1	VILLAGE OF ESTERO, FLORIDA
2	ZONING
3	ORDINANCE NO. 2021-02
4	AN ORDINANCE OF THE LITTLE COUNTY OF THE
5	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6	VILLAGE OF ESTERO, FLORIDA, CONSIDERING A
7	REZONING FROM AGRICULTURE (AG-2) TO ESTERO
8 9	PLANNED DEVELOPMENT (EPD) FOR A .73-ACRE PARCEL AT THE INTERSECTION OF CORKSCREW
9 10	ROAD AND HAPPY HOLLOW LANE; PROVIDING FOR
11	CONFLICTS; PROVIDING FOR SEVERABILITY; AND
12	PROVIDING AN EFFECTIVE DATE.
13	TRO VIDING AIN EFFECTIVE DATE.
14	WHEREAS, Joseph Pavich, Jr. and Jennifer Sassi, represented by Fred Drovdlic,
15	Waldrop Engineering, Inc. (the "Applicant"), filed for a rezoning on two properties located at
16	8910 Corkscrew Road and 21256 Happy Hollow Lane ("Property") for a project known as
17	Pavich EPD; and
18	
19	WHEREAS, the Property STRAP numbers are 33-46-25-E2-U1960.2366 and
20	33-46-25-E2-U1960.2363, and the Properties are legally described in Exhibit A attached
21	hereto; and
22	
23	WHEREAS, the Applicant requested a rezoning from Agriculture (AG-2) to Estero
24	Planned Development (EPD) (Case number DCI 2019-E002); and
25	
26	WHEREAS, the Applicant is requesting an 8,000 square foot commercial mixed-use
27	building, and 950 square feet of exterior breezeway for café seating; and
28	WITEDE AC the Applicant has recovered several devictions, and
29 30	WHEREAS, the Applicant has requested several deviations; and
30 31	WHEREAS, a public information meeting was held on May 21, 2019 at the Planning
32	and Zoning Board; and
33	and Zonnig Doard, and
34	WHEREAS, a meeting to discuss the Pattern Book was held on June 26, 2019 at the
35	Design Review Board, as required by the Land Development Code for Estero Planned
36	Development zoning; and
37	
38	WHEREAS, at a duly noticed public hearing held on September 15, 2020 the Planning
39	and Zoning Board continued the rezoning request for additional consideration; and
10	
11	WHEREAS, at a continued public hearing held on December 15, 2020 the Planning
12	and Zoning Board recommended approval with conditions of the rezoning request; and

43	WHEREAS, a duly noticed first reading was held before the Village Council on			
44	February 17, 2021; and			
45 46	WHEREAS, a duly noticed second reading and public hearing was held before the			
47 48	Village Council on March 3, 2021, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the			
49	Planning and Zoning Board and the comments of the public.			
50				
51	NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero,			
52	Florida:			
53				
54	Section 1. Rezoning.			
55				
56	The Village Council approves with conditions the rezoning from Agriculture (AG-2)			
57	to Estero Planned Development (EPD) to allow for up to 8,000 square feet of			
58	commercial mixed uses including office, retail, and café, and up to 950 square feet of			
59	breezeway area for outdoor café seating, subject to the following conditions.			
60				
61	Section 2. Conditions.			
62				
63	1. <u>Master Concept Plan</u>			
64	Development of this project must be consistent with the Tiered Development Plan			
65	(TDP) titled "Tiered Development Plan, Pavich Estero PD", stamped "Received			
66	January 4, 2021".			
67				
68	2. <u>Development Parameters</u>			
69 70	This project is limited to a maximum of 8,000 square feet of commercial mixed uses			
70	and 950 square feet of outdoor seating area. Uses must be consistent with the Schedule			
71	of Uses below. The project must contain a mix of uses such as office, retail, or food			
72	service. The site is not permitted for solely one type of use based upon the requirements			
73	of Estero Planned Development zoning. The mix of uses will be demonstrated at time			
74 75	of development order for at least 2 different categories of uses. The breezeway use shall			
75 76	complement the public amenity area.			
76 77	3. Maximum Building Height			
78	45 feet (including architectural features)			
78 79	45 leet (including architectural features)			
80	4. Lot Recombination			
81	Prior to a Development Order being issued for this project, a lot recombination must			
82	be approved.			
83	oe approved.			
84	5. Uses and Site Development Regulations			
85	The following uses and limits apply to the project:			
00	The following uses and initio apply to the project.			

