

Estero Land Development Code

January 19, 2021

Addendum of Recommended Changes

Note on changes:

- From the recommendations before the workshop on January 13:
 - Deletions are shown in ~~red-strikethrough~~.
 - Additions are shown underlined in blue.
- For additional changes after the workshop:
 - New deletions are shown in ~~green-strikethrough~~
 - New additions are shown underlined in green
 - Language that has been unstruck is returned to plain black text and highlighted in green
 - Previously proposed additions that have been rejected are shown in black text, ~~underlined, struck through and highlighted in green~~

Chapter 1: GENERAL PROVISIONS

1. Comment

Sec. 1-11 Staff recommends simplifying the language

Change

SECTION 1-11. Effective Date
This LDC shall become effective on ____ [insert the effective date of the LDC], and repeals and replaces in its entirety the transitional Land Development Code as originally adopted upon Village incorporation, on ____ [insert adoption date of transitional LDC], and subsequently amended.

2. Comment

Sec. 1-805 Development Approvals and Permits Under Prior Land Development Codes: Staff recommends changes to promote consistency with Sec. 1-804 and promote compliance with the new LDC.

Change

Sec. 1-805. Development Approvals and Permits Under Prior Land Development Codes
A. All development approvals or permits approved before ____ [insert effective date of this LDC], either by the Village or by Lee County (prior to the incorporation of the Village), remain valid until their expiration date, and may

be carried out in accordance with the terms and conditions of their approval, ~~and the development standards in effect at the time of approval,~~ as long as they remain valid and have not expired or been revoked or substantially modified. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval) or substantially modified, all subsequent development of the site shall comply with the procedures and standards of this LDC.

B. Approval of a building permit prior to ____ [insert effective date of this LDC] means all plans and approvals for the development subject to the building permit are valid.

~~C. — By notifying the Director in writing, an applicant who has received approval of a master concept plan in accordance with the transitional LDC in effect before ____ [insert effective date of this LDC] may opt to have the proposed development reviewed and decided in accordance with the regulations in effect at the time the master concept plan was approved. Notification by the applicant shall be made within 90 days of ____ [insert effective date of this LDC] and shall be irrevocable.~~

D. Any re-application for an expired development approval or permit shall comply with the standards in effect at the time of re-application.

Chapter 2: ADMINISTRATION

3. Comment

Sec. 2-302 Planning Zoning and Design Board Membership: Village Council instructed the PZDB be modified to be composed of a range of seven to nine members.

Change

Sec. 2-302. Planning Zoning and Design Board

A. Generally

[...]

C. Membership

1. The PZDB shall have not less than seven nor more than nine ~~seven~~ members appointed by the Village Council by affirmative vote of a majority of the full Village Council membership. An additional non-voting, ex officio representative of the Lee County School Board may also serve on the PZDB in accordance with state law. The School Board shall notify the Village Clerk in writing within 10 days of the appointment or removal of any member.

2. At least four a majority of the members of the PZDB appointed by the Village Council shall be residents of the Village. All other members shall either (i) own a business in the Village, (ii) own property in the Village, or (iii) work in the Village. The members of the Board shall have diverse backgrounds, and, wherever possible, prior experience in land use, planning, zoning, legal matters, environmental matters, engineering, architecture, landscape architecture, or building and development. Each member shall be sympathetic to municipal development consonant with the comprehensive plan and with the

health, safety, and welfare of its residents. No Board member shall hold any other public office, appointive or elective.

D. Meetings

1. The PZDB shall meet at least once each calendar month, unless canceled by the Board or its chairperson. Special meetings may be called by the Chairperson or by any 3 regular members of the Board. At least seven days' notice shall be provided for any meeting, and an agenda for the meeting shall be available to the public at least seven days prior to the meeting. The Board may meet more often at the call of the Chairperson or the Village Council.

2. ~~Four members~~ A majority of the full membership of the Board in attendance at a meeting shall constitute a quorum.

3. Each decision of the PZDB shall be approved by a majority vote of the members, unless expressly stated otherwise in this LDC.

4. Comment

Table 2-405.B Summary of Public Notification Requirements – Staff identified an error in the table note numbering

Change

TABLE 2-405.B: SUMMARY OF PUBLIC NOTIFICATION REQUIREMENTS			
Application Type	Notice Required		
	Published	Mailed	Posted
[...]			
Relief			
[...]			
Appeal of PZDB or PZDB decision ²¹		Appellant mails notice of public hearing at least 14 calendar days before Village Council hearing.	Appellant posts notice of public hearing on site at least 14 calendar days before Village Council hearing.
Note: 1. If Council takes jurisdiction, it is responsible for notice.			

5. Comment

Sec. 2-502(C) Plat Review: Staff recommends the lists of exceptions for plat standards in 5-902 Applicability and 2-502(C) Plat Review be revised for consistency.

Change

C. Plat Review

1. Generally

This subsection supplements the procedural requirements of Ch. 177, Fla. Stat. for review and decisions regarding plats and replats. It applies to all subdivision of land, except the following:

- A. A development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements have been made or that a security for the performance of the improvements has been posted and is current.
- B. The division of land for the conveyance of land to a federal, state, County or ~~municipal government~~ Village entity, or a public utility.
- C. The division of land by judicial decree.
- D. A division of land of two or fewer lots out of a parent parcel approved as a limited development order (Sec. 2-502.B.2, Limited Development Order Procedure)
- ~~E. A single family residential lot created between January 28, 1983, and December 21, 1984, that has obtained a favorable minimum use determination in accordance with the Lee Plan. _____~~

6. Comment

Sec. 2-506.E. Vested Rights: Public comment at the workshop requested clarification on when the vested rights procedure is applicable.

Change

Sec. 2-506.E. Vested Rights
1. Generally
A property owner at the property owner's option may apply for a Village determination that it has vested rights under Florida judicial standards or Florida statutes for development of its property based on a prior approval such that it is not required to comply with a particular requirement of this LDC.

Chapter 3: ZONING DISTRICTS

7. Comment

Table 3-203.C AG District Uses – Staff recommends allowing schools without requiring a special exception in the AG district

Change

TABLE 3-203.C: AG DISTRICT USES [1][2]		
P = Permitted; S = Permitted by approval of a Special Exception; E=Existing Only		
Use Type	Permission	Use Specific Standard
Principal Uses		
Agricultural use	P	Sec. 4-103; Sec. 4-103
[...]		
Schools, elementary, middle, or high	S <u>P</u>	Sec. 4-102; Sec. 4-135
[...]		

8. Comment

Sec. 3-702.D. General Standards for All Planned Development Zoning Districts: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification, which preserves all requirements from the first reading but separates items that must be in the Master Concept Plan and items that must be in the application and adopting ordinance:

Change

Sec. 3-702.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

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.~~

~~A.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.)

~~B.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.~~

~~C.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.

~~D.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.

~~E.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.

~~F.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 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.)

~~G.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.

~~H.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.

~~I.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.

~~J.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.~~

~~K.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.

~~L.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.

~~M.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.

~~N.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.

~~O.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;

~~P.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

[...]

4. PD Adopting Ordinance

As set forth in this subsection, approval of a PD district shall include the following in the adopting ordinance:

- A. 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. Identification of the specific 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.
- C. Identification of 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.
- D. If the development is located within a floodplain or flow way, inclusion of 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.
- E. Identification of 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.
- F. Provisions addressing how transportation, potable water, sanitary sewer, stormwater management, and other public facilities will be provided to accommodate the proposed development.
- G. Identification of 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).

5. 4-Conditions of Approval

Conditions of approval may be included as part of the ~~PD Master Concept Plan~~ PD adopting ordinance 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.

9. Comment

Sec. 3-702.F. Planned Development Districts Use Table: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3-702.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 specific planned development approval 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.

TABLE 3-702.F: PLANNED DEVELOPMENT DISTRICTS USES

A = allowed in a PD district if approved as part of a ~~PD Master Concept Plan~~ the PD adopting ordinance
Blank cell = prohibited

Use Type	RPD	CFPD	CPD	MPD	EPD	Use Specific Standards
Principal Uses						

[...]

10. Comment

Sec. 3-703. Residential Planned Development (RPD) District Planned Development District: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3-703. Residential Planed Development (RPD) District	
A. Purpose	
[...]	
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 adopting ordinance , 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 ²) [1]	To be established in PD Master Concept Plan or PD adopting ordinance 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.)	
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 or PD adopting ordinance 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 or PD adopting ordinance 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 or PD adopting ordinance 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 **Error! Reference source not found.**, **Error! Reference source not found.**, 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 **Error! Reference source not found.**, **Error! Reference source not found.**.
- [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

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 and PD adopting ordinance for the RPD shall comply with the requirements in Table 3-703.D.1.A: Maximum Gross Nonresidential Floor Area Allowed in RPD.

[...]

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 are deviated from as allowed by Table 3-703.D.3.A: Development Standards Subject to Deviations.

TABLE 3-703.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-4, Landscape Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
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 <u>or PD adopting ordinance</u>
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 PD adopting ordinance, 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.

[...]

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 PD adopting ordinance.

11. Comment

Table 3-703.D.1.A Maximum Gross Nonresidential Floor Area Allowed in RPD – A public comment indicated it should be revised to allow creativity integrating neighborhood mixed-use...one of VOE comprehensive plan goals. Should be increased to up to 5,000 sq ft in 100 units, up to 10,000 sq ft in 101-300 units, up to 15,000 sq ft in 301-600 units and up to 20,000 sq ft in 601-1200 units.

Change

TABLE 3-703.D.1.A: MAXIMUM GROSS NONRESIDENTIAL FLOOR AREA ALLOWED IN RPD [1]	
	Gross Nonresidential Floor Area Allowed (maximum square feet)
Less Than 150 dwelling units <u>100 dwelling units or less</u>	None <u>5,000</u>
150 <u>101-300</u> dwelling units	2,500 <u>10,000</u>
301-600 dwelling units	7,500 <u>15,000</u>
601-1200 dwelling units	17,500 <u>20,000</u>
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.	

12. Comment

Sec. 3-704. Community Facilities Planned Development (CFPD) District: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3.704. Community Facilities Planned Development (CFPD) District

A. Purpose

[...]

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 adopting ordinance](#), in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards

Lot area (ft ²)	To be established in PD Master Concept Plan or PD adopting ordinance 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.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Pedestrian Connections

[...]

2. Deviation from Development Standards

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 or PD adopting ordinance
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-4, Landscape Standards	PD Master Concept Plan or PD adopting ordinance , except deviation from minimum open space standard prohibited

Section 5-5, Fence and Wall Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-8, Green Building Standards	Deviations Prohibited
Chapter 6: Signage	PD Master Concept Plan or PD adopting ordinance
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 PD adopting ordinance](#), 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.

13. Comment

Sec. 3-705. Commercial Planned Development (CPD) District: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3.705. Commercial Planned Development(CPD) District

A. Purpose

[...]

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 adopting ordinance](#), 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 ²)	To be established in PD Master Concept Plan or PD adopting ordinance 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.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Industrial Uses

[...]

3. Deviation from 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.

TABLE 3-705.D.3.A: DEVELOPMENT STANDARDS SUBJECT TO DEVIATIONS	
Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-4, Landscape Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , except deviation from minimum open space standard prohibited
Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
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 <u>or PD adopting ordinance</u>
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 PD adopting ordinance, 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.

[...]

7. 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 PD adopting ordinance.

14. Comment

Sec. 3-706. Mixed-use Planned Development (MPD) District: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3-706. Mixed-use Planned Development(MPD) District

A. Purpose

[...]

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 adopting ordinance](#), in accordance with Sec. 3-702.D, General Standards for All Planned Development Zoning Districts.

C. Intensity and Dimensional Standards

Lot area (ft ²)	To be established in PD Master Concept Plan or PD adopting ordinance 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.)	
Street setback (private street) (ft.)	
Intensity/Density	

[...]

D. District-Specific Development Standards

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

1. Use Mixing

[...]

7. General Development Standards Deviation from Development Standards

A. Development in a MPD district shall comply with the standards in Chapter 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.

TABLE 3-706.D.7.A: DEVELOPMENT STANDARDS

Standard	Means to Deviate
Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-3, Mobility and Connectivity Standards	PD Master Concept Plan or PD adopting ordinance
Section 5-4, Landscape Standards	PD Master Concept Plan or PD adopting ordinance , except deviation from minimum open space standard prohibited

Section 5-5, Fence and Wall Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-6, Exterior Lighting Standards	PD Master Concept Plan <u>or PD adopting ordinance</u>
Section 5-7, Architectural, Form, and Design Standards	PD Master Concept Plan <u>or PD adopting ordinance</u> , 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 <u>or PD adopting ordinance</u>
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, PD adopting ordinance, 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.

