bike share station	P	Sec. 4-201
Community garden	P	Sec. 4-113
Composting, small-scale	P	Sec. 4-201
Cool roof	P	Sec. 4-201
Electric vehicle (EV) level 1 or 2 charging station	P	Sec. 4-201; Sec. 4-202.E
Electric vehicle (EV) level 3 charging station	P	Sec. 4-201; Sec. 4-202.E
Fences	P	Sec. 4-201
Solar energy collection facility, small-scale	P	Sec. 4-201; Sec. 4-202.O
Storage shed	P	Sec. 4-201

**NOTES:**

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

[2] On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.

**D. Density and Dimensional Standards**

Standard	All Uses
Side setback, min. (ft.)	15
Rear setback, min. (ft.)	25
Street setback, min. (ft.)	
Local or private (ft.)	20 <sup>[1]</sup>
Collector or arterial (ft.)	25 <sup>[1]</sup>
Waterbody setback, min. (ft.)	25 feet from the edge of the waterbody

**NOTES:**

[1] Setback from edge of right-of-way or street easement line.



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## SECTION 3-6. LEGACY DISTRICTS<sup>78</sup>

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### 3-601. GENERAL PURPOSE

The purpose and intent of the legacy districts is to identify specific lands with valid approvals from Lee County prior to the Village's incorporation, and allow development on these lands to continue in accordance with the terms and conditions of their original approval. The legacy districts are identified on the Official Zoning Map.

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### 3-602. LEGACY ZONING DISTRICTS

The legacy districts are identified in Table 3-602: Legacy Districts.

TABLE 3-602: LEGACY DISTRICTS
Planned Unit Development (PUD) Districts
RPD-CPD District

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### 3-603. PLANNED UNIT DEVELOPMENT (PUD) LEGACY DISTRICT

The Planned Unit Development (PUD) Legacy District shall consist of the following planned unit developments (PUDs), all approved by Lee County prior to the date of the Village's incorporation. Development in each PUD Legacy District shall comply with the terms and conditions included in their resolutions.

- A. Breckenridge PUD (Laguna Woods): Z-82-038, Z-82-111, ZAB-84-129, ZAB-84-194, PUD-89-001, PUD-89-002, PUD-89-003, PUD-90-001, PUD-90-002, PUD-90-003, PUD-91-017, PUD-92-001, PUD-92-010, PUD-92-018, PUD-95-016, Z-95-073, PUD-96-006, Z-96-014, Z-99-053
- B. The Lakes of Estero PUD (Corkscrew Hammocks): Z-82-111, ZAB-82-111, Z-89-059, ADD2002-00002, ADD2006-00125, ADD2007-00025, ADD2008-00108
- C. The Vines PUD: ZAB-84-018, Z-88-292, Z-89-097, PUD-90-023, Z-92-070, ADD2006-00036
- D. Wildcat Run PUD: Z-80-441, Z-82-060, ZAB-84-171, ZAB-84-171A, PUD-94-030

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### 3-604. RPD-CPD LEGACY DISTRICT

The RPD-CPD Legacy District shall consist of the following developments, all approved by Lee County prior to the date of the Village's incorporation. Development in each RPD-CPD Legacy District shall comply with the terms and conditions included in their resolutions.

- A. Pelican Landing RPD/CPD: Z-94-014

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<sup>78</sup> Certain Planned Unit Development Districts and the hybrid "RPD-CPD" district that have already been approved may continue to be governed by their existing ordinances. This section lists those ordinances for reference.

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## SECTION 3-7. PLANNED DEVELOPMENT DISTRICTS

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### 3-701. PLANNED DEVELOPMENT ZONING DISTRICTS

The Planned Development zoning districts in this LDC are identified in Table 3-701: Planned Development Zoning Districts.

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

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### 3-702. PLANNED DEVELOPMENT DISTRICTS, GENERALLY

#### A. Purpose<sup>79</sup>

The purpose of the Planned Development (PD) zoning districts is to encourage innovative, integrated, and efficient land planning and physical design concepts that are consistent with the comprehensive plan. The planned development districts are intended to achieve a high quality of development, environmental sensitivity, energy efficiency, adequate public facilities and services, and other Village and comprehensive plan goals and objectives by:

1. Reducing the inflexibility of zoning district standards that sometimes results from strict application of the conventional districts, and the other development, form, and design standards of this LDC;
2. Allowing greater flexibility in selecting: the form and design of development, the ways by which pedestrians and traffic circulate, how the development is located and designed to respect the natural features of the land and protect the environment, the location and integration of open space and civic space into the development, and design amenities, while providing for consistency and visual harmony;
3. Where appropriate, supporting a greater mix of land uses within the same development, including a mix of nonresidential development, different housing types, lot sizes, and densities/intensities;
4. Encouraging the provision of centrally-located open space amenities on the site;
5. Allowing more efficient use of land, with smaller networks of streets and utilities;
6. Providing pedestrian connections within the site and to the public right-of way;
7. Promoting development forms and patterns that respect the character of established neighborhoods and other types of land uses; and
8. Providing a mechanism for offsetting the increased cost of the premature commitment of capital by a public utility or service provider through developer donations and dedications of capital through operation of services and facilities, or through a system of impact fees and other forms of mitigation.

#### B. Classification of Planned Development Zoning Districts

Land shall be classified into a PD zoning district only in accordance with the procedures and standards set forth in Sec. 2-501.D, Planned Development, and this section.

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<sup>79</sup> This section builds on, refines the purpose statement for planned developments, to better conform them to current-day Village goals.

**C. Organization of Planned Development Zoning District Regulations**

The following section sets out general standards applicable to the PD zoning districts. Sec. 3-703, Residential Planned Development (RPD) , Sec. 3-704, Community Facilities Planned Development (CFPD) , Sec. 3-705: Commercial Planned Development (CPD) District, Sec. 3-706, Mixed-use Planned Development (MPD) District, Sec 3-707, Estero Planned Development (EPD) District, and Sec. 3-708, Compact Community Planned Development (CCPD) District, contain provisions for each of the different types of PD zoning districts, including a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Master Concept Plan, and references to applicable use and other standards.

**D. General Standards for All Planned Development Zoning Districts**

Before approving a PD zoning district, the Village Council shall find that the application for the PD zoning district classification, as well as the PD Master Concept Plan, comply with the following standards.

**1. Master Concept Plan<sup>80</sup>**

As set forth in this subsection, a PD Master Concept Plan is a required component in the establishment of a PD district. The PD Master Concept Plan shall:

- A. Establish a statement of planning and development goals for the PD zoning district that is consistent with the comprehensive plan and purposes of the individual PD zoning district.
- B. Identify the location and explanation of all existing easements, whether or not those easements are recorded. (If an easement is based upon a recorded document, the official records book reference shall be stated.)
- C. Identify the location of all points of vehicular ingress and egress from existing easements or rights-of-way into the proposed planned development.
- D. Establish and identify the specific principal, accessory, and temporary uses permitted in the district. They shall be consistent with Table 3-702.E: Planned Development Districts Uses, and the purpose and intent of the individual PD zoning district, and be subject to applicable use-specific standards identified in the PD Master Concept Plan and any additional limitations or requirements applicable to the individual PD zoning district.
- E. Identify the individual development areas (i.e. residential, retail, office, light industrial, mixed-use) with detail showing the boundary of each development area within which buildings, parking, or other uses will be located. Also identify the number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the purposes of the PD zoning district and the specific requirements of the individual PD zoning district.
- F. If the proposed planned development is divided into lots or parcels, show the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels). The proposed use of the lots or parcels shall be keyed to the list of proposed uses.
- G. Identify the dimensional standards that apply in the individual PD district. The dimensional standards shall be consistent with the requirements of the individual PD district, and its purposes.
- H. Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development. This includes the minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas.
- I. Include an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by this LDC. (Adjustments and field corrections to the plan

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<sup>80</sup> This builds on Sec. 34- 373 (a) (6) of the transitional LDC.

- can be done administratively at the time of development order, provided the minimum commitments made as part of zoning approval are maintained. No changes to an indigenous or native tree preserve area can be made administratively that would negatively affect screening or buffering to an adjacent property.).
- J. Establish the percentage of open space, unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet.
  - K. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district.
  - L. Identify the general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored, or created.
  - M. Identify the location of environmentally sensitive lands including rare and unique uplands as defined in the Village comprehensive plan and this LDC, resource lands, wildlife habitat, and waterway corridors, and explain how these lands will be protected consistent with the purposes of the individual PD district and the requirements of this LDC.
  - N. If the development is located within a floodplain or flow way, include a commitment that at the time of development order review or district permitting, there will be mitigation of any impacts to flood storage capacity or flow ways due to filling of the site.
  - O. Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD district, and the requirements of this LDC.
  - P. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public roads and existing or projected transportation corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned Village, county, and regional systems in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC.
  - Q. Identify any mitigation to the road system that will be done to address any traffic impacts identified in the traffic impact statement submitted for the project.
  - R. If a subdivision is proposed as part of the planned development, identify the general location of all proposed internal road rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.
  - S. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned Village, county or regional systems (if relevant) in a manner consistent with the comprehensive plan.
  - T. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned Village systems, in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;
  - U. Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD district. The other on-site and off-site public facilities considered shall include but not be limited to parks, schools, and facilities for fire protection, police protection, emergency management, storm water management, and solid waste management;
  - V. Establish provisions addressing how transportation, potable water, sanitary sewer, stormwater management, and other public facilities will be provided to accommodate the proposed development;
  - W. Identify the development standards that will be applied to development, spelling out any deviations from the standards in Chapter 5: Site Development Standards, and Chapter 6: Signage. The development standards shall be consistent with the requirements of the individual PD district and its purposes, and the requirements of this LDC, as appropriate. At a minimum, the development standards shall address:
    - 1. Off-street parking, bicycle, and loading standards (Section 5-2);
    - 2. Mobility and connectivity (Section 5-3);
    - 3. Landscape standards (Section 5-4);

4. Fence and wall standards (Section 5-5);
5. Exterior lighting standards (Section 5-6);
6. Architectural, form, and design standards (Section 5-7);
7. Green building standards (Section 5-8);
8. Signage (Chapter 6); and
9. Natural Resources (Chapter 7).

**2. PD Phasing Plan<sup>81</sup>**

If development in a PD zoning district is proposed to be phased, the PD Master Concept Plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the Village's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

**3. Pattern Books**

Sec. 2-501.D, Planned Development, requires planned development rezonings and amendments to include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for planned development rezonings and amendments shall include at least the following to demonstrate consistency with (or identify modifications from) the standards in this section.

A. Illustrative colored site plan on an aerial photo that depicts:

1. Configuration and phasing of all connecting streets. Streets behind/between outparcels and other planned local streets, along with all access points from adjoining streets, as shown on the development plan with cross-sections for each.
2. Bicycle/pedestrian circulation including potential connections to adjoining property.
3. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.
4. Water management areas (conceptual).
5. Development areas labeled with approximate acreages and with proposed uses.
6. Location, shape, and size of proposed detention and retention areas.
7. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
8. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
9. Type of decorative lighting poles and fixtures.
10. General vehicular circulation.
11. Sketches and location of requested deviations.

B. Architectural elevations that depict the generalized architectural theme or themes that will be characteristic of all façades of buildings throughout the development plan, including a proposed color palette describing colors and materials.

C. A landscaping and open space plan with typical buffer planting detail.

D. Where pad sites or outparcels are to be developed separately, a plan with detailed examples, figures, or photographs that indicates what unifying themes will be common to those sites (architecture, signage, landscaping, etc.).

E. For land adjoining the Estero River, a map showing the top of the riverbank and the regulatory floodway designated on the official flood maps. (Depict the proposed setback of buildings and land alterations from the top of the riverbank and the location of all proposed buildings and land alterations within 200 feet of the river.)

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<sup>81</sup> The current provisions allowing for establishment of a conversion schedule are deleted in this draft of the LDC.

- F. For tracts, blocks, or parcels where access would be controlled for security, a plan diagram that shows what land would have controlled access, the proposed method and extent of access control along with the features thereof, and architectural elevations that depict the appearance of the controlled area from the outside of such parcel. The access plan diagram shall also show the layout of the vehicular, pedestrian, and bicycle network, the proposed operation of the access control features, and the proposed locations of sidewalks, trails, bicycle paths, drives, streets, fencing, gates, and walls and their role in the security for such areas.

**4. *Conditions of Approval*<sup>82</sup>**

Conditions of approval may be included as part of the PD Master Concept Plan to mitigate any reasonably expected impact from the planned development. The conditions of approval shall be reasonably related to the proposed development and any reasonably expected impacts on public services and facilities and the health, safety, and welfare. The conditions of approval shall be adopted as part of the approval of the planned development district and incorporated into the ordinance.

**E. Bonus Density for Planned Developments approved by Lee County Prior to March 17, 2015**

1. A planned development approved by Lee County zoning resolution prior to March 17, 2015, which authorizes bonus density units under the Lee County affordable housing bonus density program and in which vertical development was not commenced as of May 17, 2017, may apply to the Village in accordance with the procedures and standards of this section, to use those bonus density units upon the conversion of the contributions agreed to for affordable housing units, to contributions for the preservation of environmentally sensitive lands, Village recreational lands, or open space.
2. Any landowner requesting to use approved density bonus units in accordance with this section shall, prior to the first development order authorizing vertical construction for a planned development, notify the Director about the number of housing bonus density units approved under the Lee County resolution are proposed to be developed in accordance with this section, and their specific location in the planned development. (The number and location of the bonus density units shall be noted in the local development order.) Furthermore, no development order for vertical construction in which bonus density units will be used shall be approved unless a Pattern Book demonstrating a unified design for the planned development is approved as part of the development order.
3. On the request of the landowner, the Director shall make a written determination as to whether:
  - A. The planned development was approved by Lee County zoning resolution prior to March 17, 2015;
  - B. The number of housing bonus density units authorized in the resolution; and
  - C. The monetary contribution established by the zoning resolution per bonus density unit.
4. Upon confirmation that the requirements of subsection 3 above are met, the request shall be forwarded to the Village Council, who shall establish by Resolution, which may be amended from time to time, the fee contribution for each housing bonus density unit that can be used in accordance with this section.
5. *Payment of Contribution*
  - A. To gain approval and use of the housing bonus density units, the landowner shall pay the monetary contribution to the Village prior to the first development order that includes the use of the approved density bonus. Contributions once made, will not be refunded.
  - B. The funds collected by the Village in accordance with this section shall be held in a separate account and shall only be used within a reasonable period of time after the contributions are paid, for the purchase of public land acquisition for environmentally sensitive lands, Village recreation lands, or open space.

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<sup>82</sup> This section builds on Sec. 34-392 (c) of the transitional LDC.

**F. Planned Development Districts Use Table**

The allowed principal and accessory uses in the planned development districts are identified in Table 3-702.F: Planned Development Districts Uses. The table uses the following abbreviations to designate whether and how a principal or accessory use is allowed in a particular zoning district:

- A An “A” indicates that the use may be allowed as a part of the PD Master Concept Plan for a planned development in accordance with Sec. 2-501.D, Planned Development, subject to any referenced use-specific standards and other applicable regulations of this LDC.

A blank cell indicates that the use is prohibited in the planned development district.

<b>TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES [1]</b>						
<b>A = allowed in a PD district if approved as part of a PD Master Concept Plan</b>						
<b>Blank cell = prohibited</b>						
Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
<b>Principal Uses</b>						
Animal clinic			A	A		
Animal shelter <sup>cxxiii</sup>			A	A		Sec. 4-104
Assisted living facility	A		A	A	A	Sec. 4-105
Automotive service station			A			Sec. 4-106; Sec. 4-112
Banks and financial institutions	A		A	A	A	Sec. 4-112
Bar			A	A	A	
Boat storage, dry			A	A		
Brewpub or micro-brewery, -winery, or -distillery <sup>cxxv</sup>			A	A	A	Sec. 4-109
Broadcast studio, commercial radio and television			A	A		
Building, contractor’s storage yard <sup>cxxvi</sup>			A			
Cemeteries and mausoleums			A			Sec. 4-110
Cinemas and theaters <sup>cxxviii</sup>			A	A	A	Sec. 4-112
Clubs, lodges, or community-oriented associations <sup>cxxix</sup>			A	A	A	
College or university <sup>cxxx</sup>		A	A	A	A	Sec. 4-111
Community garden	A	A	A	A	A	Sec. 4-113
Community residential home <sup>cxxxii</sup>	A		A	A	A	
Continuing care retirement community <sup>cxxxiv</sup>	A		A	A	A	Sec. 4-114
Convenience food and beverage store without gas service	A		A	A	A	Sec. 4-112; Sec. 4-115
Convenience store with gas sales or super convenience store			A	A		Sec. 4-112; Sec. 4-115
Convention center or Exhibition hall <sup>cxxxv</sup>			A	A	A	Sec. 4-112
Counseling, nonresidential <sup>cxxxvi</sup>			A	A	A	
Cultural facility, noncommercial <sup>cxxxvii</sup>		A	A	A	A	
Day care center <sup>cxxxviii</sup>	A			A	A	Sec. 4-116
Drugstore			A	A	A	Sec. 4-112
Dwelling, live-work <sup>cxli</sup>	A		A	A	A	Sec. 4-117
Dwelling, mobile home <sup>cxlii</sup>	A					Sec. 4-118
Dwelling, multiple-family <sup>cxliii</sup>	A		A	A	A	Sec. 4-119
Dwelling, single-family residence	A			A	A	
Dwelling, townhouse	A		A	A	A	

**TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES [1]**

**A = allowed in a PD district if approved as part of a PD Master Concept Plan  
Blank cell = prohibited**

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Dwelling, two-family attached <sup>cxliii</sup>	A			A	A	
Emergency operations center		A	A	A		
EMS, fire, or sheriff's station		A	A	A	A	
Funeral home or mortuary			A	A		Sec. 4-120
Golf course	A			A		Sec. 4-112
Government maintenance facility		A				
Grocery store or food market <sup>cxliv</sup>			A	A	A	Sec. 4-112
Home care facility	A		A			
Hospital <sup>cxlv</sup>			A	A	A	Sec. 4-122
Hotels/motels			A	A	A	Sec. 4-123
Dryclean & Laundry services <sup>cxlvi</sup>			A	A	A	Sec. 4-112
Laundry self-service <sup>cxlvii</sup>			A	A		Sec. 4-112
Library		A	A	A	A	
Manufacturing, assembly, or fabrication, Light <sup>cxlix</sup>			A	A		
Medical or dental lab <sup>cl</sup>			A	A	A	
Medical marijuana dispensary <sup>cli</sup>						
Moving and storage facility <sup>clii</sup>			A			
Nature center	A	A			A	
Newspaper/periodical publishing establishment <sup>cliii</sup>			A	A	A	
Nursing home <sup>clvi</sup>		A	A	A		Sec. 4-125
Office, general business <sup>clvii</sup>			A	A	A	Sec. 4-112
Office, medical			A	A	A	
Outpatient care facilities <sup>clviii</sup>			A	A	A	Sec. 4-126
Park, Village, County, or State <sup>clix</sup>		A		A	A	
Personal services group I <sup>clxiii</sup>			A	A	A	Sec. 4-102; Sec. 4-112
Personal services group II			A	A		Sec. 4-112
Pet services			A	A	A	Sec. 4-127
Pharmaceutical manufacturing			A			
Place of worship		A	A	A	A	Sec. 4-102; Sec. 4-128
Post office		A	A	A	A	
Recreational facilities, indoor <sup>clxiv</sup>			A	A	A	
Recreational facilities, outdoor <sup>clxv</sup>		A	A			Sec. 4-129
Recycling drop-off facility <sup>clxvi</sup>		A	A		A	Sec. 4-130
Religious facility		A	A	A	A	Sec. 4-102; Sec. 4-131
Repair shop, household			A	A	A	Sec. 4-112
Research and development laboratories <sup>clxvii</sup>			A	A	A	
Restaurant, convenience		A	A	A	A	
Restaurant, fast casual or fast food			A	A	A	Sec. 4-132; Sec. 4-133
Restaurant, standard			A	A	A	Sec. 4-132
Retail sales group I <sup>clxviii</sup>			A	A	A	Sec. 4-112; Sec. 4-134



**TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES [1]**

**A = allowed in a PD district if approved as part of a PD Master Concept Plan  
Blank cell = prohibited**

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Retail sales group II			A	A		Sec. 4-112; Sec. 4-134
Schools, elementary, middle, or high <sup>clxxix</sup>		A			A	Sec. 4-102; Sec. 4-135
Self storage <sup>clxxx</sup>			A	A		Sec. 4-136
Showroom, wholesale <sup>clxxi</sup>			A			
Tattoo or body piercing establishment <sup>clxxii</sup>			A	A		Sec. 4-112.D
Tobacco shop <sup>clxxiii</sup>			A	A		Sec. 4-112
Utility, major <sup>clxxiv</sup>		A				Sec. 4-139
Utility, minor <sup>clxxv</sup>	A	A	A	A	A	Sec. 4-140
Vehicle and boat rental and sales <sup>clxxvii</sup>			A	A		Sec. 4-112; Sec. 4-141
Vehicle and boat repair and maintenance <sup>clxxviii</sup>			A	A	A	Sec. 1-101; Sec. 4-142
Vocational or trade school <sup>clxxx</sup>			A	A	A	
Warehouse <sup>clxxxi</sup>			A			
Wireless Telecommunications			A	A		Sec. 4-143
<b>Accessory Uses</b>						
Accessory Apartment	A			A	A	Sec. 4-202.A
Antenna	A	A	A	A	A	Sec. 4-201
Automated teller machine (ATM)	A	A	A	A	A	Sec. 4-201
Automatic car wash			A	A	A	Sec. 4-201
Bike parking rack	A	A	A	A	A	Sec. 4-201
Bike share station	A	A	A	A	A	Sec. 4-201
Clubhouse (as accessory to a residential development, golf, or tennis facility)	A		A	A	A	Sec. 4-201
Community recreation facility (as accessory to a residential development)	A		A	A	A	Sec. 4-201
Composting, small-scale	A	A	A	A	A	Sec. 4-201
Cool roof	A	A	A	A	A	Sec. 4-201
Dock	A	A	A	A	A	Sec. 4-201; Sec. 4-202.C
Drive-through facility			A	A	A	Sec. 4-202.D
Electric vehicle (EV) level 1 or 2 charging station	A	A	A	A	A	Sec. 4-201; Sec. 4-202.E
Electric vehicle (EV) level 3 charging station	A	A	A	A	A	Sec. 4-201; Sec. 4-202.E
Excavation for ponds accessory to single-family residences	A			A	A	Sec. 4-201; Sec. 4-202.F
Fences	A	A	A	A	A	Sec. 4-201
Garage or carport	A	A		A	A	Sec. 4-201
Greenhouse	A	A	A	A	A	Sec. 4-201
Green roof	A	A	A	A	A	Sec. 4-201
Helipad (as an accessory use)			A	A	A	Sec. 4-201
Home garden	A					Sec. 4-201
Home occupation	A			A	A	Sec. 4-201; Sec. 4-202.I

**TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES [1]**

**A = allowed in a PD district if approved as part of a PD Master Concept Plan  
 Blank cell = prohibited**

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Laundromat (as accessory to a multifamily dwelling or mobile home park)			A	A	A	Sec. 4-201
Outdoor display of merchandise (as accessory to a retail sales use)			A	A	A	Sec. 4-201; Sec. 4-202.J
Outdoor seating (as accessory to an eating or drinking establishment)	A	A	A	A	A	Sec. 4-201; Sec. 4-202.K
Outdoor storage (as an accessory use)	A	A	A	A	A	Sec. 4-201; Sec. 4-202.L
Pickleball Facilities	A	A	A	A	A	Sec. 4-201; Sec. 4-202.M
Satellite earth stations and amateur radio antennas	A	A	A	A	A	Sec. 4-201; Sec. 4-202.N
Solar energy collection facility, small-scale	A	A	A	A	A	Sec. 4-201; Sec. 4-202.O
Storage shed	A	A	A	A	A	Sec. 4-201
Swimming pools, tennis courts, porches, decks, and similar recreational facilities	A	A	A	A	A	Sec. 4-201; Sec. 4-202.P

**NOTES:**

[1] *On this use table, if there is no endnote, the use has been carried forward from the transitional LDC without change.*

<sup>cxviii</sup> This new district is designed for parks and some other public-facing community facilities including libraries.

<sup>cxix</sup> This use carries forward the existing consolidation of noncommercial cultural facilities: animal or reptile exhibits; art galleries; aquariums; botanical or zoological gardens; historical sites; museums; planetaria; zoos.

<sup>cxxi</sup> This use renames existing "Parks group I."

<sup>cxvii</sup> This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).

<sup>cxviii</sup> This is a new use.

<sup>cxv</sup> This is a new use.

<sup>cxvii</sup> This is a new use.

<sup>cxviii</sup> This is a new use.

<sup>cxix</sup> This use renames existing fraternal club.

<sup>cx</sup> This is a new use.

<sup>cxvii</sup> Permissions matched to dwelling, multiple-family

<sup>cxviii</sup> This is a new use.

<sup>cxv</sup> This is a new use split out from recreational facilities commercial group V because the Village will probably want to allow this use in different locations than some of the other uses in this use type.

<sup>cxvii</sup> This use renames existing social services group I and II Permissions change: new P.

<sup>cxviii</sup> This use carries forward the existing consolidation of noncommercial cultural facilities: animal or reptile exhibits; art galleries; aquariums; botanical or zoological gardens; historical sites; museums; planetaria; zoos.

<sup>cxviii</sup> This use consolidates day care center, adult; and day care center, child; which have similar permissions.

<sup>cx</sup> This use renames existing live-work unit.

<sup>cx</sup> This use renames existing mobile home.

- cxlii This use renames existing multiple-family building.
- cxliii The transitional LDC defines two-family attached, but refers them together.
- cxliv This consolidates many existing uses and categories: All food stores including food stores group I [(bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens; enclosed fruit and vegetable markets, meat or poultry markets (no slaughtering), produce markets, specialty food stores (including health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water)], and food stores group II (primarily the retail sale, on a bulk basis, of meat products for freezer storage).
- cxlv This use renames existing health care facilities group IV (hospitals).
- cxlvi This use renames existing laundry or dry cleaning group II (non retail intensive cleaning).
- cxlvii This is a new use for what is typically known as a laundromat (coin-operated).
- cxlix This is a new use.
- cl This use renames existing laboratories group II.
- cli This is a new use. Recent Florida clients have requested this use be included in the table with no permissions attached so they are ready to adjust to changing state rules and implementation
- clii This is a new use.
- cliii This is a new use.
- clvi This use consolidates and renames existing health care facilities group I (nursing and personal care facilities not including continuous nursing care) and health care facilities group II (skilled nursing care facilities and hospices with physician and continuous nursing care).
- clvii This is a new use.
- clviii This use renames existing: health care facilities group III (outpatient care facilities).
- clix This use renames existing “Parks group I.”
- clxiii This carries forward personal services group I (generally involving the care of the person or the person’s apparel), but excludes ATMs (an accessory use).
- clxiv This is a new use that includes many of the uses in recreational facilities commercial group IV, but not: Arena, stadium, amphitheater, convention or exhibition halls.
- clxv This consolidates and renames existing recreational facilities commercial group.
- clxvi This is a new use.
- clxvii This use renames existing research and development laboratories group IV.
- clxviii This new use consolidates many existing use groups that may all be categorized as retail sales and services of consumer goods: all specialty retail shops; all household and office furnishings; department stores; hardware store; hobby store and game shops; lawn and garden supply stores; rental or leasing establishments group I & II; used merchandise stores group I; bookstores; clothing stores; home furnishing stores; musical instrument stores; phonograph and phonograph record stores, secondhand; shoe stores); variety store.
- clxix This use replaces existing schools, noncommercial: Lee County School District. The commercial/ noncommercial/county distinction is removed.
- clxx This is a new use.
- clxxi This is a new use.
- clxxii This is a new use split out from personal services group IV because the Village will probably want to allow this use in different locations than some of the other uses in this use type.
- clxxiii This is a new use.
- clxxiv This use reorganizes utility uses, primarily including essential service facilities group III (Electric power generating plants; resource recovery facilities such as incinerators or generation of energy from waste materials) however, not including sanitary landfills.
- clxxv This use reorganizes utility uses, primarily including essential service facilities group I (Electric substations; natural gas or water regulation stations; pumping stations (excluding above-ground water storage facilities); communications, telephone and electrical distribution facilities up to 425 square feet in area and 10 feet in height; solar panels; transmission or metering stations).
- clxxvii This is a new use that provide for the sale or rental of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or other similar vehicles.
- clxxviii This is a new use for establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats. Truck stops and fueling facilities are included in this commercial vehicle repair and maintenance use category equipment, or other similar vehicles.
- clxxx This is a new use.
- clxxxi This consolidates existing cold storage warehouse and processing; mini-warehouse; private warehouse; processing and warehousing; public warehouse.
- clxxxiii This section carries forward Section 27-11, Standards for planned development districts, in the current ordinance.

**3-703. RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT<sup>83</sup>**

**A. Purpose**

The purpose of the Residential Planned Development (RPD) District is to provide land owners a development option for increased flexibility consistent with the goals, policies, and objectives of the comprehensive plan, if they comply with the provisions of the comprehensive plan, and the project will not have an adverse economic, environmental, fiscal, or social impact to surrounding lands and the Village. The principal types of development allowed in the RPD District are permanent year-round residential dwelling units, along with limited commercial development that primarily serves the residents of the RPD.



**B. Use Standards**

All principal and accessory uses shall be consistent with the uses allowed for the RPD District in Table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

**C. Intensity and Dimensional standards**

Standard	Requirement
Lot Area (ft <sup>2</sup> ) [1]	To be established in PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The RPD District shall be consistent with the goals, policies and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.) [2] [3]	
Rear setback, min. (ft.) [2] [3]	
Street setback (arterial street with frontage road) (ft.)	

<sup>83</sup> This carries forward the Residential Planned Development (RPD) regulations in the transitional LDC, with refinements, as noted in footnotes.

Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	
Waterbody setback	25 feet from the edge of the waterbody
Building height, max. (ft.)	35
Setbacks from external perimeter of planned development	[4] [5] [6] [7]

NOTES:

- [1] If the PD Master Concept Plan includes individual lots in clusters or a townhouse configuration, the specific lot area and dimensions shall be determined by the space requirements of the unit itself, the provision of private open space, and the voluntary reservation of additional common open space, if any.
- [2] If the PD Master Concept Plan includes single-family detached or attached zero lot line housing, each dwelling unit may have one wall without windows or doors on a side lot line, may encroach with eaves or cornices no more than 36 inches into the adjacent yard, and shall maintain at least a minimum separation from the building on the side opposite the zero setback line consistent with the standard set forth in [3] below (ten feet as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official).
- [3] If the PD Master Concept Plan includes clustering of single-family detached structures, as long as sufficient separation is maintained to prevent the spread of fire, and as long as adequate access is provided for emergency services as certified by the Fire Official, the separation of buildings may be reduced to no less than ten feet.
- [4] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [5] Parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [6] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, safety, welfare.
- [7] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

**D. District-Specific Development Standards<sup>clxxxiii</sup>**

Development in a RPD district shall comply with the following standards.

**1. Nonresidential Development**

- A. The amount of nonresidential development in the PD Master Concept Plan for the RPD shall comply with the requirements in Table 3-703.D.1.A: Maximum Gross Nonresidential Floor Area Allowed in RPD.

<b>TABLE 3-703.D.1.A: MAXIMUM GROSS NONRESIDENTIAL FLOOR AREA ALLOWED IN RPD [1]</b>	
<b>Total Approved Dwelling Units</b>	<b>Gross Nonresidential Floor Area Allowed (maximum square feet)</b>
Less Than 150 dwelling units	None
150-300 dwelling units	2,500
301-600 dwelling units	7,500
601-1200 dwelling units	17,500
More than 1200 dwelling units	Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project.
NOTES:	
[1] The following uses shall not be counted against the maximum gross floor area in the RPD: EMS, fire, or sheriff's station; place of worship; school, elementary, middle, or high; day care; food or beverage, limited service; restaurant, convenience; restaurant, standard; drugstore; grocery store or food market; gas station (with self-service fuel pumps only), and home occupations.	

- B. Unless constrained by physical factors or other standards in this LDC (e.g., wetlands preservation), nonresidential development shall be oriented to the interior of the project, located centrally within the development, and not be quickly or easily accessible from the exterior of the development.
- C. Outside display or storage of goods for retail sale is prohibited.
- D. Signage for commercial developments other than project sales shall not be visible from the perimeter of the project, and shall otherwise comply with Chapter 6: Signage.
- E. Parking for commercial development shall comply with Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards, unless deviated in accordance with Sec. 3-703.D.3, Deviation from Development Standards, except that up to, but not more than, one-half of the required number of parking spaces may be reduced in direct proportion (one space deleted per dwelling unit) to the number of dwelling units located within one-quarter mile of the nonresidential area, as measured to the geometric center of the nonresidential area, if it is served by a continuous and technically adequate system of pedestrian and bicycle paths or ways.
- F. Real estate sales activity and model homes shall be limited to the RPD project only. Such uses shall be terminated upon the sale of the last dwelling unit in the project or phase, or 12 months after the issuance of the last certificate of occupancy for the last dwelling unit built in the project or phase, whichever occurs first.
- G. No development or occupancy of nonresidential development shall commence until a substantial proportion of the residential development occurs and is occupied. Table 3-703.D.1.G: Maximum Percent of Nonresidential Development Allowed in Relation to Residential Development, indicates the maximum proportion of the total permitted commercial floor space that may be occupied for a minimum proportion of residential land uses commenced. This limit shall not apply to health care facilities.

<b>TABLE 3-703.D.1.G: MAXIMUM PERCENT OF COMMERCIAL DEVELOPMENT ALLOWED IN RELATION TO RESIDENTIAL DEVELOPMENT</b>				
<b>Type of Development</b>	<b>Percent of Development</b>			
Percent of Residential Dwelling Units Commenced	25	50	75	100
Maximum Percent of Commercial Floor Space Permitted	25	50	100	

**2. Pedestrian and Non-motorized Connections<sup>86</sup>**

Pedestrian and non-motorized amenities shall be provided to establish connections within the site and to adjacent public streets. Amenities may include, but are not limited to:

- A. Sidewalks and trails;
- B. Wayfinding markers and signage;
- C. Crosswalks, raised intersections, traffic signals, or other safety features;
- D. Curb cuts for bicycles, wheelchairs, and other forms of non-motorized transportation; and
- E. Paths that connect to buildings, parking areas, open space areas, and public streets.