85 86 87

88	a. Schedule of Uses
89	Accessory Uses and Structures
90	Administrative Offices
91	Art Galleries and Studios
92	Bait and Tackle Shop
93	Business Services: Group I
93 94	Contractor and Builders: Group I
	*
95	Consumption on Premises – In conjunction with a restaurant. Any Outdoor
96	Seating will require further approval as to hours of operation as specified in
97	the LDC
98	Food Stores: Group I
99	Essential Services
100	Essential Service Facilities: Group I
101	Excavation: Water Retention – No Blasting
102	Fences, Walls
103	Gift and Souvenir Shop
104	Hobby, Toy, and Game Shops
105	Insurance Companies
106	Nonstore Retailers: All Groups
107	Offices, Including Medical and Health Care Facilities, Group III
108	Parking Lot, Accessory
109	Personal Services: Groups I and II (Laundry Drop-off/Pick-up, Beauty Spas
110	Health Clubs and Spas, Barbershops, and Beauty Shops limited to 2,000 square
111	feet)
112	Real Estate Sales Office
113	Restaurants: Groups I and II
114	Signs, in compliance with the LDC, except where deviation permits alternative
115	Social Services: Group I
116	Specialty Retail Shops: Groups I and II
117	
118	b. Building Setback Requirements for Corkscrew Road Overlay
119	Minimum Lot Area73 acres
120	Maximum Lot Coverage - 60%
121	Minimum Lot Width - 100 feet
122	Minimum Lot Depth - 100 feet
123	Street /Front (Corkscrew Road) - 25 feet
124	Street/Side (Happy Hollow) - 10 feet
125	Side - 10 feet
126	Rear Principal - 25 feet
127	Rear Accessory - 5 feet
128	Maximum Height - 45 feet
129	

130 Estero Fire Rescue 6.

131 Radio Enhancement: The owner or owner's representative shall conduct an assessment model at the time of development order to determine if the minimum radio signal's 132 133 strength for the fire department communication is in compliance with NFPA1:11.10, NFPA 1221:11.3.9, standards for inbound and outbound signal strength and quality. If 134 135 minimum signal strength is not available, the applicant shall install radio enhancement 136

in the building.

137 138

7. No Blasting

No development blasting is permitted as part of this project.

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8. Utilities

The project must be connected to centralized potable water service and centralized sewer service.

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9. Pattern Book

The project must be consistent with the Pattern Book dated March 2021, including the building colors. Color swatches provided at the March 3 Council meeting shall be included in the Pattern Book. Signage on the front of the building shall be illustrated in the building rendering.

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10. **Buffers**

As part of local development order approval for the project, the development order plans must demonstrate buffering consistent with the Master Concept Plan, the Land Development Code, and the Pattern Book. As part of local development order approval, all required buffer plantings must be 100% native vegetation.

155 156 157

158

159

Public Gathering Area 11.

The applicant shall provide details regarding the trellis and outdoor furniture associated with the Public Gathering Areas at the time of Development Order. This area must be open to the public from dawn to dusk daily and maintained in perpetuity.

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165

12. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the regulatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with mandatory concurrency requirements prior to issuance of a local development order.

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Lee County Development Order 13.

A Lee County Type 'D' Limited Development Order (LDO) will be required for the offsite improvements within the County maintained right-of-way.

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172

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174

175 14. Land Development Code (LDC) Where the Village LDC is referenced in these conditions of approval for 176 implementation of the condition at the time of development order, the LDC in effect at 177 the time of the development order shall be applicable. 178 179 180 Turn Lane Analysis 15. Evaluation of the necessity of a right-turn lane on Corkscrew Road at Happy Hollow 181 Lane shall be required at the time of Development Order. 182 183 184 16. Railroad Right-of-Way If the railroad right-of-way adjacent to this property becomes open to the public, then 185 a Type D buffer must be installed on the west side of the property, with an access 186 187 connecting to the bike rack area on this site. 188 189 17. Pavement 190 Happy Hollow Lane must be paved to the project's south property line. 191 192 **Deviations** Section 3. 193 194 1. A Deviation from LDC Table 34-2020(b), Minimum Required Spaces for Multiple-195 Use Development to permit a 5% reduction in the required spaces due to multimodal access as the property abuts the bikeway/sidewalk on Corkscrew Road. 196 197 Determination of the required number of parking spaces will be reviewed at Development Order. 198 199 200 Deviation 1 is approved. 201 202 2. A Deviation from LDC Section 33-351, Landscaping Buffer Table, which requires 203 a 20-foot buffer, to allow for a variable buffer from 10 to 16 feet as shown on the 204 Tiered Development Plan. 205 206 Deviation 2 is approved. 207 208 3. A Deviation from LDC Section 33-385(a)(3) which requires a commercial sign be 209 located on the frontage of the primary access to the site, to allow for the monument 210 sign to be located on Corkscrew Road. 211 Deviation 3 is approved 212 4. A Deviation from LDC Section 33-385(a)(3) which requires a 15-foot setback from 213 any street right-of-way or easement to allow for a monument sign 10 feet from any 214 street right-of-way or easement, rather than the required 15 feet. 215 216 217 Deviation 4 is approved. 218