[...]

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, PD adopting ordinance.

15. Comment

Sec. 3-706.C. Mixed Use Planned Development: Staff recommends modifying water body setback to 25 feet for consistency with setback requirement elsewhere in LDC

Change

C. Intensity and Dimensional standards	
Standard	Requirement
Lot area (ft ²)	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.)	
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	25 50 feet from the edge of the waterbody

16. Comment

Sec. 3-707.B.6 Lots and Blocks: Due to the substantial benefits reaped from “alley-loaded” design in achieving VOE’s Village Center goals, a public comment recommended “alley-loaded” design be much more prominently recognized as a highly-desirable land planning feature and valuable incentive to VOE.

Change

Sec. 3-707.B.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. [These alley-loaded designs are highly desirable in the Village.](#) 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.

17. Comment

Sec. 3-707.D.Tiers: Staff recommends changes to promote compliance with the new LDC.

Change

Sec. 3-707 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: [...]

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

18. Comment

Sec. 3-707.R: a public comment requested for clarity of interpretation, the tier incentive offers should include language to make clear that lower tier incentives are available to projects that provide higher tier elements (e.g., for Tier 3 projects, the incentive offers from Tiers 1 and 2 are also available)

Change

Sec. 3-707.R.6. Tier 2 Incentive Offers

In addition to Sec. 3-707.R.5, Tier 1 Incentive Offers, the following incentive offers are available:

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.

[...]

Sec. 3-707.R.7. Tier 3 Incentive Offers

In addition to Sec. 3-707.R.5, Tier 1 Incentive Offers, and Sec. 3-707.R.6, Tier 2 Incentive Offers, the following incentive offers are available:

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.

[...]

Sec. 3-707.R.8. Tier 4 Incentive Offers

In addition to Sec. 3-707.R.5, Tier 1 Incentive Offers, Sec. 3-707.R.6, Tier 2 Incentive Offers, and Sec. 3-707.R.7, Tier 3 Incentive Offers, the following incentive offers are available:

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.
[...]

19. Comment

Sec. 3-707.S Uses: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 3-707.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, [PD adopting ordinance](#), 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.

Chapter 4: USE SPECIFIC STANDARDS

20. Comment

Sec. 4-402 Sale or Services for On-premises Consumption: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

Sec. 4-402 Sale or Services for On-premises Consumption

A. Approval Required

1. Administrative Approval

[...]

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 adopting ordinance.

Chapter 5: SITE DEVELOPMENT STANDARDS

SECTION 5-2: OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS

21. Comment

Table 5-204B-1: Minimum Number of Off-Street Parking Spaces

- Staff recommended including Multiple-Occupancy Complex
- A public comment requested “brew-pub” be revised to between the requirements for a restaurant and for a bar
- Other minor adjustments are recommended by staff

Change

TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Use Type	Minimum Number of Vehicular Parking Spaces
Agricultural use	No minimum
[...]	
Brewpub or micro-brewery, -winery, or -distillery	40 14/1,000 sf of seating area
[...]	
Clubhouse (as accessory to golf course use)	6 per hole; or 14/1,000 sf, <u>whichever is greater</u>
[...]	
<u>Multiple-occupancy complex</u>	<u>4.5 spaces per 1000 sf or 4.0 spaces per 1,000 sf for complexes larger than 500,000 sf</u>
[...]	
Office, general contractor's or general business	1/300 sf
[...]	
Retail sales <u>(not multiple occupancy)</u>	1/ 350 400 sf
[...]	
Wireless Telecommunications	1

22. Comment

Sec. 5-204.A.3.B: A public comment recommended it should read “...also serving as garage drive-ways of single-family homes, two-family dwellings or low-rise multi-family dwellings of 10 units or less...”

Change

Sec. 5-204.A.3.B. Backing onto Streets Prohibited

All off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a road or accessway, except for parking areas serving as driveways of single-family detached dwellings, ~~or~~ two-family dwellings, or coach homes with garages.

23. Comment

Sec. 5-204.A.5: A public comment requested “asphalt paving” be replaced with “street surface”.

Change

Sec. 5-204.A.5. Drainage

All off-street parking and loading areas shall be properly drained to eliminate standing water and prevent damage to adjacent land and public streets and alleys. The slope of ~~asphalt paving~~ the street surface shall be one percent or greater, and the slope of gutters shall be 0.3 percent or greater.

24. Comment

Sec. 5-204.B.5.B: A public comment noted EV charging stations should not be required for small development. Minimum should be 60 parking spaces (i.e., a small strip mall).

Change

Sec. 5-204.B.5. Electric Vehicle (EV) Charging Stations

- A. Up to ten percent of the required number of off-street parking spaces may be used and designated as electric vehicle (EV) charging stations. The Director shall have authority to approve the use and designation of additional required parking spaces as electric vehicle charging stations, provided that such additional spaces shall count as only one-half of a parking space when computing the minimum number of parking spaces required. Parking spaces used as electric vehicle charging stations shall consist of one or more group(s) of contiguous spaces located where they can be readily identified by electric vehicle drivers (e.g., through directional signage), and where their use by non-electric vehicles is discouraged.
- B. An off-street parking area with more than ~~25~~ ~~60~~ 50 parking spaces and less than 150 parking spaces shall provide at least one EV charging station.
- C. An off-street parking area with 150 or more parking spaces shall provide at least three EV charging stations.

Section 5-3: Mobility and Connectivity Standards

25. Comment

Sec. 5- 305.B.1.B: A public comment noted it should read "...a cross-access agreement with the landowners of the adjoining lot..."

Change

Sec. 5-305.B.1. Pedestrian Connectivity

1.B. If the applicant is unable to execute a cross-access agreement with the landowners of the adjoining lot, pedestrian circulation shall still be oriented to facilitate future cross-access connections with adjacent parcels. Abutting properties developed or redeveloped at a later date shall at that time be required to enter into the requisite cross-access agreement.

26. Comment

Sec. 5-306.B.2: A public comment noted it should read "...cross-access agreement with the landowners of the adjoining parcels...."

Change

Sec. 5-306.B. Bicycle Connectivity Between Developments

2. If the applicant is unable to execute a cross-access agreement with the landowners of the adjoining parcels, bikeways shall still be oriented so as to facilitate future cross-access connections with adjacent parcels. Abutting properties developed or redeveloped at a later date shall at that time be required to enter into the requisite cross-access agreement.

SECTION 5-4: LANDSCAPE STANDARDS

27. Comment

Sec. 5-401 Purpose: DRB suggested purpose of the landscaping should be better integrated with its relationship to a building's architecture.

Change

5-401 Purpose

A. The purpose of this section is to establish landscaping standards that integrate landscape, hardscape, and open space standards to:

1. Enhance the appearance of the Village by integrating landscape design elements with architectural forms and variable site relationships;
2. Provide trees for shade and heat and glare reduction;
3. Support soil erosion control and water conservation;
4. Screen incompatible land uses and parking lots, and differentiate incompatible architectural relationships and site elements; and
5. Improve air quality.

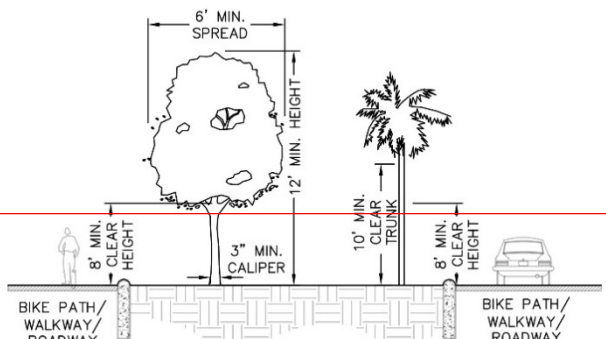
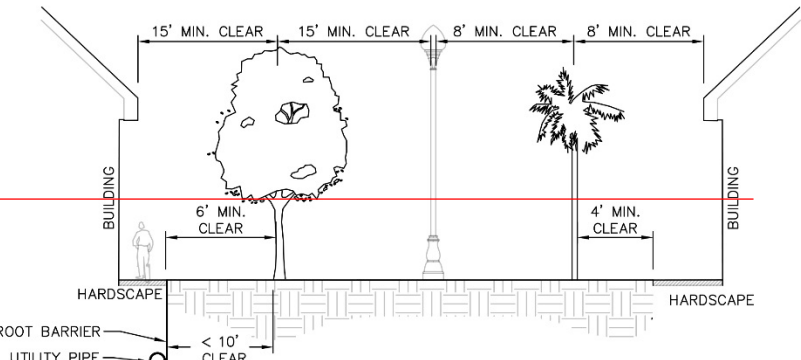
28. Comment

Sec. 5-403.B.3: DRB suggested that plant separation requirements should not be dictated by simple numeric standards, which limits a design and is arbitrary, allow for building arrangement to dictate plant placement.

Change

Sec. 5-403.B.3. Trees and Palms

All required trees shall be a minimum 12-foot in height measured from the adjacent grade of the development site, with a ~~six~~five-foot spread and ~~three~~two and one half-inch caliper and forty-five gallon container size or field grown at the time of planting. Palms shall have a minimum of ten feet of clear trunk at planting. Trees adjacent to walkways, bike paths, and rights-of-way shall be maintained with eight feet of clear trunk. Trees shall provide 15-foot clearance from light poles and buildings; palms shall provide an eight-foot clearance. Trees shall provide a six-foot clearance from hardscapes; palms shall provide a four-foot clearance. Root barriers are required for all trees planted within ten feet of hardscape or utilities. See Table 5-403.B.3: Tree and Palm Plant Material Standards.

TABLE 5-403.B.3: TREE AND PALM PLANT MATERIAL STANDARDS		
Standard	Trees	Palms
Height, spread, caliper at planting	12 feet in height, 65-foot spread, 32.5-inch caliper	10 feet of clear trunk
Clear trunk adjacent to walkways, bike paths, and right of ways	8 feet of clear trunk	10 feet clear trunk
		
Clearance from light poles and buildings	15 feet	8 feet
Clearance from hardscape s	6 feet	4 feet
		
Root barrier	Required within 10 feet of hardscape or utility	n/a

29. Comment

Sec. 5-403.B.5. Shrubs: Bill Prysi commented that instead of dictating height of shrubs at installation, focus on height after a growing season to better insure the design fits within context of setting

Change

Sec. 5-403.B.5. Shrubs
Shrubs shall be a minimum of 24 inches (48 inches for Type F Buffers) in height, at time of planting. Saw palmettos (*Serenoa repens*) and coonties (*Zamia floridana*) may be used as shrubs, provided they are 12 inches in height at time of planting. All shrubs shall be ~~a minimum three-gallon container size and~~ installed at an appropriate height to meet the minimum specified height after one growing season or one year from time of installation, whichever is more restrictive and be spaced an average of 18 to 36 inches on center. They shall be at least 36 inches (60 inches for type F Buffers) in height ~~within 12 months of time of planting~~, and maintained in perpetuity at a height of no less than 36 inches (60 inches for Type F Buffers). Shrubs shall ~~provide~~ be installed to maintain an 18-inch clearance from hardscapes and 36-inch clearance from buildings.

30. Comment

Sec. 5-403.B.6. Mulch Requirements: DRB commented that the Village does not want cypress mulch and some recycled mulch can be non-organic, which the Village does not want as a standard.

Change

Sec. 5-403.B.6. Mulch Requirements
A two-inch minimum layer, after watering-in, of mulch or other ~~recycled-organic~~ mulch materials shall be placed and maintained around all newly installed trees, shrubs, and groundcover plantings. Each tree shall have a ring of mulch no less than 24 inches beyond its trunk in all directions. The use of cypress mulch is ~~strongly discouraged~~ prohibited.

31. Comment

Sec. 5-404.C.2.F exemption to tree preservation should be clarified to apply to single family lots and not just the RSF district

Change

5-404.C.2.F
The removal of trees on a lot ~~in the RSF district~~ zoned for single-family residential use or that is being used lawfully by a single family dwelling or mobile home where the residence or proposed residence is located on a lot no greater than five acres in area.

32. Comment

Sec. 5-404 Tree Preservation: Incorporate flexibility in process for how trees are to be replaced, in certain situations two larger trees is more appropriate than three trees.