**3. Deviation from Development Standards**

- A. Development in a RPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they

<sup>86</sup> This is a new standard.

are deviated from as allowed by Table 3-703.D.3.A: Development Standards Subject to Deviations.<sup>87</sup>

<b>TABLE 3-703.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS</b>	
<b>Standard</b>	<b>Means to Deviate</b>
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

B. Modifications to development standards, in accordance with Table 3-703.D.3.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purposes of the RPD district; and
2. Documented in the PD Master Concept Plan, with a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

**4. Site Access<sup>88</sup>**

Any streets, alleys, and driveways proposed shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic of the PD district, but may be designed to discourage through traffic from traversing the development.

**5. Utilities<sup>89</sup>**

The RPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

**6. Privacy<sup>90</sup>**

The planned development shall provide reasonable visual and acoustical privacy for individual dwelling units, including fences, insulation, walks, and barriers, for protection and aesthetic enhancement of property for the privacy of the occupants.

**7. Sale of Alcoholic Beverage**

Sale of alcoholic beverages shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the Master Concept Plan.

<sup>87</sup> The addition of the table provides more specificity to the deviations from development standards that are allowed in a planned development.

<sup>88</sup> This is a new standard.

<sup>89</sup> This is a new standard.

<sup>90</sup> This is a new standard.





**3-704. COMMUNITY FACILITIES PLANNED DEVELOPMENT (CFPD) DISTRICT<sup>91</sup>**

**A. Purpose**

The purpose of the Community Facilities Planned Development (CFPD) District is to provide lands to accommodate those governmental, religious, and community service activities which frequently complement and are necessary to the types of activities allowed in other zoning districts, but which, due to their size, intensity, or nature of the use and the potential impact on adjacent uses, roads, or other infrastructure, should not be allowed as a use by right in a conventional zoning district. Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through any conventional zoning district. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding developments.



**B. Use Standards**

All principal and accessory uses shall be consistent with the allowed uses for the CFPD District in Table 3-702.F: Planned Development Districts Uses, and be identified and approved in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

**C. Intensity and Dimensional Standards**

Standard	Requirement
Lot Area (ft <sup>2</sup> )	To be established in PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The CFPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	

<sup>91</sup> This carries forward the Community Facilities Planned Development (CFPD) regulations in the transitional LDC, with refinements, as noted in footnotes.

**C. Intensity and Dimensional Standards**

Street setback (private street) (ft.)	
Intensity/Density	
Waterbody setback	25 feet from the edge of the waterbody
Building height, max. (ft.)	35
Setbacks from external perimeter of planned development	[1] [2] [3] [4]

NOTE:

- [1] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [2] Parking or internal roads or drives shall not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [3] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, welfare, or safety.
- [4] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

**D. District-Specific Development Standards<sup>clxxxiv</sup>**

Development in a CFPD district shall comply with the following standards.

**1. Pedestrian Connections**

Pedestrian connections within the site is encouraged. Pedestrian features may include, but are not limited to:

- A. Sidewalks and trails;
- B. Crosswalks, raised intersections, or other safety features;
- C. Sidewalks and paths that connect to buildings, parking areas, open space areas, and public streets.

**2. Deviation from Development Standards<sup>92</sup>**

- A. Development in a CFPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-704.D.2.A: Development Standards Subject to Deviations, and this section.

TABLE 3-704.D.2.A: DEVELOPMENT STANDARDS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan

<sup>92</sup> The addition of the table provides more specificity to the deviations from development standards that are allowed in a planned development.

<b>TABLE 3-704.D.2.A: DEVELOPMENT STANDARDS</b>	
<b>Standard</b>	<b>Means to Deviate</b>
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

B. Deviations to development standards, in accordance with Table 3-704.D.2.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the CFPD district; and
2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

**3. *Outdoor Display of Goods***

All outdoor display of goods is prohibited.

**4. *Outdoor Storage of Goods***

Any outdoor storage of goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely and visually buffered.

**5. *Site Access*<sup>93</sup>**

Any roads, alleys, and driveways proposed shall be adequate to serve the development and other anticipated traffic of the CFPD district.

**6. *Utilities*<sup>94</sup>**

The CFPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

<sup>93</sup> This is a new standard.

<sup>94</sup> This is a new standard.

**3-705. COMMERCIAL PLANNED DEVELOPMENT (CPD) DISTRICT<sup>95</sup>**

**A. Purpose**

The purpose of the Commercial Planned Development (CPD) District is to provide lands and development options to accommodate commercial and office development with amenities, along with multiple-family, townhouse, live/work, hotel/motel, health care facilities, and other limited institutional development.<sup>96</sup> Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the conventional zoning districts. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding development.



**B. Use Standards**

All principal and accessory uses shall be consistent with the uses allowed in the CPD District in Table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

**C. Intensity and Dimensional Standards**

Standard	Requirement
Lot Area (ft <sup>2</sup> )	To be established in the PD Master Concept Plan as set forth in Sec. 3-702, Planned Development Districts, Generally. The CPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	

<sup>95</sup> This carries forward the Commercial Planned Development (CPD) District in the transitional LDC, with refinements, as noted in footnotes.

<sup>96</sup> The uses identified in the current CPD District are carried forward, but the nomenclature used is changed to conform to the use structure in the updated LDC.

<b>C. Intensity and Dimensional Standards</b>	
<b>Standard</b>	<b>Requirement</b>
Street setback (arterial street with frontage road) (ft.)	
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	
Waterbody setback	25 feet from the edge of the waterbody
Building height, max. (ft.)	45
Setbacks from external perimeter of planned development	[1] [2] [3] [4]

**NOTE:**

- [1] The width of any buffer area or landscape strip required by Section 5-4, Landscape Standards, or 15 feet, whichever is greater.
- [2] Parking or internal roads or drives shall not be closer to the development perimeter than the width of any buffer area or landscape strip required by Section 5-4, Landscape Standards.
- [3] The provisions of this subsection notwithstanding, the Village Council may require greater setbacks and buffers when, in its opinion, they are necessary for the protection of public health, safety, or welfare.
- [4] Uses allowed in required perimeter setbacks include bikeways, pedestrian walks, sidewalks, jogging paths, and park furniture, including gazebos and picnic shelters.

**D. District-Specific Development Standards<sup>clxxxv</sup>**

Development in a CPD district shall comply with the following standards.

**1. Industrial Uses**

- A. All light industrial and industrial uses shall be conducted within a fully enclosed building.
- B. Any industrial use shall not emit dust, smoke, odor, or other air or water pollutants, glare, sound or other vibration that can be perceived outside the boundaries of the development site.
- C. Industrial uses shall not receive, process, or create hazardous materials.

**2. Pedestrian Connections**

The planned development is encouraged to provide pedestrian connections within the site and to adjacent public roads. Amenities may include, but are not limited to:

- A. Sidewalks and paths, including connections to buildings, parking areas, open space areas, and public roads;
- B. Wayfinding markers and signage; and
- C. Crosswalks, raised intersections, traffic signals, or other safety features.

**3. General Development Standards**

- A. Development in a CPD district shall comply with the standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated from as allowed by Table 3-705.D.3.A: Development Standards Subject to Deviations.

<b>TABLE 3-705.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATION</b>	
<b>Standard</b>	<b>Means to Deviate</b>
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	Deviations Prohibited
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

- B. Modifications to development standards, as allowed in Table 3-705.D.3.A: Development Standards Subject to Deviations, shall be:
1. Consistent with the purpose of the CPD district; and
  2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

**4. *Site Access***

Roads, alleys, and driveways proposed shall be adequate to serve the development and other anticipated traffic of the CPD district.

**5. *Off-Street Parking***

Where appropriate, common driveways and parking areas are encouraged to be provided.

**6. *Pedestrian Circulation***

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular road system in order to provide separation of pedestrian and vehicular movement.

**7. *Outdoor Display of Goods***

All outdoor display of goods for sale shall be set back from public rights-of-way a minimum of 25 feet.

**8. *Outdoor Storage of Goods***

Any outdoor storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely and visually buffered.

**9. *Utilities***

The CPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

**10. *Sale of Alcoholic Beverage***

Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the PD Master Concept Plan.

**3-706. MIXED-USE PLANNED DEVELOPMENT (MPD) DISTRICT<sup>97</sup>**

**A. Purpose**

The purpose of the Mixed-Use Planned Development (MPD) district is to encourage integrated, well-planned, pedestrian-friendly, mixed-use developments in appropriate locations throughout the Village, including but not limited to lands designated Transitional Mixed Use in the Future Land Use Map in the comprehensive plan. A range of residential and nonresidential uses are allowed, with the intent of providing a variety of housing options and mutually-supportive nonresidential uses that serve the residents and the surrounding neighborhood.

The district accommodates a wide range of commercial, office, lodging (hotels), government (public and quasi-public), residential, and supporting civic uses (like schools and places of worship).

Flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the conventional zoning districts. District standards encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding development.



**B. Use Standards**

All principal and accessory uses shall be consistent with the uses allowed in the MPD District in table 3-702.F: Planned Development Districts Uses, and be identified in the PD Master Concept Plan, in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

**C. Intensity and Dimensional standards**

Standard	Requirement
Lot Area (ft <sup>2</sup> )	To be established in PD Master Concept Plan and as set forth in Sec. 3-702, Planned Development Districts, Generally. The MPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM.
Lot coverage, max (percent of total area)	
Lot width, min. (ft.)	
Lot depth, min (ft.)	
Side setback, min. (ft.)	
Rear setback, min. (ft.)	
Street setback (arterial street with frontage road) (ft.)	

<sup>97</sup> This carries forward the Mixed-use Planned Development (MPD) regulations in the transitional LDC, with refinements, to allow for implementation of the Transitional Mixed Use designation in the Future Land Use Element of the comprehensive plan. It provides lands that support and encourage mixed-use, walkable urbanism. To ensure development is in a form that is attractive, pedestrian-friendly, well-connected, and supports multiple modes of mobility, basic form and design standards are included.

<b>C. Intensity and Dimensional standards</b>	
<b>Standard</b>	<b>Requirement</b>
Street setback (arterial street without frontage road) or local street (ft.)	
Street setback (private street) (ft.)	
Intensity/Density	Consistent with comprehensive plan, and for lands designated Transitional Mixed Use, the bonus density standards (if applicable)
Building height, max. (ft.)	45
Waterbody setback	50 feet from the edge of the waterbody

**D. District-Specific Development Standards**<sup>clxxxvi</sup>

Development in a MPD district shall comply with the following standards.

**1. Use mixing**

The development shall provide a mix of residential and nonresidential uses by meeting or exceeding the following thresholds:

- A. Including a residential component of 50 or more dwelling units;
- B. Including a commercial component on a parcel at least two acres in area that includes 30,000 square feet of floor area

**2. Building Orientation**

The front façade of all buildings, as defined by the primary entrance, shall face a street or a courtyard, plaza, or similar open space.

**3. Buildings to the Front**

Buildings are strongly encouraged to be brought to the front of the lot, and placed within a build-to zone that is at a minimum 15 feet from the street setback line and a maximum of 40 feet from the street setback line, and ensure that buildings be located along a minimum of 60 percent of the build-to zone. Development is also encouraged to locate outdoor gathering spaces, dining areas, plazas, landscaped areas, and similar uses in the build-to-zone, between the building and the sidewalk.

**4. Pedestrian Connections**

- A. Pedestrian connections shall be provided to establish connections within the site, and to adjacent public streets. Pedestrian elements may include, but are not limited to:
  - 1. Bicycle lanes, and trails;
  - 2. Wayfinding markers and signage;
  - 3. Crosswalks, raised intersections, traffic signals, or other safety features;
  - 4. Curb cuts for bicycles, wheelchairs, and other forms of non-motorized transportation; and
  - 5. Sidewalks and paths that connect to buildings, parking areas, open space areas, and public roads, as appropriate.
- B. The vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the site and adjacent parcels of land. The Director may waive or modify this requirement on determining that such cross-access is impractical due to site constraints, is inappropriate due to traffic safety issues, or is undesirable due to the proposed development’s incompatibility with existing development on the adjacent parcel.
- C. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining parcels of land, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the land records of Lee County.

**5. Parking Location**

A minimum of 75 percent of all proposed new or additional surface parking areas shall be located to the side or rear of the development’s principal building(s) or in a parking structure. There shall



be no more than two rows of parking in the front of the building. Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings or landscaped areas. All parking areas and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and a primary pedestrian entrance(s) to the building(s) served by the parking area.

**6. Pedestrian Circulation**

Sidewalks shall be provided on both sides of the street, with a planting strip (street trees at one per 50 feet on center (on average), ground cover and/or grates located in this planting area). To the maximum extent practicable, street trees shall be planted between the sidewalk and the street. Sidewalks shall maintain a pedestrian “clear zone” that is unobstructed by any permanent or nonpermanent object for a minimum width of six feet. Where a sidewalk or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height.

**7. General Development Standards**

A. Development in a MPD district shall comply with the standards in Article 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources, unless they are deviated as allowed by Table 3-706.D.7.A: Development Standards Subject to Deviations.

<b>TABLE 3-706.D.7.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATION</b>	
<b>Standard</b>	<b>Means to Deviate</b>
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan
Section 5-4, Landscape Standards	PD Master Concept Plan, except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan, except shall comply with the standards in Sec. 5-705.C, Mixed-Use Development Design Standards
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan
Chapter 7: Natural Resources	Deviations Prohibited

B. Modifications to development standards, as allowed in Table 3-706.D.7.A: Development Standards Subject to Deviations, shall be:

1. Consistent with the purpose of the MPD district; and
2. Documented in the PD Master Concept Plan, stating a clear basis for why the change is needed and how it supports and is consistent with the comprehensive plan and high-quality development, and how it enhances the planned development.

**8. Site Access**

Roads, alleys, and driveways proposed shall be adequate to serve the development of the PD district, but may be designed to discourage through-traffic from traversing the development.

**9. Outdoor Display of Goods**

All outdoor display of goods for sale shall be set back from public rights-of-way a minimum of 25 feet.

**10. Outdoor Storage of Goods**

Outdoor storage of retail or wholesale goods is prohibited.

**11. Utilities**

The MPD shall provide for underground installation of utilities (including electricity and telephone) for new development. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities.

**12. Sale of Alcoholic Beverage**

Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of Section 4-4, Alcoholic Beverages, and other special conditions included in the PD Master Concept Plan.

**13. Bonus Density**

As part of an application for MPD rezoning for property that is designated Transitional Mixed Use on the Future Land Use Map, the density bonuses listed in Table 3-706.D.13: Transitional Mixed Use Bonus Density, may be granted through the public hearing process:

<b>TABLE 3-706.D.13: TRANSITIONAL MIXED USE BONUS DENSITY</b>		
<b>Development Type</b>	<b>Standard Density (Maximum)</b>	<b>Bonus Density (Maximum)</b>
Integrated Horizontal Mixed-Use Development Subject to Compatibility Standards	1 dwelling unit (du) per acre, up to 10 dus per acre, based on gross residential acreage	Up to 14 dus per acre total on the site, based on gross residential acreage, if the proposed development: <ul style="list-style-type: none"> <li>• Ensures that all buildings are connected by pedestrian ways or sidewalks;</li> <li>• Preserves all environmentally sensitive lands on the site consistent with the comprehensive plan;</li> <li>• Locates all development outside the 100-year floodplain;</li> <li>• Provides adequate recreational land on the site to serve the residents of the development;</li> <li>• Provides access from the site to any adjacent public recreational lands, or other public trails, greenways, or pedestrianways;</li> <li>• Exceeds the Gathering Place standards of Table 5-705.C.1: Placemaking Standards, by a minimum of 15 percent;</li> <li>• Provides contributions to the Village, for acquisition of off-site environmentally sensitive lands, Village recreational lands, or public open space in accordance with Ordinance No. 2017-03.</li> </ul>
Vertical Mixed-Use Development Subject to Compatibility Standards	1 du per acre, up to 16 dus per acre, based on gross acreage (including nonresidential land)	Up to 20 dus per acre based on gross acreage (including nonresidential land), if the proposed development: <ul style="list-style-type: none"> <li>• Complies with all the provisions of Sec. 3-706.D.3, Buildings to the Front;</li> <li>• Ensures all (100 percent) of the off-street parking is located to the side or rear of the buildings, with no greater than 30 percent of the parking located to the side of any building;</li> </ul>

**TABLE 3-706.D.13: TRANSITIONAL MIXED USE BONUS DENSITY**

Development Type	Standard Density (Maximum)	Bonus Density (Maximum)
		<ul style="list-style-type: none"> <li>• Provides in appropriate locations of greatest pedestrian activity on the site, sidewalks greater than six feet in width;</li> <li>• Locates all development outside the 100 year floodplain;</li> <li>• Provides adequate recreational land on the site to serve the residents of the development consistent with the comprehensive plan;</li> <li>• Provides access from the site to any adjacent public recreational lands, or other public trails, greenways, or pedestrianways;</li> <li>• Exceeds the Gathering Place standards of Table 5-705.C.1: Placemaking Standards, by a minimum of 15 percent;</li> <li>• To the maximum extent practicable, establishes a block layout development pattern;</li> <li>• Provides contributions to the Village, for acquisition of off-site environmentally sensitive lands, Village recreational lands, or public open space in accordance with Ordinance No. 2017-03.</li> </ul>

### **3-707. ESTERO PLANNED DEVELOPMENT (EPD) DISTRICT**

#### **A. Estero Planned Development (EPD) District**

1. This LDC contains two zoning districts that encourage land in the Village Center Area to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. One district is the Compact Community Planned Development (CCPD) District. The other is the Estero Planned Development (EPD) District, which is established in this section. Any rezoning or zoning amendment within the Village Center Area shall be to one of these two districts.
2. The EPD district contains tiered standards that apply to the Village Center Area. Landowners may apply for an amendment to the Official Zoning Map for planned development (Sec. 2-501.D, Planned Development) to have these new standards and densities applied to specific tracts of land.

#### **B. General Criteria**

The general criteria for the EPD District are as follows and will apply in all tiers, as defined below. These general criteria set out the defining principles used to create the standards for the EPD district and provide the rationale to be followed with respect to any amendment to the Official Zoning Map, or other applications for development in the district. Wherever issues arise in such amendment process or other applications, which are not specifically determined by the EPD District tier standards, the general criteria shall be applied. As part of the approval process with respect to an amendment or other application for development in the EPD District, the Village Council, shall make a written finding as to whether, and to what degree, such application is consistent with these General Criteria.

##### **1. Goals**

The specific goals set forth in the comprehensive plan for the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

##### **2. Reasonable Standards**

The provisions of this LDC implementing the EPD District are designed as reasonable standards and guidelines to foster consistent and high quality built results and public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving the goals and objectives set forth in the comprehensive plan relating to the Village Center Area. Such standards designate the requirements for the required pattern books, the locations where different building form standards apply, the relationship of buildings to the public space, and public standards for such elements in the public space as sidewalks, bicycle lanes, automobile travel lanes, on-street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality, and walkability in the Village Center Area. Such standards also permit other reasonable means that accomplish the goals and objectives of the comprehensive plan in a different or complementary manner by the Village's ability to grant deviations or variances from the standards set forth herein in circumstances where the strict application of the standards will not best achieve the goals underlying such requirements.

##### **3. Accessibility**

The criteria implementing the EPD District for the Village Center Area are designed to make the public space accessible, both socially and physically connected, and walkable. Such guidelines (a) are based on the primacy of the human scale over the automobile, (b) are designed to balance private property interests and property rights with public goals, and (c) enjoy simple, understandable, and physically determined methods to achieve these goals.

##### **4. Streets**

In these criteria the street becomes the key part of the public space. All streets shall in some way become a part of a connected, continuous street network which are designed to encourage the mixing of uses in the Village Center Area. A variety of different types of streets which connect neighborhoods and destinations will serve the public interest by minimizing the traffic load and the need for increased capacity on any one street. Except as specifically set forth in this section,

streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

**5. *Street Design***

Distances between intersections of streets should favor the goals and objectives of enhancing walkability of streets and connectivity. The design of streets shall favor their proper use by pedestrians, where the guiding principle is to calm traffic and to specifically slow traffic at intersections to allow pedestrians to cross streets quickly and safely. Landscaped medians and two-way streets help to achieve these goals and objectives by reducing the apparent width of streets and providing safer crossings. On-street parking, where appropriate and feasible, protects pedestrians from the actual and perceived danger of moving traffic.

**6. *Lots and Blocks***

The proper application of the principles regarding connectivity of streets will then create a network of local streets which will result in varieties of blocks of land and differing sized lots within such blocks. Rather than specify a particular grid of lots and blocks which may differ within the Tiers, variations in the size and dimensions of lots and blocks are permitted so long as the overall objectives for connectivity and walkability are achieved on a performance-based standard. However lots or blocks may be ultimately designed, the sides form a part of the public space and will be defined by the types and varieties of streets that surround them. By way of example, alleys can absorb parking and service loads, and allow the outer faces of blocks to become more intensely pedestrian in nature. Within the blocks that are created by the streets, a variety of widths and depths of individual lots will determine the range of building types and densities that will eventually establish the intended urban fabric of the Village Center Area.

**7. *The Visual Edge***

The sidewalks, setbacks, building façades, and other characteristics of the visual edge of a publicly accessible street are also important features under the standards for the EPD District. The height of the buildings, setbacks, and projections define the enclosure of the street. The maximum width and height of buildings define a building's mass, while the architectural features of the building, especially the interrelationship of the design and the public space will ultimately determine the social vitality of the street. So too are the characteristics of built form and landscape design which are deemed to be mutually dependent.

**8. *Architecture***

Architectural variety of buildings and unique approaches to design and structure are to be valued under the standards for the EPD District. However, equally important is the fact that adjacent buildings and public spaces that share some of the characteristics of its neighbors will generate a cohesive framework in the Village Center Area.

**9. *Quality of Buildings***

Buildings are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and of such high technical quality to allow for their continuing renovation and adaptive reuse well beyond the expiration of their initial planned use or cost recovery. Building design and construction are encouraged to be cognizant of southwest Florida's unique climate, and ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

**C. Applications and Procedures**

Except as otherwise specifically set forth in this section, application requirements and approval procedures under this LDC for the EPD District will be the same as for other amendments to the Official Zoning Map for planned developments (see Sec. 2-501.D, Planned Development), except that the Master Concept Plan will be replaced by a Tiered Development Plan as follows:

1. In place of designating "individual development areas," the development plan shall indicate the connecting street network and proposed tier designations:
  - A. The development plan shall show the proposed configuration and location of the connecting street network, including the connection points along the perimeter and the routes between those points.

- B. All land within the development plan shall be designated to be within one or more of the tiers established in Sec. 3-707.D, Tiers.
  - C. The development plan shall show additional streets behind and in some cases between out parcels where these streets are required.
  - D. For land in Tier 1, only the development plan shall show any additional streets that are planned as connecting streets. as such term is defined in this LDC.
  - E. For land in Tiers 2 or 3, the development plan shall show the location of all proposed streets and indicate the classification of streets as described in Sec. 3-707.H.1, Public Versus Private Streets.
- 2. Mixes of complementary uses of land are encouraged within the EPD District. The development plan shall indicate the proposed uses of land in each tier. If the development plan includes outparcels along arterial or collector roads, the proposed uses on those sites shall also be indicated.
  - 3. The development plan shall demonstrate compliance with the additional standards and intent of this section.

#### D. Tiers

- 1. This subsection provides standards for four levels of development that will contribute to a walkable mixed-use environment in the Village Center Area:
  - A. **Tier 1** accommodates residential neighborhoods and incidental commercial uses with a minimum network of connecting streets for the general public and residents to move by car, bike, and on foot.
  - B. **Tier 2** accommodates residential neighborhoods with higher densities than Tier 1 and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with a higher level of non-residential uses and, in each case greater connectivity than Tier 1.
  - C. **Tier 3** accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with potentially higher densities and a higher level of non-residential uses as well.
  - D. **Tier 4** allows an entire development tract to be planned as a compact community.
- 2. Applications for the EPD District shall designate at least Tier 1 for the entire property being amended to an EPD District. Applications may also request Tier 2 or Tier 3 for all or portions of the property specified on the development plan. Tiers 2 and 3 can comprise entire compact neighborhoods or can be applied in smaller increments as parts of other neighborhoods. See examples of potential tier arrangements in Figure 3-707.T.2, which is provided for illustrative purposes only. Applicants seeking Tier 4 shall demonstrate the entire property being rezoned complies with Sec. 3-708, Compact Community Planned Development (CCPD) District.
- 3. The provisions in Policy FLU-1.7.1<sup>98</sup> of the comprehensive plan regarding vested rights and the procedure for determining such vested rights shall be utilized in circumstances under this section where a property owner is unclear as to the exact nature of the vested rights that are claimed.
- 4. Amendment approvals for the EPD District will not force the reduction in the overall number of dwelling units allowed by an unexpired Master Concept Plan for the same tract and will not nullify any conditions of the original density grant. However, notwithstanding the foregoing sentence, such amendment approvals for the EPD District may require the reconfiguration of streets, individual development areas, access points for connecting streets or other local streets, preserve areas, and other site plan details.
- 5. As to any development parcel in the Village Center Area with vested rights to develop under an approved and unexpired Master Concept Plan, nothing in this section shall affect or limit the right of the owner of such parcel to seek an amendment to the Master Concept Plan under the provisions of the LDC in existence prior to June 22, 2016, and in accordance with the provisions of Sec. 2-501.D, Planned Development), through a minor planned development application or, if applicable, by an administrative amendment in accordance with Sec. 2-506.C.2, Administrative

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<sup>98</sup> Ordinance 2016-07 used policy 19.8.4 in this standard. We were unable to corroborate that numbering but believe it references Policy FLU-1.7.1 in the comprehensive plan.

Deviation, provided, however, that such amendment seeks no increase in density beyond ten percent of vested dwelling units or an increase in intensity.

**E. Maximum Residential Density**

1. Residential densities within each tier of a proposed development plan are established by the Village Council during the amendment process (Sec 2-501.D, Planned Development). These density levels shall be within the density ranges in the comprehensive plan (see Policy FLU-1.2.1<sup>99</sup>).
  - A. For land in Tier 1, densities are measured in dwelling units per gross residential acre of Tier 1 land as density is defined in the glossary of the comprehensive plan.
  - B. For land in Tiers 2 or 3, or entirely in Tier 4, densities are measured in dwelling units per gross acre for each entire tier, including non-residential land in that tier.
2. Maximum residential densities for land in each tier are identified in Table 3-707.E: Maximum Residential Densities:

<b>TABLE 3-707.E: MAXIMUM RESIDENTIAL DENSITIES</b>		
<b>Tiers</b>	<b>Base Densities</b>	<b>Additional Densities if Incentive Offers are Accepted as Providing Significant Public Benefits</b>
Tier 1	Up to 6	6.1 to 9
Tier 2	Up to 10	10.1 to 14
Tier3	Up to 15	15.1 to 20
Tier 4	Up to 21	21.1 to 27

3. During the amendment process, the Village Council, among other determinations, may reduce the residential density from Table 3-707.E: Maximum Residential Densities, if the Council determines that the proposed project does not meet all of the requirements as well as the intent of the district, or if significant deviations are requested from essential requirements upon which the applicable density increase in the district are sought, or if the incentive offers that are proposed do not provide significant public benefits.

**F. Maximum Building Height**

1. Building heights in the EPD district are measured the same as for all other development in Estero.
2. Maximum building heights for land in each tier are identified in Table 3-707.F: Maximum Building Height:

<b>TABLE 3-707.F: MAXIMUM BUILDING HEIGHT</b>		
<b>Tiers</b>	<b>Base Height Allowance</b>	<b>Maximum Height if Incentive Offers are Accepted as Providing Significant Public Benefits</b>
Tier 1	45 feet	45 feet
Tier 2	50 feet	60 feet
Tier3	60 feet	70 feet
Tier4	70 feet	80 feet

<sup>99</sup> Ordinance 2016-07 used policy 19.8.7 in this standard. We were unable to corroborate that numbering but believe it references Policy FLU-1.7.1 in the comprehensive plan.

## G. Pattern Books

Sec. 2-501.D, Planned Development, requires amendments to include a pattern book that illustrates the anticipated visual character of new development including its architecture and landscaping. All applications for the EPD District, except for those in Tier 4, shall meet the requirements listed below for the respective tier within their required pattern book. A pattern book is optional but recommended for Tier 4 applications. The following standards for pattern books required under this section apply to specific tiers. Where there are direct conflicts with another provision of this section, these standards will apply.

### 1. Tier 1 Pattern Book

A pattern book for land proposed only for Tier 1 is not as detailed as a pattern book for higher tiers. Pattern book contents for lands designated for Tier 1 development shall include at least the following to demonstrate consistency with (or identify deviations or variances from) the standards outlined in this section.

- A. Illustrative colored site plan on an aerial photo that depicts:
  1. Configuration and phasing of all connecting streets. Streets behind/between outparcels and other planned local streets, along with all access points from adjoining streets, as shown on the development plan with cross-sections for each.
  2. Bicycle/pedestrian circulation including potential connections to adjoining property.
  3. Landscaped areas, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.
  4. Water management areas (conceptual).
  5. Development areas labeled with approximate acreages and with proposed uses.
- B. Architectural elevations that depict the generalized architectural theme or themes that will be characteristic of all façades of buildings throughout the development plan, and including a proposed color palette.
- C. Landscaping and open space plan with typical buffer planting detail.
- D. Where pad sites or outparcels are to be developed separately, a plan with detailed examples, figures, or photographs that indicates what unifying themes will be common to those sites (architecture, signage, landscaping, etc.).
- E. For land adjoining the Estero River, a map showing the top of the riverbank and the regulatory floodway designated on the official flood maps. (Depict the proposed setback of buildings and land alterations from the top of the riverbank and the location of all proposed buildings and land alterations within 200 feet of the river.)
- F. For tracts, blocks, or parcels where access would be controlled for security, a plan diagram that shows what land would have controlled access, the proposed method and extent of access control along with the features thereof, and architectural elevations that depict the appearance of the controlled area from the outside of such parcel. The access plan diagram shall also show the layout of the vehicular, pedestrian, and bicycle network, the proposed operation of the access control features, and the proposed locations of sidewalks, trails, bicycle paths, drives, streets, fencing, gates, and walls and their role in the security for such areas.

### 2. Tier 2 and Tier 3 Pattern Books

All of the Tier 1 standards for pattern books are applicable in Tier 2 and Tier 3 as well. In addition to the underlying Tier 1 standards, the following standards apply to a Tier 2 and Tier 3 pattern book:

- A. On the illustrative site plan, provide the following additional information:
  1. Location, shape, and size of proposed detention and retention areas.
  2. Location and size of development tracts, labeled with approximate acreages and with proposed uses.
  3. Location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.



4. A three-dimensional diagram or rendering that shows the scale and massing of buildings proposed in each development tract.
  5. Location and size of common parking areas.
  6. Location and approximate size of lots.
- B. Typical façade detailing for all sides of buildings.

#### H. Streets and Street Appurtenances

Pursuant to the General Criteria, under these guidelines the street can become a key part of the public space. The goal of the Village with respect to streets is to incentivize the creation of a variety of different types of streets, which can connect neighborhoods and destinations and serve the public interest by minimizing the traffic load and the need for increased capacity in any one street. The following standards will apply in the EPD District:

##### 1. *Public Versus Private Streets*

The public versus private nature of a street can vary. The following street classification is used in the EPD District:

###### A. *Type A*

A public street that will be owned and maintained by the Village. Type A (public streets) shall be dedicated to and accepted by the Village.

###### B. *Type B*

A semi-public street that will be privately owned and maintained through a recorded easement which grants the general public the right to travel by motor vehicle, bicycle, and by foot. Type B streets will not be dedicated to the Village. The semi-public nature of these streets shall be indicated on the site plan and on the plat, if the project is platted, and memorialized on such recorded easement:

###### C. *Type C*

A private street that may or may not be accessible to the public: an easement for public use is not required. Type C will be privately maintained and the private nature of these streets shall be indicated on the site plan and on the plat, if the project is platted.

##### 2. *Connecting Streets*

- A. Connecting street(s) are local streets most of which will not carry significant traffic volumes. An example of connecting street patterns is shown on Figure 3-707.T.1, which is provided for illustrative purposes only. Sidewalks and regularly spaced street trees are required on both sides of connecting streets.
- B. The Framework Plan described in Appendix B: EPD Framework Plan identifies the approximate points where connecting streets in the EPD District shall connect with surrounding streets (existing and future). The proposed internal alignment of connecting streets shall be shown on the development plan and shall provide reasonably direct routes to such connections. If, and to the extent permitted by law, the connecting streets shown on the Framework Plan are required as a part of an amendment unless the Village grants a deviation from this requirement.
- C. For development sites smaller than 10 acres, connecting streets shall be constructed during the initial development phase.
- D. For development sites larger than 10 acres, construction of the connecting streets may be phased, provided the development plans propose a phasing plan acceptable to the Village that includes guarantees that the connecting street network will be fully constructed.
- E. Developers may propose a variety of different types of local streets in addition to connecting streets and streets behind/between outparcel sites. However, except as specifically provided in subsections 3.B and 3.C below, all streets shall form a part of a connected, continuous street network, and shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

### 3. *Street Standards*

- A. Typical cross-sections of connecting streets are shown on Figure 3-707.T.3 for illustrative purposes only, and are strongly encouraged to be followed in all of the tiers with respect to such streets where feasible. Variations of such cross-sections may be allowed by deviation depending on the uses along such streets and as long as the provisions of the General Criteria are met, including without limitation, the goals of connectivity and walkability.
- B. Where required connecting streets or other local streets terminate at the rail corridor or other places where through passage cannot be provided at the time of development application, right-of-way for the street shall be provided to the edge of the development tract and the street shall be temporarily terminated with a cul-de-sac or hammerhead turnaround in accordance with Chapter 19 of the Florida Greenbook (latest edition as published by Florida DOT). The developer is not obligated to obtain permission to cross the rail corridor or to extend a street across property owned by other parties, but the developer and successor owners shall allow these streets to be connected at such time as connections become feasible.
- C. Local streets within residential parcels which are approved pursuant to an amendment of the Official Zoning Map with access control features may utilize cul-de-sacs or hammerhead turnarounds for purposes of automobile circulation, provided that such streets which end in cul-de-sacs or hammerhead turnarounds are connected with other streets in such parcel by a footpath or trail allowing bicycle and walking connectivity between such local streets within such parcel.
- D. If, and to the extent allowed by law, the required connecting streets shown on the Framework Plan with respect to development in any of the tiers shall be publicly accessible either as a Type A Public Street or a Type B Semi-Public Street, the determination to accept a dedication of a street as a Type A public street shall be made solely by the Village. Streets behind/between outparcels are encouraged but not required to be Type B Semi-Public Streets. All other local streets may be either Type B or Type C Private Streets as determined during the amendment process.
- E. The provisions of this section requiring connecting streets as shown on the Framework Plan and requiring that such connecting streets be publicly accessible may be subject to legal limitations, such as the dual rational nexus test or other limitations found in the case law, that may require the Village to provide offsetting impact fee credits or to make public investments under its capital improvements budget with respect to, and to the extent of, the fair compensation for such requirements. The Village will determine whether or not to provide such impact fee credits or public investments, and the value thereof, or will agree to waive the requirements regarding such publicly accessible connecting streets through deviation or variance, in either case at the time of consideration of a development order application by the Village Council.