222 223 Deviation 5 is approved. 224 225 6. A Deviation from LDC Section 34-935(b) which requires a 15-foot setback from development perimeter boundaries on the western property line, to allow for 226 227 buildings within 10 feet of the development perimeter boundaries. 228 229 Deviation 6 is approved. 230 231 7. A Deviation from LDC Section 33-351 Landscaping Buffers Table, Type "C" 232 Buffer which requires an 8-foot solid wall; to allow no wall within the Type "C" 233 buffer. 234 235 Deviation 7 is approved with the condition that enhanced landscaping, subject to 236 approval by staff, will be provided in lieu of the wall, and a letter of no objection from the adjoining property owner to the south must be provided. 237 238 239 Findings and Conclusions. Section 4. 240 Based upon an analysis of the application and the standards for approval in the Land 241 Development Code, and the conditions of approval, the Council finds and concludes as 242 243 follows: 244 1. The applicant has provided sufficient justification for the zoning amendment by 245 246 demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes. 247 248 249 2. The request, with proposed conditions and deviations, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the 250 251 request. 252 253 3. The request is consistent with the densities, intensities and general uses set forth in the Village of Estero Comprehensive Plan. 254 255 256 4. The proposed uses are compatible with existing or planned uses in the surrounding area and will be served with streets with the capacity to carry traffic generated by 257 the development. 258 259 5. Approval of the request will not place an undue burden upon existing transportation 260

5. A Deviation from LDC Section 34-2192(a) which requires a 20-foot setback from

Happy Hollow Lane, to allow a 10-foot setback as shown on the Tiered

or planned infrastructure facilities.

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261262

Development Plan.

263 264	6.	Urban services are available and adequate to serve the proposed use.
265	7.	The request will not adversely affect environmentally critical areas and natural
266	<i>,</i> .	resources.
267		Tosources.
268	8.	The mix of uses is appropriate at the subject location.
269	0.	The finx of uses is appropriate at the subject location.
270	9.	The recommended conditions provide sufficient safeguards to the public interest
271	٦.	and are reasonably related to impacts on the public's interest created by or expected
272		from the proposed development.
273		nom me proposed de veropment.
274	10	The deviations recommended for approval:
275	10.	The deviations recommended for approval.
276		a. Enhance the planned development; and
277		a. Dimenso the planned development, and
278		b. Preserve and promote the general intent of the LDC to protect the public health,
279		safety and welfare.
280		Saledy wild Heriard
281	11.	The proposal, as conditioned, is consistent with the general criteria of the Estero
282		Planned Development zoning district as follows:
283		2
284		a. Goals The creation of the public amenity area will help create social vitality and
285		enhance the pedestrian experience along this section of Corkscrew Road.
286		
287		b. Reasonable Standards The applicant has used physical form and the relationship
288		of the building with the landscaping and public space to meet the Village Center
289		goals.
290		
291		c. Accessibility Accessible public spaces are proposed with the public amenity
292		area, breezeway, interconnection through the building, and the sidewalk along
293		Happy Hollow Lane.
294		
295		d. Streets N/A due to size of project.
296		
297		e. <u>Street Design N/A</u> due to size of project.
298		
299		f. Lots and Blocks N/A due to size of project.
300		
301		g. The Visual Edge A visual edge is created by the structure and landscaping from
302		the railroad corridor to Happy Hollow Lane. The proposed massing of the two-
303		story, 40-foot tall building has a hipped roof, awnings, and a shed roof between
304		the two building levels which define the edge.
305		
306		h. Architecture The Old Florida building design is consistent with the Village
307		architectural standards and though a departure from the nearby Mediterranean

308 309	style is an attractive building that will contribute to the framework of the Villag Center.		
310			
311		s The structure should allow for adaptive reuse consistent	
312	S	Village.	
313			
314			
315			
316	Ę	attached to this Ordinance and incorporated by reference:	
317			
318	e i	ion and Sketch	
319			
320	Exhibit B Tiered Develo	pment Plan titled "Pavich EPD" and stamped "Received	
321	January 4, 202	1"	
322			
323	Exhibit C Pattern Book	entitled "Pavich Estero PD Tier 1 Pattern Book" dated	
324	March 2021		
325			
326	<u>Section 6.</u> Severability	•	
327			
328	, , ,	ph, sentence, clause, phrase or other part of this Ordinance	
329	1	late be declared by a court of competent jurisdiction to be	
330	, and the second	not affect the validity of this Ordinance as a whole or any	
331	*	he part so declared to be invalid.	
332			
333		te.	
334			
335		fect immediately upon adoption.	
336			
337	_	is 17 th day of February, 2021.	
338			
339		BY THE VILLAGE COUNCIL of the Village of Estero,	
340	Florida on second reading this 3rd of	lay of March, 2021.	
341			
342	1		
343		VILLAGE OF ESTERO, FLORIDA	
344	/ //		
345	/ - //		
346		- Ring Dana	
347		By: 1911 1666	
348	,	Bill Ribble, Mayor	
349			
350			
351			