Change

Sec. 5-404.F. Restoration Standards

If a violation of this section has occurred and upon agreement of the director and the violator, or, if they cannot agree, then upon decision by a Special Magistrate, a restoration plan must be ordered in accordance with the following standards:

1. The restoration plan must include the following minimum planting standards:

A. The plan must include a planting plan for all protected trees.

Replacement stock must be computed on a three for one basis according to the total number of unlawfully removed trees. The phrase "three for one" in this section refers to the requirement of replacing an illegally removed tree with three live trees according to the provisions of this section. Replacement trees must be nursery grown, containerized, and sized to satisfy the standards of Sec. 5-403.B.3 above. It is within the discretion of the Director to allow a deviation from the ratio specified in this subsection. When such deviation is sought, the total of heights and calipers must equal or exceed that specified in the standards set out in this subsection. An example of this might be one in which trees four feet in height might be planted in a ratio of five replacement trees to one illegally removed tree. Justification for such a deviation must be provided to the Director. Where situations create an inability to meet the three to one (3:1) replacement standards, a two to one (2:1) replacement may be applied so long as the replacement trees are 16-feet in height (16'H), eight feet in spread (8'S), four inch caliper (4:CAL), and one-hundred gallon (100G) in size. Palms must be sixteen-feet clear trunk (16'CT).

33. Comment

Sec. 5-405B General Tree and Street Tree Standards: Bill Prysi suggested 3 inch caliper should not be associated with 12 foot trees, not an industry standard.

Change

Sec. 5-405.B. General Tree Standards

Development subject to the requirements of this subsection shall comply with the requirements of Table 5-405.B: General Tree Standards. All required trees shall be a minimum of 12 feet in height measured from final grade of the project site, with a ~~six-foot spread~~ five-foot spreads (5'S) and have ~~three-inch calipers at dbh~~ two and one half inch caliper (2-1/2" CA) and forty-five gallon (45G) or field growth (FG) in size at the time of planting, except that palms shall have a minimum of ten feet of clear trunk at time of planting

34. Comment

Sec. 5-405. C. Offsets and Credits: DRB commented that credit should not be given for spartina.

Change

Sec. 5-405.C.1 Credits
...
F. Credit shall not be given for spartina.

35. Comment

Sec. 5-405C.3.C: Alternative Landscape Betterment Plan: Bill Pryszyk commented that standard should never require 100 percent native species, should be same as native species requirement of the proposed code.

Change

Sec. 5-405.C.3. Alternative Landscape Betterment Plan
C. ~~One hundred (100) percent of the required trees installed shall be native species.~~ The betterment plan shall not deviate from the native species requirements of this LDC.

36. Comment

Sec. 5-406.B Buffers: During DRB workshop to review proposed LDC, comments were made regarding buffers on Right-of-Way and how they inhibit the architecture of a building, and that there should be flexibility regarding when the buffer is required to screen an incompatible use and when the use should be seen from the R-O-W.

Change

TABLE 5-406.B.3.: BUFFER TYPES (PER 100 LINEAR FEET) [1]						
Standard	Buffer Types					
	A	B	C	D	E	F
Minimum Width in Feet	Five	15	20	20	30	50
Minimum Number of Trees (per 100 linear feet)	Four	Five	10	Five [4]	10	15
Minimum Number of Shrubs (per 100 linear feet)	—	Hedge [3]	30	Hedge [3]	30	Hedge [3]

TABLE 5-406.B.3.: BUFFER TYPES (PER 100 LINEAR FEET) [1]						
Standard	Buffer Types					
	A	B	C	D	E	F
Wall Required [2]	—	—	Eight feet in height, solid fence	—	Eight feet in height, solid fence	—
<p>NOTES</p> <p>[1] All landscape buffer designs should complement adjacent project buffers to help in establishing a continuous landscape theme within the Village.</p> <p>[2] A solid masonry or concrete wall, berm, or wall and berm combination shall be at least eight feet in height. All trees and shrubs required in the buffer shall be placed on the residential side of the wall (if applicable). The height of the wall shall be measured from the average elevation of the road or roads abutting the property, as measured along the centerline of the roads, at the points of intersection of the roads with the side lot lines (as extended) and the midpoint of the lot frontage. Walls shall be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with SFWMD requirements.</p> <p>[3] Hedges shall be planted in double staggered rows and be maintained to form a 36-inch high (F type buffers shall be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting. In situations where the elevation of the ROW is higher than the elevation of the adjacent property, the effective plant screen shall have an elevation of 36 inches as measured from the highest elevation within the buffer area resulting from the combination of the berm and/or plants. Clustering of shrubs that would not create a continuous visual screen, but would add interest to the landscape design, is allowed, subject to review by the Director.</p> <p>[4] Trees within the ROW buffer shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.</p> <p>[5] Deviations are allowed for a reduced or eliminated roadway buffer where a building is designed within 15' of the right-of-way in an urban context, subject to the same review and approval process identified for alternative landscape betterment plans.</p> <p>[6] Deviations are allowed for a reduced or eliminated roadway buffer where a lake is along a right-of-way, to accomplish strategic views with clustering or placement of plantings around the lake. This is subject to the same review and approval process identified for landscape betterment plans.</p>						

37. Comment

Sec. 5-407.C. Building Perimeter Planting Standards: DRB suggested that building perimeter standards be reviewed to provide a higher requirement with more flexibility

Change

Sec. 5-407.C. Building Perimeter Planting Standards

The planting areas for building perimeter plantings shall be located abutting three sides of a building, with emphasis on the sides most visible to the public (not including the loading area). The perimeter planting area shall consist of landscape areas, raised planters, or planter boxes that are a minimum of ~~five~~ ten feet wide. These planting areas shall include shrubs and ground cover plants with a minimum of ~~50-100-75~~ percent coverage of the planting area at the time of planting. Trees and shrubs shall comply with the size standards of this subsection. Groundcover plants shall be a minimum one-gallon container size at installation and spaced not less than 24 inches on center. General trees may be planted within the building perimeter planting area; especially effective are clusters (three or more) of ~~sabal~~ palms. Turfgrass is ~~discouraged and is limited to ten percent of the planting area~~ considered acceptable for compliance with minimum Building Perimeter Plantings. Water management areas may not be a part of the planting area. Pedestrian accessways may cross and loading areas may be placed in the perimeter planting area, but may not be used to meet minimum planting area or open space requirements.

Sec. 5-407.D. Shopping Centers

An enlarged perimeter planting area is required in the front of shopping centers and freestanding retail development uses that constitute a large development (a project of ten acres or more in land area or two acres or more in impervious area). An area that is at least five percent of the size of the parking area shall be developed as green space within the front of shopping centers and other retail establishments and be an enlargement to the front building perimeter planting area. It is not a requirement that this area directly abut the front of the building. The enlarged perimeter planting areas shall consist of landscape areas, raised planters, or planter boxes that are a minimum of ~~five~~ ten feet wide. These enlarged perimeter planting areas shall include trees, shrubs, and ground cover plants with a minimum of four trees per 100 linear feet of building and ~~50-100-75~~ percent coverage of the landscape area at the time of planting. The trees placed around the building shall be applied to the general tree requirement. Trees and palms may be installed in clusters and do not need to be located within a 100 linear foot segment. Clusters of trees and palms at the corners of buildings or framing entrances are especially effective. Trees and shrubs shall comply with the size requirements of this subsection. Groundcover plants shall be a minimum one-gallon container size. Taller palms (16-to 20-foot clear trunk) shall be used when building height is greater than 35 feet. Turfgrass is discouraged and is limited to ten percent of the landscape area. Water management areas shall not be a part of this enlarged planting area. Decorative paving areas incorporating courtyards, walkways, water features, plazas, covered seating and outdoor eating spaces may be used to meet up to 20 percent of the required building foundation planting area.

38. Comment

Sec. 5-408. Open Space and Stormwater Management Areas: DRB commented that the Village should prioritize outdoor active and public spaces to promote gathering, and thus increase the percentage allowed of these amenities to count to open space requirement.

Change

Sec. 5-408.D. Open Space Calculation

The following features on a site shall count toward the open space standards of this subsection, if the minimum dimensions are met:

1. Native and indigenous preservation areas, where such vegetation is onsite.
2. Outdoor active and passive public use areas such as plazas, atriums, courtyards, and other similar space, up to a maximum of ~~25~~50 percent of the required open space. These areas when used with those noted in subsection 6 below may not combine for more than 50 percent of the overall required open space for the site.
3. Buffers and vehicular use area landscaping.
4. Dry detention areas.
5. Existing or proposed bodies of water, including stormwater management areas and areas subject to saltwater inundation, up to a maximum of 25 percent of required open space.
6. Active and passive recreation areas, such as playgrounds, golf courses, nature trails, bikeways, pedestrian ways, tennis courts, swimming pools, and other similar open spaces, if no more than ~~20~~50 percent of the recreational area credited as open space consists of impervious surface. These areas when used with those noted in subsection 2 above may not combine for more than 50 percent of the overall required open space for the site.
7. Archaeological sites that are designated as significant historic resources.

39. Comment

Table 5-408.C: Open Space Standards - Staff recommends adding 20% open space for schools to the table

Change

TABLE 5-408.C.: OPEN SPACE STANDARDS		
Type of Development	Open Space as Percentage of Development Area [1]	
	Small Project [2]	Large Project [2]
Residential		
Single-family or mobile home dwelling on a single lot where minimum lot size is 6,500 sq. ft.	None	None
Two-family dwelling on a single lot where minimum lot size is 7,500 sq. ft.	None	None
Two-family attached each on an individual lot where minimum lot size is 3,750 sq. ft. per unit	None	None
All other Residential, including ALF, independent living, continuing care, and multifamily	35	40
Schools Lee County School District schools	30 20	30 20
Other: All other uses including, but not limited to commercial, industrial, places of worship, recreational vehicle parks, community facilities, other schools schools (excluding Lee County School District schools), etc.	30	40
Planned Developments	30	40
NOTES:		
[1] Multiple use sites with conventional zoning shall comply with each corresponding use percentage in this table.		
[2] A Large project is ten acres or more in land area or two acres or more in impervious area.		

40. Comment

Sec. 5-408D: During discussion of stormwater management area design by DRB, comment was noted that the proposed standard is the County standard; by contrast, the Village standard is not prescriptive and does not provide for a tree reduction when planting dry detention basins.

Change

Sec. 5-408.I.3. Dry Detention Basins

All dry detention basins shall be planted with wetland type plant species (such as spartina), in minimum one-gallon containers, not more than 36 inches on center, throughout the extent of the basin. ~~For each 400 square feet of dry detention area or drainage swale planted with appropriate native herbaceous vegetation (minimum one-gallon container size planted three feet on center), the general tree requirement may be reduced by one ten-foot tree.~~ Dry detention basins shall be designed to incorporate low-impact design standards by integrating general tree and the required herbaceous basin plantings into their design.

41. Comment

Sec. 5-408.I.6 Bulkheads, etc.: Comments at DRB suggested increasing the percentage allowed for riprap on shorelines, and adding more specific standards for littoral shelf planting

Change

Sec. 5-408.I.6. Bulkheads, Riprap Revetments, or Other Similar Hardened Shoreline Structures

Bulkheads, riprap revetments, or other similar hardened shoreline structures may comprise up to ~~20~~³³ percent of an individual lake shoreline. A compensatory littoral zone equal to the linear footage of the shoreline structure shall be provided within the same lake and meet the following standards:

- A. A five-foot wide littoral shelf planted with herbaceous wetland plants that provides 50 percent coverage at time of planting, and not less than liner size material planted not more than 18 inches on center or one-gallon material above the mean high water line not more than 36 inches on center. To calculate the littorals for this shelf design, the number of linear feet of shoreline structure shall be indicated, multiplied by five feet for the littoral shelf width, multiplied by 50 percent for the plant coverage at time of planting;
- B. An 8:1 slope littoral shelf with herbaceous wetland plants that provide 50 percent coverage at time of planting; or
- C. An equivalent littoral shelf design approved by the Director.

Sec. 5-408.I.8.C

Requirements that ensure littoral vegetation and palms remains in a healthy and vigorous state, in perpetuity. (The use of trimming, mowing, and herbicides to remove littoral plants are prohibited.)

42. Comment

Table 5-409.C: Landscaping Standards for Parking Areas: Bill Prys commented additional flexibility should be incorporated within the parking area landscape standards

Change

TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS	
Landscape Elements	Standards
Minimum Landscape Area (Percent) (on the parking area perimeter or within internal islands)	Shall equal or exceed a minimum of 10 percent of the total paved surface area Fountains, seating areas, and similar features within a vehicular use area are allowed, and the space occupied by such feature(s) is allowed to off-set the required landscape area.
[...]	
Minimum Number of Trees <u>and Palms</u>	One canopy tree or a cluster of three sabal <u>single trunk</u> palms shall be

TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS

	<p>planted or retained for every 250 square feet of required internal planting area.</p> <p>One tree <u>or palms</u> per planting island and one tree per <u>or</u> planting area.</p> <p>Canopy requirements shall be met with existing indigenous native trees whenever such trees are located within the vehicular use area (parking area).</p> <p>Trees for parking lots shall not interfere with the visibility and movement of vehicles or pedestrians, or cause pavement or other hard surfaces to heave.</p> <p>Material selection shall be designed to survive the effects of building or large paved areas in terms of heat, shade, wind, etc.</p>
[...]	
Terminal Islands	<p>A minimum ten-foot-wide terminal island is required at the end of all parking rows.¹</p> <p>Curbing is strongly encouraged <u>required</u>.</p>
Landscape Area Coverage	<p>Internal landscape areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, <u>ornamental grasses</u>, shrubs or other approved landscaping materials. <u>Turf grass is not acceptable for internal landscape areas.</u> This shall be noted on the landscape plans.</p> <p>A maximum of ten percent can be sod.</p> <p>Sand, gravel, rock, shell, or pavement are not appropriate landscape materials.</p>

¹ See Sec. 33-114 of the transitional LDC.