### 4. *Streets for Outparcel Sites*

- A. Development plans may propose outparcel sites along arterials for freestanding buildings including commercial and mixed-use buildings. Outparcels may initially accommodate highway-oriented uses so long as they are configured in such a way as to not preclude future redevelopment at higher intensities in a compact walkable form.
- B. The following street requirements apply when outparcel sites are proposed:
  - 1. A parallel street (or reverse frontage road) shall be provided immediately behind these sites to provide access to and from connecting streets and to integrate these sites with their surroundings.
  - 2. A short perpendicular street is encouraged as a best practice between the arterial and the parallel street so that there are a reasonable number of access points to such parallel street so as to assure the walkability of such street and enhance connectivity, provided that such access points are otherwise allowable by the governmental agency which owns and maintains such arterial or collector roads. Best practices regarding such perpendicular streets is not required, but is to be viewed as a goal to be attained where reasonable and feasible.

- C. See also Sec. 3-707.H.4, Streets for Outparcel Sites, which provides visible edge standards for outparcel sites.

**5. Utilities along Streets**

- A. Development plans shall indicate the general location of utility lines so that utility easements can be coordinated in a manner that minimizes the impact of utility lines on landscaping and street trees. Where allowed, deviations may be requested from general standards in the LDC for utility easements if needed to allow the proposed placement of utilities.
- B. When alleys or rear lanes are provided, they are the preferred location for "dry" utility lines such as electricity, telephone, cable television, and fiber optic cables. The rights-of-way of local streets are the preferred location for "wet" utility lines such as water and wastewater.
- C. Above-ground utility lines are prohibited in the EPD district.

**I. Lots and Blocks**

The overall size and dimensions of lots and blocks in the Village Center Area have a direct impact on the connectivity of the streets. Developments in the EPD District shall have reasonable flexibility in determining the size and dimensions of both lots and blocks within their developments. Rather than specify particular sizes or dimensions for lots and blocks, these standards will allow variations in such forms as long as the overall goals and objectives for connectivity and walkability are achieved. Based on the connectivity requirements set forth in Sec. 3-707.H, Streets and Street Appurtenances, with respect to the creation of a network of streets, the result will likely be the creation of lots and blocks of land with differing sizes and dimensions.

- 1. Based on the connectivity of the streets, developable land in Tier 1 may be divided into blocks, and each block may be surrounded in whole or in part by a publicly accessible street. The streets surrounding such blocks may be straight, curved, or bent.
- 2. Best practices for block perimeters in the Village Center Area shall not exceed 2,000 linear feet in Tier 1 or 1,600 linear feet in Tiers 2 or 3, in each case as measured along the inner edges of each surrounding street.
- 3. However, best practices for block perimeters may be as large as 2,400 linear feet in Tier 1 or 2,000 feet in Tiers 2 or 3, where the following conditions are present:
  - A. One side of the block faces an arterial or collector street or a railroad;
  - B. The block contains or is bordered by a river, natural flow way, wetlands, or indigenous plant community that is being preserved; or
  - C. The block contains a lake or shared amenities for residents of that block.
- 4. In Tier 2 and Tier 3, blocks are encouraged to be subdivided with rear lanes or alleys to provide access to parking service areas and utilities. Block perimeter measurements are not affected by the presence of rear lanes or alleys in a block.
- 5. The best practices for block perimeters are not required, but are to be viewed as goals to be attained where reasonable and feasible given the nature of the flexible approach to lots and blocks set forth above.

**J. Indigenous Plant Communities and the Estero River Buffer**

**1. Indigenous Plant Communities**

Chapter 7: Natural Resources, requires large developments to preserve a portion of the indigenous plant communities that exist on their sites.

- A. Development in the EPD District shall indicate on the development plan the extent to which the indigenous cypress, oak, and cabbage palm plant communities that were on the site when the Village incorporated will be preserved. The Village shall maintain a map of such indigenous plant communities as of December 31, 2014.
- B. Primary preservation areas are those with the densest indigenous plant communities, those nearest to the Estero River, and those with the closest association with the historic Koreshan Unity settlement and its National Register Historic District.
- C. Such preserved indigenous plant communities may be counted toward the 50 percent preservation requirement in Chapter 7: Natural Resources.

- D. Failure of the development plan to preserve a reasonable number of such indigenous plant communities may be grounds for the Village to reduce the proposed base residential density under such development plan.

**2. Waterbody Buffers**

**A. Estero River Buffer**

- 1. For land adjoining the Estero River, buildings and other structures shall maintain a separation area from the river. The minimum separation area is designated 75 feet from the top of the river bank on the north side of the Estero River, and 100 feet from the top of the river bank on the south side of the Estero River.
- 2. See Sec. 10-304.C, Additional Buffer from the Estero River.

**B. Natural Waterbody Buffer**

For land adjoining a natural waterbody other than the Estero River, buildings and other structures shall maintain a separation area from the river. The minimum separation area is designated 50 feet from the edge of the waterbody.

**K. Surface Water Management**

- 1. Development plans shall arrange surface water management facilities to minimize impacts on connectivity and walkability. This can be accomplished in many ways, including, without limitation, by having a connecting street or pedestrian way go across larger lakes, by reducing the size of individual lakes, by placing lakes where passage is already constrained, by adjoining uses such as the rail corridor, or similar arrangements designed to be supportive of connectivity and walkability.
- 2. Development plans shall provide a unified surface water management system for at least the entire tract and should anticipate water management needs for future intensification anticipated for the site.
- 3. In Tier 2, the development plan is encouraged to include deviations from the surface water management standards in Chapter 7: Natural Resources, in order to minimize the amount of land devoted to lakes and channels. Best practices for compact surface water management include pervious or permeable paving to reduce storm water runoff and steeper slopes or a higher percentage of bulkheads along lake banks.
- 4. In Tier 3, best practices for compact surface water management include the same methods as in Tier 2, but also may include stormwater detained underground or other advanced methods as may be feasible.
- 5. The best practices for compact surface water management are not required, but are to be viewed as goals to be attained where reasonable and feasible. In Tier 2 and Tier 3, deviations are encouraged to accomplish compact surface water management goals, and developers shall make reasonable efforts where feasible to seek and achieve similar deviations with regards to permitting requirements of the South Florida Water Management District.

**L. Visible Edges**

The edges of development tracts can be critical transitions between private and public space. Where these edges adjoin streets accessible to the general public, buildings shall present an attractive public face that contributes to public life and activity in the Village Center Area. One of the most important goals set forth in the General Criteria is to create public spaces along connecting streets which enhance and incentivize the social vibrancy of the Village Center Area. The guidelines set forth here are designed to achieve such goals.

**1. Tier 1**

The following standards and guidelines apply to the visible edges of development tracts that are nearby and visible from a connecting street or a collector road:

- A. Wherever reasonable and feasible, buildings shall have their principal street façade along the visual edge of such connecting street or collector road. The uninterrupted building length (or combined attached group of buildings) cannot exceed such a length as to create an unreasonably long façade which is either unarticulated, minimally unarticulated, or would become unattractive from a visual perspective along such connecting street or collector road.

Illustrations of reasonable and proper placement of buildings on lots are found in Figure 3-707.T.3, which are incorporated herein as requirements in all of the tiers.

- B. Private parking spaces and lots shall be located behind the building and may be accessed by a street, driveway, alley, or lane; these accesses may be secured with a operable metal gate if the gate's structure is not unreasonably opaque so as to become a visual barrier to the view from the connecting street or collector road.
- C. Building entrances shall be clearly visible from and directly accessible from the connecting street. The number of building entrances and the design of single or common entrances for single-family or multifamily or non-residential buildings shall be reasonably related to the number of separate facilities in such building and shall be visually pleasing along the connecting street or connector road. The design for such entrances and any walls between the building and the connecting street or collector road shall be shown in the Pattern Book relating to the appropriate Tier.
- D. Medium height solid walls or solid fences not in excess of approximately 3.5 feet tall, and other non-solid fences, not in excess of six feet tall, may secure space between buildings, but shall be contiguous with, and not project beyond, any adjacent building's front façade unless part of an exterior courtyard entrance.

## 2. *Outparcel Sites*

The following standards apply to the visible edges of development tracts that are designated as outparcel sites (see Sec. 3-707.H.4, Streets for Outparcel Sites,):

- A. Buildings shall be oriented to the parallel road (reverse frontage road) and have at least one entrance in each building clearly visible from and directly accessible from the parallel street.
- B. Service and/or back-of-house functions may not be located between the building and the parallel street without provision for reasonably adequate screening and landscaping so that such functions are not visible from the parallel street.
- C. Exterior facades of out-parcel buildings must be treated as primary facades and must employ architectural, site, and landscaping design elements that are common to the theme used in the main development on site, including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main buildings on site, enhance visual impact of the buildings and to provide for safe and convenient vehicular and pedestrian access and movement on site.<sup>102</sup>

## 3. *Tiers 2 and 3*

Visual edges along connecting streets in more intense areas take on increasing importance because more activity takes place outside of vehicles. In addition to the visual edge standards set forth in subsections 1 and 2 above, the following visible edge standards apply in Tier 2 along the edge of all connecting streets and other local streets:

- A. Buildings shall have their principal street façade within a reasonably close distance from the appropriate edge of the street. For connecting streets, if feasible, a reasonably close distance from the street and the pedestrian sidewalk along such connecting street would in any event not be greater than 120 feet, and would be designed to both mitigate building massing along the public space but also to create a more urban environment. For other local streets, such reasonably close distance, where feasible, would likely be nearer to the street and sidewalk, perhaps as close as 20 feet. There is no designated maximum building length; however reasonably appropriate articulation of the mass and form of buildings is required to prevent such building from being unattractive from a visual perspective along such street.
- B. Private parking spaces and lots shall be located behind the building and be visually buffered from the street. Parking may be accessed by a street, driveway, alley, or lane; these accesses may be secured with an operable metal gate if the gate's overall opacity is not unreasonably opaque so as to become a visual barrier to the view from the street.
- C. Building entrances shall be clearly visible from and directly accessible from the street.

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<sup>102</sup> Carries forward Sec. 33-337 of the transitional LDC.

1. One entrance shall be provided for each single-family detached and attached dwelling.
  2. At least one common entrance shall be provided for each multifamily and non-residential building unless units have individual entrances.
- D. Building entrances may open directly to the sidewalk or indirectly through a secure raised dooryard or exterior courtyard that is separated from the sidewalk by a medium height solid wall not in excess of approximately 3.5 feet tall, which wall may also include an open metal fence up to a few feet in additional height, where overall wall and fence does not exceed approximately six feet in height.
- E. Medium height solid walls not in excess of approximately 3.5 feet tall may secure space between buildings but shall be contiguous with, and not project beyond any adjacent building's front façade unless part of an exterior courtyard entrance.

#### **M. Tier 1 General Standards**

##### **1. Use**

Except as otherwise limited herein, a development plan may propose any type of residential development in Tier 1 land that is an allowed use and otherwise permissible by this LDC. The development plan shall specify the proposed residential uses.

##### **2. All Tier 1 Land**

The total number of dwelling units approved for Tier 1 land shall meet the following requirements:

- A. Density shall be determined by utilizing the portion of a Tier 1 land area that will be devoted to residential and residential accessory uses (stormwater management, open space, and similar features attributable to the residential development). These dwelling units shall be concentrated on no more than 50 percent of the Tier 1 land.
- B. The remaining 50 percent of the Tier 1 land shall be used for open space, surface water management, or held for potential future development in Tier 2 or Tier 3.
- C. Tier 1 land, once developed, may be converted to Tier 2 or Tier 3 through a subsequent amendment (see Sec. 2-501.D, Planned Development).
- D. As Tier 1 land is re-designated Tier 2 or Tier 3 through a subsequent amendment, such land then becomes available for the development of additional higher density residential units and for additional non-residential development in accordance with the provisions thereof.

##### **3. Access Control**

If the development plan for a Tier 1 residential development, as set forth in the pattern book provided with respect thereto, delineate areas where access would be controlled by fences, gates, walls, and other forms of barriers to public access of such areas, including, without limitation, public access to the streets, sidewalks, trails, paths, and other interconnection features of such areas, then the following standards shall apply:

- A. The nature and type of access control for such proposed residential development, the design of such access control features and how they will be seen from the connecting streets nearby such development, the distance of such access controlled areas from an arterial or collector road from the perspective of how the public on such roads will see and perceive the nature of such access control, and the factors underlying the need for such access control, particularly the specific need for security regarding such proposed development, will be reviewed and shall be balanced in the rezoning process by the Village against the fact that the public will either not have access to such areas, or such access will be limited, and, as a result of such denial or limitation of access, the overall goals and objectives of the comprehensive plan, this LDC, and the General Criteria of this section with respect to the Village Center Area may be adversely impacted in whole or in part by the access controls under the development plan.
- B. Such a balancing test shall additionally take into consideration the size of the access controlled area as it relates to the total amount of other Tier 1 land, the proposed uses to be put to such other Tier 1 land, the uniqueness of the design of the access control features, and the other features that have been offered in the development plan to mitigate the denial or limitation of public access to such development parcel.
- C. Such a balancing test may result in a determination, among other things, that the proposed development plan may be approved, denied, or approved with conditions, or specifically

would not qualify for the maximum residential densities available under the terms of Sec. above, Maximum Residential Density.

**4. Tier 1 Land Abutting Arterial or Collector Roads**

Where development tracts abut an arterial or collector road, the overall distance between access points along such arterial or collector road into and out of such development tract shall be considered as a part of the amendment of such tract in order to make certain that a reasonable number of connecting streets are provided by such development plan so that the distance between such connecting streets favors the walkability of streets and enhances connectivity.

**N. Tier 2 General Standards**

In addition to compliance with the Tier 1 standards set forth in Sec. 3-707.M, Tier 1 General Standards, the following additional standards apply to land within the EPD District that is designated for Tier 2 development.

**1. Primarily Residential Neighborhoods.**

- A. Tier 2 accommodates primarily residential neighborhoods that provide a variety of housing types in a walkable mixed-use pattern with higher densities and greater connectivity than Tier 1.
  - 1. Tier 2 can comprise a small compact neighborhood or can be applied in increments as parts of other neighborhoods.
  - 2. Development plans may include non-residential uses in Tier 2, provided they are not significant in relationship to the area of Tier 2 residential uses. The combined floor area of all commercial uses (i.e. non-residential uses other than civic and cultural uses) shall not exceed two and one-half (2.5) percent of the total land area within each Tier 2 designated parcel. For example, a Tier 2 designated parcel consisting of ten acres (435,600 square feet) may be developed with up to 10,890 square feet of total non-residential floor area ( $435,600 \times .025 = 10,890$ ). Civic and cultural uses are not limited as to floor area, but shall not occupy more than ten percent of the land area of the Tier 2 development plan. This non-residential allowance can accommodate gathering places (see Sec. 3-707.O.2, Gathering Places, which are highly desirable in Tier 2).
  - 3. Land used for non-residential purposes will be included in the acreage of Tier 2 land area when determining residential density.
- B. Development plans shall indicate where Tier 2 will be located on the development tract being amended to EPD District. Priority areas for Tier 2 are those that carry out the policies in the Estero Community Plan and which provide higher-intensity development in locations near the primary activity centers for neighborhoods.

**2. Variety of Housing Types**

- A. There are a variety of housing types that may be constructed in Tiers 2 and 3. These include detached houses (including cottages and side-yard houses), two-family attached dwellings, apartment houses, row houses, live-work buildings, courtyard buildings, mixed-use buildings, pedestal buildings, and towers.
- B. The Village's goal is to have a significant variety of housing types in each neighborhood. To encourage flexibility, development plans are not required to identify specific housing types at the time of an amendment to EPD District except that the location of buildings taller than 45 feet shall be identified.

**3. Public Civic Space**

- A. The provision of publicly accessible civic spaces is optional in Tier 1 and is mandatory in both Tiers 2 and 3. Civic spaces shall be strategically placed to encourage public activity. Development plans shall indicate the proposed type and location of civic spaces.
- B. Publicly accessible civic spaces may include greens, squares, plazas, neighborhood parks, playgrounds, community gardens, trails, nature preserves, etc.

### **O. Tier 3 General Standards**

In addition to compliance with the Tier 1 and Tier 2 standards in Secs. 3-707.M, Tier 1 General Standards, and 3-707.N, Tier 2 General Standards, above, the following additional standards apply to land within the EPD District that is also approved for Tier 3.

#### **1. Greater Mix of Uses**

- A. Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with a minimum requirement for commercial uses. Development plans shall include sufficient commercial floor area to occupy at least the first floors of all buildings that have frontage on at least one primary public gathering place pursuant to Sec. 3-707.O.2, Gathering Places. If necessary, areas designed for commercial use may be adapted and utilized for residential or residential accessory uses until such time as commercial uses become viable or all phases of the Tier 3 development have been completed and occupied, whichever is earlier. At least one-half of the building area designed for commercial use shall be able to accommodate restaurants (accommodate grease traps, etc.).
- B. Development plans shall indicate where Tier 3 will be located on the site being amended to an EPD District. Priority areas for Tier 3 are those that carry out the policies in the Estero Community Plan and which provide the primary center of public activity for neighborhoods desirable to create social vitality. Tier 3 land is often surrounded by or a central part of Tier 2 neighborhoods.
- C. Land used for non-residential purposes shall be included in the acreage of Tier 3 land area when determining residential density.
- D. There are no maximum floor area limitations for non-residential or commercial uses for Tier 3 development parcels.

#### **2. Gathering Places**

- A. The provision of publicly accessible gathering places is strongly encouraged in Tiers 1 and 2, and is mandatory in Tier 3.
- B. Development plans shall indicate the proposed type and location of gathering places, which shall be strategically placed to encourage activity.
- C. Gathering places allow the general public to congregate. Examples include, without limitation:
  1. Outdoor spaces such as parks, plazas, and farmers markets.
  2. Cultural venues such as cinemas, theaters, and museums.
  3. Civic spaces that include meeting rooms.
  4. Businesses such as restaurants, coffee shops, and fitness centers.
  5. Religious and social institutions.
  6. Amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos.
- D. At least one primary, publicly accessible gathering space shall be provided in Tier 3 in the form of a thoughtfully planned and designed open space that can function as a “third place” for the Village to help create social vitality in the Village Center Area. This gathering place shall be attractive, visible, and easily accessible from a connecting street and shall be clearly located and designed for the larger public benefit, not just for the benefit of the occupants of the development within which it is located. The visual edges of the space shall be at least partially enclosed by buildings with at least the ground floors designed for commercial uses such as restaurants, bakeries, cafes, fitness studios, and other businesses that promote public gathering and social vitality.

### **P. Tier 4 General Standards**

The additional standards described above apply to Tiers 1, 2, and 3 only. Land approved for Tier 4 shall meet the standards in Sec 3-708, Compact Community Planned Development (CCPD) District.

### **Q. Architectural Diversity and High Quality Development**

1. Architectural design and landscaping design are both seen as important to meet the General Criteria. With respect to mixed-use areas, the ability to combine different, but compatible, uses by



unified forms of architectural and landscaping design rather than by separation of uses is required.

2. Architectural variety of buildings and unique approaches to design and structure are valued under these standards. The design standards set forth in the Estero Community Plan (Goal 19 of the comprehensive plan and Section 5-7, Architectural, Form, and Design Standards) require the developer to choose either a Mediterranean or Old Florida design for buildings in the Village Center Area. Each such design standard allows for a broad palette of historical choices for developers to follow in achieving unique solutions to their individual development plans.
3. Likewise, and of equal importance, is the compatibility of such unique building designs with surrounding properties, adjacent buildings, and the public space, so that even in their uniqueness, the development plans are encouraged to share some or more of the characteristics of their neighbors. In that fashion, new buildings will be valued if they help to generate a sense of cohesive framework in the Village Center Area.
4. Of similar importance to the Village is the high quality of the development plans in the Village Center Area. The goal of the Village in this area shall be to create a permanency of structures that will withstand the test and rigors of our Southwest Florida climate in ways that enhance the likelihood that such buildings and other structures will outlast their initial planned use or cost recovery. In such a way, the buildings will be able to be reused or readapted for other uses, which may become market-driven in the future. This goal enhances the value of all buildings and other structures in the Village Center Area by the ability to preserve and adapt to changing economic and social needs for the future. This element of sustainability and high quality will be encouraged and valued with respect to all development plans in the EPD District.
5. Similar to the requirement of high quality and sustainability of a development plan, the sensitivities of such plan to the unique Southwest Florida climate, ecology, and environment in the Village is also highly valued. The ability to use materials, especially recyclables, which directly impact and reduce both the energy cost to produce such materials and the actual energy demands of the resulting building itself are to be highly valued in the Village Center Area. Building design features that reflect the unique southwest Florida climate and are designed to reduce the impacts of such climate are required to be incorporated in development plans, where feasible.
6. The overall standards for high quality development and sustainability in terms of environmental and ecological sensitivity are further advanced by the concept of incremental development in the EPD District. Through the tier system, the Village encourages a series of development plans for the larger parcels and tracts in the Village Center Area which would occur over time on a market-driven basis. This incremental development would, over time, continue to create higher values for land remaining undeveloped in such a way as to promote a variety of compatible uses in the Village Center Area based on the changing patterns of land development. The use of high quality construction allows for adaptive reuse of buildings and adds to the incremental value of development over time, benefiting both the Village and the developers.

#### **R. Public Benefits and Incentives Offers**

##### **1. *Additional Densities and Building Heights***

Applicants requesting either the EPD District or the Compact Community Planned Development (CCPD) District may choose to make various incentive offers to the Village to advance the public benefits of their unique development proposals. Sec. 3-707.E, Maximum Residential Density, sets forth the maximum residential densities in each of the tiers under the EPD District. and Sec. 3-707.F, Maximum Building Height, sets forth the maximum allowable building heights in each of the tiers. These maximum residential densities and building heights include Base Densities and Base Building Heights, and also Additional Densities and Building Heights if incentive offers are accepted by the Village as providing significant public benefits.

##### **2. *Village Determination***

- A. Incentive offers in connection with amendments or other applications in the EPD District are entirely voluntary on the part of applicants as a means to achieve maximum residential densities allowable under Sec. 3-707.E, Maximum Residential Density, and maximum allowable building heights under Sec. 3-707.F, Maximum Building Height, with respect to a development plan. In each case of incentive offers made to the Village, the Village Council shall determine whether or not such incentive offers:

1. Meet or exceed the goals and objectives of the comprehensive plan;
  2. Meet or exceed the General Criteria; and
  3. Create significant public benefit commensurate with the value of such incentive offers to the Village, and the appropriateness of such incentive offers to the applicable tier and to the particular development plan. Such determination shall be set out in writing by the Village as a part of its decision to rezone property to the EPD District, or within such EPD District to a higher tier (a "determination").
- B. As a part of the making of a determination, with respect to the approval, approval with conditions, or denial of a development plan, and to the extent allowed by law, the Village may consider a request for the granting of impact fee credits, in whole or in part, for the actual cost of incentive offers which provide for significantly high value and public benefit to the Village, and where it would not be feasible for the Village to pay or develop such a high value public benefit on its own part. As part of its determination, the Village may also consider making public investments under its capital improvements budget, which may encourage additional incentive offers with higher public benefits and value to the Village. Such public investments could include public benefits like advanced street design, crossings for the railroad, off-street parking facilities, and other similar public benefits. All of such impact fee credits or public investments shall be solely and exclusively the decision of the Village.

### 3. *Types of Incentives*

Different types of incentive offers are described in the subsections that follow on a tier basis. The listing of a particular type of incentive offer with respect to a particular tier is not intended to require that such incentive type be limited to that tier. Instead, while incentive offers may be made with any incentives listed in any tier, the appropriateness of the incentive offer to the particular tier in question and to the particular development plan will be an important factor in a determination to be made by the Village.

### 4. *Value of Incentive Offers*

- A. As to each different type of incentive offer, the general value to the Village in terms of public benefit as related to other listed incentives is also enumerated as a general range of value. The overall value to the Village in terms of public benefit derived from the total of all of the incentive offers shall be weighed in making a determination with respect to the Additional Densities to be allowed with respect to a rezoning or other land use decision.
- B. The fact that an incentive offer is not listed or enumerated as a type of incentive offer that has been valued by the Village shall not be deemed to preclude consideration of other incentive offers. It is not deemed to be an exclusive list. Future incentive offers may be different variations or otherwise new types of incentives that are both appropriate and valued in terms of public benefit and shall be considered by the Village in making a determination. Finally, within the value designation of each type of incentive, there are likely to be a range of relative values, which then impact the overall value and overall public benefit differently. By way of example, an eight foot or wider multi-modal path would have a significantly higher value and public benefit than a six foot wide bike path/sidewalk, even though both types of bike/hike paths are considered as having a high value overall.

### 5. *Tier 1 Incentive Offers*

- A. **Interconnectivity.** (High Value) In Tier 1, the level of connectivity has the highest value to the Village in terms of overall public benefit. To the extent that greater connectivity is offered in excess of the requirements with respect to Tier 1 development, the applicant would increase the likelihood of receiving a favorable determination. Likewise, in Tier 1, if the level of connectivity does not meet the requirements with respect to such tier, the determination may be adversely impacted in terms of meeting the requirements for both Base Densities and Incentive Densities. Examples of interconnectivity offers that have a very high value to the Village include provision for publicly accessible connecting streets where not required or allowed to be required, a bike/walk overpass over the railroad, bridges over the Estero River, provision of additional entrances to the Estero Community Park, solutions that increase the safety of crossing US 41, and similar solutions to needed connectivity such as achieving connections to abutting development parcels not otherwise required to connect.

- B. **Best Practices.** (High Value) Provision of elements of the guidelines and standards of this section which are designated as "best practices" or are encouraged, but not required, under such guidelines and standards, may be offered as incentives and would increase the likelihood of a favorable determination.
  - C. **Preserve Additional Indigenous Vegetation** (Low-Medium Value). Protect more indigenous habitat for properties where such habitat is present.
  - D. **Off-site Public Improvements** (Medium Value). Off-site improvements such as cross walks, protected bike lanes, protected intersections (e.g. Dutch intersection), landscaping of street medians, street beautification including planting strips, street hardscapes, etc.
  - E. **Enhanced Site Landscaping** (Low-Medium Value). Landscaping of the development site significantly in excess of LDC requirements.
  - F. **Enhanced Street Design** (Medium-High Value). Sidewalks a minimum of six feet wide on both sides of street if residential or a minimum of eight feet wide on both sides of the street if non-residential.
  - G. **Public Civic Spaces** (Medium-High Value). Some level of the on-site development parcel is dedicated to public civic spaces.
6. *Tier 2 Incentive Offers*
- A. **Public Hike/Bike Trails** (High Value). Public Hike and Bike Trails, either on or off-site received one of the highest levels of public support in the Village.
  - B. **Gathering Places** (Medium-High Value). See Sec. 3-707.O.2, Gathering Places, for description.
  - C. **River Trail Easement** (High Value). A trail along the Estero River for properties that abut the River is seen by the public as having a very high value.
  - D. **Enhanced Estero River Buffer** (High Value). Incentive offers which create a wider buffer or separation of developed area from the Estero River than required are highly valued.
  - E. **Site for Civic Building** (Medium Value). Donation of a building site for a civic building such as a transit station or Village Hall.
  - F. **Architectural Excellence/Innovation Design** (High Value). The ability to create structures of high quality both with respect to materials and design within the limitation of the LDC requirements creates lasting high value to the Village. Enhanced designs which increase sustainability and lower ecological and environmental impacts, such as buildings which meet high LEED standards, are highly valued.
7. *Tier 3 Incentive Offers*
- A. **On-Street Parking** (Medium-High Value). The public benefit of broad connecting streets with traffic calming and the feeling of relative safety by pedestrians from moving vehicles created by a barrier of on-street parked cars is seen as a very highly desirable public benefit.
  - B. **Off-Street Parking** (Medium-High Value). Development plans with deviation requests for reduced on-site parking levels which are accompanied by plans for either centralized off-street parking or structured parking facilities, especially in non-residential areas, will be viewed as high value offers. Such plans may include requests for deviations to reduce the required number of on-site parking requirements under the LDC.
  - C. **Construct Civic Improvements** (Low-Medium Value). Development plans which offer to construct civic improvements for the Village are ranked at a lower level than other incentive offers.
  - D. **Off-Site Civic Spaces** (Low-Medium Value). Construction of civic spaces offsite are seen as a lower value than on-site civic spaces.
  - E. **Cultural Spaces** (High Value). Offers to create or facilitate cultural activities in the Village Center Area are highly valued.
  - F. **Historic Preservation** (High Value). Offers to enhance historic preservation of historically significant structures, especially those near the Estero River, are highly valued.

**8. Tier 4 Incentive Offers**

- A. **Vertical Mixed-Use** (High Value). Development plans with vertical mixed-use where non-residential uses such as office, retail, or dining are at the ground level and residential uses above.
- B. **Other Offers** Developers seeking Tier 4 may also choose any of the incentive offers listed for Tiers 1, 2, or 3.

**S. Uses**

- 1. In-lieu of the methods for assigning uses set forth in Sec. 3-702.F, Planned Development Districts Use Table, requests for an amendment to the EPD District and other forms of land use shall comply with the use provisions set forth in this section.
- 2. The uses allowed in Table 3-702.F: Planned Development Districts Use Table, may be permitted in the EPD district when consistent with the goals, objectives, and policies of the comprehensive plan for the Village Center Area land use category, and when approved on the enumerated documentation of the Master Concept Plan or the development plan for such property. Uses that are not specifically listed in Table 3-702.F: Planned Development Districts Use Table, may also be permitted if, in the opinion of the Village Council, they are substantially similar to a listed permitted use.

**T. Framework Plan**

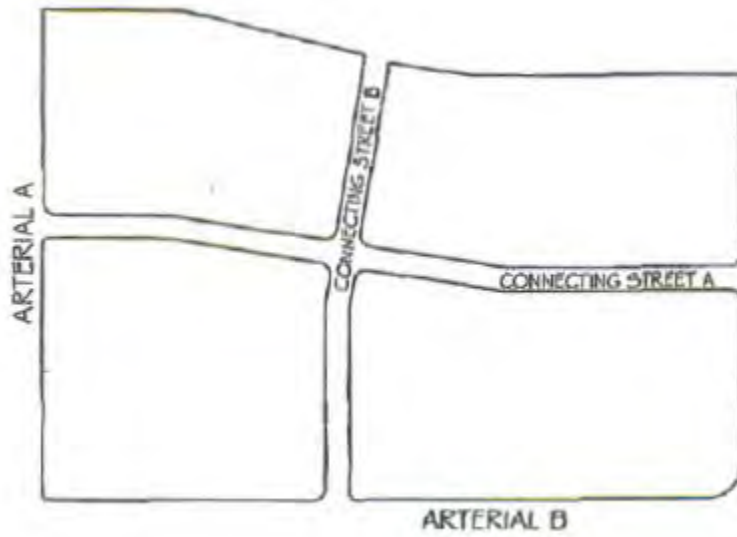
**1. Connecting Network**

A Framework Plan is a schematic diagram for a network of interconnected streets, corridors, trails, and waterways that traverse development tracts. Constructing and maintaining this network or a substantially similar network is vital for creating a series of interconnected neighborhoods and mixed-use areas instead of isolated development projects. Appendix B: ESPD Framework Plan is the Framework Plan for the Village Center Area.

**2. Applicability**

A development plan for an EPD District and CCPD District shall demonstrate compliance with all required aspects of the Framework Plan or a substantially similar network.

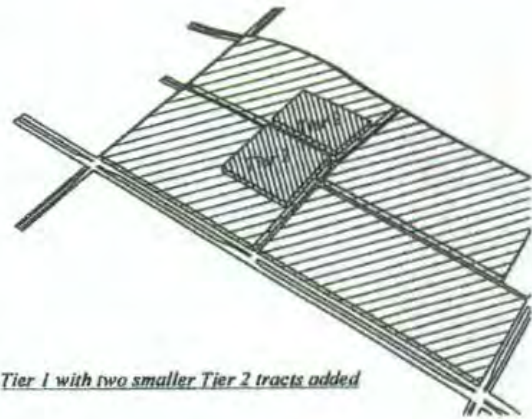
**Figure 3-707.T.1: Connecting Streets**



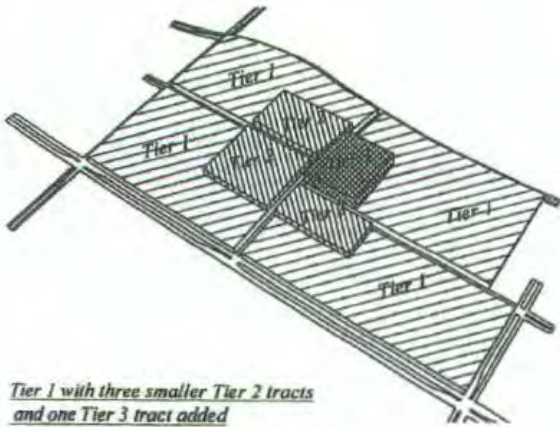
**Figure 3-707.T.2: Connectivity Street Patterns**



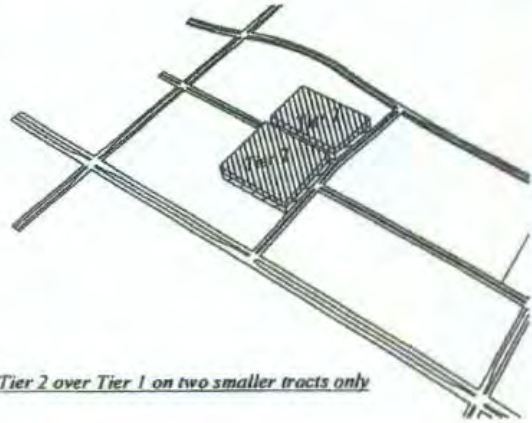
*Tier 1 only, with connecting streets shown*



*Tier 1 with two smaller Tier 2 tracts added*



*Tier 1 with three smaller Tier 2 tracts and one Tier 3 tract added*



*Tier 2 over Tier 1 on two smaller tracts only*

**Figure 3-707.T.3: Cross Section of Connecting Streets**



(typical sidewalk and planting strip for blocks designated as Tier 1 or 2)



Typical sidewalk and planting strip for blocks designated as Tier 2

Typical sidewalk and street tree wells for blocks designated as Tier 2 or 3

**3-708. COMPACT COMMUNITY PLANNED DEVELOPMENT (CCPD) DISTRICT**

Chapter 32 of the Transitional Land Development Code is incorporated here by reference.