352

353	Reviewed for legal sufficient	ency:	
354			
355			
356	-11	/ , a	
357	By: Marcy 6.	MOUNT	
358	Nancy E. Stroud, Villa	age Land Use	Attorney
359	•		
360			
361	Vote:	AYE	NAY
362	Mayor Ribble	X	_
363	Vice Mayor Errington	X	
364	Councilmember Levitan		
365	Councilmember McLain	X	
366	Councilmember Boesch	X	
367	Councilmember Batos	X	
368	Councilmember Wilson	X	

RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DRIVE, SUITE 107 BONITA SPRINGS, FL 34135 PHONE (239) 405-8166 FAX (239) 405-8163

SURVEYOR'S DESCRIPTION

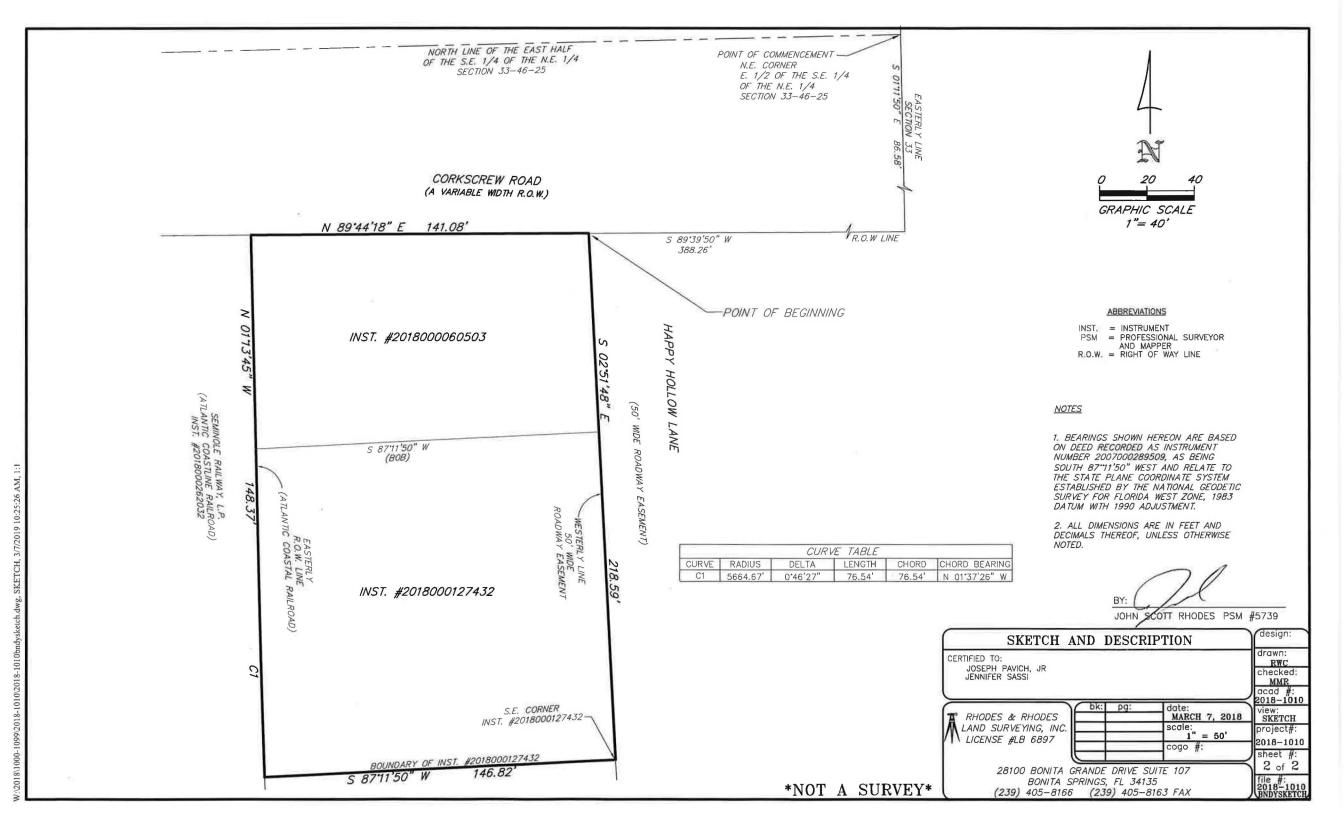
BEING ALL OF THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL INSTRUMENT NUMBERS 2018000060503 AND 2018000127432 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LOCATED WITHIN OF THE EAST HALF (E. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, SAID LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