43. Comment

Sec. 5-411.D. Installation of Landscape Materials: DRB suggested adding an option to plant in right-of-way when easement holder permits

Change

Sec. 5-411.D. Installation of Landscape Materials

All landscape materials shall be installed in a horticulturally correct manner. At a minimum, the following installation requirements shall be met:

1. All landscape areas shall be mulched unless vegetative cover is already established.

[...]

5. Utility or drainage easements may overlap required buffers. No required trees or shrubs shall be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement, is submitted specifically stating that the entity has no objection to the landscaping and that the proposed landscaping will not interfere with the long-term maintenance of the infrastructure within the easement. No required landscaping shall be located in a road easement or right-of-way. To avoid conflicts with overhead utility lines, only trees less than 20 feet in height at maturity may be used directly adjacent to an overhead line. Variances or deviations from the requirements of this subsection are prohibited [unless approved by the Village and the easement or ROW holder for the planting of street trees.](#)

[...]

8. If a wall or fence is proposed, but not required, then the required buffer plantings shall be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence.

44. Comment

Suggest change as shown:

Sec. 5-413. IRRIGATION STANDARDS

C. Design Standards

10. All Irrigation Systems will be designed to separate low and high watering demand areas into separate zones.

Change

Sec. 5-413.C. Design Standards

1. All required irrigation systems shall be designed to eliminate the application of water to impervious areas, including roads, drives, and other vehicle areas.

[...]

[10. All Irrigation systems will be designed to separate low and high watering demand areas into separate zones.](#)

SECTION 5-5: FENCE AND WALL STANDARDS

45. Comment

Suggest changes as shown:

Sec. 5-510. RESIDENTIAL PROJECT WALLS

C. 3. Where decorative aluminum railing type fencing is applied, 50 percent of the required landscaping can be placed on the inside of the fence for aesthetic purposes.

Change

Sec. 5-510. Residential Project Walls

C. Shall be landscaped on the exterior side (between the wall or fence and the adjacent property or street right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges, within a minimum plantable area that is at least seven and one-half feet wide located on the exterior side of the fence or wall.

1. Hedges shall be planted and maintained to form a 36-inch-high continuous visual screen within one year after time of planting.
2. Trees adjacent to a right-of-way shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. (The clustering of trees and use of palms adjacent to the right-of-way will add design flexibility and reduce conflicts.)

3. Where decorative aluminum railing type fencing is applied, 50 percent of the required landscaping can be placed on the inside of the fence for aesthetic purposes.

SECTION 5-7: ARCHITECTURAL, FORM, AND DESIGN STANDARDS

46. Comment

Multiple locations in Section 5-7: Bill Prysi suggested changes related to material standards, including the option for wood-looking alternatives throughout the section

Change

TABLE 5-703.A.1.D: MEDITERRANEAN REVIVAL STYLE CHARACTERISTICS	
Roof shape	Hipped, gabled, or a combination of both.
Roof slope	Roof slopes are shallow and are sloped between 3:12 and 6:12.
Roofing materials	Barrel tile, Spanish “S” tile, or flat concrete tile.
Roof overhangs	Vary from deep to having no overhang at all. When deep overhangs exist, they are supported by sizable wooden brackets. Roofs without overhangs are finished with a molded cornice.

	Exterior	Walls are stucco and colored with richness, variety, and multiple methods of application. Window and door surrounds are minimal and are made of stucco or stone.
	Brackets, balconies, porches, shutters, and other elements	Usually wood, wood-look alternative or iron.
	Openings, windows shape/structure	Arched, vertical, and/or square proportions. Occasional round, oval, or ornamental window used as a façade accent. Windows have divided lights and are commonly double-hung, single-hung, or casement.
	Door position	Recessed, casting deep shadows revealing the thickness and solidity of the structure.
	External spaces	The attached porch, balconies, and courtyards are a common element. Loggias, a porch not attached but located within the volume of the building, are very common and may even serve as outside circulation between rooms.
	Ornamentation	Columns, posts, wooden and masonry balustrades, brackets, arched openings, arcades, and towers are all very common elements.
<p>Sec. 5-703.A.2 Florida Vernacular</p> <p>The Florida Vernacular architectural style includes these sub-styles within the Village as further described in Sec. 5-703.A.2.D: Florida Plantation, Florida Key West or Cracker, and Historic Koreshan.</p> <ul style="list-style-type: none"> A. The Florida Vernacular style of architecture is native to the region. It is most typically constructed with a wooden frame and finished with wood or wood-look alternative siding. Stucco and fiber cement siding are also used. B. Florida Vernacular features porches as integral to the style and prominent on the front façades. Porches extend along a large percentage of the ground floor elevations, often wrapping the corners to continue at some length alongside façades. C. Florida Vernacular Style architecture includes the key characteristics identified in Table 5-703.A.2.C: Florida 		

Vernacular Style Characteristics. See also Figure 5-703.A.2.C: Florida Vernacular Defining Elements.

TABLE 5-703.A.2.C: FLORIDA VERNACULAR STYLE CHARACTERISTICS

Roof shape	Gabled
Roof slope	Between 6:12 and 12:12
Roofing materials	Standing seam or “V” crimp metal, asphalt shingles, wooden or wood-look alternative shakes.
Roof overhangs	Deep, between two and four feet, with exposed rafter tails. Fascias on the gabled ends are deeper than those exposed along the eaves.
Exterior	Horizontal wood or wood-look alternative lap-siding, vertical board and batten, wood or wood-look alternative shingles. Siding typically exposes four to six inches to the weather, which is terminated with corner boards at building edges. Stucco finishes are also appropriate, though less common. Modern day building materials also include fiber cement siding. Brackets, balconies, porches, shutters, and other elements are usually wood, wood-look alternative or iron.

Sec 5-703.A.2.D.2 Florida Key West or Cracker
The Florida Key West or Cracker style includes a foundation of wood [or wood-look alternative](#) posts, limestone, brick or concrete piers; horizontal weatherboard or clapboard as the primary exterior material; a low-pitched gable roof, with wood [or wood-look alternative](#) shingles or pressed metal shingles; full façade wrap-around porch; louvered vents, doors, and window shutters; and centrally placed main entrance with transom light above.

Sec 5-703.B.1 Alternative Styles

Prairie: The Prairie style includes low-pitched hipped or flat roof; broad overhanging eaves; strong horizontal lines; clerestory windows arranged in horizontal bands; wide use of natural materials, especially stone and wood [or wood-look](#)

	alternative with strong horizontal lines; and restrained ornamentation such as friezes around windows and doors, or as bands under the eaves.
	<p>Sec 5-703.B.2 Alternative Styles</p> <p>Florida Key West or Cracker: The Florida Key West or Cracker style includes a foundation of wood or wood-look alternative posts, limestone, brick or concrete piers; horizontal weatherboard or clapboard as the primary exterior material; a low-pitched gable roof, with wood or wood-look alternative shingles or pressed metal shingles; full façade wrap-around porch; louvered vents, doors, and window shutters; and centrally placed main entrance with transom light above.</p>

47. Comment

Sec. 5-703.A Primary Architectural Styles: A commenter at DRB noted the need to revise the narrative in the LDC around Mediterranean Revival architectural styles because not all example of that style are highly articulated or ornate.

Change

<p>Sec. 5-703.A.1. Mediterranean Revival</p> <p>The Mediterranean Revival architectural style includes these sub-styles within the Village as further described in Sec. 5-703.A.1.E: Mission Revival, Italian Renaissance Revival, Italian Countryside, Spanish Revival, and Spanish Colonial.</p> <p>A. The Mediterranean Revival style is highly articulated with varied massing and architectural features. Towers, balconies, loggias, porticos, chimneys, trellises, and exterior staircases are assembled to form picturesque buildings. The result is buildings that are rich in shade and shadow, with multiple building volumes and setbacks, and varied building heights.</p> <p>B. Building composition is typically asymmetrical. Base, middle, and top are defined by moldings, changes in window pattern and size, and cornice lines. Arcades and loggias are also commonly used to reinforce the base, middle, and/or top of the building.</p> <p>C. The Mediterranean Revival building is typified as ornate, asymmetrical, and eclectic. Columns, posts, wooden and masonry balustrades, and brackets are contributing elements of the style. It is common to have multiple building volumes and varied interior and exterior spaces. Building massing tends to be irregular with a variety of shapes and heights; however, the appearance of solidary and permanence is critical.</p>

48. Comment

Sec. 5-705C. Mixed-Use Development Design Standards: Staff and consultants recommend adding additional mixed-use development standards to clarify applicable criteria.

Change

Sec. 5-705.C. Mixed-Use Design Standards

1. Placemaking

[...]

2. Additional Mixed-Use Development Standards

The following additional mixed-use development standards also apply to all mixed-use development in any District, to the extent set forth herein:

A. General Criteria

Wherever the standards and forms governing mixed-use development under this Code do not provide either a clear solution to an issue of interpretation or make a specific determination regarding an issue arising during the development approval process, the following general criteria shall be deemed to be guiding principles which shall be applied. The goal of such a process shall be to provide consistent standards to apply in order to be achieve the goals for mixed-use development as set forth in the Comprehensive Plan.

1. Accessibility

Public space shall be designed to be walkable and accessible to the users of the development and be part of an integrated system of sidewalks, pedestrianways, bikeways, civic spaces, and similar features, and designed to be easily accessed by pedestrians. Accessibility shall be based on the primacy of the human scale over the automobile.

2. Streets

Streets shall be provided that are part of a connected, continuous street network which is designed to encourage and support mixed-use development. Where the mixed-use development is of the size to support a mixture of different types of development character and neighborhoods, different types of streets which connect the different neighborhoods and other types of development shall be used (to minimize the traffic load and the need for increased capacity on any one street). To the maximum extent feasible, streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

3. Street Design

Where a new set of streets is developed, or the existing street system is modified, to the maximum extent feasible, ensuring the distances between street intersections and the general street design shall support traffic calming, and slow traffic at intersections to allow pedestrians to cross streets quickly. In addition, establishing a general street design that enhances walkability and pedestrian connections as well as street connections. Where appropriate, landscaped medians, narrower street width, and two-way streets are encouraged to achieve these criteria. On-street parking, where appropriate and feasible, is encouraged, to protect pedestrians from the actual and perceived danger of moving traffic.

4. *Lots and Blocks*

Where the mixed-use development is of sufficient size that it is appropriate to establish a network of local streets within the development, a variety of blocks should be designed, along with lots within those blocks. The variation in the size and dimensions of blocks and lots should be designed to support walkability, and strong pedestrian connections through the use of sidewalks, pedestrianways, bikeways, trails, street trees, the use of open space, and alleys (where appropriate). The outside of the blocks, which should be bordered by sidewalks, streets, and street trees, should form a part of the public space and should be defined by the types and varieties of streets within the development. Where appropriate, alleys should be used for parking and service loads, allowing the outer faces of blocks to become more intensely pedestrian in nature. The variety of widths and depths of individual lots within the blocks should determine the range of building types and densities that will eventually establish the intended mixed-use development fabric.

5. *The Visual Edge*

The sidewalks, setbacks, building façades, and other characteristics of the visual edge of a street that is publicly accessible to the mixed-use development is also important in establishing the character of the mixed-use development. The height of the buildings, setbacks, and projections along the street 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 vitality of the street. So too are the characteristics of built form and landscape design which are deemed to be mutually dependent. All these factors should be considered in the design of the buildings and their relationship to the visual edge of a street.

6. *Architecture*

Architectural variety of buildings in the mixed-use development, and unique approaches to design and structure are valued and should be considered in the design of the buildings within the development. Also important are the adjacent buildings and public spaces. They shall be considered in the design of the buildings, and where appropriate, the design of the buildings within the mixed-use development should share some of the characteristics of its neighbors to create a cohesive framework.