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<sup>clxxxiii</sup> This section carries forward Section 27-11, Standards for planned development districts, in the current ordinance.

<sup>clxxxiv</sup> This section carries forward Section 27-11, Standards for planned development districts, in the current ordinance.

<sup>clxxxv</sup> This section carries forward Section 27-11, Standards for planned development districts, in the current ordinance.

<sup>clxxxvi</sup> This section carries forward Section 27-11, Standards for planned development districts, in the current ordinance.





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## **SECTION 3-8. OVERLAY DISTRICTS**

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### **3-801. GENERAL PURPOSE OF OVERLAY DISTRICTS**

The purpose and intent of the Overlay zoning districts is to provide supplemental standards with respect to special areas, land uses, or environmental features, that supersede the standards of the underlying conventional zoning district.

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### **3-802. OVERLAY DISTRICTS**

The Overlay districts in this LDC are identified in Table 3-802: Overlay Districts.

<b>TABLE 3-802: OVERLAY DISTRICTS</b>
Corkscrew Road Overlay
US 41 Overlay
Airport Compatibility Overlay

### 3-803. CORKSCREW ROAD OVERLAY DISTRICT<sup>103</sup>

#### A. Purpose

The Corkscrew Road Overlay District is one of the Village's Main Streets. The purpose of this overlay district is to ensure development of the corridor includes architecturally appealing and attractively landscaped retail, office, residential, and institutional developments that cater to the needs of the community. Development in the district shall be designed to create people-oriented spaces along the road that are visually attractive, take into consideration human scale and proportion, and provide for pedestrian connections.

#### B. Applicability

Development in the district shall comply with the following development standards. If there is a conflict between these standards other standards in this LDC, these standards shall control, unless expressly stated to the contrary in this section.

#### C. Street-Front Activity

Development shall be designed to create public spaces to allow for activity to take place along the road front, such as sidewalks and open areas.

#### D. Street Corners

Development in the district shall create visually attractive road corners using distinctive building entryways in combination with landscaping or artwork. Buildings on corner lots shall be designed with a maximum setback of 25 feet from each adjacent right-of-way and shall provide pedestrian access from the road intersection. See Figure 3-803.D: Road Corners, Corkscrew Road Overlay District.

Figure 3-803.D: Road Corners, Corkscrew Road Overlay District



#### E. Property Development Regulations

Development in the Corkscrew Road Overlay district shall comply with Table 3-803.E: Property Development Regulations, Corkscrew Road Overlay District, which shall control. Development shall

<sup>103</sup> As discussed in the Code Assessment, this carries forward the Corkscrew Road Overlay District in Secs. 33-402-406 of the transitional LDC, with minor refinements to conform the format and structure to the new draft LDC.

otherwise comply with the other regulations of the underlying conventional zoning district, and all other applicable requirements of this LDC.

<b>TABLE 3-803.E: PROPERTY DEVELOPMENT REGULATIONS, CORKSCREW ROAD OVERLAY DISTRICT</b>		
<b>Dimensional Standards</b>	<b>Corkscrew Road Overlay District</b>	
	<b>Minimum</b>	<b>Maximum</b>
Setbacks	[1]	[1]
Street [2]	0	25
Side Yard [3]	0	N/A
Rear Yard	25	N/A
Waterbody	25	N/A
<p>NOTES;</p> <p>[1] Building setbacks shall comply with the following: See Figure 5-408.G: Open Space of Public Interest):</p> <p>a. Setbacks shall be established to facilitate the creation of a uniform streetscape.</p> <p>b. Maximum right-of-way setbacks shall be zero feet to 25 feet. This must allow for buildings to front directly onto the adjacent sidewalks, while providing for slight undulation (variety) in the definition and character of the corridor. The flexibility in this setback shall also allow for the creation of small use areas (i.e. limited outdoor seating for restaurants and coffee shops, display of goods being sold, and small landscaped entrances), and enhance opportunities for activity. Automobile service stations and convenience food and beverage uses with fuel pumps may deviate from the maximum setback requirement in accordance with the landscape requirements in Section 5-4, Landscape Standards. Interior lots are permitted for development provided that there is a minimum 75-foot setback for all parking lots.</p> <p>c. A minimum of 40 percent of the building frontage is required at the setback.</p> <p>[2] On a corner lot, no obstruction shall be planted or erected that materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting the two points on the street right-of-way lines 50 feet from their intersection. No structural and planting masses shall be permitted between one and one-half feet and eight feet above the average grade of each street.</p> <p>[3] Developments are encouraged to provide side setbacks of five feet or less to create a continuous "street wall" of building frontage, where possible. Where side setbacks are less than five feet, there shall be evidence that the land owner will be able to maintain the exterior wall. The exterior walls of buildings shall meet fire protection standards.</p>		

### **3-804. US 41 OVERLAY DISTRICT<sup>104</sup>**

#### **A. Purpose**

The US 41 overlay district will continue to grow as a commercial and residential corridor over the next decade, providing for the regional and local shopping needs of Estero and south Lee County residents. The purpose of the US 41 overlay district is to create a corridor that is well landscaped and aesthetically pleasing while providing for a free flow of traffic through Estero and south Lee County. It is the intent of the US-41 overlay district to create a road corridor that enhances the drive through experience of traveling through Estero.

#### **B. Applicability**

The standards of this section shall apply to all development and redevelopment in the US-41 overlay district. If there is a conflict between these standards and other standards in this LDC, these standards shall control, unless expressly stated to the contrary in this section.

Airport Overlay

<sup>104</sup> As discussed in the Code Assessment, this carries forward the US 41 Overlay District in Secs. 33-421-422 of the transitional LDC, with minor refinements to conform the format and structure to the new draft LDC.

### C. Location of Parking Lots

1. *Buildings and Shopping Centers of 7,500 Square Feet or Less*

Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall not provide more than 20 percent of the parking areas in the front of buildings and/ or be limited to no more than one double row of parking in the front. No more than 20 percent of the parking area shall be located to the side of the building(s), with the balance of parking located to the rear of the building(s).

2. *Buildings Exceeding 7,500 Square Feet*

For buildings exceeding 7,500 square feet, and fronting US 41, parking is encouraged to the sides or rear of the building.

3. *Screening of Parking Located Adjacent to US 41*

Where parking is located adjacent to US 41, adequate screening, consisting of a minimum Type D buffer, as specified in Section 5-4, Landscape Standards, containing a two to three foot undulating landscaped berm, without a wall, is required. (The intent is to screen parking areas but not buildings.)

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### 3-805. AIRPORT COMPATIBILITY OVERLAY DISTRICT

The Village shall utilize the county adopted airspace notification map, as well as Division 12 Airport Compatibility District, Article VI, Chapter 34 of the Lee County Land Development Code pertaining to airport compatibility districts, zones and regulations, when reviewing temporary structures and equipment such as cranes and permanent structures that are 125 feet or more in height for compliance.

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# CHAPTER 4

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## USE SPECIFIC STANDARDS

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### COMMENTARY

**Chapter 4: Use Specific Standards**, consolidates use specific standards for the principal, accessory, and temporary uses.

- **Section 4-1, General Provisions**, Includes a summary of how the chapter is organized and the rules governing treatment of multiple uses within one development.
- **Section 4-2, Use Specific Standards for Principal Uses**, consolidates, reorganizes, and refines the use specific standards for principal uses.
- **Section 4-3, Accessory Uses and Structures**, consolidates, reorganizes, and refines the standards for accessory uses and structures. It includes general standards for all accessory uses and structures and standards that apply to specific accessory uses and structures.
- **Section 4-4, Temporary Uses and Structures**, consolidates the regulations for temporary uses and structures. It includes a temporary use table that identifies temporary uses and structures. It also includes general standards for all temporary uses and structures, and standards that apply to specific temporary uses and structures.
- **Section 4-5, Alcoholic Beverages**, includes the specialized standards required for sale or consumption on premises of alcoholic beverages.

**Note: This commentary is provided for reference purposes. It will be deleted in the adopted LDC.**

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## CHAPTER 4. USE SPECIFIC STANDARDS

### SECTION 4-1. GENERAL PROVISIONS

0, Use Specific Standards for Principal Uses, identifies the standards that apply to individual principal uses. Section 4-2, Use Specific Standards for Accessory Uses and Structures, identifies standards applicable to individual accessory uses and structures. Section 4-3, Temporary Uses and Structures, identifies uses or structures allowed on a temporary basis, sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures. Standards in this Chapter 4 are supplemental to the requirements in a specific zoning district in Chapter 3: Zoning Districts, and to applicable standards in Chapter 5: Site Development Standards, Chapter 6: Signage, and Chapter 7: Natural Resources.

#### 4-101. ONE PRINCIPAL USE PER LOT

A development may include a single principal use per lot, with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use).

#### 4-102. USES FIVE ACRES OR LARGER

- A. Unless exempted in B and C, below, all rezonings that are five acres or greater in area shall only be approved and developed as a planned development district in accordance with the procedures and standards of this LDC.
- B. Village, County, or State Parks are exempt from A, above.
- C. Public schools; places of worship; and religious facilities are exempt from A, above. Permitting for these exempt uses is according to the use tables in Chapter 3: Zoning Districts.
- D. See also Sec. 4-112.A (all commercial development requiring a rezoning only developed as a planned development).

### USE SPECIFIC STANDARDS FOR PRINCIPAL USES

#### 4-103. AGRICULTURE

- A. The keeping, raising, or breeding of horses or other equines shall comply with the following standards:<sup>106</sup>
  1. Lots shall comply with the standards in Table 4.2.2(A): Horse and Equine Lot Standards:

Stable Type	Minimum Lot Size	Minimum Lot Width (ft)	Building Setback (ft)
Private Stables	1 acre	Large enough to accommodate appropriate setbacks	35
Boarding Stable	5 acres		100

2. Commercial stables are prohibited.
3. The keeping, raising, or breeding of goats, sheep, and swine shall comply with the following standards:<sup>107</sup>
  - A. The animals shall not be kept or allowed to run within 100 feet of any residential dwelling unit under separate ownership, unless the property on which the dwelling unit is located is being used for bona fide agricultural purposes.

<sup>106</sup> This carries forward standards from Sec. 34-1291 of the transitional LDC; it modifies the minimum lot size for private stables from 40,000 square feet to one acre.

<sup>107</sup> This carries forward standards from Sec. 34-1293 of the transitional LDC.

- B. Any building or other roofed structure for the keeping of animals shall be set back a minimum of 300 feet from any dwelling unit under separate ownership, unless the property on which the dwelling unit is located is being used for bona fide agricultural purposes.
  - C. Keeping or raising any Vietnamese pot-bellied pigs shall be considered as agriculture and not personal pets.
- B. Dairy barns and commercial-scale poultry raising buildings are prohibited.
- C. U-pick operations shall provide sufficient off-street parking for all customers.<sup>108</sup>
- 

**4-104. ANIMAL SHELTER<sup>109</sup>**

- A. An animal shelter shall provide service for domestic animals only.
  - B. Where a facility is not completely enclosed and includes outdoor pens, cages, runs, or exercise facilities, the facility shall comply with the following standards in addition to the applicable regulations in the zoning district where it is located:
    - 1. Minimum lot area shall be two acres.
    - 2. Any pen, cage, run, or other outdoor exercise facility shall be set back a minimum of 200 feet from any abutting lot or parcel under separate ownership, or from any road right-of-way line or easement.
- 

**4-105. ASSISTED LIVING FACILITY (ALF)<sup>110</sup>**

- A. An assisted living facility (ALF) shall be designed to be compatible with adjacent residential development.
  - B. An ALF shall not be constructed within the coastal high hazard area, unless it complies with the hurricane preparedness impact mitigation provisions in Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
  - C. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.
- 

**4-106. AUTOMOBILE SERVICE STATION<sup>111</sup>**

- A. The minimum dimensional standards for an automotive service station shall be as follows, or in accordance with dimensional standards of the zoning district in which the service station is located, whichever is more restrictive:
    - 1. Minimum lot frontage: 150 feet.
    - 2. Minimum lot depth: 150 feet.
    - 3. Minimum lot area: 25,000 square feet.
    - 4. Minimum street setbacks for arterials or collectors: 50 feet.
    - 5. Minimum side setbacks: 15 feet.
    - 6. Minimum rear setback: 20 feet.
  - B. Minimum distance between service stations, convenience stores with gas, and superconvenience stores (with gas), measured from the nearest points on any lot or parcel of land to be occupied by automobile service stations, convenience stores with gas, and superconvenience stores (with gas), and any lots of existing or an approved automobile service station, convenience store with gas, or superconvenience store (with gas), shall be 500 feet, unless a deviation or variation is granted by the Village Council.<sup>112</sup>
  - C. Canopies shall:
- 

<sup>108</sup> This carries forward standards from Sec. 34-1711 of the transitional LDC.

<sup>109</sup> This carries forward the standards from Sec. 34-1201 of the transitional LDC.

<sup>110</sup> This carries forward standards from Sec. 34-1411 of the transitional LDC, with refinements.

<sup>111</sup> Subsections 1 through 3 carry forward the standards from Sec. 34-1353 of the transitional LDC. Subsections 4 is a new standard.

<sup>112</sup> This carries forward the standard from Sec. 33-444 of the transitional LDC

1. Be consistent with the architectural design and features of the principal structure.
2. Be one color, or one color with an accent band in another color.
3. Have a maximum clearance height of 15 feet above grade for fuel pumps, unless state or federal law requires higher clearance.
4. Not be flat-roofed (flat-roofs are prohibited).

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#### **4-107. BAR**

Bars shall:

- A. Be permitted only by approval of a special exception, bar special permit, or as a part of a planned development.
- B. Be permitted as a part of a restaurant that derives 50 percent or more of its revenue from food, or within the Transitional Mixed Use and Village Center land use classification of the FLUM of the comprehensive plan.
- C. Comply with the requirements of Section 4-4, Alcoholic Beverages.

---

#### **4-108. BED AND BREAKFAST<sup>113</sup>**

A bed and breakfast shall comply with the following standards:

- A. The property owner or a member of the owner's immediate family shall live in the dwelling as a primary resident and manage the bed and breakfast.
- B. The maximum number of guest rooms is ten.
- C. The guest rooms may be within or attached to the principal dwelling or exist within or as a detached structure (e.g., above a detached garage).
- D. Guest stays shall not exceed two weeks in any one visit, and shall be rented on a per diem basis.
- E. No more than five nonresident persons may be employed on the premises.
- F. At least one additional parking space per guestroom available for rent shall be provided in addition to those required for the principal dwelling.
- G. There shall be no sign or other evidence of the bed and breakfast use except one sign not exceeding two feet by three feet in area. Such sign may be double-faced and illuminated, but not internally illuminated or back-lit.
- H. Other than the sign authorized in subsection G above, the dwelling and site shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the surrounding neighborhood.
- I. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

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#### **4-109. BREWPUB OR MICRO-BREWERY, -WINERY, OR -DISTILLERY<sup>114</sup>**

A brewpub or micro-brewery, -winery, or -distillery shall comply with the following standards:

- A. The minimum area of the eating, drinking, and entertainment area of the establishment shall be no more than 65 percent of the total square footage of the establishment, or a maximum of 5,000 square feet, whichever is greater.
- B. The establishment shall have fenestration through vision glass, doors, or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the road.
- C. Facilities for off-site distribution of beer, wine, or liquor produced on the site shall only be allowed if conducted from the rear of the building, with adequate loading and access for the activity.
- D. Crushing, fermentation, and distillation operations shall be managed such that by-products are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.

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<sup>113</sup> This is a new standard.

<sup>114</sup> This is a new standard.

E. Outdoor storage is prohibited.

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**4-110. CEMETERIES AND MAUSOLEUMS<sup>115</sup>**

Cemeteries or mausoleums shall comply with the following standards:

- A. Comply with all applicable state and federal regulations regarding the licensing and operating of cemeteries and mausoleums.
- B. Be located on a site with an area of at least one acre.
- C. If a cemetery, have direct vehicular access to and from an arterial or collector road. (Any vehicular access to or from any local road shall be located and designed to inhibit its regular use.)
- D. Include adequate space for the parking and maneuvering of funeral processions.
- E. Set back buildings at least 50 feet from property lines.
- F. If a cemetery is combined with a funeral home or mortuary, the combined uses shall comply with the standards applicable to each component use.

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**4-111. COLLEGE OR UNIVERSITY<sup>116</sup>**

No college or university site shall be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the college or university.

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**4-112. COMMERCIAL DEVELOPMENT LOCATION STANDARDS<sup>117</sup>**

The following different commercial uses shall comply with the following standards.

**A. All Commercial Development**

All commercial development requiring a rezoning (see Sec. 2-501.C, Rezoning (Zoning Map Amendment)) shall only occur through use of planned development districts.

**B. Minor Commercial Development<sup>118</sup>**

- 1. Minor commercial development consists of use types that provide convenience goods and services, such as: convenience food and beverage store without gas service; drugstore; grocery store or food market; laundry services; repair shop, household; personal services group I; personal services group I; and similar uses.
- 2. Except as allowed in subsections 3 or 4 below, minor commercial developments shall not exceed 30,000 square feet in gross floor area, and shall be located either:
  - A. Within 330 feet of the intersection of:
    - 1. A local and collector road; or
    - 2. A local and arterial road; or
    - 3. A collector and collector road; or
    - 4. A collector and arterial road; or
    - 5. An arterial and arterial road; or
  - B. In a Residential Planned Development (RPD) District, if it is located and designed primarily to meet the commercial needs of the residents of the planned development.
- 3. A minor commercial development that is included in and complies with the regulations of a mixed-use planned development (MPD) district, the Estero planned development (EPD) district, or a compact planned development is not subject to subsection 2 above.
- 4. The Village Council may grant an exception approving a rezoning that does not comply with the location standards of subsection 2 above, if the development complies with Section 5-7,

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<sup>115</sup> This is a new standard

<sup>116</sup> This standard is carried forward from Sec. 34-2381 of the transitional LDC.

<sup>117</sup> These standards implement the commercial development location standards in the comprehensive plan.

<sup>118</sup> This use specific standard implements FLU 1.5.1, in the comprehensive plan. The standards are substantively the same. The language has been modified to conform to the format of this LDDC

Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

**C. Neighborhood Commercial Development<sup>119</sup>**

1. Neighborhood commercial development consists of use types which allow the sale of specialty goods and personal services, such as: automotive service station; retail sales; convenience food and beverage store with gas service; convenience food and beverage store without gas service; drugstore; grocery store or food market; laundry services; repair shop, household; personal services group I; personal services group II; tobacco shop; vehicle and boat rental and sales; vehicle and boat repair and maintenance; and similar uses.
2. All neighborhood commercial developments shall have a gross floor area of between 30,000 and 100,000 square feet, and be located at the intersection of an arterial and a collector road or two arterial roads so that direct access is provided to both intersecting roads (The direct access may be provided by an internal access road to either of the two intersecting roads.) "At the intersection" means no more than one quarter of a mile from the centerline of the intersection and shall include proper spacing of access points, unless excepted through the planned development rezoning process in accordance with this subsection.
3. A neighborhood commercial development approved as part of a planned development may extend beyond one quarter of a mile of the intersection, if:
  - A. Direct access from at least one of the arterial roads is provided to the development within ¼-mile of the intersection;
  - B. An internal access road or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
  - C. All access points comply with the spacing standards in this LDC; and
  - D. Any retail commercial use, including any outdoor sales, does not extend beyond one-half mile of the centerline of the intersection.
4. The Village Council may grant an exception approving a rezoning for neighborhood commercial development that does not comply with the location and floor area standards of subsection 2 above, if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan

**D. Community Commercial Development<sup>120</sup>**

1. Community commercial development consists of use types allowed in neighborhood commercial development as well as additional use types such as: cinema or theater; laundry services; performance center; repair shop, household; recreational facility, indoor; recreational facility, outdoor; tobacco shop; tattoo or body piercing establishment; and similar uses.
2. All community commercial development shall have a gross floor area of between 100,000 and 400,000 square feet, and be located at the intersection of two arterial roads so that direct access is provided to both intersecting roads (The direct access may be provided by an internal access road to either of the two intersecting roads). "At the intersection" means no more than one-quarter-of-a-mile from the centerline of the intersection and shall include proper spacing of access points, unless excepted through the planned development rezoning process in accordance with subsection 3 below.
3. A neighborhood commercial development approved as part of a planned development may extend beyond one-quarter mile of the intersection, if:
  - A. Direct access from at least one of the arterial roads is provided to the development within one quarter mile of the intersection;
  - B. An internal access road or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
  - C. All access points comply with the spacing standards in this LDC; and

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<sup>119</sup> This use specific standard implements FLU 1.5.1, in the comprehensive plan.

<sup>120</sup> This use specific standard implements FLU 1.5.1, in the comprehensive plan.

- D. Any retail commercial use, including any outdoor sales, does not extend beyond one-half mile of the centerline of the intersection.
  - 4. The Village Council may grant an exception and approving a rezoning that does not comply with the location and floor area standards of subsection 2 above, if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.
- E. Regional Commercial Development<sup>121</sup>**
- 1. Regional commercial development consists of uses types involving the sale of a full range of shopping goods, as well as uses allowed in a community commercial development.
  - 2. Except for the Coconut Point DRI, all regional commercial developments shall comply with the following:
    - A. Have a gross floor area of between 400,000 and 1,000,000 square feet, and be located to provide direct access to two arterial roads (The direct access may be provided by an internal access road to either or both of the two intersecting roads);
    - B. Except as allowed by subsection 3 below, extend no more than ¼-mile from the centerline of the intersection; and
    - C. Properly space access points along the arterial roads to ensure safe and adequate access.
  - 3. A regional commercial development approved as part of a planned development located at the intersection of two arterials, may extend beyond ¼-mile of the intersection, if:
    - A. Direct access from at least one of the arterial roads is provided to the development within ¼-mile of the intersection;
    - B. An internal access street or frontage road provides access to the intersecting road, prior to occupancy of the planned development;
    - C. All access points comply with the spacing standards in this LDC; and
    - D. Any retail commercial use, including any outdoor sales, does not extend beyond ½-mile of the centerline of the intersection.
  - 4. The Village Council may grant an exception approving a rezoning for regional commercial development that does not comply with the location and floor area standards of subsection 2 above if the development complies with Section 5-7, Architectural, Form, and Design Standards, does not promote a continuation of a strip commercial development pattern, and is otherwise consistent with the comprehensive plan.

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#### **4-113. COMMUNITY GARDEN**

A community garden shall comply with the following standards<sup>123</sup>

- A. Be a maximum of one half acre in size.<sup>124</sup>
- B. In zoning districts that allow residential uses, not use or operate power tools or portable mechanical equipment outdoors before 8:00 AM and after 7:00 PM.
- C. Use fertilizer, pesticide, insecticide, herbicide or agricultural use chemicals consistent with label instructions and be in compliance with the **Village Fertilizer Ordinance**.<sup>125</sup>
- D. Limit accessory buildings to sheds (for the storage of tools), greenhouses, seasonal farm stands, shade pavilions, and planting preparation houses, and ensure the combined area of all accessory buildings and other structures not exceed 5,000 square feet.
- E. Ensure buildings not exceed a maximum of 15 feet in height.
- F. Ensure all buildings have an impervious floor to catch chemical runoff.

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<sup>121</sup> This use specific standard implements FLU 1.5.1, in the comprehensive plan.

<sup>123</sup> Unless otherwise noted, these subsections carry forward standards from Sec. 34-1716 of the transitional LDC, with refinements.

<sup>124</sup> The threshold for a community garden is decreased from two to one-half acre.

<sup>125</sup> **Lee County regulates fertilizer through Ordinance 08-08.**

- G. Limit areas for communal composting to 10 percent of the area of the parcel.<sup>126</sup>
- H. Ensure any perimeter fences, including trellises, which are allowed, comply with the standards in Section 5-5, Fence and Wall Standards.
- I. Provide trash receptacles on site.
- J. Have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.<sup>127</sup>
- K. Have one sign that does not exceed six square feet in area and four feet in height, indicating the name of the community garden and the contact information of the principal operator, including the operator's name and current telephone number.
- L. Flowers, vegetables, or other crops grown at a community garden may be sold on-site if a temporary use permit is approved in accordance with Sec. 2-505.C, Temporary Use Permit, prior to the sale. A maximum of eight events involving such sales may be scheduled each year. Each event shall not exceed two days. The land owner may obtain a single temporary use permit covering all events scheduled for the year. Proof of sanitary facilities shall be provided with a temporary use permit application.

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#### **4-114. CONTINUING CARE RETIREMENT COMMUNITY<sup>129</sup>**

A continuing care retirement community shall comply with the following standards:

- A. Age restrictions shall comply with the federal Fair Housing Act.
- B. The number of nursing care beds shall not exceed 20 percent of the total number of permitted dwelling units.
- C. The facility may include retail commercial uses as ancillary to the principal residential and healthcare uses.
- D. A minimum of 30 percent of the facility's land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, or indoor or outdoor social-oriented amenities, including community centers. Such areas shall be located so they are safely and conveniently accessible to community residents.
- E. Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and a minimum side dimension of 50 feet.
- F. A new continuing care retirement community shall not be developed in coastal high hazard areas unless it complies with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- G. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

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#### **4-115. CONVENIENCE STORE WITHOUT GAS, CONVENIENCE STORE WITH GAS, AND SUPER CONVENIENCE STORE<sup>130</sup>**

A convenience store without gas sales, and super convenience store shall comply with the following standards:

- A. The minimum dimensional standards shall be as follows, or in accordance with the dimensional standards of the zoning district in which the establishment is located, whichever is greater:
  - 1. Minimum lot frontage: 150 feet.
  - 2. Minimum lot depth: 150 feet.
  - 3. Minimum lot area: 25,000 square feet.
  - 4. Minimum street setback for arterials or collectors: 50 feet.

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<sup>126</sup> This is a new standard.

<sup>127</sup> This is a new standard.

<sup>129</sup> This is a new standard.

<sup>130</sup> This carries forward the standards from Sec. 34-1353 of the transitional LDC.

5. Minimum side setbacks: 15 feet.
  6. Minimum rear setback: 20 feet.
  7. Minimum distance from a residential use or zoning district: 50 feet.
- B. Canopies shall:**
1. Be consistent with the architectural design and features of the principal structure.
  2. Be one color, or one color with an accent band in another color.
  3. Not have flat-roofs (flat roofs are prohibited).
- C. Minimum distance between automobile service stations, convenience stores with gas, and super convenience stores (with gas) measured from the nearest points on any lot or parcel of land to be occupied by automobile service stations, convenience stores with gas, and super convenience stores (with gas), and any lots of existing or an approved automobile service station, convenience stores with gas, or super convenience stores (with gas) shall be 500 feet, unless a deviation or variation is granted by the Village Council.<sup>131</sup>**

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#### **4-116. DAY CARE CENTER**

**A. Adult day care<sup>132</sup>**

An adult day care facility shall comply with all relevant state and federal laws.

**B. Child day care<sup>133</sup>**

A child day care shall comply with the following standards:

1. Comply with all relevant state and federal laws.
2. Have an outdoor play area that complies with the following:
  - A. Include a minimum of 75 square feet per child.
  - B. Have a fence that is at least three and one-half feet in height that completely encloses the play area.
  - C. Be designed so all persons entering the play area are within direct line of sight from the child day care classroom areas.
  - D. Not locate play equipment within the required setback.
3. Have parking areas and vehicular circulation patterns that comply with the following:
  - A. Be designed to enhance the safety of children as they arrive at and leave the facility.
  - B. Have a designated pickup and delivery area that is located adjacent to the child day care facility in such a way that children do not have to cross vehicular traffic to enter or exit the facility.
  - C. Have a minimum of one parking space for every 20 children cared for that is provided in addition to the requirements for all day cares in Sec. 5-205, Off-Street Parking Standards.
4. Not conduct outdoor play activities after 7:00 PM.

**C. Family day care home<sup>134</sup>**

A family day care home that is exempted in accordance with Sec. 125.0109, Fla. Stat., does not require approval of a special exception.

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#### **4-117. DWELLING, LIVE-WORK<sup>135</sup>**

A live-work dwelling shall comply with the following standards:

- A. The residential portion of the building shall not occupy over 60 percent of the gross floor area.**

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<sup>131</sup> This carries forward the standard from Sec. 33-444 of the transitional LDC

<sup>132</sup> This is a new standard

<sup>133</sup> This is a new standard

<sup>134</sup> This carries forward the standards from Section 34-206 of the transitional LDC.

<sup>135</sup> This is a new standard.



- B. The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- C. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- D. Drive-through facilities are prohibited.

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**4-118. DWELLING, MOBILE HOME<sup>136</sup>**

Mobile home dwellings shall comply with the following standards:

- A. Be located on a permanent foundation and anchored, in accordance with state law and the F.A.C.
- B. Be permanently enclosed underfloor with removable skirting made of a durable material such as decorative block, concrete block, fiberglass, aluminum, or vegetation, but not junk doors or other scrap material. The skirting shall be maintained at all times by the resident.
- C. Remove all equipment related to the transportation of the mobile home dwelling.
- D. Be at least 20 feet wide.
- E. Not be located on lots smaller than five acres in the AG district.
- F. For all mobile home parks, provide an emergency shelter, which shall be a building of wood frame, metal or CBS construction. The size of each emergency shelter shall be determined by using the total number of units and spaces multiplied by 2.4 (representing the average number of persons per household), multiplied by the shelter space requirement of 20 square feet of usable floorspace per person, and multiplied by the maximum estimated percentage of evacuating population that would use a shelter (45 percent), which would equal the total required size of the emergency shelter. In no case shall this section be interpreted to require construction of a shelter with less than 1,000 square feet of floor area. The shelter shall be elevated to a minimum height equal to or above the worst case Category 3 flooding level utilizing the National Weather Service Storm Surge Model, "SLOSH."<sup>137</sup>

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**4-119. DWELLING, MULTIPLE-FAMILY<sup>138</sup>**

**A. Vertical Accessibility**

Any multiple-family dwelling of at least 3 stories shall include an elevator accessible to residents.

**B. Uses Accessory to Multiple-Family Dwellings**

Consumer goods establishments, convenience restaurants, drug store, personal services group I, and personal services group II are permitted as accessory uses to a multiple-family project when they are clearly subordinate to multiple-family development, if they comply with the following standards:

1. The accessory use shall be totally within the buildings housing the multiple-family development;
2. The accessory use shall occupy no more than (a maximum) of ten percent of the floor area of the multiple-family development; and
3. Public access to the accessory use shall not be evident from any abutting street.

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**4-120. FUNERAL HOMES OR MORTUARIES**

Funeral homes or mortuaries with crematories are only allowed in planned developments or by special exception in accordance with Sec. 2-501.E, Special Exception.

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**4-121. GOLF COURSE CONVERSION<sup>139</sup>**

An application for conversion from a golf course to a non-golf course use or uses shall comply with the following standards.

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<sup>136</sup> This builds on the standards from Sec. 34-1921 of the transitional LDC.

<sup>137</sup> This carries forward standards from Sec. 10-258 of the transitional LDC. The standard was separated from Hurricane Preparedness Standards of Article 2 in the transitional LDC and that separation has been preserved.

<sup>138</sup> This carries forward standards from Sec. 34-3023 of the transitional LDC and the comprehensive plan.

<sup>139</sup> This is a new provision based on regional examples

## A. General Standards

### 1. General

- A. A golf course not within an existing Planned Development or adjacent to an existing Planned Development shall be approved for conversion to non-golf course use only as a Planned Development pursuant to Sec. 2-501.D, Planned Development, Section 3-7, Planned Development Districts, this section, and all other applicable sections of this LDC.
- B. A golf course that is within an existing Planned Development or adjacent to an existing Planned Development shall be reviewed as a major amendment to a Planned Development pursuant to Sec. 2-501.D, Planned Development, Section 3-7, Planned Development Districts, this section, and all other applicable sections of this LDC.
- C. This section does not apply to an application for a use allowed under this code as a permitted, accessory, or special exception use for a golf course.

### 2. Procedure

The following processes apply in addition to the procedure for adoption or amendment of a Planned Development in Sec. 2-501.D, Planned Development.

#### A. Application

The application shall be made on a form provided by the Director. It shall include detailed plans and elevations, including but not limited to location and function of proposed view corridors. The applicant shall provide a statement of the goals and objectives of the conversion, which shall become part of any village resolution or ordinance approving the conversion.

#### B. Stakeholder Public Meeting

1. Prior to any public hearing on the application, the applicant shall conduct at least one public meeting directly with stakeholders. Stakeholders are defined as persons owning or residing in residences within 300 feet of any boundary of the golf course and members of any homeowners association that abuts the golf course.
2. The applicant shall provide notice of the meeting to Director and stakeholders at least 10 business days before the meeting.
3. The applicant shall provide stakeholders with its statement of goals and objectives of the conversion at the meeting, and facilitate a discussion regarding the statement and stakeholder concerns. The applicant shall also provide stakeholders with a conceptual plan of the proposed development, including locations and elevations of proposed uses, and locations of the preserve area, open spaces and recreational uses. The applicant shall discuss measures it proposes to ensure compatibility with surrounding residential property.

#### C. Time for Public Hearings

Public hearings on the application may be held only between October 16 and May 14 to allow adequate public input.