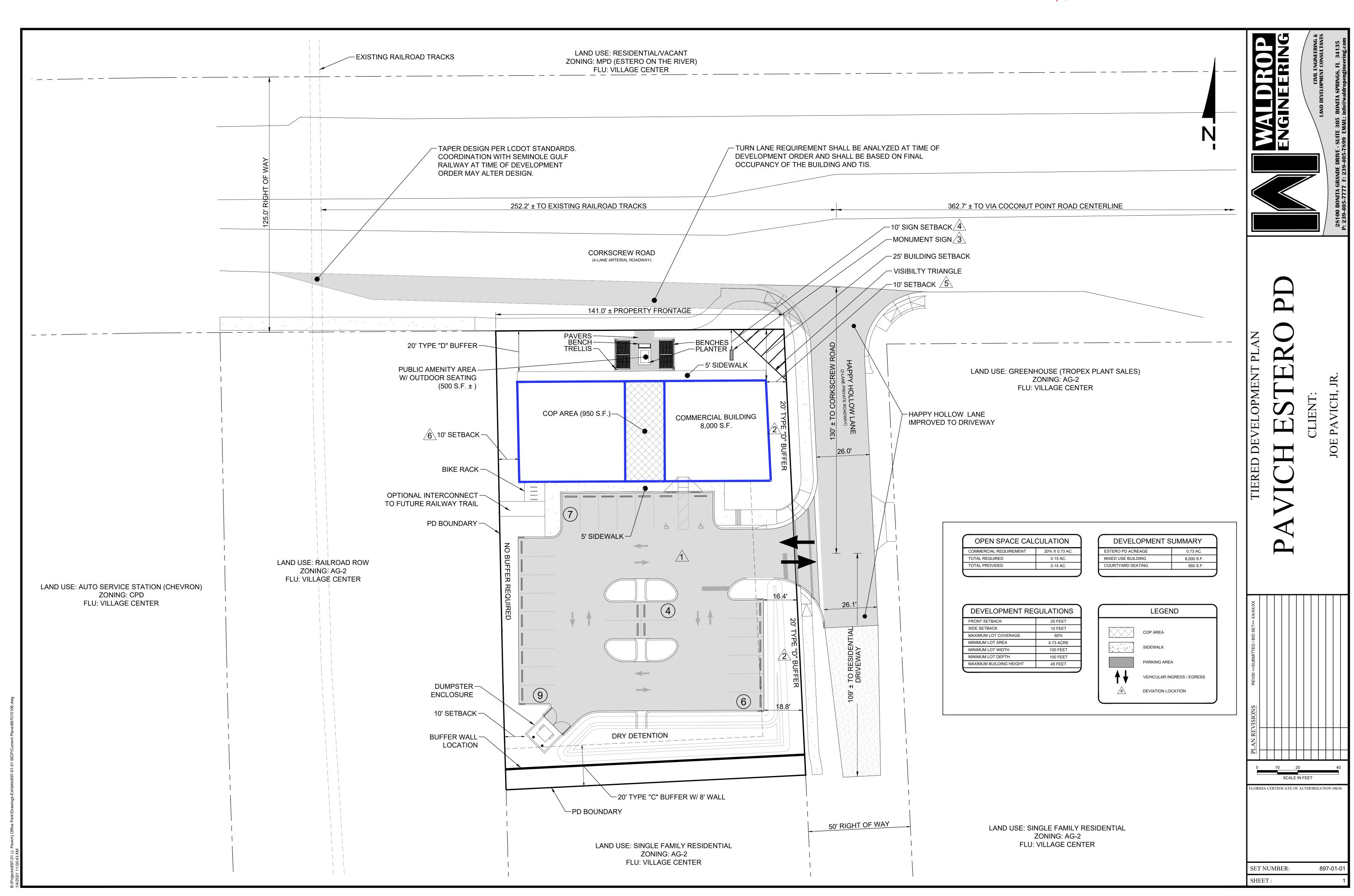
COMMENCE AT THE NORTHEAST CORNER OF THE EAST HALF (E. 1/2) OF THE SOUTHEAST QUARTER (S.E. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE SOUTH 01°11'50" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 33, A DISTANCE OF 86.58 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF CORKSCREW ROAD (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE SOUTH 89°39'50" WEST, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 388.26 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT WESTERLY BOUNDARY OF A 50.00 FEET WIDE ROADWAY EASEMENT AS DESCRIBED IN OFFICIAL INSTRUMENT NUMBERS 2018000060503 AND 2018000127432 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTH 02°51'48" EAST, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 218.59 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL INSTRUMENT 2018000127432; THENCE SOUTH 87°11'50" WEST, ALONG THE BOUNDARY OF LAST SAID LANDS, A DISTANCE OF 146.82 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE ATLANTIC COASTLINE RAILROAD AS DESCRIBED IN SAID OFFICIAL INSTRUMENT NUMBERS 2018000060503 AND 2018000127432; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG SAID EASTERLY RIGHT-OF-WAY LINE; COURSE NO. 1: NORTHERLY, 76.54 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 5,664.67 FEET, THROUGH A CENTRAL ANGLE OF 00°46'27" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 01°37'26" WEST, 76.54 FEET; COURSE NO. 2: NORTH 01°13'45" WEST, 148.37 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID CORKSCREW ROAD; THENCE NORTH 89°44'18" EAST, ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 141.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,954 SQUARE FEET OR 0.734 ACRES, MORE OR LESS.