7. *Quality of Buildings*

Buildings within a mixed-use development are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and 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.

B. Pattern Books Specific to Mixed-Use Development

In addition to the requirements of Sec. 3-702.D.3, the Pattern Book prepared should also include the following:

1. *Illustrative Site Plan*

An illustrative site plan, that includes the following additional information:

- (a) The location, shape, and size of proposed detention and retention areas.
- (b) The location and size of development tracts, labeled with approximate acreages and with proposed uses.
- (c) The location and cross-sections of streets, sidewalks, and off-street facilities for walking or biking.
- (d) The configuration and phasing of all connecting streets. This should also include the 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.
- (e) A three-dimensional diagram or rendering that shows the scale and massing of buildings proposed in each development tract.
- (f) The location and size of common parking areas.
- (g) The location and approximate size of lots.
- (h) The landscaped areas and buffers, preserved areas, open spaces, civic spaces, gathering places, natural and cultural resources, and community facilities, where applicable.

2. *Façade Detailing*

Typical façade detailing for all sides of all buildings.

3. *Pad Sites or Outparcels Developed Separately*

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.).

4. *Tracts, Blocks, or Parcels Controlled for Security*

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.

~~2.3.~~ Crime Prevention Through Environmental Design (CPTED)

[...]

~~3.4.~~ Climate Responsiveness

[...]

4. Tier Applicability

~~A. Horizontal Mixed Use shall comply with the Tier 1 standards as specified within Sec. 3-707.D.1.A.~~

~~B. Vertical Mixed Use shall comply with the Tier 2 and Tier 3 standards as specified within Secs. 3-707.D.1.B and 3-707.D.1.C.~~

49. Comment

Sec. 5-706.C Building Entries and Façades: During DRB workshop, comment suggested allowing use of overhead doors in light of current trends in restaurant design, so long as the doors are designed to look like windows

Change

Sec. 5-706.C Building Entries and Façades

1. The main entrance of the structure shall be oriented toward the public right-of-way on which the structure fronts. On a corner lot or site, the main entrance may be oriented to either the road or the corner.
2. For compliance with building design standards, exterior façades of out-parcel buildings shall be treated as primary façades and 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.
3. For compliance with building design standards, all sides of a building are subject to architectural design elements.
4. Overhead doors facing a public right-of-way are prohibited, ~~with the exception that overhead doors may face an alley or overhead doors which utilize framed transparent glass panels covering a minimum of 75 percent of the door area shall be allowed on primary façades.~~
5. Blank wall areas shall be interrupted with an opening or relief work including one or more of the following:

50. Comment

Sec. 5-706.J. Lighting: At DRB workshop, some members approved of the decorative light pole requirement, while others preferred that light poles be designed to blend into the design of the building. Compromise was to state the poles should complement the project's design.

Change

Sec. 5-706.J. Lighting

1. Building entryways shall be lighted at the pedestrian level, with features such as lighted bollards or doorway lighting.
2. Light fixtures shall complement the overall development.
3. ~~Decorative light poles and fixtures shall be used throughout all parking areas.~~ Light poles and fixtures should complement the architecture of the development Except for pedestrian light fixtures, all outdoor light fixtures shall be fully shielded.
4. Lighting plans shall be coordinated with landscape plans to identify and eliminate potential conflicts with required landscaping.
5. No light poles shall be located in parking area islands that contain required landscaping.
6. The following lighting designs are prohibited with the exception that temporary seasonal lighting during the months of November and December is excluded from these prohibitions:
 - A. Buildings, awnings, roofs, windows, doors and other elements may not be outlined with light.
 - B. Exposed neon or LED tubing.
 - C. Backlit awnings.

51. Comment

Sec. 5-707 D.6 Automobile Service Station / Canopies: At DRB workshop, it was noted that the standard in the draft would allow the single sloped WAWA canopy; thus, need to add minimum two slopes on the long sides and required linear feet.

Change

Sec. 5-707.D.6. Canopies

- A. Flat roof canopies are prohibited. Roofs shall have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet.
- B. Canopies shall be consistent with the architectural design and features of the principal structure.
- C. Canopy lighting shall comply with Sec. 5-605.E, Canopy.

52. Comment

Sec. 5-1302 A. Residential Impact Standards – Applicability – General: Neale Montgomery by letter requests clarity regarding applicability of the standards

Change

Sec. 5-3102. Applicability

A. General

Except as provided in subsection B below, standards of this section apply to all development ~~applications~~ orders and planned development rezonings that relate to the establishment, expansion, or intensification of a commercial use on land that:

SECTION 5-9: PLAT STANDARDS

53. Comment

Sec. 5-902 Applicability: Staff recommends the lists of exceptions for plat standards in 5-902 and 2-502(C) Plat Review be revised for consistency.

Change

- 5-902. Applicability
- A. The standards of this section apply to all development in the Village, unless exempted in accordance with subsection B below. All development subject to the requirements of this section shall receive approval of a plat prior to the sale, conveyance, or transfer of land.
- B. The following are exempt from the standards of this section.
1. A ~~division of land that was accomplished in accordance with a~~ development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements are made, or that a security for the performance of the improvements has been posted and is current.
 2. The division of land for the conveyance of land to a federal, state, county, or Village entity, or ~~to~~ a public utility.
 3. The division of land by judicial decree.
 4. A division of land of two or fewer lots out of a parent parcel approved in accordance with Sec. 2-502.B, Limited Development Order ~~provided the division does not result in the creation of three or more lots out of a parent parcel that existed on January 28, 1983.~~

Chapter 6: SIGNAGE

54. Comment

Public comment requests change as follows:
Sec. 6-104 Prohibited signs
B. Specific Prohibitions
30. Tri-fold, revolving, or multiple display changing signs or billboards

Change

- Sec. 6-104.B. Specific Prohibitions
- Specific types of signs that are prohibited within the Village include, without limitation, the following:
1. Any sign that is not designed, located, constructed, or maintained in accordance with the provisions of this chapter, is not compatible with the objectives of this LDC, or does not meet the requirements of applicable Village, state, and federal codes.
 2. Lights and signs that resemble any traffic control device, official traffic control signs, or emergency vehicle markings.
- [...]
30. Tri-fold, revolving, or multiple display changing signs or billboards

Chapter 10: DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MANAGEMENT

55. Comment

Sec. 10-302.B.2. Equivalency Factors: At the January 13 workshop, public comment raised concern over what items would be required on a PD Master Concept Plan. Staff recommends the following clarification:

Change

10-302.B.2 Equivalency Factors

A. Where health care, social service, adult living facilities (ALF), continuing care facilities, or other “group quarters” are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.

[...]

C. A planned development, for which the Planned Development Master Concept Plan or PD adopting ordinance states the number of persons that may occupy an approved adult living facility (ALF) or continuing care facility (CCF), may request an amendment to the approved Master Concept Plan or PD adopting ordinance to reflect the increased number of occupants based upon the equivalency factor set forth in this section (if applicable). Such amendment will be considered a minor amendment that will be deemed to not increase density and may be approved pursuant to Secs. 2-501.D.2.E and F as long as existing floor space is not increased to accommodate the increased number of occupants. If increased floor space is required, then a public hearing will be required.

D. Notwithstanding subsection B above, no density equivalency calculation is required for a bed and breakfast in an owner-occupied single-family dwelling accommodating four or less lodgers. If the bed and breakfast will accommodate more than four lodgers, then the equivalency will be calculated as four lodgers equals one dwelling unit.

E. Notwithstanding subsection B above, no density calculation is required for a hospital, prison, jail, boot camp, detention center, or other similar type facility owned or operated by a county, state or federal agency.

F. Where dwelling or living units have “lock-off accommodations,” density will be calculated as follows:

1. Hotels or motels: “Lock-off units” will be counted as separate rental units regardless of size.

2. Determination of permitted density. The maximum permitted density shall be determined by multiplying the number of dwelling units permitted (see subsection 1 above) by the appropriate equivalency factor.

56. Comment

Public comment from the January 13 workshop and staff recommend adding a formal definition for “build-to-zone”

Change

Buffer Area [...]
<u>Build-to Zone</u> <u>The maximum distance, or range of maximum distances, between a front lot line and a building or structure.</u>
Building [...]

57. Comment

Staff recommended adding a definition of “multiple-occupancy complex” in Sec. 10-4 to accompany the parking standard

Change

Multiple-Occupancy Complex For the purposes of Chapter 6: Signage, only, a <u>A</u> parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than one <u>at least five</u> occupants conducting a business operation of any kind. <u>For purposes of Chapter 6, Signage, only, a multiple-occupancy complex shall have more than one occupant.</u>
--

58. Comment

Staff recommended adding a general definition of open space in Sec. 10-4 similar to the description in section 5-408.

Change

Open Space For the purpose of bonus density calculations only, land owned by the Village for the use and enjoyment of the public and maintained with minimal buildings or improvements. <u>For all other purposes, space on a lot without buildings that is kept in a natural state, landscaped, or available for outdoor activity, not including parking. Such spaces include native and indigenous preservation areas; outdoor active and passive public use areas such as plazas, atriums, courtyards, and other similar space; Buffers and vehicular use area landscaping; dry detention areas; bodies of water, including stormwater management areas and areas subject to saltwater inundation; active and passive recreation areas, such as playgrounds, golf courses, nature trails, bikeways, pedestrian ways, tennis courts, swimming pools, and other similar open spaces; and archaeological sites that are designated as significant historic resources; as limited by Sec. 5-408.D.</u>
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Appendix C: GENERAL ROAD SPECIFICATIONS

59. Comment

Table C-(A)1 – changes recommended by staff and for consistency with Appendix D

Change

TABLE C-(A)1: SPECIFICATIONS FOR VILLAGE-MAINTAINED ROADS				
Specification	Arterial Road	Collector Road	Local Road	Access Road
Standard Right-of-Way Widths (feet)				
Closed drainage	150 165	100 150	50 65	45 65
Open drainage	150 200	100 145	60 80	50 80
Design Speed (mph)				
Rural Section				
With speed restriction	55 50	40-45	n/a	n/a
Without speed restrictions	70	45-50	n/a	n/a
Urban Section				
With speed restriction	35-40 45	30-45	n/a	n/a
Without speed restrictions	35-50	40-45	n/a	n/a

60. Comment

Table C-(A)2 – changes recommended by staff and for consistency with Appendix D

Change

TABLE C-(A)2: SPECIFICATIONS FOR PRIVATELY-MAINTAINED ROADS		
Specification	Local Road	Access Road
Minimum Right-of-Way/Easement Widths (feet)		
One-way		
Closed drainage, rear lot drainage or inverted crown	30	30
Open Drainage	40	35

TABLE C-(A)2: SPECIFICATIONS FOR PRIVATELY-MAINTAINED ROADS		
Specification	Local Road	Access Road
Two-way		
Closed drainage or inverted crown	40 <u>60</u>	40 <u>60</u>
Open drainage	45 <u>60</u>	40 <u>60</u>
Minimum Grade of Roads (Profile)		
Closed drainage	0.2 <u>0.3</u> %	0.2 <u>0.3</u> %
Inverted Crown	0.4 <u>1.0</u> %	0.4 <u>1.0</u> %
Open drainage	0.0%	0.0%
Additional Minimum (feet)		
Minimum centerline radius for horizontal curves	50	50

61. Comment

B(7)A.2 – changes recommended by staff and for consistency with Appendix D

Change

7. Cul-de-Sacs

- A. A road intended to be a permanent dead-end road shall be closed at one end by a circular turnaround for vehicles constructed to the following standards:
1. The diameter of pavement to inside edge of curb or edge of pavement shall be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter;
 2. The diameter of right-of-way for the curb-and-gutter section shall be ~~110~~ 130 feet; and
 3. The diameter of right-of-way for ditch and swale drainage shall be a minimum of 130 feet.

62. Comment

B(14) – changes recommended by staff and for consistency with Appendix D

Change

14. Road and Bridge Development Categories

For purposes of interpreting the specifications contained in this section and Appendix D: Illustrations and Cross-Sections, development categories are defined as follows:

A. Category A

Category A includes commercial and industrial developments and all developments not described in Categories B, C, or D.

~~1. Pavement width, one-way traffic~~

~~14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage.~~

2. *Pavement width, two-way traffic*

24-foot pavements for two-way traffic with swale drainage, valley gutter drainage or curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.) See Appendix D: Illustrations and Cross-Sections, Section D.

* * *

B. *Category B*

Category B includes residential developments of five or more dwelling units per acre.

~~1. Pavement width, one-way traffic~~

~~14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage. (19 feet minimum from face of curb to face of curb on nonmountable curbs.)~~

2. *Pavement width, two-way traffic*

20-foot pavements for two-way traffic with swale drainage or valley gutter drainage or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.) See Appendix D: Illustrations and Cross-Sections, Section D.