## B. Conversion Standards

### 1. Uses

All non-golf course uses proposed as part of the conversion of a golf course shall meet the following standards:

- A. The uses shall be compatible and complementary to the existing surrounding uses. For purposes of this section, surrounding uses shall mean uses within 300 feet of any boundary of the golf course.
- B. The uses shall have no adverse impacts on existing residential uses surrounding the golf course. The application shall include provision for view corridors that mitigate impacts to property owners of abutting residential properties.
- C. Recreation use available to the persons eligible to use the existing golf course before conversion, or to residents of abutting dwelling units, or to the general public are preferred non-golf course uses. These uses may include, for example, shared use paths, walking and

biking trails, and observation decks. Recreational uses may also include more active recreational uses as, for example, swimming pools, dog parks, tennis or pickleball courts, and playgrounds.

- D. A minimum of 50 percent open space shall be included in the master concept plan for the area to be converted. Recreational uses set forth in paragraph C above, and preserve areas provided pursuant to subsection 2 below may be counted toward open space requirements.

**2. *Preserve areas***

All master concept plans shall include sufficient preserve areas in or abutting the existing golf course area to protect, after conversion, the converted area and abutting properties from the growth of exotic vegetation, potential fire hazard, vegetative overgrowth, and other nuisances. Lakes may not constitute more than 30 additional percent of the preserve area than exists prior to designation as the preserve area. Approval of the golf course conversion must include a condition incorporating a preserve area management plan providing for adequate maintenance of the preserve area in perpetuity by the applicant and its successors.

**3. *Compatibility review***

Review of the application for conversion shall include an analysis of the compatibility of the proposed new uses with surrounding uses. Compatibility review of the application shall include, but not be limited to, consideration of the following.

**A. *Lighting***

All lighting shall be designed to reduce excessive glare, light trespass and sky glow. At a minimum, lighting shall be directed away from neighboring properties and all light fixtures shall be full cutoff with flat lenses.

**B. *Setbacks***

All non-golf course uses, except for passive recreational use and preserve areas, shall be set back a minimum average of 70 feet from lands zoned for or used as residential uses, but in no case shall be less than 50 feet at any one location.

- C. Existing canopy trees shall be preserved and maintained unless necessary to provide infrastructure improvements or if approved as part of the preserve area management plan.

- D. Any other compatibility issue raised in village review of the application or in a stakeholder public meeting required by this section.

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**4-122. HOSPITAL<sup>140</sup>**

A hospital shall comply with the following standards:

- A. Be located on at least three acres of land.
- B. Either have direct vehicular access onto an arterial road, or otherwise demonstrate adequate ingress and egress to the site in its circulation plan.
- C. Have a minimum street frontage of 200 feet.
- D. Design vehicular access, circulation systems, and exterior signage to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.
- E. Locate the principal structure at least 100 feet from all property lines.
- F. Not develop a new hospital in a coastal high hazard area unless it complies with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- G. If a new hospital or an addition to an existing hospital that adds 50 or more beds, be approved as a planned development or planned development amendment in accordance with Sec. 2-501.D, Planned Development.
- H. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

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<sup>140</sup> Subsections (A) through (E) are new standards. Subsections (F) and (G) carry forward existing standards from use table notes in the transitional LDC.

#### **4-123. HOTEL OR MOTEL<sup>141</sup>**

A hotel or motel shall comply with the following standards:

- A. The minimum dimensional standards shall be as follows, or in accordance with the dimensional standards in the zoning district where the hotel or motel is located, whichever is more restrictive:
  - 1. Minimum lot frontage: 100 feet.
  - 2. Minimum lot depth: 100 feet.
  - 3. Minimum lot are: 20,000 square feet.
  - 4. Minimum side setbacks: 20 feet for buildings with a maximum height of 35 feet; in addition, one half foot shall be added to each setback for every foot above 35 feet.
  - 5. Minimum rear setback: 20 feet.
- B. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

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#### **4-124. MEDICAL MARIJUANA DISPENSARY**

Medical marijuana dispensaries are prohibited.

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#### **4-125. NURSING HOME<sup>142</sup>**

A nursing home shall comply with the following standards:

- A. Have direct vehicular access onto an arterial road, or otherwise provide adequate ingress and egress to the site.
- B. Include security provisions (e.g. fencing) that restricts patients from leaving the facility without authorization.
- C. Comply with all applicable state laws regarding licensing and operation.
- D. A new facility shall not be developed in coastal high hazard areas unless it is in compliance with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.
- E. See Sec. 10-302.B, Density Equivalents, for determining equivalent density when relating this use to dwellings.

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#### **4-126. OUTPATIENT CARE FACILITY<sup>143</sup>**

An outpatient care facility shall comply with the following standards:

- A. Have direct vehicular access onto an arterial road or otherwise provide adequate ingress and egress to the site.
- B. Comply with all applicable state laws regarding licensing and operation.
- C. A new facility shall not be developed in coastal high hazard areas unless it is in compliance with Sec. 7-505.A.5, Facilities Requiring Special Care, allowing the structure to function as a shelter.

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#### **4-127. PET SERVICES<sup>145</sup>**

Pet services shall comply with the following standards:

- A. Provide service for domestic animals only.
- B. Where a facility is not completely enclosed and includes outdoor pens, cages, runs, or exercise facilities, shall comply with the following minimum requirements in addition to the regulations of the zoning district where it is located:
  - 1. Minimum lot area: two acres.

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<sup>141</sup> This carries forward the standard from Sec. 34-1801 of the transitional LDC

<sup>142</sup> Subsections (A) through (C) are new standards. Subsection (D) carries forward an existing standard from use table notes in the transitional LDC.

<sup>143</sup> Subsections (A) and (B) are new standards. Subsection (C) carries forward an existing standard from use table notes in the transitional LDC.

<sup>145</sup> This carries forward standards from Sec. 34-1322 of the transitional LDC.

2. Set back any pen, cage, run or other outdoor exercise facility a minimum of 200 feet from any abutting lot or parcel under separate ownership, or from any road right-of-way line or easement.

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**4-128. PLACES OF WORSHIP<sup>146</sup>**

- A. When in the AG or RSF districts, a place of worship shall comply with the following standards:
1. Minimum lot area: two acres.
  2. Minimum lot width: 100 feet.
  3. Minimum lot depth: 100 feet.
  4. Minimum front setback: 25 feet.
  5. Minimum side setbacks: 20 feet for all places of worship with a maximum height of 35 feet, and an increase of one foot for every three feet of height above 35 feet.<sup>147</sup>
  6. Minimum rear setback: 20 feet.
  7. Minimum water body setback: 25 feet.
  8. Maximum lot coverage: 40 percent or the standard in the conventional zoning district, whichever is more restrictive.
  9. Height limitations shall not apply to any spire or single-story (one floor) portion of a structure.
- B. When in a Commercial District (CS, UCR, or CC), a place of worship shall comply with the dimensional standards of the district in which it is located.
- C. When a child day care is included as part of a place of worship:<sup>148</sup>
1. It is not required to receive approval of a special exception (see Sec. 2-501.E, Special Exception), if it is owned by the place of worship and operated within a building housing the place of worship.
  2. It shall be compatible with adjacent uses in terms of hours of operation, noise, lighting, parking, traffic impacts, and similar considerations.

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**4-129. RECREATION FACILITY, OUTDOOR**

Aquatic centers, water slides, and similar water or aquatic uses generally included in the definition of an outdoor recreation facility are not permitted in the AG district.

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**4-130. RECYCLING DROP-OFF CENTER<sup>149</sup>**

A recycling drop-off center shall comply with the following standards:

- A. Be set back a minimum of 660 feet from any Residential district or residential development.
- B. Front on and have direct vehicular access to an existing road with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the center.
- C. Confine all operations to the interior of a wholly enclosed building.
- D. Have no outdoor storage.
- E. Be kept clean and free from debris.
- F. Provide the Village the right to inspect the facility at any time for compliance with the applicable requirements of this LDC.

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**4-131. RELIGIOUS FACILITY<sup>150</sup>**

- A. A religious facility in an AG district shall comply with the following standards:
1. Minimum lot area: two acres.

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<sup>146</sup> This carries forward the standards from Sec. 34-2051 of the transitional LDC.

<sup>147</sup> These standards simplify Sec. 34-2051 of the transitional LDC.

<sup>148</sup> This carries forward the standards from the transitional LDC, included as a table note wherever day care centers and places of worship are both permitted, and expands standards for compatibility with the surrounding area.

<sup>149</sup> This is a new standard.

<sup>150</sup> This carries forward the standards from Section 34-2051 of the transitional LDC.

2. Minimum lot width: 100 feet.
  3. Minimum lot depth: 100 feet.
  4. Minimum front setback: 25 feet.
  5. Side setbacks: between 20 and 40 feet, and a minimum of 10 percent of the lot width; and if a structure exceeds 35 feet in height, the side setback shall be increased on each side by an additional one-half foot for every foot of height over 35 feet. Where side setbacks over 30 feet would be required, the excess over 30 feet may be added to the opposite side setback, so that combined the two opposite sides achieve two times the side setback.<sup>151</sup>
  6. Minimum rear setback: 20 feet.
  7. Minimum water body setback: 25 feet.
  8. Maximum lot coverage: 40 percent, or the standard in the zoning district facility is located, whichever is more restrictive.
  9. Height limitations shall not apply to a spire or single-story (one floor) portion of a structure.
- B. When in a Commercial district (CS, UCR, or CC), the religious facility shall adhere to the dimensional standards in the zoning district in which it is located.

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**4-132. RESTAURANT**<sup>152</sup>

For any restaurant (convenience, fast casual, fast food, or standard), the restaurant must have an outdoor dog dining permit in order to allow patron's dogs in outdoor seating areas. Each approved establishment is subject to the following conditions:

- A. All food service employees must wash their hands promptly after touching, petting, or otherwise handling dogs.
- B. Employees cannot touch, pet, or otherwise handle dogs while serving food or beverages or handling tableware or before entering other parts of the establishment.
- C. Patrons must be advised to wash their hands before eating. The establishment must provide waterless hand sanitizer at each outdoor table.
- D. Dogs must not come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- E. Dogs must be kept on a leash at all times and under reasonable control.
- F. Dogs must not be allowed on chairs, tables, or other furnishings.
- G. Table and chair surfaces and any spillage must be cleaned and sanitized with an approved product between seating of patrons.
- H. Accidents involving dog waste must be cleaned immediately and the area sanitized with an approved product. Establishments are required to keep a kit containing cleaning materials in the designated outdoor area.
- I. Signage reminding employees and patrons of adopted rules must be posted.
- J. Signage that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs must be posted.
- K. Dogs are not permitted to travel through any indoor or non-designated outdoor portions of the establishment. Ingress and egress to the designated, permitted, area cannot require entrance into or passage through any indoor area of the establishment.
- L. A through K, above, do not place limits on service animals as defined in Fla. Stat. Ch. 413.

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**4-133. RESTAURANT, FAST CASUAL OR FAST FOOD**<sup>153</sup>

A fast food or fast casual restaurant shall comply with the following standards:

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<sup>151</sup> This standard simplifies Sec. 34-2051 of the transitional LDC.

<sup>152</sup> This carries forward the standards from Sec. 34-3024 of the transitional LDC.

<sup>153</sup> This carries forward the standards from Sec. 34-1353 of the transitional LDC.

- A. The minimum dimensional standards shall be as follows, or in accordance with the zoning district dimensional standards in which it is located, whichever is more restrictive:
  - 1. Minimum lot frontage: 150 feet.
  - 2. Minimum lot depth: 150 feet.
  - 3. Minimum lot area: 25,000 square feet.
  - 4. Minimum street setback for arterials or collectors: 50 feet.
  - 5. Minimum side setbacks: 15 feet.
  - 6. Minimum rear setback: 20 feet.
- B. Canopies shall:
  - 1. Be consistent with the architectural design and features of the principal structure. Flat-roof canopies are prohibited.
  - 2. Be one color, or one color with an accent band in another color.
  - 3. Not be flat-roofed (flat-roofs are prohibited).

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**4-134. RETAIL SALES GROUP I AND II<sup>154</sup>**

- A. Lawn and garden supplies as a part of a consumer goods and services use shall be set back at least 25 feet from all road rights-of-way or easements.
- B. Sale of fertilizer or compost as a part of a consumer goods and services use shall be limited to quantities for immediate use and kept at least 100 feet from any residential use.

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**4-135. SCHOOLS, ELEMENTARY, MIDDLE, OR HIGH<sup>155</sup>**

An elementary, middle, or high school shall comply with the following standards:

- A. If an elementary school, have direct access to a local or collector road.
- B. If a middle or high school, have direct access to a collector or arterial road.
- C. Not be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students, and to the general operation of the school.

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**4-136. SELF STORAGE<sup>156</sup>**

A self-storage facility shall comply with the following standards:

- A. Be set back a minimum of 660 feet from the edge of any Residential district or residential development.
- B. If separate buildings are constructed, be separated by a minimum of ten feet between buildings.
- C. Only allow the following commercial uses on-site: the rental of storage bays and the pickup and deposit of goods or property in dead storage.
- D. Not use or allow the use of storage bays to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- E. Not allow private postal boxes for the purpose of assigning a legal address.
- F. Not have more than one security or caretaker quarters on the site, and if located on-site, ensure the security or caretaker quarters are integrated into the building's design.
- G. Except as otherwise authorized in this subsection, ensure all property stored on the site is enclosed entirely within enclosed buildings.
- H. If abutting a Residential district or existing residential development, limit hours of public access to between 6:00 A.M. and 10:00 P.M., or between other times set in an individual planned development.

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<sup>154</sup> This carries forward the standards from Sec. 35- 2081 of the transitional LDC.

<sup>155</sup> This carries forward the standards from Sec. 34-2381 of the transitional LDC.

<sup>156</sup> This is a new standard.

- I. Where the establishment provides drive-up access to storage, ensure:
  - 1. Interior parking is provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
  - 2. The one- or two-way traffic flow patterns in aiseways is clearly marked. Markings shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
  - 3. Appropriate access and circulation by vehicles and emergency equipment is achieved through the design of internal turning radii of aiseways.
  - 4. All access ways are paved with asphalt, concrete, or comparable paving materials.
- J. Ensure garage doors serving individual storage units are perpendicular to a public or private road so as to not be visible from adjacent roads.
- K. Ensure windows not exceed 30 percent of any road-facing façade and are not reflective.
- L. Use a maximum of two colors (excluding roof colors) on wall façades visible from off-site areas. Colors shall be neutral and not be used to call attention to the establishment.
- M. Not include metal as a primary material on perimeter or exterior walls visible from an arterial road or residential development.
- N. Not allow open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use.
- O. Only use neutral colors (not bright colors) on exterior doors and doors visible through transparent façade elements.

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#### **4-137. STORAGE, OUTDOOR**

Any outdoor storage use shall not be larger than one acre in size.

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#### **4-138. SEXUALLY ORIENTED BUSINESSES**

Sexually oriented businesses, as defined Ch.22, Art. XIII, the Lee County Code of Ordinances, also known as the “Lee County Sexually Oriented Businesses Regulation Ordinance.”<sup>157</sup>

##### **A. Purpose**

The purpose of this standard is to provide reasonable regulations to alleviate the adverse effect of sexually oriented businesses on adjacent and nearby uses of land.

##### **B. Prohibited Locations**

No sexually oriented business shall be located closer than 1,000 feet, measured on a straight line, from:

- 1. The closest wall of any building containing a similar use;
- 2. Any district which allows residential uses; or
- 3. Any hotel, motel, restaurant, school (noncommercial), day care center (child), park, playground, place of worship, religious facility, public recreation facility, cultural center, or hospital.

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#### **4-139. UTILITY, MAJOR<sup>158</sup>**

- A. A major utility is not required to comply with the minimum lot area standards for the zoning district in which it is located, if it complies with all other dimensional and intensity standards.
- B. Major utilities shall be set back at least 100 feet from any private property line.

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<sup>157</sup> NOTE TO STAFF: This should be replaced by an equivalent Village of Estero notation as appropriate when the Village adopts one or finishes recodifying portions of the transitional code not included in the LDC.

<sup>158</sup> Subsection (A) carries forward the standards from Sec. 34-142 of the transitional LDC. Subsection 2 is a new standard.



**4-140. UTILITY, MINOR<sup>159</sup>**

A minor utility is not required to comply with the minimum lot area standards for the zoning district in which it is located, if it complies with all other dimensional and intensity standards.

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**4-141. VEHICLE AND BOAT RENTAL AND SALES<sup>160</sup>**

Vehicle and boat rental and sales establishments shall comply with the following standards:

- A. There shall be no more than one vehicle display pad for every 100 feet of road frontage. A vehicle display pad shall not exceed 5,000 square feet in area and may be elevated up to two feet above adjacent displays or ground level.
  - B. No vehicles or other similar items shall be displayed on the top of a building.
  - C. No materials for sale or rent other than vehicles shall be displayed between the principal structure and the adjoining road.
  - D. Vehicle storage space shall not exceed one acre.
  - E. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
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**4-142. VEHICLE AND BOAT REPAIR AND MAINTENANCE<sup>161</sup>**

Vehicle and boat repair and maintenance establishments shall comply with the following standards:

- A. Be located at least 200 feet from any Residential district, residential development, school, or child day care center.
  - B. Conduct all sales and installation operations in a wholly enclosed building with no outdoor storage.
  - C. Complete service activity on any motor vehicle within a seven day period, and not store any vehicle on the property for longer than this period of time.
  - D. Not store, demolish, or junk any motor vehicles (whether capable of movement or not) on-site.
  - E. Not park or store as a vehicle on site as a source of parts or for the purpose of sale or lease/rent.
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**4-143. WIRELESS TELECOMMUNICATIONS**

**A. Exempt from additional wireless telecommunications use-specific standards**

The following is exempt from these wireless telecommunications standards:

- 1. Maintenance of existing wireless communications facilities that do not include the placement or replacement of a wireless communications facility.
  - 2. Replacement or modification of antennas, ancillary appurtenances, or equipment enclosures with facilities of the same design, or narrower profile, the same size, or smaller, or otherwise not discernibly different in appearance, when viewed from ground level from surrounding properties, as the facilities being replaced;
  - 3. Wireless communications facilities erected upon the declaration of a state of emergency by a federal, state, or local government, if the Village Manager makes a determination of public necessity for the facility. (Wireless communications facilities exempt under this subsection shall be removed within 90 days of the termination of the state of emergency.)
  - 4. Collocation of antennas on existing antenna-supporting structures that:
    - A. Do not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
    - B. Do not increase the approved ground wireless communication facility site; and
    - C. Are of a design and configuration consistent with all of the applicable design and aesthetic regulations, restrictions or conditions, if any, applied to the first antenna placed on the structure or applied to the structure itself.
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<sup>159</sup> This carries forward the standards from Sec. 34-142 of the transitional LDC.

<sup>160</sup> This is a new standard.

<sup>161</sup> This is a new standard.

**B. Permissible locations**

Broadcast antenna-supporting structures in excess of 250 feet within the AG district require approval of a variance (see Sec. 2-506.A, Zoning Variance).

**C. Collocations**

1. Collocations on an antenna-supporting structure shall comply with the following standards:
  - A. Expansion of the wireless communications facility site area shall comply with the applicable height and setback requirements for principal structures in the zoning district in which it is located.
  - B. The portion of the collocation that does meet the requirements for exemption set forth in subsection A above, is exempt from the variance requirement, and subject to building permit review.
2. Collocations on an antenna-supporting structure shall comply with the following design restrictions:
  - A. The collocation shall not increase the height of the existing structure, as measured to the highest point of any part of the structure, or any existing antenna attached to the structure;
  - B. The collocation shall not increase the approved ground wireless communication compound area, if any; and
  - C. All aspects of the collocation shall be of a design and configuration consistent with the requirements of Sec. 4-143.F, Visual Impacts Minimized, below, and the applicable design and aesthetic regulations, and restrictions of conditions, if any, applied to the first antenna placement on the structure that does not conflict with the requirements of Sec. 4-143.F, Visual Impacts Minimized, below. Regulations, restrictions, conditions, or permits applied to the first antenna placement or the structure that limit the number of collocations or require review processes inconsistent with this subsection shall not apply.
3. Collocations on structures that will not meet all of the design restrictions of subsection 2 above shall be reviewed as follows:
  - A. The portion of the collocation that complies with the design restrictions of subsection 2 above will be reviewed and decided by the Director.
  - B. If the collocation involves only the expansion of the wireless communications facility site area, the expansion shall comply with the applicable height and setback requirements for principal structures in the zoning district in which it is located, and the setback and height requirements below.

**D. Permissible Antenna-Supporting Structures**

Table 4-143.D: Permissible Antenna-Supporting Structure Heights, Locations, and Applicable Review Process, identifies maximum allowed heights of antenna supporting structures in the corresponding zoning classifications using the corresponding review processes identified in Table 4-143.D.

<b>TABLE 4-143.D PERMISSIBLE ANTENNA-SUPPORTING STRUCTURE HEIGHTS, LOCATIONS, AND APPLICABLE REVIEW PROCESS</b>		
<b>Zoning Classification</b>	<b>Requiring Approval by Special Exception</b>	<b>Approval by Planned Development</b>
Agriculture (AG) District	Up to 149 feet	149 feet and higher
Residential Single-Family (RSF) District	Up to 75 feet	75 feet and higher
All Other Zoning Districts	Up to 149 feet	149 feet and higher

**E. District Impacts Minimized**

1. *Generally*

Antenna-supporting structures shall be located in a manner that is consistent with the Village's interest in land use compatibility, within and between zoning districts.

**2. *Siting Priorities***

In order to justify the construction of an antenna-supporting structure, the applicant shall demonstrate that higher ranking alternatives identified below in order of higher rank to lower rank, do not constitute reasonable, compatible, or feasible alternatives. Such demonstration shall include a statement of position, qualifications, and experience by a qualified radio frequency engineer.

- A. Collocated or combined antennas.
- B. Surface-mounted antennas.
- C. Roof-mounted antennas.

**3. *Proliferation Minimized***

- A. No antenna-supporting structure shall be permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building, structure, or antenna supporting structure.
- B. Documentation of the following may be submitted to demonstrate compliance with subsection A above:
  - 1. That no existing buildings or structures within the geographic search area meets the applicant's radio frequency engineering requirements;
  - 2. That no building or structure within the geographic search area has sufficient structural strength to support the applicant's radio frequency engineering requirements; or
  - 3. That there are other radio frequency engineering factors that render surface-mounted, roof-mounted, or collocated wireless communication facilities unfeasible.

**4. *Zoning Districts Prioritized***

In order to justify locating a proposed antenna-supporting structure within a zoning district lower in the hierarchy below, the applicant shall adequately demonstrate that siting alternatives within higher ranked districts, identified below in order of higher rank to lower rank, are not reasonable or feasible. This demonstration shall include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer.<sup>163</sup>

- A. Industrial;
- B. Commercial;
- C. Agricultural;
- D. Recreational Vehicle;
- E. Residential (including Mobile Home);
- F. Community Facilities;
- G. Environmentally Critical.

**F. *Visual Impacts Minimized***

**1. *Generally***

Antennas shall be configured in a manner that is consistent with the character of the surrounding neighborhood and development, and shall be of a color that blends with the structure to which it is

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<sup>163</sup> The existing priority list from Lee County is as follows:

- a. Industrial;
- b. Commercial;
- c. Marine-oriented;
- d. Community Facilities (CF) and Airport Operations Planned Development (AOPD);
- e. Agricultural;
- f. Recreational vehicle;
- g. Residential (including mobile home);
- h. Private recreational facilities planned development (PRFPD);
- i. Environmentally critical (EC).

attached, so that adverse visual impacts on adjacent properties are minimized. Antenna concealment screening shall also be used, when possible.

**2. Monopole Design Required**

Unless approved as either a roof-mounted or surface-mounted facility, all antenna support structures shall be a monopole, with all transmission cable/wiring concealed inside.

**3. Antenna Type Priorities**

In order to justify the use of an antenna-type lower in the hierarchy as outlined below in this subsection, the applicant shall adequately demonstrate that higher ranked alternatives identified below in order of higher rank to lower rank, are not reasonable or feasible. This demonstration shall include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer:

- A. Flush-mounted;
- B. Panel;
- C. Whip;
- D. Dish.

**4. Camouflage, Screening, Taping, and Placement**

**A. Color**

Antenna-supporting structures and ancillary appurtenances, including transmission lines, shall maintain a galvanized gray finish or other contextual or compatible color as determined by the Director, except as otherwise required by the FAA or FCC.

**B. Fencing**

The developer of a wireless communication facility shall install a fence or wall not less than eight feet and not more than ten feet in height from finished grade, to enclose the base of the antenna-supporting structure and equipment enclosures associated with any wireless communication facility. Access to the antenna-supporting structure shall be controlled by a locked gate. The fence shall be constructed in accordance with Section 5-5, Fence and Wall Standards. Not more than three strands of barbed wire, spaced six inches apart, may be allowed above the fence.

**C. Landscaping**

- 1. A landscaped buffer of at least ten feet in width shall be planted along the entire exterior perimeter of the required fence or wall. Where the proposed antenna-supporting structure will be located adjacent to a residential or public recreational use, or a lot in the RSF or RPD districts, or any residential lot in any other district, the landscaped buffer shall be at least 15 feet in width.
- 2. A buffer required by this section shall contain sabal palms planted ten feet on center, and a double hedge row of native shrubs. The development shall also comply with the requirements of Section 5-4, Landscape Standards. The hedge shall be maintained at a minimum height equivalent to the fence height. Notwithstanding the above planting requirements, where the proposed antenna-supporting structure will be located adjacent to a residential lot, public recreational use, or right-of-way, the landscaped buffer shall include six feet in height native canopy trees planted ten feet on center, instead of the sabal palms.
- 3. Where these regulations would require existing facilities to meet current landscape requirements, the Director may reduce or eliminate such requirements if the Director determines that the requirements would be unreasonable, or infeasible, or would otherwise be inequitable under the circumstances. The Director's decision is discretionary and may not be appealed. (Applicants may apply for a variance from the landscaping requirements, see Sec. 2-506.A, Zoning Variance).

**D. Other Facilities**

- 1. Roof-mounted facilities shall be camouflaged by a parapet or other device, or otherwise situated so as to screen its visual impact along each sight line.

2. Transmission lines placed on the exterior of a building shall be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached.
3. Surface-mounted antennas shall be placed no less than 15 feet from the ground and, where proposed for placement on a building, shall be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached.

**E. Taping**

The developer of a wireless communication facility shall install taping around the antenna-supporting structure in conformance with the following:

1. The tape shall be six-inch 3m Diamond Grade(tm) VIP Reflective Sheeting, series 3990.
2. The taping shall start at 20 feet above surface.
3. The taping shall be at ten-foot intervals.
4. The tape shall be wrapped around the support pole and overlap by one inch for a good seal.

**G. Setback Development Regulations**

**1. New Facilities**

All new antenna-supporting structures shall meet the setback requirements for the zoning district in which they are proposed to be located, or be a distance equal to their overall height from all lot lines of the property on which they are proposed, whichever is greater. A monopole with internal antennas shall be setback a distance equal to one-half of its overall height from all lot lines of the property on which it is proposed, unless a greater distance is required as a condition of the approval or a variance is granted.

**2. Replacement Facilities**

No replacement facility within the approved compound area shall be placed closer to a lot line than the wireless communication facility it is replacing.

**3. Ancillary Appurtenances**

Ancillary appurtenances, and equipment enclosures shall meet the minimum setback requirements for the zoning district in which they are proposed, as well as those set forth in Sec. 10-304.B, Allowable Encroachments into Required Setbacks.

**H. Height<sup>164</sup>**

1. Roof-mounted antennas, attachment devices, equipment enclosures, or ancillary appurtenances may be placed on commercial, institutional, light industrial, and multi-family buildings at least 35 feet in height and shall not extend more than 20 feet above the roofline of the building on which they are attached.
2. Collocations shall not increase the existing overall height of an antenna-supporting structure.
3. In all other cases, the overall height of an antenna-supporting structure shall not exceed 149 feet, except as provided below:
  - A. FCC-approved AM broadcast antenna-supporting structures shall not exceed 250 feet in overall height.
  - B. All other FCC-approved broadcast antenna-supporting structures shall not exceed 500 feet.
4. The overall height of ground-mounted equipment or equipment enclosure shall not exceed 12 feet.
5. Antenna-supporting structures proposed within a designated notification height boundary of a private aircraft or helicopter landing facility, as specified on the Airspace Notification Map, will be limited to the height specified by that boundary, according to the proposed facility's distance from the runway or landing facility.

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<sup>164</sup> A requirement to comply with Airport Residential Zones has been removed from the transitional LDC as there are no such zones in the Village.

## I. Construction

### 1. *Type of Construction*

Broadcast facilities may utilize lattice or guyed antenna-supporting structures. All other wireless facilities are limited to monopole antenna-supporting structures.

### 2. *Accommodation of Future Collocations*

- A. Antenna-supporting structures shall be designed to accommodate future collocations.
- B. The applicant shall submit a shared use plan that commits the owner of the proposed antenna-supporting structure to accommodating future collocations where reasonable and feasible in light of these standards.

### 3. *Lighting*

- A. Except for security lighting and site lighting, other types of lights, signals or illumination will only be permitted on an antenna-supporting structure or ancillary appurtenances where lighting is required by the FAA, FCC, the Village, or the Lee County Mosquito Control District.
- B. Security lighting and site lighting may be placed in association with an approved equipment enclosure. Site lighting shall remain unlit except when authorized personnel are present at the facility. Security lighting and site lighting shall be shielded to prevent light trespass.
- C. All antenna-supporting structures 150 feet or greater in height above ground level shall be artificially lighted and maintained in accordance with the technical requirements of the FAA's current Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended, or other appropriate aviation authority. Unless pre-empted by FAA or FCC regulations, all lighting shall be approved in conjunction with the development order for the facility.
- D. If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the FAA or FCC, temporary high or medium intensity flashing lights shall be installed at that level in accordance with Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended.

### 4. *Notice of Commencement of Construction*

- A. Forty-eight (48) hours before commencing construction of an antenna-supporting structure, and within 48 hours after the antenna-supporting structure construction reaches its maximum height, the Village of Estero, the Lee County Port Authority, the Sheriff's office, Emergency Medical Services, the local fire district, and the Lee County Mosquito Control District shall be notified by the entity constructing the antenna-supporting structure. Notice shall include the location of the antenna-supporting structure tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990 Adjustment).
- B. A permit will not be issued if the proposed construction or alteration is found to violate the provisions of this LDC, or any other applicable Federal or State rules or regulations.

### 5. *Floor Area*

Floor area shall not exceed 400 square feet per antenna array without approval of a special exception (see Sec. 2-501.E, Special Exception). Floor area shall be calculated based on the total impervious surface associated with an equipment enclosure.

## J. Signage

- 1. Signs on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall are prohibited unless permitted in accordance with this subsection.
- 2. If high voltage is necessary for the operation of proposed wireless communications facilities, "High Voltage-Danger" and "No Trespass" warning signs not greater than one square foot in area shall be permanently attached to the fence or wall at intervals of not less than 40 feet and upon the access gate, or as otherwise required by the FAA or FCC.
- 3. A sign not greater than one square foot in area shall be attached to the access gate that includes the following information:
  - A. Federal registration number, if applicable;
  - B. Name of property owner, facility owner, providers, and contact person; and
  - C. An emergency contact number for the contact person.

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**K. Wireless Facilities in Public Rights-of-Way<sup>166</sup>**

**1. Intent and Purpose**

- A. The intent and purpose of this subsection K is to:
1. Promote the public health, safety, and welfare by providing for the placement and maintenance of communications facilities in the public rights-of-way within the Village;
  2. Adopting and administer reasonable rules and regulations not inconsistent with state and federal law, including, but not limited to, Sec. 337.401, Fla. Stat., the Federal Communications Act of 1934, as amended, and other state and federal laws
  3. Establish reasonable rules and regulations necessary to manage the placement or maintenance of communications facilities in public rights-of-way by communications services providers; and
  4. Minimize disruption to the public rights-of-way.
- B. In regulating the Village right-of-way, the Village shall be governed by and shall comply with all applicable federal and state laws.

**2. Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way**

- A. A communications services provider, communications facility provider, or pass-through provider that desires to place or maintain a communications facility in public rights-of-way in the Village shall first register with the Village in accordance with this subsection K. This subsection K provides no right of access to the public rights-of-way for persons other than communications services providers, or businesses other than those providing communications services. Other uses of the public rights-of-way reasonably related to the provision of communications services may be allowed in the reasonable discretion of the Village.
- B. A registration shall not convey any title, equitable or legal, to the registrant in the public rights-of-way. Registration governs only the placement or maintenance of communications facilities in public rights-of-way. Other ordinances, codes, or regulations may apply to the placement or maintenance of communications facilities other than those located in public rights-of-way. Registration does not excuse a registrant from obtaining appropriate access or pole attachment agreements before locating its facilities on the Village's or another person's or business's facilities. Registration does not excuse a registrant from complying with all applicable Village ordinances, codes, or regulations, including this subsection K.
- C. Each communications services provider, communications facility provider, or pass-through provider that desires to place or maintain a communications facility, including without limitation, a colocation, in public rights-of-way in the Village, shall file an application for a single registration with the Village which shall include the following information:
1. Name of the registrant;
  2. Name, address, and telephone number of the registrant's primary contact person and the person to contact in case of an emergency;
  3. Evidence of the insurance coverage required under this subsection K and acknowledgement that the registrant has received and reviewed a copy of this subsection K, which acknowledgment shall not be deemed an agreement; and
  4. The number of the registrant's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission or the FCC. A registrant proposing to place or maintain a wireless communications facility operating on a spectrum licensed by the FCC shall supply the file number of the FCC license authorizing such wireless service.
- D. The Village shall review the information submitted by the applicant. Such review shall be by the Director. If the applicant submits information in accordance with subsection C above, the registration shall be effective and the Village shall notify the applicant of the effectiveness of the registration in writing. If the Village determines that the information has not been submitted in accordance with subsection C above, the Village shall notify the applicant, in

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<sup>166</sup> This new section reflects changes to state law that modified Sec. 337.401, Fla. Stat.