JOHN SCOTT RHODES, P.S.M., NO. 5739 PROFESSIONAL SURVEYOR & MAPPER STATE OF FLORIDA

STATE OF FLORIDA





Pavich Estero PD

PD2019-E001

Tier 1 Pattern Book

Realty World - J. Pavich Real Estate

Village of Estero March 2021



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The images and references contained herein are conceptual.

Minor changes or adjustments may occur during development order approval.



ILLUSTRATIVE COLORED SITE PLAN: Aerial Overlay





CONCEPTUAL ARCHITECTURAL RENDERING: Street View

ARCHITECTURAL DESCRIPTION

The Pavich Mixed Use Building is a two-story commercial building influenced by the Coastal Olde Florida style. The building includes clean lines with timeless elements such as elongated coastal brackets, Caribbean influenced metalwork and a simple color pallet – galvalume roof and fabric awnings, warm alabaster white contrasting trim, medium bronze window frames and lighting accents and warm beige as primary building color. The rooflines are simplified by clean parapets and hipped roof configurations including vertical roof plane changes.





CONCEPTUAL ARCHITECTURAL RENDERING: Birdseye 1





CONCEPTUAL ARCHITECTURAL RENDERING: Birdseye 2





CONCEPTUAL ARCHITECTURAL RENDERING: Birdseye 3





CONCEPTUAL ARCHITECTURAL RENDERING: Rear Facade





ELEVATIONS – Front (North) and Rear (South)





ELEVATIONS W/COLOR PALETTE – Sides (East and West)