* * *

C. *Category C*

Category C includes all residential roads

~~1. Pavement width, one-way traffic~~

~~14-foot pavement for one-way traffic with swale drainage or valley gutter drainage, or 16-foot pavements for one-way traffic with curb and gutter drainage. (19 feet minimum from face of curb to face of curb on nonmountable curbs.)~~

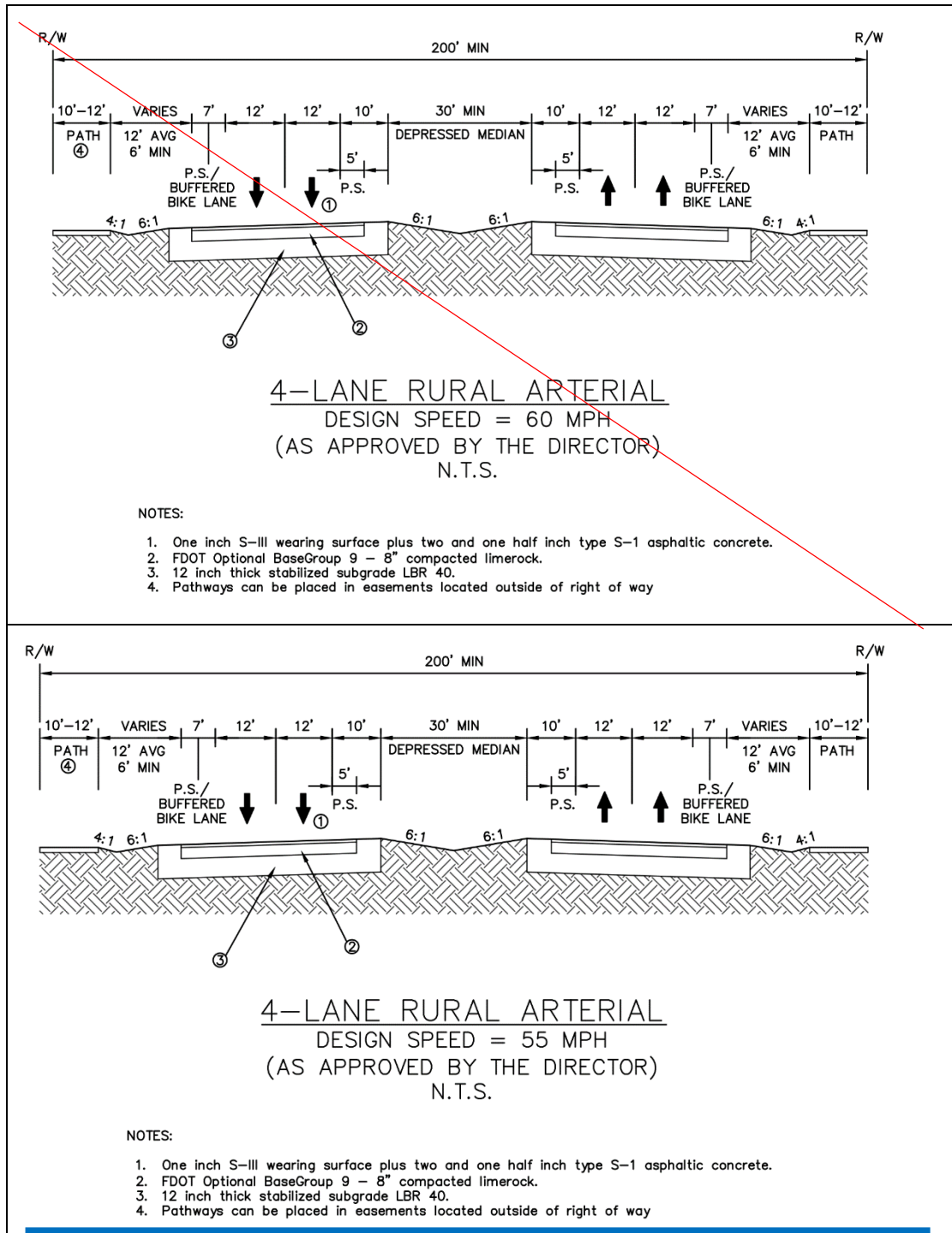
2. *Pavement width, two-way traffic*

20-foot pavements for two-way traffic with swale drainage or valley gutter drainage or 24-foot pavement with curb and gutter drainage (27 feet minimum from face of curb to face of curb on nonmountable curbs.)

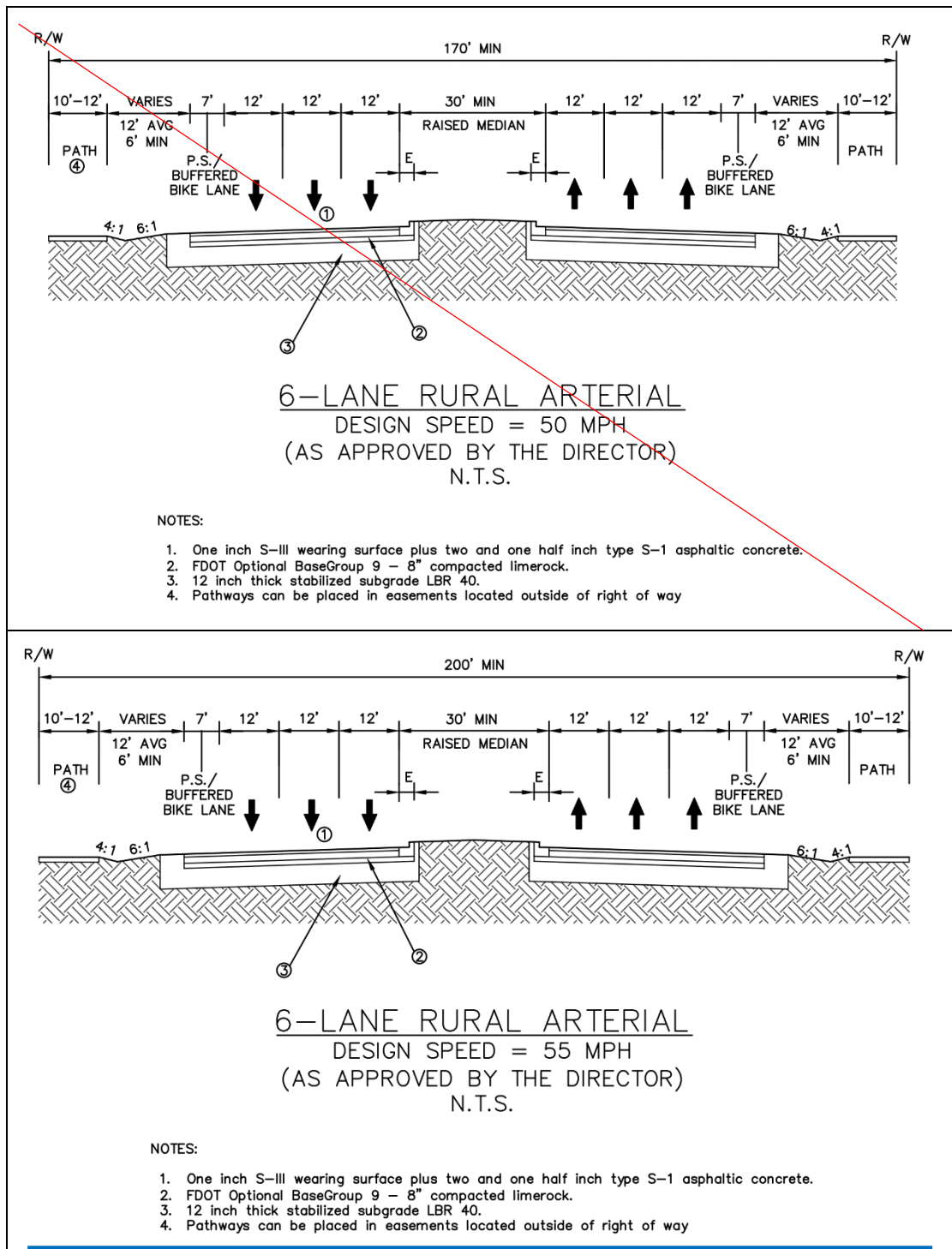
Appendix D: ILLUSTRATIONS AND CROSS SECTIONS

Changes to Appendix D on the following pages are technical in nature and recommended by Village staff

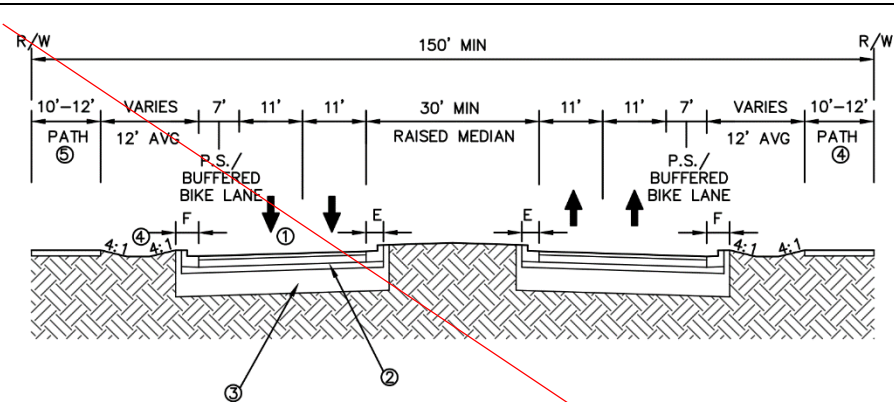
63. A.1 Four and Six-Lane Arterial Roads



64. A.2 Four and Six-Lane Arterial Roads



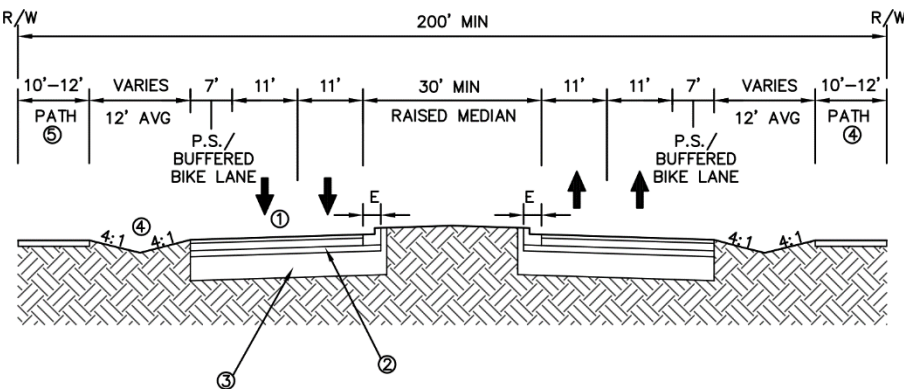
65. A.3 Four and Six-Lane Arterial Roads



4-LANE SUBURBAN ARTERIAL DESIGN SPEED = 45 MPH (AS APPROVED BY THE DIRECTOR) N.T.S.

NOTES:

1. One inch S-III wearing surface plus two and one half inch type S-1 asphaltic concrete.
2. FDOT Optional BaseGroup 9 - 8" compacted limerock.
3. 12 inch thick stabilized subgrade LBR 40.
4. This size open drainage ditches are insufficient in size to retain all stormwater. Off-site retention ponds or additional drainage easements may be required.
5. Pathways can be placed in easements located outside of right of way.