- writing, of the non-effectiveness of registration and reasons for the non-effectiveness. The Village shall respond to an application for registration within 30 days after receipt of registration information. Non-effectiveness of registration shall not preclude an applicant from filing subsequent applications for registration under the provision of this article. An applicant has 30 days after receipt of the notice of non-effectiveness of registration to file an administrative appeal as provided in subsection 8 below.
- E. A registrant may cancel a registration upon written notice to the Village stating that it will no longer place or maintain any communications facilities in public rights-of-way within the Village and will no longer need to obtain permits to perform work in public rights-of-way. A registrant cannot cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.
  - F. Registration does not in and of itself establish a right to place or maintain, or the priority for the placement or maintenance of a communications facility in public rights-of-way within the Village but shall provide the registrant with the right to apply for a permit. Registrations are expressly subject to any future amendment to or replacement of this subsection K and are further subject to any additional Village ordinances, as well as any state or federal laws that may be enacted.
  - G. A registrant shall renew its registration with the Village every five years. Within 30 days of any change in the information required to be submitted pursuant to subsection C above, a registrant shall provide updated information to the Village. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the Village restricting the issuance of additional permits until the communications services provider has complied with the registration requirements of this article.
  - H. An effective registration shall be a condition of obtaining a permit for the placement of communications facilities or utility poles that support small wireless facilities within public rights-of-way in accordance with subsection 4 below.
- 3. *Notice of Transfer, Sale, or Assignment of Assets in Public Right-of-Way***
- A. If a registrant transfers, sells, or assigns its assets located in public rights-of-way incident to a transfer, sale, or assignment of the registrant's assets, the transferee, buyer, or assignee shall be obligated to comply with the registration requirements of subsection C above. Written notice of any such transfer, sale, or assignment shall be provided by such registrant to the Village within 20 days after the effective date of the transfer, sale, or assignment. If the transferee, buyer, or assignee is a current registrant, then the transferee, buyer, or assignee is not required to re-register. If the transferee, buyer, or assignee is not a current registrant, then the transferee, buyer, or assignee shall register as provided in subsection 2 above within 60 days of the transfer, sale, or assignment. If permit applications are pending in the registrant's name, the transferee, buyer, or assignee shall notify the Village that the transferee, buyer, or assignee is the new applicant after the requirements of subsection C above have been satisfied.
  - B. The Village does not have the right to approve or deny registrants' asset transfers or assignments to communications services providers operating at least one communications facility within the Village, and the failure to comply with this subsection 3 does not void any such asset transfer or assignment. The Village reserves the right to exclude persons or entities other than communications services providers or pass-through providers from its rights-of-way. Transfers or assignments of a communications facility to persons or entities other than a communications services provider or pass-through provider who will operate at least one communications facility within the county requires compliance with this section to insure continued use of the public rights-of-way.
- 4. *Permit Application***
- A. A permit shall be required for the placement or replacement of any communications facilities, including colocations, within the public rights-of-way, and for the placement or replacement of utility poles that support small wireless facilities within the public rights-of-way, except as provided in subsection B below. An applicant seeking to collocate small wireless facilities



- may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities.
- B. A permit shall not be required for the following:
1. The maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider.
  2. Routine maintenance or repair work, including, but not limited to extensions of such facilities from the public right-of-way into private property for providing communications services to an identifiable customer or group of customers.
  3. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size.
  4. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the public rights-of-way.
- C. Notwithstanding subsection B above, a permit shall be required for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing emergency service restoration on an existing facility and the work is done in compliance with the 2017 edition of the FDOT Utility Accommodation Manual, in which case an after-the-fact permit must be obtained if a permit would have originally been required to perform the work undertaken in public rights-of-way due to the emergency. The term "emergency" means a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing facility.
- D. The installation of a utility pole in the public rights-of-way that is not used to support a small wireless facility is not governed by this subsection K, and shall remain subject to the general rules and regulations governing the placement of structures in the public rights-of-way.
- E. A permit application shall include the following:
1. The location of the proposed communications facility or utility pole, including a description of the facilities to be installed, where the facilities are to be located, and the approximate size of the facilities that will be located in public rights-of-way;
  2. A description of the manner in which the proposed communications facility or utility pole will be installed (i.e. anticipated construction methods or techniques);
  3. If applicable, a statement indicating whether the proposed communications facility will permit collocation;
  4. A maintenance of traffic plan for any disruption of the public rights-of-way, in accordance with standards promulgated by FDOT;
  5. Information that identifies all at-grade or aerial structures including, but not limited to, light poles, power poles, equipment boxes, and antennae existing in the public rights-of-way in the Village within a 50-foot radius of the proposed facility;
  6. A timetable for construction of the project or each phase thereof, and the areas of the Village that will be affected;
  7. Whether all or any portion of the proposed communications facility or utility pole will be rented, hired, leased, sublet, or licensed from or to any third party and, if so, the identity, and contact information of the third party;
  8. If appropriate, given the communications facility or utility pole proposed, a certified estimate of the cost of restoration for the public rights-of-way, subject to approval by the Village; and
  9. Such additional information as the Village finds reasonably necessary, with respect to the placement or maintenance of the communications facility or utility pole that is the subject of the permit application, to review such permit application.

5. *Standards for Placement or Maintenance of a Communications Facility or Utility Pole in Public Rights-of-Way*
- A. A registrant shall at all times comply with and abide by all applicable provisions of state and federal law and Village ordinances, codes, and regulations in placing or maintaining a communications facility or utility pole in public rights-of-way.
  - B. Communications facilities providers and pass-through providers understand and acknowledge that the Village strongly favors strengthening utility infrastructure, in particular as it relates to flooding and hurricane-related events. Subject to any applicable regulatory approval, communications facility providers and pass-through providers shall adopt and implement an infrastructure hardening plan for any facilities located within the Village.
  - C. To the extent not otherwise prohibited by state or federal law, the Village shall have the power to prohibit or limit the placement of new or additional wireless support structures within a particular area of public rights-of-way.
  - D. All communications facilities and utility poles shall be placed or maintained so as not to unreasonably interfere with the use of the public rights-of-way by the public and with the rights and convenience of property owners who adjoin any of the public rights-of-way. The use of trenchless technology (i.e., directional bore method) for the installation of facilities in the public rights-of-way, as well as joint trenching or the collocation of facilities in existing conduit, is required. The Village may promulgate reasonable rules and regulations concerning the placement or maintenance of a communications facility in public rights-of-way consistent with this subsection K and other applicable law.
  - E. All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities and utility poles.
  - F. The registrant shall notify the Village prior to commencement of construction in the right-of-way and upon completion of the work.
  - G. After the completion of any placement or maintenance of a communications facility or utility pole in public rights-of-way, or each phase thereof, a registrant shall, at its own expense, restore the public rights-of-way to their original condition before such work. If the registrant fails to make such restoration within 30 days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance, the Village may perform restoration and charge the costs of the restoration against the registrant in accordance with Sec. 337.402, Fla. Stat. For 12 months following the original completion of the work, the registrant shall guarantee its restoration work and shall correct, at its own expense, any restoration work that does not satisfy the requirements of this article.
  - H. Removal or relocation, at the direction of the Village, of a registrant's communications facility or utility pole in public rights-of-way shall be governed by the provisions of Secs. 337.403 and 337.404, Fla Stat.
  - I. A permit from the Village constitutes authorization to undertake only certain activities in public rights-of-way in accordance with this article, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.
  - J. A registrant shall maintain its communications facilities and utility poles in public rights-of-way in a manner consistent with accepted industry practice and applicable law.
  - K. For installations involving excavation in the public rights-of-way, a registrant shall, where applicable, comply with Ch. 566, Fla. Stat., the Underground Facility Damage Prevention and Safety Act.
  - L. The registrant shall use and exercise due caution, care, and skill in performing work in public rights-of-way and shall take all reasonable steps to safeguard worksite areas.
  - M. Upon the request of the Village, and as notified by the Village of the other work, construction, installation, or repairs referenced below, a registrant may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation, or repairs that may be occurring or scheduled to occur within a reasonable time frame in the subject public rights-of-way, and the registrant may be required to reasonably

- alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in public rights-of-way.
- N. A registrant shall not place or maintain its communications facilities or utility poles so that they interfere with, displace, damage, or destroy any facilities, including, but not limited to, sewers, gas or water mains, storm drains, pipes, cables, or conduits of the Village or any other entity's facilities lawfully occupying public rights-of-way.
- O. The Village makes no warranties or representations regarding the fitness, suitability, or availability of the Village's public rights-of-way for the registrant's communications facilities and utility poles, and any performance of work, costs incurred, or services provided by the registrant shall be at the registrant's sole risk. Nothing in this article shall affect the Village's authority to add, vacate, or abandon public rights-of-way, and the Village makes no warranties or representations regarding the availability of any added, vacated, or abandoned public rights-of-way for communications facilities and utility poles.
- P. The Village shall have the right to make such inspections of communications facilities and utility poles placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this article.
- Q. A permit application to place a new or replace an existing communications facility or utility pole in public rights-of-way shall include plans showing the location of the proposed installation of facilities in public rights-of-way. If the plans so provided require revision based upon actual installation, the registrant shall promptly provide revised "as built" plans. The plans shall be in a hard copy format or an electronic format specified by the Village, provided such electronic format is maintained by the registrant. Such plans in a format maintained by the registrant shall be provided at no cost to the Village.
- R. The Village reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables, or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the Village in public rights-of-way occupied by the registrant. The Village further reserves, without limitation, the right to alter, change, or cause to be changed the grading, installation, relocation, or width of the public rights-of-way within the limits of the Village and within said limits as same may, from time to time, be altered. Should the registrant be required to relocate its facilities in conjunction with such installation and alteration, the registrant shall be required to pay all costs associated with such relocation.
- S. A registrant shall, on the request of any person holding a permit issued by the Village, temporarily raise or lower its communications facilities to permit the work authorized by the permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than 30 days' advance written notice to arrange for such temporary relocation.
- T. A small wireless facility that is a portion of a communication facility, such as an antenna which is attached to a legally maintained vertical structure in the public rights-of-way, shall be subject to the following regulations:
1. Shall not extend more than ten feet above the highest point of the vertical structure.
  2. If located on new or existing utility poles, may be required to locate equipment other than the antenna (such as meter boxes) at a location separate from the utility pole. This requirement may be waived by the Village upon a showing that such a requirement is not reasonably compatible for the particular location or that the requirement imposes an excessive expense to the applicant.
  3. The Village may require stealth design and color matching of small wireless facilities in areas where the Village has provided facilities such as decorative light poles and other streetscape enhancements. This requirement may be waived by the Village upon a showing that such a requirement is not reasonably compatible for the particular location or that the requirement imposes an excessive expense to the applicant.
  4. The height for a new utility pole erected to support a small wireless facility is limited to the tallest utility pole located in the same right-of-way and that existed on July 1, 2017

measured from grade in place within 500 feet of the proposed location of the new utility pole. If there is not a utility pole within 500 feet of the proposed location, the height of the new utility pole shall not exceed 50 feet.

5. Shall not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation, or law.
  6. Shall comply with any applicable FCC Emissions Standards.
  7. The design, construction, and installation shall comply with any applicable local building codes.
  8. No commercial advertising shall be allowed.
  9. Any accessory equipment and related housing in the public rights-of-way that are used in conjunction with the wireless facility shall comply with any applicable local rules, regulations, ordinances, or laws governing the placement and design of such equipment.
  10. The rate to collocate small wireless facilities on a Village utility pole shall be \$150 per pole annually.
- U. Vertical structures other than utility poles, such as towers, whose sole purpose is to serve as a mounting device for antennae, are expressly prohibited from being located in any public rights-of-way unless applicable zoning and land use laws or regulations allow such structures to be placed within the zoning district in which such public rights-of-way are located or to which they are adjacent.

#### 6. *Permit Review*

- A. Within 14 days after receiving an application, the Village shall determine and notify the applicant by electronic mail whether the application is complete. If an application is deemed incomplete, the Village shall specifically identify the missing information and allow the applicant to submit the missing information along with a new application. If the Village fails to notify the applicant of deficiencies within 14 days after receiving the application, the application shall be deemed complete.
- B. The Village shall process all applications in a non-discriminatory manner. A complete application shall be deemed approved if the Village fails to approve or deny the application within 60 days of receipt. The application review period may be extended upon mutual agreement of the parties.
- C. Notwithstanding subsection B above, within 14 days after the date of filing an application, the Village may request that the proposed location of a communications facility or utility pole that supports a small wireless facility be moved to another location in the right-of-way and/or placed on an alternative Village utility pole or support structure. The Village and the applicant may, for up to 30 days after the date of the request, negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment. If the alternative location cannot be agreed upon by the parties, the applicant shall notify the Village and the Village shall grant or deny the application within 90 days after the date the application was filed. The request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
- D. A permit issued pursuant to an approved application shall remain effective for one year unless extended by the Village.
- E. The Village shall notify the applicant of approval or denial by electronic mail. If the application is denied, the Village shall specify in writing the basis for denial, including the specific code provisions on which the denial was based. An applicant may cure the deficiencies and resubmit the application within 30 days after notice of the denial is sent to the applicant. The Village shall approve or deny the revised application within 30 days after receipt of the application, or the application shall be deemed approved.
- F. The Village may deny a proposed collocation of a small wireless facility or a new utility pole in the public rights-of-way if the proposed collocation or utility pole:
  1. Materially interferes with the safe operation of traffic control equipment;
  2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;

3. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
4. Materially fails to comply with the 2017 edition of the FDOT Utility Accommodation Manual;
5. Fails to comply with applicable codes; or
6. Fails to comply with any objective design standards or undergrounding requirements enacted by the Village in accordance with Sec. 337.401(7), Fla. Stat.

**7. *Suspension of Permits***

- A. The Village may suspend a permit for work in the public rights-of-way for one or more of the following reasons:
  1. Violation of permit conditions, including conditions set forth in the permit, this article, or other applicable county ordinances, codes, or regulations governing placement or maintenance of communications facilities in public rights-of-way;
  2. Misrepresentation or fraud by registrant in a registration or permit application to the county;
  3. Failure to properly renew or ineffectiveness of the registration; or
  4. Failure to relocate or remove facilities as may be lawfully required by the Village.
- B. The Village shall provide notice and an opportunity to cure any violations of subsection A above, each of which shall be reasonable under the circumstances.

**8. *Administrative Appeals***

Final, written decisions of the Village suspending or denying a permit, denying an application for a registration, or denying an application for renewal of a registration are subject to administrative appeal. An appeal is required be filed in writing with the Village within 30 days of the date of the final written decision to be appealed. Any appeal not timely filed as set forth above shall be waived. The Village Manager shall review the appeal and issue a written decision within 45 days. A denial shall identify the specific code provisions on which the denial is based. Upon correction of the grounds that gave rise to a suspension or denial, the suspension or denial shall be lifted.

**9. *Involuntary Termination of Registration***

- A. The Village may terminate a registration if:
  1. A federal or state authority suspends, denies, or revokes a registrant's certification or license to provide communications services;
  2. The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the general public or other users of the public rights-of-way, and the registrant fails to remedy the danger promptly after receipt of written notice; or
  3. The registrant ceases to use all of its communications facilities in public rights-of-way and has not complied with subsection 13 below.
- B. Prior to termination, the Village shall notify the registrant in writing. The notice shall set forth all matters pertinent to the proposed termination action, including which of subsections A.1 through A.3 above is applicable as the reason for the termination, and describing the Village's proposed action. The registrant shall have 60 days after receipt of such notice within which to address or eliminate the reason or within which to present a plan satisfactory to the Village to accomplish same. If the plan is rejected, the Village shall provide written notice of such rejection to the registrant and shall make a recommendation to the Director<sup>168</sup> regarding a decision as to termination of registration. A registrant shall be notified in writing of a decision by the Director<sup>169</sup> to terminate its registration. Such written notice shall be sent within seven days after the decision.
- C. In the event of termination, the former registrant shall:

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<sup>168</sup> NOTE TO STAFF: Responsibility of the director of transportation in the transitional LDC.

<sup>169</sup> NOTE TO STAFF: Responsibility of the director of transportation in the transitional LDC.

1. Notify the Village of the assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in public rights-of-way; or
  2. Provide the Village with an acceptable plan for disposition of its communications facilities in public rights-of-way. If a registrant fails to provide such notification or plan for disposition, which determination of non-compliance is subject to appeal in accordance with subsection 8 above, the Village may exercise any remedies or rights it has at law or in equity, including, but not limited to, taking possession of the facilities where another person has not assumed the ownership or physical control of the facilities or requiring the registrant, within 90 days of the termination, or such longer period as may be agreed to by the registrant, to remove some or all of the facilities from the public rights-of-way and restore the public rights-of-way to their original condition before the removal.
- D. In any event, a terminated registrant shall take such steps as are necessary to render every portion of the communications facilities remaining in the public rights-of-way of the county safe.
- E. In the event of termination of a registration, this section does not authorize the Village to cause the removal of communications facilities used to provide another service for which the registrant or another entity that owns or exercises physical control over the facilities holds a valid certification or license with the governing federal or state agency, if required for provision of such service, and is registered with the Village, if required.

#### **10. Insurance**

- A. A registrant shall provide, pay for, and maintain, satisfactory to the Village, the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the state and having a rating reasonably acceptable to the Village. All liability policies shall provide that the Village is an additional insured as to the activities under this subsection K. The required coverages shall be evidenced by properly executed certificates of insurance forms. The certificates shall be signed by an authorized representative of the insurance company and shall be filed and maintained with the county annually. Thirty days' advance written notice by registered, certified mail, or facsimile shall be given to the Village of any cancellation, intent not to renew, or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the Village.
- B. The limits of coverage of insurance required shall be not less than the following:
1. Workers' Compensation and Employer's Liability Insurance: Workers' Compensation - Florida Statutory Requirements; Employer's Liability: \$1,000,000.00 limit each accident.
  2. Comprehensive general liability bodily injury and property damage: \$1,000,000.00 combined single limit each occurrence.
  3. Automobile liability bodily injury and property damage: \$1,000,000.00 combined single limit each accident.

#### **11. - Indemnification**

- A. A registrant shall, at its sole cost and expense, indemnify, hold harmless, and defend the Village, its officials, boards, members, agents, and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the Village arising out of the placement or maintenance of its communications facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this subsection K, provided, however, that a registrant's obligation hereunder shall not extend to any claims caused by the negligence, gross negligence, or wanton or willful acts of the Village. This provision includes, but is not limited to, the Village's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. The Village agrees to notify the registrant, in writing, within a reasonable time of the Village receiving notice, of any issue it determines may require indemnification. Nothing in this section shall prohibit the Village from participating in the defense of any litigation utilizing its own counsel at its own cost if in the Village's reasonable belief there exists or may exist a conflict, potential conflict, or appearance of a conflict. Nothing contained in this subsection K shall be construed or interpreted as denying to either

party any remedy or defense available to such party under the laws of the state, or as a waiver of sovereign immunity beyond the waiver provided in Sec. 768.28, Fla. Stat.

- B. The indemnification requirements shall survive and be in effect after the termination or cancellation of a registration.

**12. Surety Bond.**

- A. Prior to issuing a permit where the work under the permit will require restoration of public rights-of-way, the Village may require a surety bond to secure proper performance under the requirements of any permits and the restoration of the public rights-of-way. Twelve months after the completion of the restoration in public rights-of-way in accordance with the bond, the registrant may eliminate the bond. The Village, however, may subsequently require a new bond for any subsequent work in the public rights-of-way. The surety bond shall be issued by a surety having a rating reasonably acceptable to the Village; shall be subject to the approval of the Village Attorney; and shall provide that: "For 12 months after issuance of this bond, this bond may not be cancelled, or allowed to lapse, until 60 days after receipt by the Village, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."
- B. The rights reserved by the Village with respect to any surety bond established pursuant to this section are in addition to all other rights and remedies the Village may have under this article, or at law or equity.
- C. In-lieu of a surety bond, the Village shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, subject to the approval of the Village Attorney.

**13. Abandonment of Communications Facility**

- A. Upon abandonment of a registrant's communications facility in the public right-of-way, the registrant shall notify the Village, in writing, within 90 days. Additionally, registrants shall comply with the provisions of Section 4-143.K.2, Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way, relating to bi-annual registration and updating of facilities.
- B. The Village may, at its discretion, direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the Village determines that the abandoned facility's presence interferes with the public health, safety or welfare, which shall include, but not be limited to, a determination that such facility: (1) compromises safety at any time for any public rights-of-way user or during construction or maintenance activities in public rights-of-way; (2) prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or (3) creates a maintenance condition that is disruptive to the public rights-of-way's use. In the event of (2) above, the Village may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.
- C. In the event that the Village does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the Village, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the Village or another person at such third party's cost.
- D. If the registrant fails to remove all or any portion of an abandoned facility within a reasonable period of time, as directed by the Village, but not to exceed 60 days, the Village may perform such removal and charge the cost of the removal against the registrant.

**14. Pass-through Provider Fees and Charges**

- A. Pass-through providers that place or maintain one or more communications facilities upon, under, over, or along any public rights-of-way of the Village shall pay the Village an annual fee not to exceed the maximum annual amount allowed under Sec. 337.401, Fla. Stat.
- B. The annual amount referenced in subsection A above shall be due and payable on October 1 of every year. Fees not paid within ten days after the due date shall bear interest at the rate of one percent per month from the date due until paid. The acceptance of any payment required by the Village hereunder shall not be construed as an acknowledgment that the

- amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the Village may have for additional sums due and payable or authorization to install any facilities in the county's right-of-way.
- C. The Village may require a pass-through provider to provide an annual notarized statement identifying the total number of linear miles of pass-through facilities in the county's rights-of-way, in accordance with Sec. 337.401(6), Fla. Stat.

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## **SECTION 4-2. USE SPECIFIC STANDARDS FOR ACCESSORY USES**

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### **4-201. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES**

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#### **A. Relationship to Principal Uses and Zoning District Regulations**

##### **1. General**

Accessory uses and structures customarily recognized as clearly incidental and subordinate to the principal use of the land in accordance with this section, are allowed by right, when located on the same lot or parcel and in the same zoning district category as the principal use.

##### **2. Time for Establishment of Accessory Use or Structure**

Except as otherwise expressly allowed in the LDC, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use it serves, except for:

- A. Agricultural accessory structures in the AG district; and
- B. Fences or walls.

##### **3. Location of Accessory Use or Structure in Relation to Principal Building, Streets, and Adjacent Land**

- A. Accessory uses and structures may be erected as part of the principal building, may be connected to it by a roofed porch, patio or breezeway, or similar structure, or may be completely detached.
- B. Any accessory use or structure which is structurally part of the principal building shall comply in all respects with the requirements for the principal building.
- C. Any accessory use or structure not structurally made a part of the principal building shall comply with all the dimensional standards of the district in which it is located.
- D. All accessory uses and structures shall not be located closer to the road than the principal building, except:
  - 1. swimming pools, tennis courts, shuffleboard courts, and other similar recreational facilities accessory to a multiple-family, townhouse, or hotel or motel development:
    - (a) If they are approved as part of a planned development; and
    - (b) Are aesthetically landscaped with berms and/or buffers which are adequate to screen the use from the road to prevent it from being a distraction to traffic.
  - 2. Accessory uses on large lots according to specific setback standards in the zoning district.
- E. All accessory residential uses and structures shall be set back a minimum of five feet from the rear property line unless otherwise specified in this LDC, or in the resolution or ordinance approving a planned development.<sup>170</sup>

##### **4. Accessory Use or Structure Not Allowed In Easement, Utility Lines, or Fire Lanes**

Except as otherwise expressly allowed in this LDC, an accessory use or structure shall not be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route.

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<sup>170</sup> The current provision also includes commercial accessory uses and structures along with industrial uses and structures. It is deleted in this draft.



5. *Accessory Use or Structure Not Allowed Within Buffer*  
No accessory use or structure shall be located within a buffer.
6. *Accessory Use or Structure Not Impede Access to Parking Area*  
No accessory use or structure shall impede the access to or function of a parking area.
7. *If Principal Use Destroyed or Removed, Accessory Use or Structure Not Allowed*  
If the principal use or structure served by the accessory use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

**B. Accessory Structures on Through Lots<sup>171</sup>**

Accessory uses and structures may be located on through lots if they comply with the following standards:

1. *Accessory Use or Structure on Through Lot with No Dedicated Buffer*  
Accessory uses and structures on through lots with no dedicated buffer easement or residential fence or wall may be placed closer to the secondary road than the principal building as long as the minimum setbacks for roads established in the dimensional standards are maintained. For purposes of this subsection only, secondary road is defined as the road opposite the road which provides principal vehicular access as determined by the prior development pattern of the block on which the principal use is located.
2. *Accessory Use or Structure on Through Lot with Dedicated 10 Foot Buffer*  
Accessory uses and structures on through lots with a dedicated buffer easement of ten feet or more (located on the property) that are immediately adjacent to the secondary road shall not encroach into the easement.
3. *Accessory Use or Structure on Through Lot with Abutting Residential Street or Wall*  
Accessory uses and structures on through lots with an abutting residential fence or wall shall be set back a minimum of five feet from the property line.

**C. Large Accessory Structures**

All accessory structures larger than 150 square feet in area and all pools as accessory to dwellings or uses in residential districts must submit a drainage plan with the application for building permit approval demonstrating compliance with the lot grading plan, and the performance standards of Section 5-14, Clearing, Grading, and Filling of Land Standards.

**D. Unlisted Accessory Uses and Structures**

The Director shall evaluate potential accessory uses or structures that are not identified in the use tables in the zoning districts in Chapter 3: Zoning Districts, on a case-by-case basis, as an Interpretation (see Sec. 2-507, Administrative Interpretation). In making the interpretation, the Director shall consider the following:

1. The definition of the accessory use or structure (see Section 10-4, Definitions), and the general accessory use standards established in Sec. 4-201, General Standards for All Accessory Uses and Structures.
2. The additional standards for specific accessory uses established in Sec. 4-202, Standards Applicable to Specific Accessory Uses And Structures.
3. The purpose and intent of the zoning district in which the accessory use or structure is located (see Chapter 3: Zoning Districts);
4. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures allowed in the zoning district.
5. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

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<sup>171</sup> This section carries forward Sec. 34-1174(B) of the transitional LDC.

#### **4-202. STANDARDS APPLICABLE TO SPECIFIC ACCESSORY USES AND STRUCTURES**

##### **A. Accessory Apartments<sup>172</sup>**

1. An accessory apartment may only be constructed in conjunction with a single-family dwelling.
2. The principal structure shall be owner-occupied.
3. The accessory apartment may be occupied by other than family members of the owner, but shall only be occupied by one family.
4. The lot on which the accessory apartment is located shall be a minimum of 6,000 square feet, and shall conform to the minimum lot area standards of the zoning district in which it is located.
5. One parking space shall be provided for the accessory apartment in addition to the requirements of Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards.
6. The floor area of the accessory apartment shall not exceed 30 percent of the floor area of the principal building.
7. An attached garage may be converted to an accessory apartment, as long as it complies with the standards of this subsection.
8. A detached garage may be converted to an accessory apartment if it:
  - A. Is not closer to the street right-of-way or easement than the principal dwelling. In no instance is a conversion allowed when the garage encroaches in the street setback; and
  - B. Complies with all other standards of this subsection.
9. If developed as part of the principal single-family dwelling, the entrance to the accessory apartment shall be designed to retain the appearance of the single-family dwelling.

##### **B. Accessory Structures in Recreational Vehicle (RV) Development<sup>173</sup>**

1. One freestanding storage shed not exceeding 120 feet in floor area and ten feet in height is allowed, if:
  - A. The storage shed is not located closer than five feet to the side or rear lot line or closer than ten feet to a recreational vehicle under separate ownership; and
  - B. The shed is properly tied down and complies with all building code requirements.
2. A carport is allowed if the carport:
  - A. Is located on a lot with a minimum of 2,000 square feet in area;
  - B. Does not exceed 12 feet in width, 20 feet in length, and ten feet in height;
  - C. Is not located closer than five feet to any side or rear lot line or closer than ten feet (measured overhang to overhang) to any RV or carport under separate ownership;
  - D. Remains open from grade up to the eave, except the back end of the carport may be attached to a permitted storage shed; and
  - E. Is in compliance with all building code requirements.

##### **C. Dock, Personal<sup>174</sup>**

1. Construction, placement, erection and maintenance of a personal dock and other structures designed for use on the dock, adjacent to waterways, shall comply with the Manatee Protection Plan and Sec. 7-201.B, Manatee Protection.
2. Personal docks shall only be permitted as an accessory use to an existing principal use. No personal dock shall be constructed on a lot without a principal use.

##### **D. Drive-through Facility<sup>175</sup>**

1. A drive-through facility shall be designed in accordance with Sec. 5-304.C, Vehicle Stacking Space for Drive-through and Related Uses.

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<sup>172</sup> This carries forward Sec. 34-1177 of the transitional LDC, with minor refinements. In Chapter 3: Zoning Districts, these are allowed in RPD and MPD and permitted by special exception in RSF.

<sup>173</sup> This carries forward Sec. 34-1179 in the transitional LDC, with refinements.

<sup>174</sup> This carries forward the standards for personal dock in Sec. 34-1863 of the transitional LDC.

<sup>175</sup> This is a new standard.

2. The drive-through facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.
3. The design of any roof or awning over the drive-through facility and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.

**E. Electric Vehicle (EV) Level 1, 2, or 3 Charging Station<sup>176</sup>**

1. In the UCR and CC districts, and all the planned development districts, EV Level 3 charging stations are allowed as accessory uses to: townhouse, multiple family, and two-family dwelling developments that contain more than 75 dwelling units, nonresidential development, and major utilities. Level 1 and 2 charging stations are allowed in all zoning districts.
2. Except as otherwise provided in subsection 3 below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
3. A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
4. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

**F. Excavations for Ponds Accessory to Single-Family Dwellings<sup>177</sup>**

See Sec. 7-206.G, Excavations.

**G. Flagpoles**

1. Flagpoles shall be a maximum of 35 feet tall
2. Flagpoles that are 20 feet high or taller require a building permit and meet the wind load standards of the Florida building code
3. Flagpoles shall fly no more than two flags per pole, and the combined area of all flags on the pole shall be no more than 60 square feet.
4. Flagpoles shall be setback at least 15 feet from the right-of-way and 10 feet from all other property lines.

**H. Garages**

1. The area of a garage as an accessory use to a dwelling may not exceed the area of the first floor of the dwelling.
2. A garage as an accessory use to a dwelling that is constructed with an exterior surface of corrugated or galvanized steel or similar materials (excluding aluminum lap or clapboard-style siding), larger than 240 square feet in total floor area or 12 feet in height above finished floor shall require a special exception for approval.<sup>178</sup>

**I. Home Occupations<sup>179</sup>**

1. Use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants.
2. The home occupation use shall be conducted entirely within the dwelling unit or an accessory structure.
3. The home occupation shall not attract customers to the dwelling.
4. No employees other than members of the immediate family residing in the dwelling are permitted to work at the residence, but may be employed to work elsewhere, provided the employees do

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<sup>176</sup> This is a new standard.

<sup>177</sup> This carries forward the standards in the transitional LDC.

<sup>178</sup> This carries forward Sec. 34-3106 of the transitional LDC.

<sup>179</sup> This carries forward Sec. 34-1772 of the transitional LDC, with minor refinements. Per the transitional LDC, home occupations are not limited to single family dwellings, as some communities choose to do.

not come to the residence for equipment, vehicles, or supplies. Under special conditions, like when a disabled person or retiree needing clerical assistance needs assistance conducting the home occupation, the Director may allow one employee who is not a resident of the home to work at the dwelling unit.

5. There shall be no indication from the exterior of the residential dwelling that the dwelling unit is used for any purpose other than a residence, except one non-illuminated nameplate, not exceeding one square foot (144 square inches) in area, may be attached to the building on or next to the entrance.
6. No commodities or display of products on the premises may be visible from the street or surrounding residential area. No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation may be permitted on the premises.
7. Vehicles and trailers for use in connection with a home occupation shall not be parked or stored on the premises unless completely enclosed within a building.
8. The home occupation shall not use commercially licensed vehicles or vehicles which exceed three-quarter ton, for delivery of materials or supplies to or from the premises.<sup>180</sup>
9. No equipment may be used which creates noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses. No equipment or process may be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.
10. The home occupation shall not generate greater volumes of traffic than would otherwise be expected to be generated by normal residential uses.
11. A home occupation may not entitle a property to greater air conditioning or emergency electricity generator equipment than would be permitted by normal residential use of the property.

**J. Outdoor Display of Merchandise (as Accessory to a Retail Sales and Service Use or Wholesale Use)<sup>181</sup>**

Outdoor display of merchandise is allowed as an accessory use to any retail sales and service use or wholesale use that is conducted within a building located on the same lot, unless expressly prohibited in this LDC, or ordinance or resolution. The outdoor display of merchandise shall comply with the following standards:

1. Merchandise displayed shall be limited to that sold or rented by the principal use on the lot.
2. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
3. Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half the length of the building's front or side, as appropriate.
4. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width.
5. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons with disabilities to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.
6. For the purpose of this accessory use, the following principal uses shall not be considered retail sales and service or wholesale uses, and may not display merchandise outdoors:
  - A. Retail that includes vehicle equipment and supplies sales and rentals;
  - B. Vehicle and boat rental and sales; and
  - C. Vehicle and boat repair and maintenance.

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<sup>180</sup> This is a new standard.

<sup>181</sup> These are new standards.

**K. Outdoor Seating**

Consumption of alcohol as a part of outdoor seating shall only be permitted when a Consumption on Premises permit has been approved at the time of zoning, or later with approval of the PZDB.

**L. Outdoor Storage (as an Accessory Use)<sup>182</sup>**

1. In the UCR and planned development districts, outdoor storage areas shall be located to the rear of the development's principal building(s). In the CC district, outdoor storage areas shall be located to the side or rear of the development's principal building(s).
2. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the development.
3. Flammable liquids or gases in excess of 100 gallons shall be stored underground.
4. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
5. Outdoor storage areas shall be enclosed with either a wall made of masonry material consistent with that of the primary building(s) on the lot or wood (or a combination of such a masonry wall and metal fencing). The height of the wall or fence shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.
6. Outdoor storage as an accessory use shall be limited to one acre for each permitted principal use on the site.

**M. Pickleball Facilities<sup>183</sup>**

1. Outdoor lighting and noise levels for pickleball facilities shall not create adverse impacts on surrounding land uses. To address these concerns, the Director may require noise attenuation measures, landscape buffers, and other mitigation measures deemed necessary to limit adverse impacts on nearby residences.
2. Pickleball facilities shall only be allowed in conventional districts by special exception, or in planned development by amendment.
3. No pickleball facility shall be allowed without a public hearing at the PZDB.
4. All requirements for pickleball facilities shall be at least as stringent as the accessory use standards for swimming pools, tennis courts, porches, decks, and similar recreational facilities.

**N. Satellite Earth Station and Amateur Radio Antenna Dish Antenna<sup>184</sup>**

1. *Applicability*

These standards apply only to:

- A. Satellite earth stations greater than two meters (78.74 inches) in diameter that are within the commercial conventional zoning districts or in commercial or industrial areas of planned developments;
- B. Satellite earth stations greater than one meter (39.97 inches) in diameter; and
- C. Amateur radio antennas.