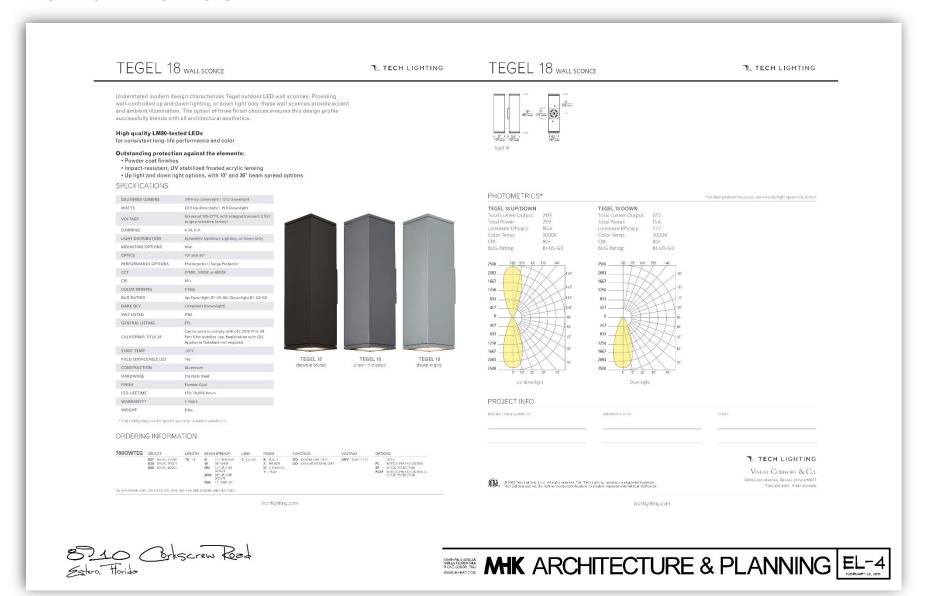
CONCEPTUAL MONUMENT SIGN



NOTES: DEVIATIONS #4 AND 5 APPLY TO THE SIGN SETBACK OF 8' (RATHER THAN 15') AND LOCATION ON CORKSCREW ROAD

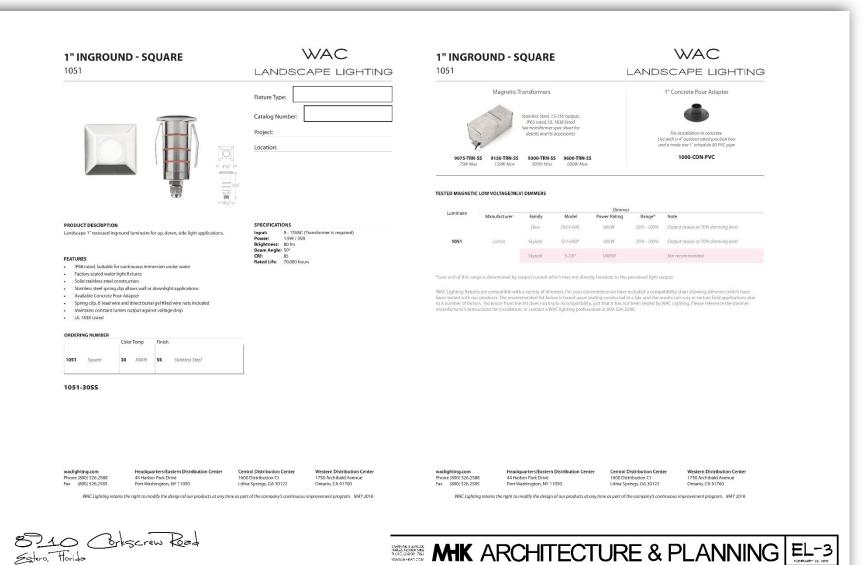


LIGHTING DETAILS W/COLOR PALETTE



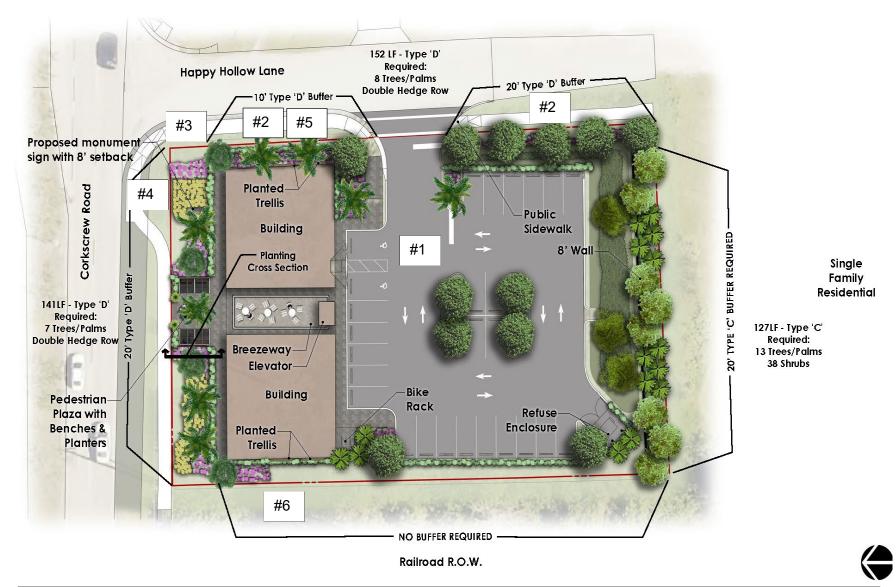


LANDSCAPE LIGHTING DETAILS





CONCEPTUAL LANDSCAPING AND OPEN SPACE PLAN AERIAL WITH DEVIATIONS LOCATED



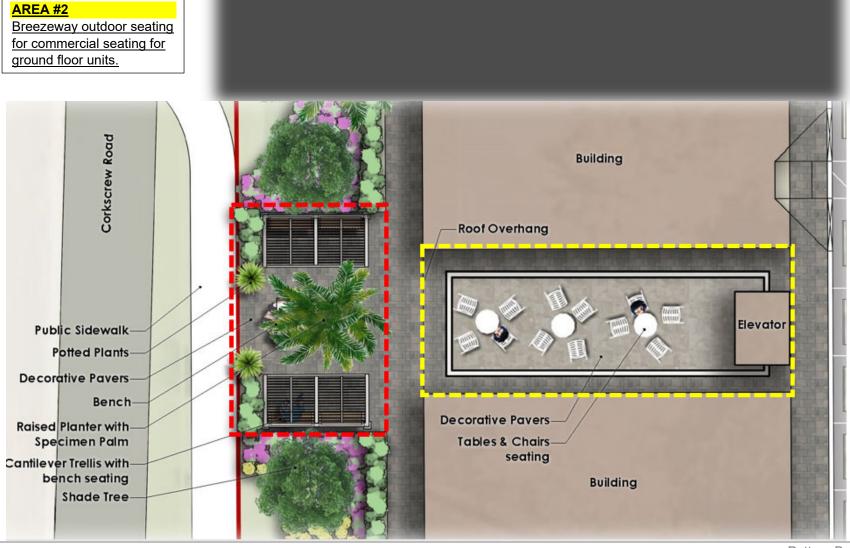
NOTES: SEE SOUTHERN BUFFER WALL PERSPECTIVE AND REFUSE ENCLOSURE (PAGES 16 & 18)



PUBLIC AMENITY

AREA #1

Approximately 500 sf dedicated to public seating





CORKSCREW ROAD LANDSCAPE BUFFER: Type 'D' Exhibit

LDC Section 33-351. Landscaping Buffers

Proposed Use: Commercial Existing Use to Right of Way

Requires a Type D Buffer : A Type "D" Buffer is 20' wide and requires 5 Trees per 100 LF and a double hedge row

- The Type "D" buffers required between commercial uses and rights-of-way may be waived, or reduced if the proposed building setback is within 25 feet of the right-of-way. This is not intended to allow for a reduction in general tree requirements or building
- Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The dustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts
- A Type D Buffer for a Commercial Building that is within 25' of the right-of-way may have flexibility in the buffer plantings. The hedge varies in height from 18"-36" planting that will provide visual barrier but not block the building, pedestrian plaza views and the sign monument.