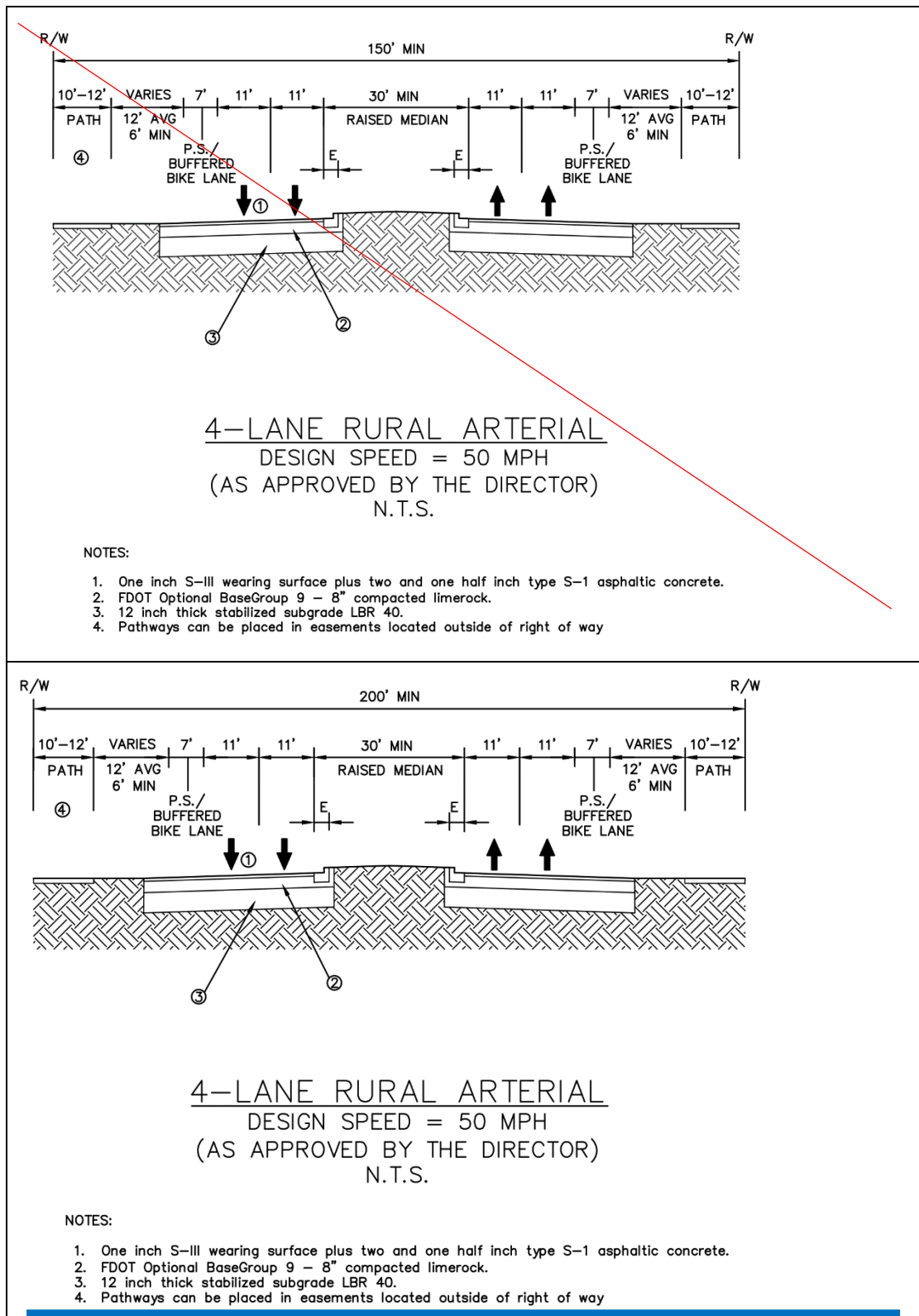


4-LANE SUBURBAN ARTERIAL DESIGN SPEED = 45 MPH (AS APPROVED BY THE DIRECTOR) N.T.S.

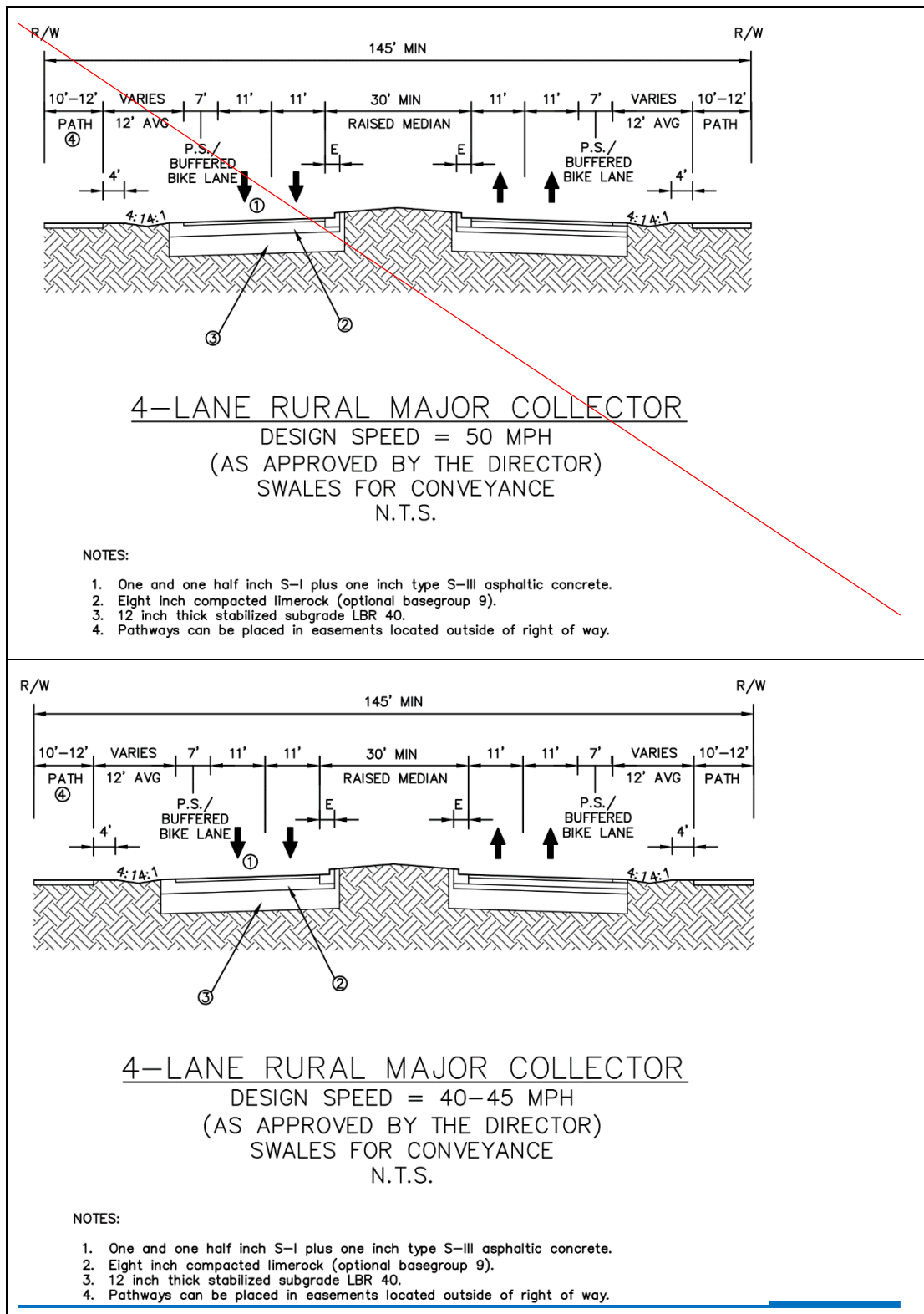
NOTES:

1. One inch S-III wearing surface plus two and one half inch type S-1 asphaltic concrete.
2. FDOT Optional BaseGroup 9 - 8" compacted limerock.
3. 12 inch thick stabilized subgrade LBR 40.
4. This size open drainage ditches are insufficient in size to retain all stormwater. Off-site retention ponds or additional drainage easements may be required.
5. Pathways can be placed in easements located outside of right of way.

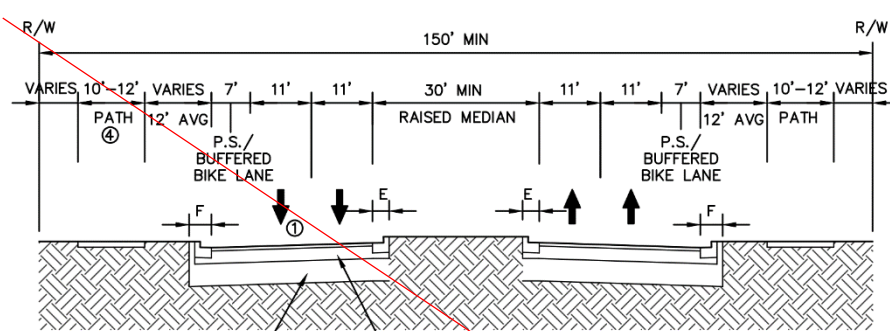
66. A.5 Four and Six-Lane Arterial Roads



67. B.1 Collector Roads



68. B.3 Collector Roads

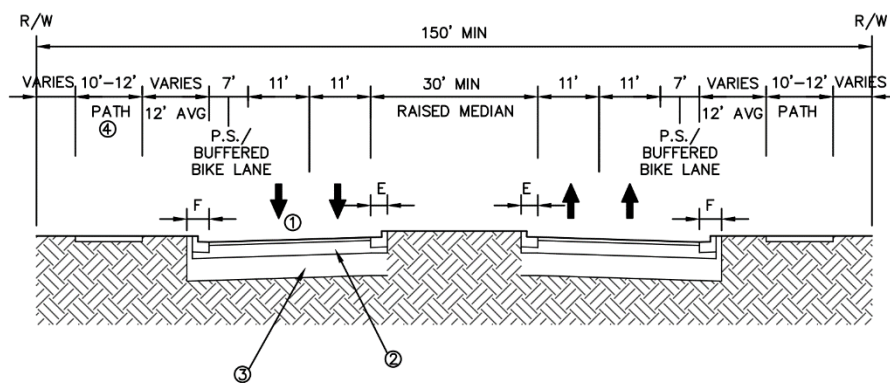


4-LANE URBAN MAJOR COLLECTOR

DESIGN SPEED = 45 MPH
(AS APPROVED BY THE DIRECTOR)
N.T.S.

NOTES:

1. One and one half inch S-I plus one inch type S-III asphaltic concrete.
2. FDOT Optional BaseGroup 9 - 8" compacted limerock.
3. 12 inch thick stabilized subgrade LBR 40.
4. Pathways can be placed in easements located outside of right of way.



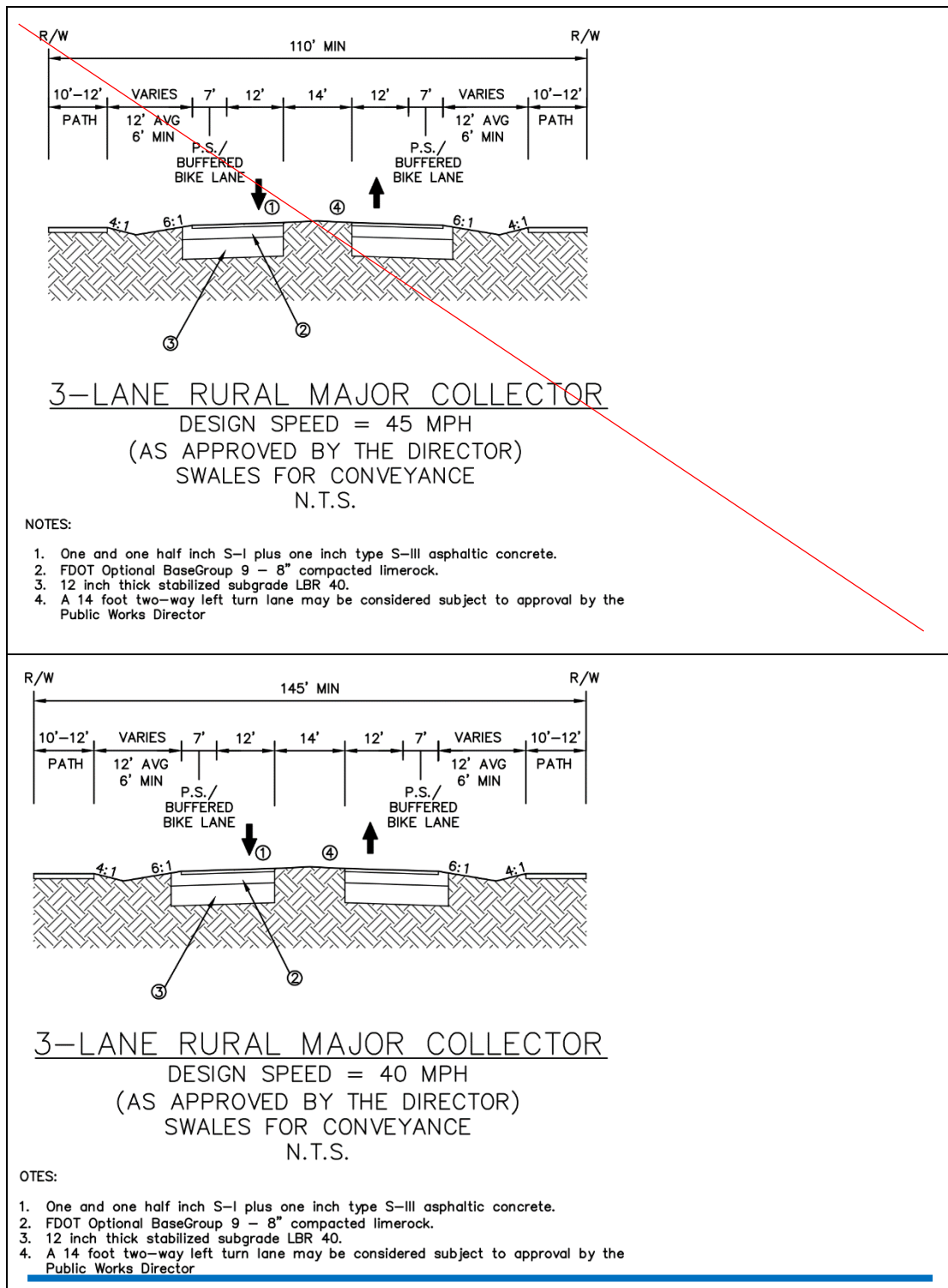
4-LANE URBAN MAJOR COLLECTOR

DESIGN SPEED = 30 MPH
(AS APPROVED BY THE DIRECTOR)
N.T.S.