2. *Satellite Earth Stations*

- A. Satellite earth stations shall comply with the minimum setback standards for the zoning district in which they are located. In no case shall a satellite earth station be placed closer to a right-of-way or road easement than the principal building.
- B. No satellite earth station shall exceed ten feet in diameter except when in conjunction with a cable television or broadcast facility that is approved in accordance with Sec. 2-506.A, Zoning Variance.
- C. No satellite earth station shall be mounted on a roof or a building surface, except a satellite earth station may be mounted on a building that exceeds 35 feet in height (as measured at ground level), if the satellite earth station is not visible at ground level from any abutting right-

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<sup>182</sup> These are new standards.

<sup>183</sup> These standards are included after consultation with staff.

<sup>184</sup> These are carried forward from Sec. 34-1175 of the transitional LDC.

of-way, road easement, or any property under separate ownership that is zoned or used for residential purposes.

- D. Signs are prohibited on a satellite earth station.
- E. A ground-mounted satellite earth station shall not exceed ten feet in height, except when located in conjunction with a cable television or broadcast facility and approved in accordance with Sec. 2-506.A, Zoning Variance.
- F. A ground-mounted satellite earth station exceeding two meters (78.74 inches) in diameter shall include a landscaped buffer of at least three feet in width between the facility and any right-of-way or ingress/egress or access easement. The buffer shall be at least four feet in height at installation and be maintained at a minimum of five feet in height within one year after time of planting.
- G. A satellite earth station shall be constructed or mounted to withstand sustained winds in accordance with the Florida Building Code. In the event of structural failure, the satellite earth station shall be designed to collapse completely within the boundaries of the lot on which it is located.
- H. The Director may waive the requirements of this subsection if an applicant for a satellite earth station demonstrates in writing, that compliance with these provisions will materially limit transmission or reception by the proposed satellite earth station. The Director may not waive any requirement to a greater extent than is required to ensure that transmission or reception is not materially limited. The decision of the Director is discretionary and may not be appealed.

### 3. *Amateur Radio Antennas*

- A. An amateur radio antenna shall be set back from all adjacent property lines by at least five feet, and in no case shall the antenna be placed closer to the right-of-way or street easement than the principal building. An amateur radio antenna shall not be located within any easement.
- B. Signs are prohibited on an amateur radio antenna.
- C. A new amateur radio antenna proposed at heights greater than 75 feet are only allowed if a variance is approved in accordance with Sec. 2-506.A, Zoning Variance.
- D. An amateur radio antenna shall be constructed or mounted to withstand sustained winds in accordance with the Florida Building Code. In the event of structural failure, the antenna shall be designed to collapse completely within the boundaries of the lot on which it is located. An amateur radio antenna may be monopole, lattice, or guyed type of construction.
- E. A personal wireless services antenna may not be placed on an amateur radio antenna.
- F. The Director may waive the requirements of this subsection when an applicant for an amateur radio antenna demonstrates that compliance with these provisions will preclude amateur radio services. The Director may not waive any requirement to a greater extent than is required to ensure such services. The decision of the Director is discretionary and may not be appealed.

### O. **Solar Energy Collection Facility, Small-Scale**<sup>185</sup>

1. The facility may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Sec. 4-201.A.3, Location of Accessory Use or Structure in Relation to Principal Building, Streets, and Adjacent Land.
2. The facility shall comply with the maximum height standards for the zoning district in which it is located, except that a roof-mounted system shall not extend more than 10 feet above the roofline of the structure on which it is mounted.
3. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and for recording any such solar easement with the Director.

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<sup>185</sup> These are new standards.

**P. Swimming Pools, Tennis Courts, Porches, Decks, and Similar Recreational Facilities<sup>186</sup>**

**1. Location and Setbacks**

All swimming pools, tennis courts, decks and other similar non-roofed accessory facilities shall comply with the following standards:

- A. All tennis courts or other hardscaped or sodded recreation areas shall be graded to prevent water pooling in puddles.
- B. Swimming pools, patios, decks, and other similar recreational facilities shall not exceed three and one-half feet above grade unless they comply with the minimum required principal structure setbacks. Decks or patios that comply with accessory use or structure setbacks may be enclosed with open-mesh screen. Enclosures with an opaque material above three and one-half feet from grade shall comply with principal structure setbacks (It is the responsibility of the applicant to increase all required setbacks sufficient to provide maintenance access around the pool whenever the pool is proposed to be enclosed with open-mesh screening or fencing. A minimum increase in setbacks of three feet is recommended.)
- C. An open-mesh screen enclosure may be covered by a solid roof (impervious to weather), provided that:
  1. If it is structurally part of the principal building, the enclosure shall comply with all setback requirements for the principal building.
  2. Except when in compliance with the setback requirements for the principal building, a solid roof over a screen enclosure shall be constructed as a flat roof with the pitch no greater than the minimum required for rain runoff.
- D. All pools, tennis courts, and other similar recreational facilities owned or operated as a commercial or public establishment shall comply with the setback regulations for the zoning district in which it is located.

**2. Fences**

- A. Every swimming pool, hot tub, spa, or similar facility shall be enclosed by a fence, wall, screen enclosure or other structure, not less than four feet in height, constructed or installed to prevent unauthorized access to the pool by persons not residing on the property. For purposes of this subsection, the height of the structure shall be measured from the ground level outside of the area enclosed. The enclosure may contain gates, if they are self-closing and self-latching.
- B. Aboveground pools, hot tubs, spas, and similar facilities shall fulfill either the enclosure requirements for in-ground pools or shall be constructed so that the lowest entry point (other than a ladder or ramp) is a minimum of four feet above ground level. A ladder or ramp providing access shall be constructed or installed to prevent unauthorized use.
- C. A spa, hot tub, or other similar facility which has a solid cover (not a floating blanket) which prevents access to the facility when not in use shall be permitted to use the solid cover in-lieu of fencing or enclosure requirements.
- D. Fences used to enclose tennis courts shall not exceed 12 feet in height above the playing surface.

**3. Lighting**

Lighting used to illuminate a swimming pool, tennis court, or other recreational facility shall be directed away from adjacent properties and roads, and shall shine only on the subject site.

**4. Commercial Use**

No swimming pool, tennis court, or other recreational facility permitted as a residential accessory use shall be operated as a business.

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<sup>186</sup> This carries forward the standards for swimming pools, tennis courts, porches, decks, and similar recreational facilities in Sec. 34-1176 of the transitional LDC.

**5. *Uses Not Included***

Pickleball facilities are not included in this use.

**6. *Large Accessory Structures***

All swimming pools accessory to dwellings or uses in residential districts shall be considered large accessory uses and shall comply with Sec. 4-201.C, Large Accessory Structures.

**Q. Trucks and Commercial Vehicles Prohibited in Residential Districts and Developments<sup>187</sup>**

**1. *General***

The following types of trucks or commercial vehicles shall not be parked or stored on any land in any residential district, planned development that allows residential uses, or residential dwelling in another district:

- A. A tractor-trailer or semi-trailer truck; or
- B. A truck with two or more rear axles; or
- C. A truck with a manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds; or
- D. Any truck and trailer combination, such as those customarily used in landscaping businesses, excluding a trailer used solely for non-commercial or recreational purposes, resulting in a combined manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds.

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**SECTION 4-3. TEMPORARY USES AND STRUCTURES**

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**4-301. GENERAL**

**A. Purpose**

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section also identifies the zoning districts in which temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

**B. Organization of this Subsection**

Table 4-301.C: Temporary Uses and Structure Table, shows whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts. Sec. 4-302, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Sec. 4-303, Standards Specific to Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this LDC.

**C. Temporary Use / Structure Table**

**1. *Organization of Temporary Uses and Structures***

**A. *Designation of Uses and Structures***

The following abbreviations are used in the temporary uses and structures table to designate whether and how a temporary use or structure is allowed in a particular zoning district.

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- P A "P" indicates that the use or structure is allowed by right as a temporary use or structure in the corresponding district.
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<sup>187</sup> This carries forward Sec. 34-1181 of the transitional LDC, with refinements.



T A “T” indicates that the use or structure is allowed by right as a temporary use or structure in the corresponding district, but the approval of a temporary use permit is required before the temporary use is allowed (see Sec. 2-505.C, Temporary Use Permit).

A blank cell indicates that the use or structure is prohibited as a temporary use or structure in the corresponding zoning district.

All uses are subject to Sec. 4-302, General Standards for All Temporary Uses and Structures. Any use-specific standards for specific types of temporary uses or structures is referenced in the final column of the table and set down in Sec. 4-303, Standards Specific to Temporary Uses and Structures. Specific standards apply to the temporary use in any zoning district unless otherwise specified

**TABLE 4-301.C: TEMPORARY USES AND STRUCTURES TABLE**

**P= Permitted temporary use or structure, no Temporary Use Permit required**  
**T= Permitted temporary use or structure, Temporary Use Permit required**  
**Blank cell= Temporary use or structure is prohibited**

Temporary Uses and Structures	Zoning District													Use Specific Standards	
	AG	RSF	RM-2	MH / RV	CS	UCR	CC	P	RPD	CFPD	CPD	MPD	EPD		EC
Construction-related building or use		T	T	T	T	T	T		T	T	T	T	T		4-303.A
Farmers; market, temporary			T			T	T				T	T	T		4-303.B
Garage sale	P	P	P	P					P			T	T		4-303.C
Model dwelling/unit		T	T	T					T			T	T		4-303.D
Portable shipping container		P	P	P	T		T		P		T	T			4-303.E
Seasonal sales	T				T	T	T		T		T	T	T		4-303.F
Special event		T	T	T	T	T	T		T	T	T	T	T		4-303.G

**NOTE:**

[1] Automobile sales, mobile home sales, RV sales, and boat sales are not permitted as temporary uses.

#### **4-302. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES**

Unless otherwise specified in this LDC, all temporary uses and structures shall:

- A. Obtain any other applicable Village, county, state, or federal permits;
- B. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a Village-authorized event;
- C. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- D. Be compatible with the principal uses taking place on the site;
- E. Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- F. Not include permanent alterations to the site;
- G. Not violate the applicable conditions of approval that apply to a site or a use on the site;
- H. Not interfere with the normal operations of any permanent use located on the property; and
- I. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.

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#### **4-303. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES**

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this LDC. This subsection is intended to set forth and consolidate the standards for all temporary uses and structures for which a reference to this subsection is provided in the “Standards for Specific Temporary Uses and Structures” column of Table 4-301.C: Temporary Uses and Structure Table.

##### **A. Construction-related Building, Structure<sup>188</sup>**

A construction-related building, structure, or use shall comply with the following standards:

- 1. The temporary building, structure, or use shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the final certificate of occupancy for the building or completed development.
- 2. Adequate off-street parking for the temporary building, structure, or use shall be provided in accordance with the minimum standards for number of off-street parking spaces in Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards.
- 3. Construction site fencing may remain in place provided the building permit remains active and has not expired. Signage is not permitted on construction fences.
- 4. The Director shall issue the temporary use permit (Sec. 2-505.C, Temporary Use Permit), for an appropriate period of time not to exceed 12 months, and may extend the temporary use permit for an additional 12 months on finding that the building construction or land development is proceeding in a reasonably timely manner.

##### **B. Farmers’ Market, Temporary**

- 1. The farmers’ market shall operate only with written permission from the owner of the property on which it is located.
- 2. The farmers’ market shall operate for no more than 60 days in any one calendar year.
- 3. The farmers’ market shall be open only during daylight hours.
- 4. The farmers’ market shall only be located on the open area or parking lot of private or publicly owned property.
- 5. The farmers’ market may operate inside a public or privately owned building for a period not to exceed a total of 30 days in a calendar year.

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<sup>188</sup> This is a new standard.

6. The farmers' market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of roads internal to subdivisions or neighborhoods for single-family dwellings.
7. Sales shall be limited to the retail sale of agriculture, aquaculture, or horticulture products, and the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor. These incidental sales shall not constitute more than ten percent of revenue or display space.
8. Items for sale shall not be displayed or stored within customer pathways.
9. No advertisement of professional services or vehicle sales shall be allowed.
10. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
11. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

**C. Garage Sale<sup>189</sup>**

1. Sales shall be held no more than twice in a calendar year.
2. Sales shall last no longer than three consecutive days.
3. Sales shall only occur on residential property.
4. Sales shall be conducted on the owner's property. Sales at townhouses, two-family, and multiple-family dwellings are permitted if they are held on the property owned by one of the participants.
5. No goods purchased for resale may be offered for sale.

**D. Model Dwellings/Unit<sup>190</sup>**

Model dwellings/units may be located on a new development site and temporarily used for demonstrating the type of space for sale or lease in a residential development, or mixed-use development with residential units, subject to the following standards:

1. A model dwelling/unit shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development.
2. Adequate measures shall be taken to ensure the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the surrounding neighborhood.
3. There shall be no more than four model dwelling/units per builder in the development.
4. The model dwelling/unit shall comply with all dimensional and development standards in the LDC.
5. The model dwelling/unit shall be aesthetically compatible with the character of the community and surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
6. At least one parking space shall be provided for every 300 square feet of gross floor area of the model dwelling/unit. Accessible parking for persons with physical disabilities is required.
7. On termination of the temporary real estate sales/leasing use of a model dwelling/unit, the dwelling/unit shall be converted into, or removed and replaced with a permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.
8. A model dwelling/unit shall not be used for storage of building materials.

**E. Portable Shipping Container<sup>191</sup>**

Temporary storage in portable shipping containers shall comply with the following standards:

1. Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.

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<sup>189</sup> This is a new standard.

<sup>190</sup> This section consolidates the current provisions for model, model display center, model display group, model home, and model unit in the transitional LDC.

<sup>191</sup> This is a new standard.

2. Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
3. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from roads or adjacent residential areas, to the extent practicable.
4. Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.
5. Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per permit.
6. Storage containers may be placed on a residential site a maximum of two occurrences per year, per residential dwelling unit.
7. A storage container on a nonresidential site may be approved for up to three consecutive 30 day permits. Once the container has been removed, a minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

**F. Seasonal Sales<sup>192</sup>**

1. The display/sales area shall be located at least 25 feet from an existing road line and from any adjacent lot lines.
2. Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
3. Off-street parking shall be adequate to accommodate the proposed sale of products.
4. The permit shall be valid for no more than 45 consecutive days.

**G. Special Event<sup>193</sup>**

1. *Applicability*

- A. All special events (including but not limited to cultural events, musical events, celebrations, festivals, fairs, carnivals, and circuses) held on private property, public or private roads, or public parks within the Village shall comply with the requirements and standards in this subsection, unless exempted in accordance with subsection B below.
- B. The following events or activities are exempt from the standards of this subsection and may occur without a temporary use permit for a special event. They are subject to all other applicable procedures and standards of this LDC:
  1. Special events or activities occurring within, or on the grounds of, a single-family development.
  2. Block parties or neighborhood activities with fewer than 100 attendees.
  3. Any event sponsored in whole or in part by the Village.
  4. Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at places of worship, reception halls, or similar facilities; concerts or shows at arenas or large performance venues; funeral services conducted at places of worship, funeral homes, or cemeteries.
  5. Any event with a duration of four hours or less.

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<sup>192</sup> This is a new standard.

<sup>193</sup> This is a new standard.

**2. Standards**

An application for a temporary use permit for a special event (see Sec. 2-505.C, Temporary Use Permit) shall not be approved unless it complies with the following standards, in addition to the standards in Sec. 4-302, General Standards for All Temporary Uses and Structures.

- A. The application does not contain intentionally false or materially misleading information.
- B. There is a finding that the special event would not create an unreasonable risk of significant:
  - 1. Damage to public or private property, beyond normal wear and tear;
  - 2. Injury to persons;
  - 3. Public or private disturbances or nuisances;
  - 4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
  - 5. Additional and impracticable or unduly burdensome demand on police, fire, trash removal, maintenance, or other public services; and
  - 6. Other adverse effects upon the public health, safety, or welfare.
- C. The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.
- D. The special event shall not be at a time and location that has already been permitted or reserved for other activities.
- E. The special event shall not include car, RV, mobile home, or vehicle sales; or advertise services unrelated to the event.

**3. Conditions of Approval**

In approving the temporary use permit for the special event, the Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or potentially created by the proposed special event. The Director is authorized, where appropriate, to require:

- A. Provision of temporary parking facilities, including vehicular access and egress.
- B. Control of nuisance factors, such as but not limited to the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
- C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- D. Provision of sanitary and medical facilities.
- E. Provision of solid waste collection and disposal.
- F. Provision of security and safety measures.
- G. Use of an alternative location or date for the proposed special event.
- H. Modification or elimination of certain proposed activities.
- I. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- J. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

**4. Duration of Permit**

A temporary use permit for a special event authorized in accordance with this subsection shall be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the Director.

## **SECTION 4-4. ALCOHOLIC BEVERAGES<sup>194</sup>**

No structure, building, establishment or premises shall be occupied, used, or maintained for the purpose of the retail sale, service, or consumption of alcoholic beverages except in conformity with all applicable Village regulations, including this section, and with applicable state regulations.<sup>195</sup>

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### **4-401. SALE FOR OFF-PREMISES CONSUMPTION<sup>196</sup>**

- A. Package stores which have only a 1-APS state liquor license are exempt from this section, except for subsection C below.
- B. The sale of alcoholic beverages for consumption off the premises shall be allowed as a permitted use as follows, provided that the regulations set forth in subsection C below are met:
  - 1. In any zoning district where package stores are listed as a permitted use, only when the establishment is licensed only as a package store; and
  - 2. In any retail sales or services establishment where the sale of alcoholic beverages for consumption off-site is clearly incidental to other retail sales commodities, such as in a grocery store or food market,<sup>197</sup> or drugstore, limited to PS series liquor licenses.
- C. Only alcoholic beverages in original factory-sealed containers shall be permitted to be sold.
- D. In addition to the requirements of subsections A through C above, any establishment primarily engaged in the sale of alcoholic beverages for consumption off-site shall also be required to comply with all applicable state liquor laws.
- E. No package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site shall be permitted closer than 500 feet to any religious facility, place of worship, school, day care center (child), park, or dwelling unit, or within 500 feet from any other establishment primarily engaged in the sale of alcoholic beverages.
  - 1. For purposes of this subsection E, the distance shall be measured in a straight line from any public entrance or exit of the establishment to the nearest property line of the religious facility, place of worship, school, day care center (child), park, or dwelling unit, or any public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.
  - 2. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, place of worship, school, day care center (child), park or dwelling unit is subsequently established in the proximity of such existing establishment, then the separation requirements shall not apply.
  - 3. Notwithstanding this subsection E, where a package store is located in a shopping center which is 25,000 square feet or greater in size, the separation requirements from any dwelling unit shall not apply.
  - 4. In any planned development where the applicant is contemplating the sale of alcoholic beverages for consumption off the premises in an establishment which cannot meet the distance requirements set forth in this subsection E, the applicant shall request a deviation from the requirements of this subsection in accordance with Sec. 2-506.C.2.A, Generally.

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### **4-402. SALE OR SERVICES FOR ON-PREMISES CONSUMPTION<sup>198</sup>**

#### **A. Approval Required**

The sale or service of alcoholic beverages for consumption on the premises is not permitted until the location is approved as follows.

##### **1. Administrative Approval**

The Director may administratively approve the sale or service of alcoholic beverages for consumption on the premises, in conjunction with the following uses, if the proposed use satisfies

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<sup>194</sup> This carries forward Art. VII, Division 4, Alcoholic Beverages, of the transitional LDC.

<sup>195</sup> This carries forward Sec. 34-1262 of the transitional LDC.

<sup>196</sup> This carries forward Sec. 34-1263 of the transitional LDC.

<sup>197</sup> Replaces "grocery store, supermarket" from the transitional LDC.

<sup>198</sup> This carries forward Sec. 34-1264 of the transitional LDC.

the requirements set forth in this section. When circumstances so warrant, the Director may determine administrative approval is not the appropriate action and that the applicant shall instead apply for approval as a special exception in accordance with Sec. 2-501.E, Special Exception. Such circumstances may include the previous denial of a similar use at that location, the record of public opposition to a similar use at that location, and similar circumstances:

- A. Village- or County-owned airports, arenas, and stadiums;
- B. Bowling alleys, provided the standards set forth in subsection B.2.A and 3 below are met;
- C. Bars in golf courses, tennis clubs, or indoor racquetball clubs, provided the standards set forth in subsections B.2.D, B.2.E, and 3 below are met;
- D. Hotels or motels, provided the standards set forth in subsection B.2.B and 3 below are met; and
- E. Beer and wine taste testing in conjunction with package sales (consumption off premises).

**2. Special Exception**

- A. A special exception approved in accordance with Sec. 2-501.E, Special Exception, for consumption on the premises is required for:
  - 1. Any establishment not covered by subsection 1 above; or
  - 2. Any establishment which provides outdoor seating areas for its patrons consuming alcoholic beverages.
- B. The burden of proof lies with the applicant to demonstrate that the grant of the special exception will not have an adverse effect on surrounding properties.

**3. Within a Planned Development**

- A. No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on a PD Master Concept Plan, is included on the schedule of uses, and has hours of operation specifically listed in the PD Master Concept Plan.
- B. If consumption on the premises is shown as a permitted use on the approved schedule of uses for a shopping center, no administrative approval for consumption on the premises is required for indoor portions of restaurants within the center.
- C. Consumption on the premises for other uses and outdoor seating within planned developments requires administrative approval or amendment to the planned development. Any consumption on premises located outdoors must have a public hearing prior to approval.

**B. Location<sup>199</sup>**

**1. Prohibited Locations**

- A. Except as exempted in subsections C or 2 below, no establishment for the sale or service of alcoholic beverages for consumption on the premises shall be located within 500 feet of:
  - 1. A religious facility, place of worship, school, day care center (child) or park;
  - 2. A dwelling unit under separate ownership, except when approved as part of a planned development; or
  - 3. Another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises, excluding those uses listed under subsection 2 below.
- B. Distance shall be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the religious facility, place of worship, school, day care center (child), dwelling unit, or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.
- C. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, place of worship, school, day care center (child), park, or dwelling unit is subsequently established in the proximity of the existing establishment, then the separation requirements shall not apply.

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<sup>199</sup> Location has been separated from a combined Location and Parking heading

## 2. Exemptions<sup>200</sup> to Location Standards

The following specific principal uses are exempt from the location standards in subsection 1 above provided conditions listed in this subsection are met:

### A. Bowling Alleys

1. A bowling alley is only exempt from a location near another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises. A bowling alley is not exempt from distance requirements from a religious facility, place of worship, school, day care center (child), or park; or a dwelling unit under separate ownership, except when approved as part of a planned development;
2. There are no signs, or other indication visible from the outside of the structure that beer or wine or other malt and vinous beverages are served;
3. The bowling alley is in a fully air conditioned building with at least 10,000 square feet of floor space under one roof where both uses are owned by the same entity.
4. The building contains at least 12 alleys available for bowling. The facilities for the service of food and beverages shall be in an area separate from the alleys.
5. The facility for the service of food and beverages shall contain at least 2,000 square feet of usable floor space and shall accommodate at least 60 patrons at tables.

### B. Restaurants

1. The restaurant is in full compliance with state requirements;
2. The restaurant serves cooked, full-course meals, prepared daily on the premises; and
3. Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a bar for patrons waiting to be seated at dining tables, the lounge is located so that there is no indication from the outside of the structure that the bar is within the building.

### C. Hotels or Motels

1. The hotel or motel contains at least 100 guest rooms under the same roof, and bars are located within the hotel or motel and under the same roof;
2. The exterior of the building shall not have storefronts or give the appearance of commercial or mercantile activity visible from the highways.
3. If the use contains windows visible from the highway, the windows shall be of fixed, obscure glass. Access to the use associated with consumption shall be through the lobby. Additional entrances are not permitted unless the additional entrance or door opens into an enclosed courtyard or patio. The additional entrance shall not be visible from a road. A fire door or exit is permitted so long as the door or exit is equipped with panic type hardware and is maintained in a locked position except in an emergency.

### D. Golf Course Clubhouses

1. The golf course consists of at least nine holes, a clubhouse, locker rooms, and attendant golf facilities, and is on at least 35 acres of land.
2. Failure of the club to maintain the golf course, clubhouse, and golf facilities automatically terminates the privilege of the bar and sale of beer from the refreshment stands.

### E. Tennis Clubs and Indoor Racquet Clubs

1. The club shall be chartered or incorporated or own or lease and maintain a bona fide tennis club or four-wall indoor racquetball club consisting of not less than:
  - (a) Ten regulation-size tennis courts; or
  - (b) Ten regulation-size four-wall indoor racquetball courts; or
  - (c) A combination of tennis courts and four-wall indoor racquetball courts numbering ten;
2. Clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, are all located on an abutting tract of land owned or leased by the club.

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<sup>200</sup> Changed from exceptions to reflect how the section operates.



3. There shall be no signs or other indications visible from the exterior of the clubhouse, building, or structure that alcoholic beverages are served.

**F. Clubs, Lodges, or Community-Oriented Organizations**

1. The club or organization conforms to Ch. 451, Fla. Stat.,<sup>201</sup> and all other applicable state laws; and
2. There are no signs or other indication visible from the exterior of the clubhouse, building, or structure that alcoholic beverages are served.

**C. Parking<sup>202</sup>**

Establishments providing alcoholic beverages for consumption on the premises shall comply with the parking requirements in Sec. 5-205, Off-Street Parking Standards.

**D. Procedure for Approval**

**1. Administrative Approval**

**A. Application**

An application for a consumption on the premises permit shall submit the following information in a form established by the Director:

1. The name, address, and telephone number of the applicant.
2. The name, address, and telephone number of the owner of the premises, if not the applicant.
3. An authorization from the property owner to apply for the permit.
4. Location by STRAP and street address.
5. Type of state liquor license being requested and anticipated hours for the sale and service of alcoholic beverages.
6. A site plan, drawn to scale, showing:
  - (a) The property in question, including all buildings on the property and adjacent property;
  - (b) Entrances to and exits from the building to be used by the public;
  - (c) A parking plan, including entrances and exits;
  - (d) The floor area of the building and proposed seating capacity. If a restaurant is proposing a bar for patrons waiting to be seated in the restaurant, the floor area and seating area of the bar shall be shown in addition to the restaurant seating area.
7. A Village map marked to indicate all property within 500 feet of the building to be used for consumption on the premises.
8. A sworn statement indicating that no religious facilities, places of worship, day care centers (child), schools, dwelling units, or parks are located within 500 feet of the building.

**B. Findings by Director**

The Director shall approve the application only upon finding the following:

1. There will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.
2. The premises are suitable in regard to their location, site characteristics, and intended purpose. Lighting will be shuttered and shielded from surrounding properties.

**2. Special Exception**

- A. Applications for special exception shall be submitted shall be in a form established by the Director and contain the same information required for administrative approval.

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<sup>201</sup> This carried-forward reference addresses that clubs and lodges are treated separately in state statutes.

<sup>202</sup> Parking is separated from a combined Location and Parking heading

- B. Notice for public hearings shall be conducted in accordance with Sec. 2-405, Scheduling Of Public Hearing And Public Notification.
- C. Public hearings shall be conducted in accordance with Sec. 2-407, Public Hearing Procedures.

#### **E. Temporary One-Day Permit**

##### **1. Intent and Applicability**

It is the intent of this subsection to require all establishments in the Village who want to serve liquor at a special one-day event other than those listed below, to obtain a one-day temporary alcoholic beverage permit for the sale of alcoholic beverages at the specific location where an event is held. This includes but is not limited to the following uses:

- A. Grand openings or open houses at residential, commercial, mixed-use, or light industrial developments;
- B. Special outdoor holiday or celebration events at bars and restaurants;
- C. Weddings and other special occasions at clubhouses;
- D. Political rallies or events;
- E. Block parties; and
- F. Carnivals.

##### **2. Procedure for Approval**

- A. Any owner, lessee, or tenant seeking approval for consumption on the premises for a temporary alcoholic beverage permit, shall submit a written request to the Director. The written request shall include:
  - 1. The name and address of the applicant;
  - 2. A general description of the exact site where alcoholic beverages are to be sold and consumed;
  - 3. The type of alcoholic beverages to be sold and consumed;
  - 4. A fee in accordance with the adopted fee schedule; and
  - 5. A temporary use permit, if applicable.
- B. The Director shall render a final decision either approving, approving with conditions, or denying the application within a reasonable time. The Director may forward the request to other appropriate agencies for comment.

##### **3. Time Limit**

- A. Only 18 temporary alcoholic beverage permits may be issued per year to a specific location, including those in conjunction with a temporary use permit. If more than 18 permits are sought per year for a specific location, the location shall obtain a permanent alcoholic beverage special exception. If the event for which the temporary alcoholic beverage permit is sought continues for longer than one day, the applicant may petition the Director for an extended permit. A temporary alcoholic beverage permit will not be issued by the Director for more than three days.
- B. The PZDB will review all requests for temporary alcoholic beverage permits where an event will run longer than three days. Under no circumstances will a temporary alcoholic beverage permit be issued for more than ten days.
- C. If the temporary alcoholic beverage permit is obtained in conjunction with a temporary use permit, issuance of the permit shall comply with the time limits established in Sec. 2-505.C, Temporary Use Permit.

#### **F. Expiration of Approval**

After the following time periods, the administrative or special exception approval of a location for the sale and consumption of alcoholic beverages on the premises granted in accordance with this section will expire and become null and void:

- 1. In the case of an existing structure, the approval will expire six months from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has

commenced. For purposes of this subsection, the term “operation” is defined as the sale of alcoholic beverages in the normal course of business.

2. In the case of a new structure, the approval will expire one year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. The Director may grant one extension of up to six months, if construction is substantially complete.

#### **G. Transfer of Permit<sup>203</sup>**

Alcoholic beverage permits, excluding permits as noted in subsection A.1, Administrative Approval A.1 above, issued by virtue of this section are a privilege running with the land. Sale of the real property will automatically vest the purchaser with all rights and obligations originally granted to or imposed on the applicant. The privilege may not be separated from the fee simple interest in the realty.

#### **H. Expansion of Area Designated for Permit**

The area designated for an alcoholic beverage permit may not be expanded without filing a new application for an alcoholic beverage permit in accordance with the requirements of this section. The new application shall cover both the existing designated area as well as the proposed expanded area. All areas approved shall be under the same alcoholic beverage permit and subject to uniform rules and regulations.

#### **I. Nonconforming Establishments**

##### **1. Expansion**

A legally existing establishment engaged in the sale or service of alcoholic beverages made nonconforming by reason of the regulations contained in this section may not be expanded without approval of a special exception in accordance with Sec. 2-501.E, Special Exception. The term “expansion,” as used in this subsection, includes the enlargement of space for the use and uses incidental thereto, and the expansion of a beer and wine bar to include intoxicating liquor, as that term is defined by the Florida Statutes. Nothing in this subsection may be construed as an attempt to modify any prohibition or diminish any requirement of state law.

##### **2. Abandonment**

Any uses, created and established in a legal manner, which thereafter become nonconforming, may continue until there is an abandonment of the permitted location for a continuous six-month period. For purposes of this subsection, the term “abandonment” means failure to use the location for consumption on the premises purposes as authorized by the special exception, administrative approval, or other approval. Once a nonconforming use is abandoned, it cannot be reestablished unless it conforms to the requirements of this LDC and new permits are issued.

#### **J. Revocation of Permit Approval**

1. The Director in cases where the Director would have authority to approve the original permit, and otherwise the PZDB,<sup>204</sup> has the authority to revoke an alcoholic beverage special exception, administrative approval, or other approval upon any of the following grounds:
  - A. A determination that an application for special exception or administrative approval contains knowingly false or misleading information.
  - B. Violation by the permit holder of any provision of this LDC, or violation of any state statute which results in the revocation of the permit holder's state alcoholic beverage license by the State Alcoholic Beverage License Board or any successor regulatory authority.
  - C. Repeated violation of any Village ordinance at the location within the 12-month period preceding the revocation hearing.
  - D. Failure to renew a state liquor license, or written declaration of abandonment by the tenant and owner of the premises if under lease, or by the owner if not under lease.

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<sup>203</sup> This carries forward Sec. 34-1264(f) of the transitional LDC.

<sup>204</sup> “Hearing Examiner” is provided authority in the transitional LDC.

- E. Abandonment of the premises. An establishment which continually maintains (renews) its state liquor license, even though it has suspended active business with the public, will not be deemed to have been abandoned for purposes of this subsection.
  - F. Violation by the permit holder of any condition imposed upon the issuance of the special exception or administrative approval.
  - G. Violation of any of the minimum standards of the special exception.
2. Prior to revoking an administrative approval, special exception, or other approval for alcoholic beverages, the Director or PZDB, as appropriate, shall conduct a public hearing at which the permit holder may appear and present evidence and testimony concerning the proposed revocation. At the hearing, the Director may revoke the permit if a violation described in this subsection is established by a preponderance of the evidence. The permit holder shall be notified of the grounds upon which revocation is sought prior to any hearing, and shall be given notice of the time and place of the hearing.<sup>205</sup>
  3. When an alcoholic beverage permit is revoked in accordance with the terms of this subsection, the Village shall not consider a petition requesting an alcoholic beverage permit on the property for a period of 12 months from the date of final action on the revocation.
  4. Upon written demand of the Director, any owner or operator of an establishment with a consumption on premises license shall make, under oath, a statement itemizing the percentage of gross receipts from the sale of alcoholic beverages. Failure to comply with the demand within 60 days of the demand date is grounds for revocation of the special exception, administrative approval, or other approval.

**K. Appeals**

All appeals of a decision by the Director shall be in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.

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<sup>205</sup> NOTE: Further consideration of whether this requirement should be carried forward will be considered during drafting of Chapter 2.

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## SECTION 10-4. DEFINITIONS (USES ONLY)

The following words, terms, and phrases, when used in this LDC, shall have the meaning ascribed to them in this section.

### **Agriculture**<sup>908</sup>

Farming, horticulture, pasturage, animal husbandry, citrus and other fruit groves, nurseries, dairy farms, commercial fisheries, frog or poultry hatcheries, and similar uses.

### **Animal Clinic**<sup>909</sup>

An establishment providing for the diagnosis and treatment of ailments of animals other than humans, and which may include facilities for overnight care.