-Per LDC Section 33-353. Landscape Design.

All required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height, six-foot spread and 32-inch caliper, or field grown equivalent, at the time of planting.





TYPICAL SOUTH WALL BUFFER VIEW FROM RESIDENTIAL PROPERTY

LDC Section 33-351. Landscaping Buffers

Proposed Use: Commercial Existing Use to Single Family Residential

Requires a Type C Buffer: A Type "C" Buffer is 20' wide and requires a 8' ht. solid wall, 10 Trees per 100 LF and 30 shrubs per 100 Lineal Foot of Buffer length

1 All landscape buffer designs should complement adjacent project buffers to help aid in establishing a continuous landscape theme within the Estero Planning Community. The use of plant material indigenous to, and consistent with, existing vegetation within the Estero Planning Community is recommended.

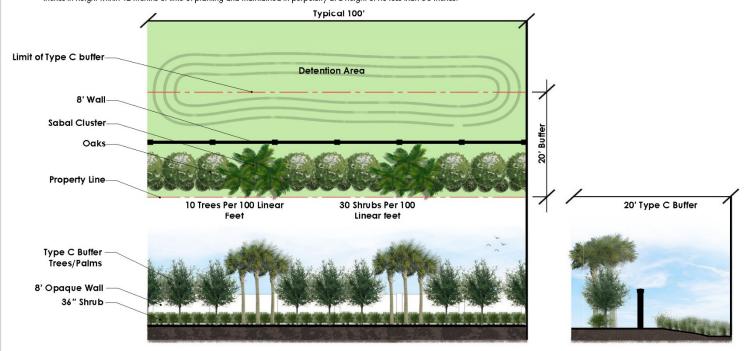
2 A solid wall, berm, or wall and berm combination, must be not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the streets or streets abutting the property, as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater foerm the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

-Per LDC Section 33-353. Landscape Design.

All required trees must be a minimum 45 gallon container, 12-foot to 14-foot planted height, six-foot spread and 32-inch caliper, or field grown equivalent, at the time of planting.

-Per LDC Section 10-420. Plant material Standards.

Shrubs and hedges. Shrubs must be a minimum of 24 inches in height, at time of planting. All shrubs must be a minimum 3 gallon container size and be spaced 18 to 36 inches on center. They must be at least 36 inches in height within 12 months of time of planting and maintained in perpetuity at a height of no less than 36 inches.





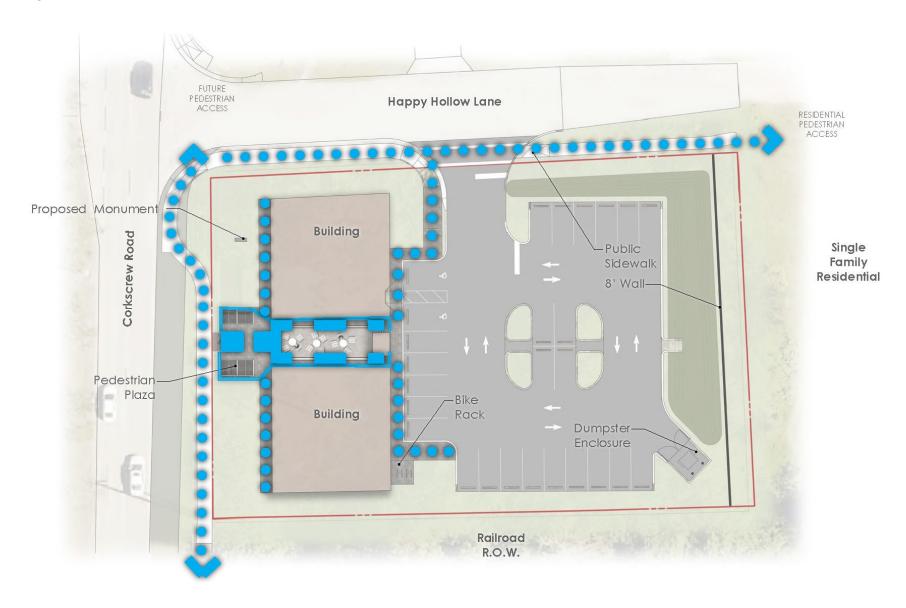
Pavich Estero Planned Developmer

prepared for: I December, 2020

Type C Buffer Exhibit



CONNECTIVITY MAP





REFUSE ENCLOSURE PERSPECTIVE



NOTE: ENCLOSURE TO BE BUFFERED WITH 24"HT SHRUB MATERIAL (AT TIME OF INSTALLATION)