### **Animal Shelter**<sup>910</sup>

A facility used to house and care for stray, homeless, abandoned, or neglected household and domestic animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

### **Aquatic Centers (Indoor)**<sup>911</sup>

A complex with facilities for water sports, including swimming pools.

### **Aquatic Centers (Outdoor)**<sup>912</sup>

An outdoor complex with facilities for water sports, including swimming pools, and that may include water slides.

### **Art Gallery**<sup>913</sup>

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

### **Assisted Living Facility**<sup>914</sup>

A use licensed under Ch. 58A-5, F.A.C, that may be a building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, that undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. For purposes of this definition only, the term “personal services” means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services that the department may define by rule. “Personal services” shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

### **Athletic Field**<sup>915</sup>

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

### **Automotive Service Station**<sup>916</sup>

An establishment primarily engaged in the retail sale of motor fuel or lubricants, but which may also include facilities for washing, polishing, waxing, greasing, tire repair (with no recapping or vulcanizing) and other minor incidental repairs, and emergency road service, including towing and emergency repairs and services; provided, however, such establishment is not primarily engaged in work or services listed as “Vehicle and boat repair and maintenance.”

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<sup>908</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>909</sup> This carries forward the definition of animal clinic from Sec. 34-2 of the transitional LDC.

<sup>910</sup> This is a new definition.

<sup>911</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>912</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>913</sup> This is a new definition.

<sup>914</sup> This carries forward the definition of assisted living facility from Sec. 34-2 of the transitional LDC.

<sup>915</sup> This is a new definition.

<sup>916</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Bait and Tackle Shop<sup>917</sup>**

An establishment primarily engaged in the sale of materials and equipment needed for fishing. The establishment may also sell convenience food products, drinks, sandwiches, and other packaged foods for daily use.

**Bank or Financial Institution<sup>918</sup>**

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

**Bar<sup>919</sup>**

An establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages.

**Bed and Breakfast<sup>920</sup>**

An owner-occupied conventional single-family residence that accommodates lodgers.

**Big Box Commercial/Large Retail/Large Footprint<sup>921</sup>**

A single use retailer of more than 50,000 square feet of building footprint, or a multi-use development, with more than 100,000 square feet of building area, excluding out parcel development.

**Bike Share Station<sup>922</sup>**

A public or quasi-public bicycle system, or bike-share scheme, that is a service to people who decide to participate (typically for a fee), in which bicycles are made available for shared use to individuals on a very short term basis at a bike share station. For many bike share systems, smartphone mapping applications show nearby stations with available bikes and open bike docks.

**Bingo Halls<sup>923</sup>**

An establishment for the operation of bingo games operating in compliance with state law.

**Boathouse<sup>926</sup>**

A roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.

**Brewpubs or Micro-Brewery, -Winery, or -Distillery<sup>927</sup>**

An establishment which produces ales, beers, meads, wines, liquor or and similar beverages on site, and serves and sales those beverages on-site. The establishment may not brew, make, or distill more than 15,000 barrels of beverages (in total) annually.

**Broadcast Studio, Commercial Radio, and Television<sup>928</sup>**

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

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<sup>917</sup> This is a new definition.

<sup>918</sup> This is a new definition.

<sup>919</sup> This carries forward the definition of bar or cocktail lounge, from Sec. 34-2 of the transitional LDC.

<sup>920</sup> This carries forward the definition of bed and breakfast from Sec. 34-2 of the transitional LDC, with modification for clarity.

<sup>921</sup> This definition is carried forward from Sec. 33-56 and 33-455 of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>922</sup> This is a new definition.

<sup>923</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>926</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>927</sup> This is a new definition.

<sup>928</sup> This is a new definition.

**Building, Heating/Air Conditioning, Plumbing, or Electrical Contractors Office or Storage Yard Contractor's Office**<sup>929</sup>

A building, yard, or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of materials, supplies, and equipment inside the building.

**Building Official**<sup>930</sup>

The Director of Community Development or a designated representative.

**Cabana**<sup>932</sup>

A structure that shall be used for recreational purposes only, and may not be used by unit owners, their guests, or invitees for occupancy as a rooming unit, housing unit, accessory apartment, guest unit, or dwelling unit as those terms are defined by this Code. Overnight sleeping is prohibited in a cabana. Stoves, with either a cook top range or an oven, are prohibited. Lease of the cabana structure for use by someone other than the unit owner is prohibited.

**Catering Establishment**<sup>933</sup>

An establishment that specializes in the preparation of food or beverages for social occasions, such as weddings, banquets, parties, or other gatherings, with or without banquet facilities, for these private pre-arranged occasions that are not open to impromptu attendance by the general public, excluding adult entertainment.

**Cemeteries and mausoleums**<sup>934</sup>

An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments and mausoleums.

**Cinemas or Theaters**<sup>935</sup>

An enclosed facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

**Clubs, Lodges, or Community-Oriented Associations**<sup>937</sup>

An establishment providing facilities for social or recreational purposes including those organized chiefly to promote friendship and welfare among its members and not operated for profit, excluding adult entertainment.

**Clubhouse (as accessory to a residential development, golf, or tennis facility)**<sup>938</sup>

A building or room used for social or recreational activities by occupants of a residential development, or members of a club (e.g., golf course clubhouse), or occupants of a residential or other development.

**Colleges or Universities**<sup>939</sup>

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, that is accredited by a national association of colleges and universities.

**Community Garden**<sup>940</sup>

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use,

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<sup>929</sup> This is a new definition that takes a modern approach to “contractors and builders” from Sec. 34-622 of the transitional LDC.

<sup>930</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>932</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>933</sup> This is a new definition.

<sup>934</sup> This carries forward the definition of cemetery in Sec. 34-2 of the transitional LDC.

<sup>935</sup> This is a new definition.

<sup>937</sup> This is a new definition consolidating and replacing the varieties of clubs in Sec. 34-2 of the transitional LDC.

<sup>938</sup> This is a new definition.

<sup>939</sup> This is a new definition.

<sup>940</sup> This is a new definition.

consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**Community Residential Home<sup>941</sup>**

A dwelling unit licensed to serve residents who are clients of the Department of Elder Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

**Composting, Small-Scale<sup>942</sup>**

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

**Continuing Care Retirement Community<sup>943</sup>**

An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

**Contractor's Office<sup>944</sup>**

A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a building, heating/air conditioning, plumbing, or electrical contractor's storage yard.

**Convenience Store<sup>946</sup>**

A store that specializes in the sale of convenience products and other commodities intended primarily to serve the day-to-day needs of residents in the immediate neighborhood or the traveling public, and which is typically or generally open to the public beyond the normal sales hours of other retail stores. Convenience stores may allow gas sales when the use is specifically included in the use table for the relevant zoning district and on appropriate development orders.

**Convention Center or Exhibit Hall<sup>947</sup>**

A facility designed to accommodate 2,500 or more persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

**Counseling, nonresidential<sup>949</sup>**

Establishments primarily engaged in providing counseling, guidance, training, and rehabilitation services to individuals or families, but which do not provide resident facilities, such as adoption services, child guidance agencies, disaster services, family location services, family (marriage) counseling services, helping hand services (e.g., Big Brother, Big Sister, etc.), job counseling and training, offender rehabilitation agencies and counseling, public welfare centers (offices), referral services for personal and social problems, skills training centers, traveler's aid centers, and vocational rehabilitation agencies.

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<sup>941</sup> This carries forward the definition of community residential home from Sec. 34-2 of the transitional LDC.

<sup>942</sup> This is a new definition.

<sup>943</sup> This is a new definition.

<sup>947</sup> This is a new definition

<sup>947</sup> This is a new definition

<sup>947</sup> This is a new definition

<sup>949</sup> This carries forward, consolidates, and renames social services groups I and II from Sec. 34-622 of the transitional LDC.



**Cultural Facilities, Noncommercial<sup>950</sup>**

Facilities of historic, educational, or cultural interest, including animal or reptile exhibits, art galleries, aquariums, botanical or zoological gardens, historical sites, museums, planetaria, and zoos

**Day Care Center<sup>951</sup>**

A facility or establishment that provides basic services such as, but not limited to, a protective setting, social or leisure time activities, self-care training or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require services, not including overnight care; or a facility or establishment that provides care, protection, and supervision for six or more children unrelated to the operator and that receives a payment, fee, or grant for the children receiving care, whether or not operated for profit, including preschools and nursery schools This definition does not include public or nonpublic schools that are in compliance with the Compulsory School Attendance Law, Ch. 232., Fla. Stat.

**Department Store<sup>952</sup>**

A general merchandising store offering a variety of unrelated goods and services that may include clothing, housewares, body products, and specialty items.

**Drug Store<sup>953</sup>**

An establishment where the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where nonmedical products such as greeting cards, magazines, cosmetics, and photographic supplies may also be sold.

**Drycleaner and Laundry Services<sup>955</sup>**

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes are done off-site.

**Dwelling, Live-work<sup>956</sup>**

A dwelling unit comprised of a living unit and work unit. The work unit is an area that is designed or equipped exclusively or principally for the conduct of commercial activities and is to be regularly used for such commercial activities by one or more occupants of the living unit.

**Dwelling, Mobile Home<sup>957</sup>**

A building, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Ch. 15C-1, F.A.C., with the distinct possibility of being relocated at a later date.

**Dwelling, Multiple-family<sup>958</sup>**

A group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwellings, other than caretaker's quarters, which are included in a building that also contains allowed commercial uses will also be deemed to be multiple-family dwellings.

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<sup>950</sup> This carries forward the definition of noncommercial cultural facilities from Sec. 34-622 of the transitional LDC.

<sup>951</sup> This consolidates the definitions for "Day care center, adult" and "Day care center, child" which have similar permissions from Sec. 34-2 of the transitional LDC. The numbers are directly from 429.901 and 402.302, Fla. Stat.

<sup>952</sup> This is a new definition.

<sup>953</sup> This carries forward the definition of drug store from Sec. 34-2 of the transitional LDC.

<sup>955</sup> This is a new definition.

<sup>956</sup> This carries forward the definition of "live-work unit" from Sec. 34-2 of the transitional LDC.

<sup>957</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>958</sup> This carries forward the definition of "multiple family building" from Sec. 34-2 of the transitional LDC while correcting for the difference between a building and a single unit or dwelling.

**Dwelling, Single-family Residence<sup>959</sup>**

A single, freestanding, conventional building designed for one detached dwelling unit, which is used for occupancy by one family.

**Dwelling, Townhouse<sup>960</sup>**

A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

**Dwelling, Two-family attached<sup>961</sup>**

A single, freestanding, conventional building designed for two dwelling units attached by a common wall or roof.

**Dwelling Unit<sup>962</sup>**

A room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term “dwelling unit” does not include rooms in hotels, motels, or institutional facilities.

**Emergency Operations Centers<sup>963</sup>**

A facility used for organizing and coordinating emergency response activities in a disaster situation such as a hurricane or major flood.

**EMS, Fire, or Sheriff’s Stations<sup>964</sup>**

A facility used for medical, fire, or law enforcement equipment and personnel. This does not include a freestanding emergency room facility.

**Farmers’ Market (as a temporary use)<sup>965</sup>**

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers’ market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers’ market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

**Florist and Gift Shop<sup>966</sup>**

An establishment primarily engaged in selling flower arrangements, plants, cards, small gifts, and the like.

**Food or Beverage, Limited Service<sup>967</sup>**

The provision of food or beverages for members and guests of a private club or recreational center, but not available to the general public.

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<sup>959</sup> This carries forward the definition of single-family residence from Sec. 34-2 of the transitional LDC.

<sup>960</sup> This carries forward the definition of townhome from Sec. 34-2 of the transitional LDC.

<sup>961</sup> This consolidates the definitions for two-family attached dwellings from Sec. 34-2 of the transitional LDC. The two uses are consistently treated together and frequently combined in codes.

<sup>962</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>963</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>964</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>965</sup> This is a new definition.

<sup>966</sup> This is a new definition.

<sup>967</sup> This carries forward the definition of food and beverage, limited service from Sec. 34-2 of the transitional LDC.

**Fuel Pump<sup>968</sup>**

A vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at-a-time. Vehicle fuel dispensing devices that can service more than one vehicle at-a-time consists of multiple fuel pumps. The number of pumps is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel two vehicles at once is considered two fuel pumps, and a fuel dispensing device that can fuel three vehicles at once is considered three fuel pumps, and so on.

**Funeral Homes or Mortuaries<sup>969</sup>**

A building used for human funeral services. A funeral home may contain facilities for embalming and other services used in the preparation of the dead for burial, the display of the deceased, the performance of ceremonies in connection with a funeral, the performance of autopsies and similar surgical procedures, the sale and storage of caskets, funeral urns, and other related funeral supplies, and the storage of funeral vehicles. Some funeral homes include associated crematories, where permitted.

**Garage<sup>970</sup>**

A building or structure for the parking or storage of motor vehicles, including but not limited to a private garage provided for the parking of motor vehicles owned by the occupants of the principal building and a public garage available to the public, whether or not a fee is collected. Such garages may not involve the repair or servicing of any motor vehicles.

**Garage or Carport, Personal<sup>971</sup>**

A structure used or designed for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may exist as a detached accessory structure.

**Garage Sale<sup>972</sup>**

An informal sale of used household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises, or conducted by several people on one of the sellers' own premises.

**Grocery Store or Food Market<sup>973</sup>**

A store primarily engaged in selling food for home preparation and consumption. This group shall not be interpreted to include establishments primarily engaged in selling prepared foods or drinks for consumption on the premises. This use includes: retail bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens, enclosed fruit and vegetable markets, groceries, meat or poultry markets without on-site slaughtering; produce markets, specialty food stores (including but not limited to health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water), meat products and food from freezer storage, and supermarkets.

**Golf Course<sup>974</sup>**

An area of land laid out for playing golf. Accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and guests, swimming pools, tennis and other racquet courts, picnic areas, and accessory facilities directly related to golf, may be included.

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<sup>968</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>969</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>970</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>971</sup> This is a new definition.

<sup>972</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>973</sup> This consolidates food store uses from Sec. 34-622 of the transitional LDC.

<sup>974</sup> This is a new definition.

**Golf Course, Miniature<sup>975</sup>**

A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

**Golf Driving Range<sup>976</sup>**

A recreational facility for driving golf balls onto a range, sometimes accompanied by practice putting greens, but not as a part of an established golf course with one or more holes.

**Government Maintenance Facility<sup>977</sup>**

A facility owned by the Village or another governmental entity to provide for the adequate operation and maintenance of public facilities and infrastructure.

**Greenhouse<sup>978</sup>**

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

**Gymnasiums and Health and Fitness Clubs<sup>979</sup>**

A non-medical service establishment intended to maintain or improve the physical condition of persons which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

**Helipad (as an accessory use)<sup>980</sup>**

A facility located on the roof of an office or other building (like a hospital) that accommodates the landing and taking-off of helicopters.

**Home, Building, and Garden Supplies Store<sup>981</sup>**

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware, and lawn and garden supplies.

**Home Care Facility<sup>982</sup>**

A conventional residence in which up to five unrelated persons are cared for, but without provision for routine nursing or medical care.

**Home Occupation<sup>983</sup>**

An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit for residential purposes.

**Hospital<sup>984</sup>**

An establishment primarily engaged in providing diagnostic services, extensive medical treatment, including surgical services, and other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. A freestanding emergency room is considered a hospital.

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<sup>975</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>976</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>977</sup> This is a new definition of a use listed but undefined in the transitional LDC.

<sup>978</sup> This is a new definition.

<sup>979</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>980</sup> This is a new definition.

<sup>981</sup> This is a new definition.

<sup>982</sup> This carries forward the definition of home care facilities from Sec. 34-2 of the transitional LDC.

<sup>983</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>984</sup> This carries forward the definition for health care facilities group IV hospitals from Sec. 34-622 of the transitional LDC.

**Hotel or Motel<sup>985</sup>**

A building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants.

**Impervious Coverage<sup>986</sup>**

The percent or ratio of land in a development covered by an impervious surface.

**Impound Yard<sup>987</sup>**

Facility used for the temporary storage of vehicles or other personal property legally removed or impounded from public or private property that is not awaiting immediate repair pursuant to an agreement by the vehicle owner or property owner.

**Kenel<sup>988</sup>**

A facility where domesticated animals are temporarily boarded, groomed, and sold for compensation, as a part of uses including animal day care/spa facilities or animal clinics, but not including zoos.

**Lamp<sup>989</sup>**

**Land Use<sup>990</sup>**

“Land use” has the meaning given it in Ch. 163, Fla. Stat. (“the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate”).

**Laundry Processing<sup>991</sup>**

Dry cleaning, laundry, and dyeing establishments employing completely sealed and enclosed systems, where services are limited to individual retail sales on the premises, excluding commercial bulk dry cleaning and laundry services, and where the use of materials and solvents is limited to those which do not require special fire prevention regulation.

**Laundry Processing<sup>992</sup>**

An establishment where laundry or dry cleaning is performed in bulk and primarily for commercial and institutional customers. This use does not include facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

**Laundry, Self-Service<sup>993</sup>**

A business that provides coin-operated washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Mall<sup>995</sup>**

A structure with multiple tenants with an internal public circulation spine (roofed or not roofed) with more than 450,000 square feet of retail space.

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<sup>985</sup> This carries forward the definition of hotel/motel from Sec. 34-1801 of the transitional LDC, with modification for clarity.

<sup>986</sup> This is a new definition.

<sup>987</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>988</sup> This definition is new.

<sup>989</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>990</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC, adding additional context for the link to Florida Statutes.

<sup>991</sup> This carries forward the definition of laundry and dry cleaners group I (enclosed systems) from Sec. 34-622 of the transitional LDC.

<sup>992</sup> This is a new definition.

<sup>993</sup> This is a new definition.

<sup>995</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

**Manufacturing, Assembly, or Fabrication, Light<sup>996</sup>**

Facilities primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components.

**Medical or Dental Lab<sup>997</sup>**

Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician, or in making dentures and artificial teeth for the dental profession.

**Medical Marijuana Dispensary<sup>998</sup>**

A location that satisfies “dispensing facility” as provided at Rule 64-4.001, F.A.C., and includes any area approved by the Florida Department of Health for the dispensation of medical marijuana.

**Mixed-use Development<sup>999</sup>**

A development of a tract of land, building, or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, retail, public, or entertainment, in a compact urban form. A combination of two similar uses (for example two residential uses or two commercial uses) shall not be deemed a “mixed-use” development. A “mixed-use development” may be comprised of several parcels under different ownership, as long as they are approved as a unit and legal documents tying the parcels for the purpose of development are recorded.

**Model Home/Unit<sup>1000</sup>**

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development, but not including the actual sales transaction itself. See also Model.

**Moving and Storage Facility<sup>1001</sup>**

A facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

**Multi-Slip Docking Facility<sup>1002</sup>**

Two or more docks that provide vessel mooring slips to unrelated individuals, either for rent or for sale. A multi-slip docking facility is distinguished from a marina in that it has no commercial activity associated with it, including boat rentals. The term “multi-slip docking facility” does not include boat ramps. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards.)

**Nature Center<sup>1003</sup>**

An area intended to remain in a predominantly natural or undeveloped state and buildings or facilities that educate or assist visitors in interpreting and appreciating the natural environment.

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<sup>996</sup> This is a new definition.

<sup>997</sup> This consolidates the definitions for Social services group III & IV from Sec. 34-622 of the transitional LDC.

<sup>998</sup> This is a new definition. No permissions are attached but it allows the Village to readily adjust to swiftly changing state rules and implementation.

<sup>999</sup> This is a new definition.

<sup>1000</sup> This is a new definition.

<sup>1001</sup> This is a new definition.

<sup>1002</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1003</sup> This is a new definition of a use listed as a part of parks group II in Sec. 34-622 of the transitional LDC

**Newspaper/Periodical Publishing Establishment<sup>1004</sup>**

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers and magazines, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

**Nursing Home<sup>1005</sup>**

Establishments primarily engaged in providing nursing and health-related personal care, with at least one shift with a licensed or registered nurse to provide routine health care and observation or an organized medical staff, including physician and continuous nursing services. This includes nursing care and hospice facilities, but not hospitals.

**Obstruction<sup>1006</sup>**

**Office, Contractor's**

See Contractor's Office.

**Office, General Business<sup>1007</sup>**

Offices used for conducting the affairs of various businesses, general businesses, or nonprofit organizations; including administration, record keeping, clerical work, and similar business functions, as well as conducting of the affairs of professionals, such as architects, doctors, dentists, engineers, attorneys, accountants, planners and the like.

**Outdoor Display of Merchandise (as accessory to a retail sales use)<sup>1008</sup>**

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

**Outdoor Storage (as an accessory use)<sup>1009</sup>**

Outdoor storage as an accessory use is the keeping, in an unroofed area on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours. Delivery vehicles shall not be used to avoid outdoor storage standards. If a trailer or truck or delivery vehicle is not unloaded and remains on a site for more than 24 hours, it is deemed to be outdoor storage and shall be regulated as such. This use does not include a junkyard or salvage yard which is not allowed in the Village, or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

**Outpatient Care Facilities<sup>1010</sup>**

Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis or treatment, or both, for patients who are ambulatory and do not require inpatient care.

**Package Sales<sup>1011</sup>**

Alcoholic beverages that are sold only in containers sealed by the manufacturer and which are sold for consumption off the licensed premises of the business establishment.

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<sup>1004</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1005</sup> This consolidates the definitions for health care facilities group I nursing and personal care facilities & group II skilled nursing care facilities, hospices, from Sec. 34-622 of the transitional LDC.

<sup>1006</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1007</sup> This is a new definition.

<sup>1008</sup> This is a new definition.

<sup>1009</sup> This is a new definition.

<sup>1010</sup> This carries forward the definition for health care facilities group III outpatient facilities from Sec. 34-622 of the transitional LDC.

<sup>1011</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

**Park, Private (as accessory use)<sup>1012</sup>**

A tract of land designated and operated by a private entity for the private enjoyment of a development's residents, including: fishing piers; nature or wildlife preserves; neighborhood parks; and passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

**Park, Village, County, or State<sup>1013</sup>**

A tract of land (including customarily associated buildings and structures), owned by a government entity, designated and used for recreational purposes by the public, including: fishing piers; nature or wildlife preserves; neighborhood parks; passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

**Parking Structure<sup>1015</sup>**

A building constructed and used for the storage of motor vehicles. It may accommodate bicycle parking as well. The building may include retail or other uses on the ground floor or may be lined or wrapped with separate buildings that include residential or commercial uses.

**Personal Services Group I<sup>1017</sup>**

Establishments primarily engaged in providing services generally involving the care of the person or the person's apparel, such as barbershops or beauty shops, clothing alterations and repair (including dressmakers, seamstresses and tailors), laundry agents wherein the establishment may do its own pressing and finish work but the laundering or dry cleaning is performed elsewhere, shoe repair services, and similar services not included in other Personal Service Uses (including Personal Services Group II).

**Personal Services Group II<sup>1018</sup>**

Beauty spas, massage establishments, reducing or slenderizing salons, and similar establishments.

**Pet Services<sup>1019</sup>**

Establishments primarily engaged in providing grooming, obedience training, and other services for pets not requiring the services of a veterinarian.

**Pharmaceutical Manufacturing<sup>1020</sup>**

Facilities primarily engaged in the manufacture of medicinal drugs.

**Pickleball Facilities<sup>1021</sup>**

A facility designed with courts specifically for the recreational use of pickleball.

**Places of Worship<sup>1022</sup>**

A structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction; church or synagogue ministries involving classes for 100 or less children during the week; and other church or synagogue sponsored functions which do not exceed the occupancy limits of the building.

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<sup>1012</sup> This is a new definition for private parks.

<sup>1013</sup> This carries forward a definition from Sec. 34-622 of the transitional LDC.

<sup>1015</sup> This is a new definition.

<sup>1017</sup> This carries forward the definition of personal services group I from Sec. 34-622 of the transitional LDC.

<sup>1018</sup> This carries forward the definition of personal services group II from Sec. 34-622 of the transitional LDC.

<sup>1019</sup> This carries forward the definition of pet services from Sec. 34-2 of the transitional LDC, with minor modification for comprehensiveness.

<sup>1020</sup> This new definition clarifies "chemicals and allied products manufacturing group I" from Sec. 34-622 of the transitional LDC.

<sup>1021</sup> This is a new definition.

<sup>1022</sup> This carries forward the definition of places of worship from Sec. 34-2 of the transitional LDC.



**Recreation Courts, Indoor<sup>1023</sup>**

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

**Recreation Facility, Indoor<sup>1024</sup>**

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amusement arcades, amusement centers, aquatic centers, bingo halls, bowling alleys, gymnasiums, health clubs, recreation courts, skating facilities, cinemas or theaters, and similar uses.

**Recreation Facility, Outdoor<sup>1025</sup>**

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Uses include: athletic fields; golf courses, miniature; golf driving ranges; passive and active recreational and educational activities including but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities; swimming pools, tennis courts and other similar outdoor activities not grouped elsewhere; and water slides, aquatic centers; and similar uses.

**Recreational Vehicle<sup>1026</sup>**

A recreational vehicle type unit as defined in Sec. 320.01(1)(b), Fla. Stat. It is primarily designed as temporary living unit for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle.

**Recycling Drop-Off Center<sup>1027</sup>**

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.

**Religious Facilities<sup>1028</sup>**

Religious-related facilities and activities, which may include but are not limited to places of worship, bus storage facilities or areas, convents, monasteries, retreats, church or synagogue ministries involving classes for more than 100 children during the week, and homes for the aged.

**Repair Shop, Household<sup>1030</sup>**

Establishments primarily engaged in performing miscellaneous repair work of small household appliances and equipment including bicycles, clocks, electric razors, fountain pens, hand tools, home computers, jewelry, key duplicating, luggage, leather goods, microwave ovens, mirrors, musical instruments (including piano or organ tuning), picture framing, pocketbooks, radios, sewing machines, sharpening and repair (knives, saws or tools), stereos, televisions, typewriters, umbrellas, venetian blinds, video equipment, watches, and the like; or household appliances, furniture; laboratory, office and other precision instruments and equipment. This use does not include vehicle repair and maintenance.

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<sup>1023</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1024</sup> This is a new definition reorganizing the various “recreational facilities” definitions from the transitional LDC and including recreational commercial facilities group I.

<sup>1025</sup> This is a new definition reorganizing the various “recreational facilities” definitions from the transitional LDC. including recreational commercial facilities group III

<sup>1026</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1027</sup> This is a new definition.

<sup>1028</sup> This carries forward the definition of religious facilities from Sec. 34-2 of the transitional LDC.

<sup>1030</sup> This carries forward the definition of personal household goods establishment group I from Sec. 34-622 of the transitional LDC.

**Research and Development Laboratories<sup>1031</sup>**

Facilities primarily engaged in laboratory or field research, and development in the natural, physical, or social sciences; as well as engineering and development as an extension of that research.

**Restaurant, Convenience<sup>1032</sup>**

Establishments primarily located in business or recreational areas for the convenience of walk-in customers including automats (eating), bakeries; beaneries, cafes, cafeterias, commissaries, diners, food stands, grills, ice cream shops, lunch bars, lunch counters, luncheonettes, lunchrooms, oyster bars, pizzerias, sandwich bars or shops, soda fountains, tearooms, and yogurt shops.

**Restaurant, Fast Casual<sup>1033</sup>**

A sit down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared, and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants.

**Restaurant, Fast Food<sup>1034</sup>**

An establishment whose principal business is the sale of food or beverages in a ready-to-consume state primarily for off-site consumption, and that may contain drive-through facilities.

**Restaurant, Standard<sup>1035</sup>**

An establishment whose principal business is the sale of food or beverages to customers in a ready-to-consume state, and whose principal method of operation includes customers served their foods and beverages by a restaurant employee at the same table or counter where food and beverages are consumed, or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

**Retail Sales Group I<sup>1036</sup>**

Establishments that sell consumer goods at retail, like art galleries; bicycle sales, rental services, or repair services; boat parts stores; building materials, sales; catering establishments; department stores; florist and gift shops; hobby and craft shops;; monument or headstone sales establishments; and similar uses (e.g., floor covering stores, window treatment stores, camera stores, optical goods stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops).

**Retail Sales Group II**

Any establishment that sells bulk retailing; home building and garden supplies stores; or an establishment that sells consumer goods at retail listed as Retail Sales Group I with a gross area over 50,000 square feet.

**Schools, Elementary, Middle, or High<sup>1037</sup>**

An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten, pre-k, pre-k – 8, or nursery school) instruction meeting state requirements for a school. These schools include public, charter, and private schools. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. This definition is inclusive of “educational facilities” as defined in Ch. 1013, Fla. Stat.

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<sup>1031</sup> This carries forward the general definition from Sec. 34-622 of the transitional LDC. The more specialized group II medical and dental laboratories has been moved to the Health Care uses category.

<sup>1032</sup> This carries forward the definition of restaurants group II from Sec. 34-622 of the transitional LDC.

<sup>1033</sup> This carries forward the definition restaurant, fast food, from Ordinance 2018-09.

<sup>1034</sup> This carries forward the definition restaurant, fast food, from Sec. 34-2 of the transitional LDC.

<sup>1035</sup> This carries forward the definition of restaurant, standard from Sec. 34-2 of the transitional LDC.

<sup>1036</sup> This is a new definition. It is meant to be inclusive of all specialty retail shop groups

<sup>1037</sup> This is a new definition.

**Seasonal Sales<sup>1038</sup>**

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, and flowers and plants.

**Self Storage<sup>1039</sup>**

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use (see Vehicle and Boat Rental and Sales).

**Sexually Oriented Businesses**

Sexually Oriented Businesses, as defined Ch.22, Art. XIII, the Lee County Code of Ordinances, also known as the “Lee County Sexually Oriented Businesses Regulation Ordinance.”

**Showroom, Wholesale<sup>1040</sup>**

An establishment that combines office and showroom uses with warehouse uses for the primary purpose of wholesale trade, display, and distribution of products.

**Skating Facilities, Indoor<sup>1041</sup>**

An indoor facility, the use of which is primarily devoted to roller or ice skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

**Social Service Home<sup>1042</sup>**

Establishments primarily engaged in providing long-term living facilities for persons in which health care is incidental, or temporary living facilities for individuals with personal or social problems. Social service homes include child or wife abuse centers; homes for the aged; homes for the physically disabled; orphanages; rehabilitation centers; rest homes; juvenile correctional homes; settlement houses; and social service centers (e.g. Salvation Army).

**Soil Classification<sup>1043</sup>**

Those categories and types of soils identified by the United States Department of Agriculture soil survey of Lee County.

**Solar Energy Collection Facility, Small-Scale<sup>1044</sup>**

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

**Solid Waste Transfer Station<sup>1045</sup>**

A facility designed to store or hold solid waste for transport to a processing or disposal facility. Facility operations may include separation of incidental amounts of recyclable materials or unauthorized waste.

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<sup>1038</sup> This is a new definition.

<sup>1039</sup> This is a new definition that replaces four varieties of warehouse in Sec. 34-2 of the transitional LDC.

<sup>1040</sup> This is a new definition.

<sup>1041</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1042</sup> This consolidates the definitions for social services group III & IV from Sec. 34-622 of the transitional LDC.

<sup>1043</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1044</sup> This is a new definition.

<sup>1045</sup> This is a new definition.

**Storage, Indoor<sup>1046</sup>**

The safekeeping of goods, wares, products, or other commodities in an indoor area for more than 48 hours for later use or disposal. The term “storage” includes the keeping of boats, cars, recreational vehicles, etc., for others, whether or not compensation is given to the property owner. The term does not include animals, nor does it apply to the outdoor display of products for sale.

**Storage, Outdoor<sup>1047</sup>**

Any storage as defined in “storage, indoor,” but occurring outdoors.

**Super Convenience Store<sup>1048</sup>**

A land use that includes automotive service station with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruit, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also have automated teller machines and public restrooms. The sites included in this land use category have a gross floor area of the convenience market of at least 3,000 gross square feet and at least ten vehicle fueling positions

**Swimming Pools, Tennis Courts, and Similar Recreation Facilities.**

A use consisting of recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts (but not pickleball facilities), swings, slides and other playground equipment and an open, roofed picnic pavilion. These uses must be an accessory use on the same premises and in the same zoning district as the principal permitted use, with the exception of the picnic pavilion and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.

**Tattoo or Body Piercing Establishment<sup>1049</sup>**

An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

**Tobacco Shop<sup>1050</sup>**

An establishment primarily engaged in selling tobacco and tobacco-related products. Sale of vape materials or paraphernalia, and hookah lounges are not included in this use.

**Utility, Major<sup>1051</sup>**

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility services include electricity, communications, telephone, cable television, gas, water, and sewage package plants. This use does not include telecommunications facilities or towers.

**Utility, Minor<sup>1052</sup>**

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services that needs to be in or near the neighborhood or uses where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, storm water pipes and retention/detention facilities, telephone lines and

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<sup>1046</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1047</sup> This is a new definition.

<sup>1048</sup> This definition is carried forward from Ordinance 2018-09 (Impact Fees).

<sup>1049</sup> This is a new definition.

<sup>1050</sup> This is a new definition.

<sup>1051</sup> This carries forward the definition of essential service facilities from Sec. 34-622 of the transitional LDC, with modification for clarity, and excluding sanitary landfills.

<sup>1052</sup> This carries forward the definition of essential service facilities from Sec. 34-622 of the transitional LDC, with modification for clarity. **NOTE TO STAFF:** Is the 10-foot high or 425 square foot area distinction from the transitional LDC used? If so, it will be included in a use-specific standard.

local exchanges, electric lines and transformers, electric transfer substations, gas transmission pipes and valves, CATV lines, and bus and transit shelters.

**Vehicle and Boat Rental and Sales<sup>1054</sup>**

Establishments that provide for the sale or rental of new or used automobiles, small trucks or vans, trailers, motorcycles, motor homes, recreational vehicles, or boats (not including small recreation short-term rentals such as kayak rental on a waterway). Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

**Vehicle and Boat Repair and Maintenance<sup>1055</sup>**

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles. This use includes stand-alone car washes.

**Vocational or Trade School<sup>1056</sup>**

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students, and that operates in buildings or structures or on premises on land leased or owned by the educational institution, and that meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

**Warehouse<sup>1057</sup>**

A facility primarily engaged in the storage of manufactured products, supplies, and equipment; or in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution; and excludes bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

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<sup>1054</sup> This is a new definition.

<sup>1055</sup> This is a new definition.

<sup>1056</sup> This is a new definition.

<sup>1057</sup> This is a new definition.