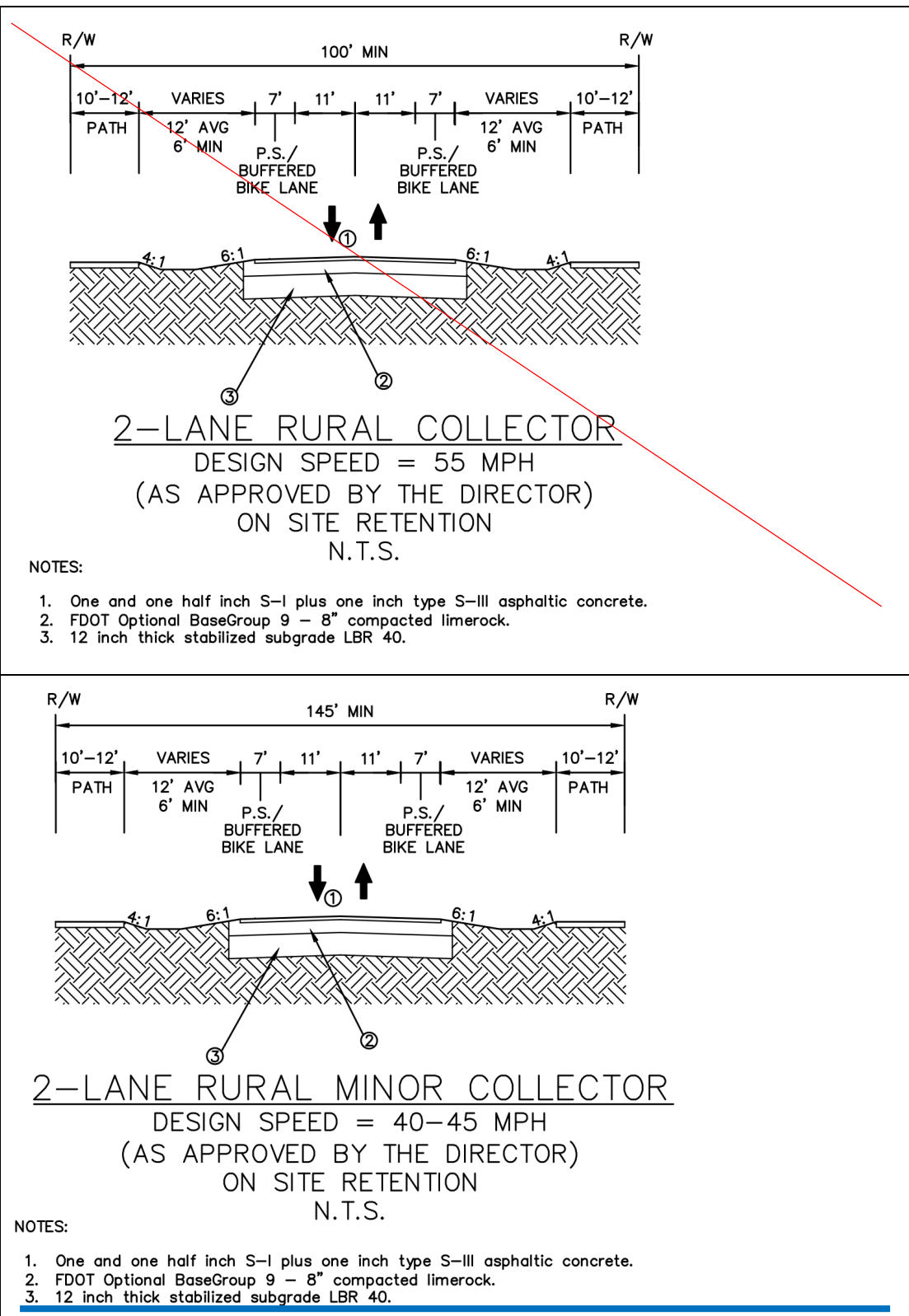
NOTES:

1. One and one half inch S-I plus one inch type S-III asphaltic concrete.
2. FDOT Optional BaseGroup 9 - 8" compacted limerock.
3. 12 inch thick stabilized subgrade LBR 40.
4. Pathways can be placed in easements located outside of right of way.

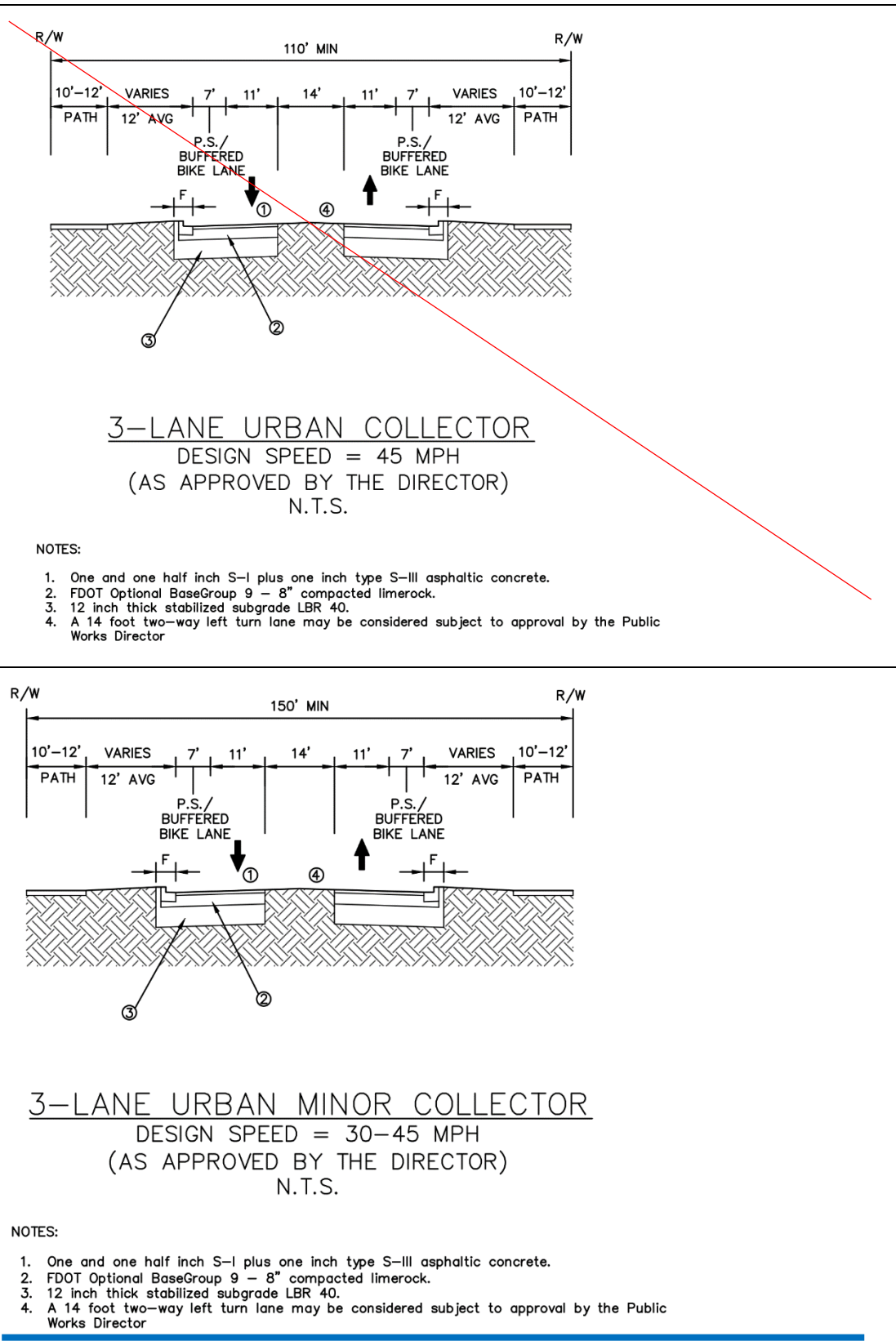
69. B.4 Collector Roads



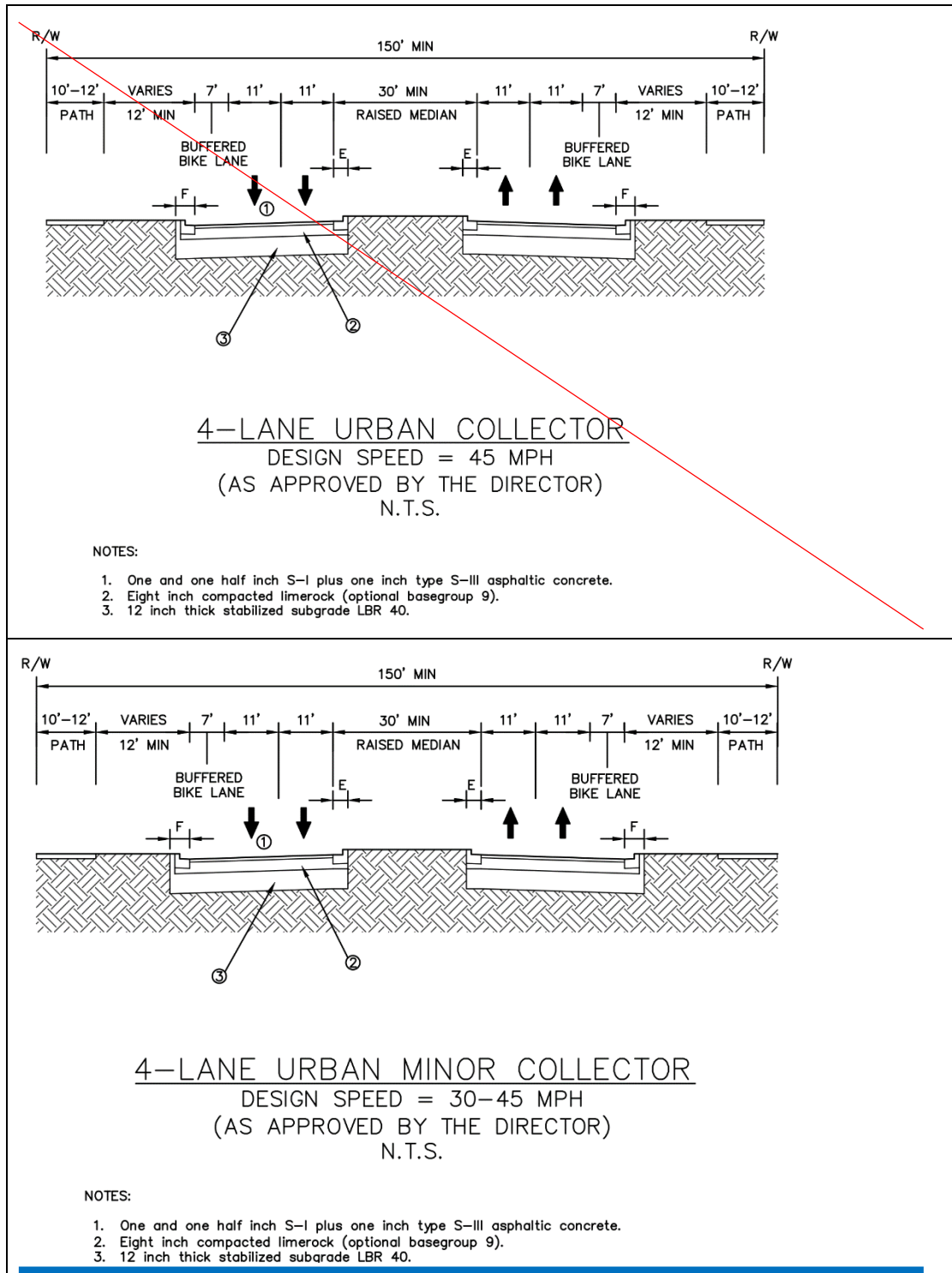
70. B.5 Collector Roads



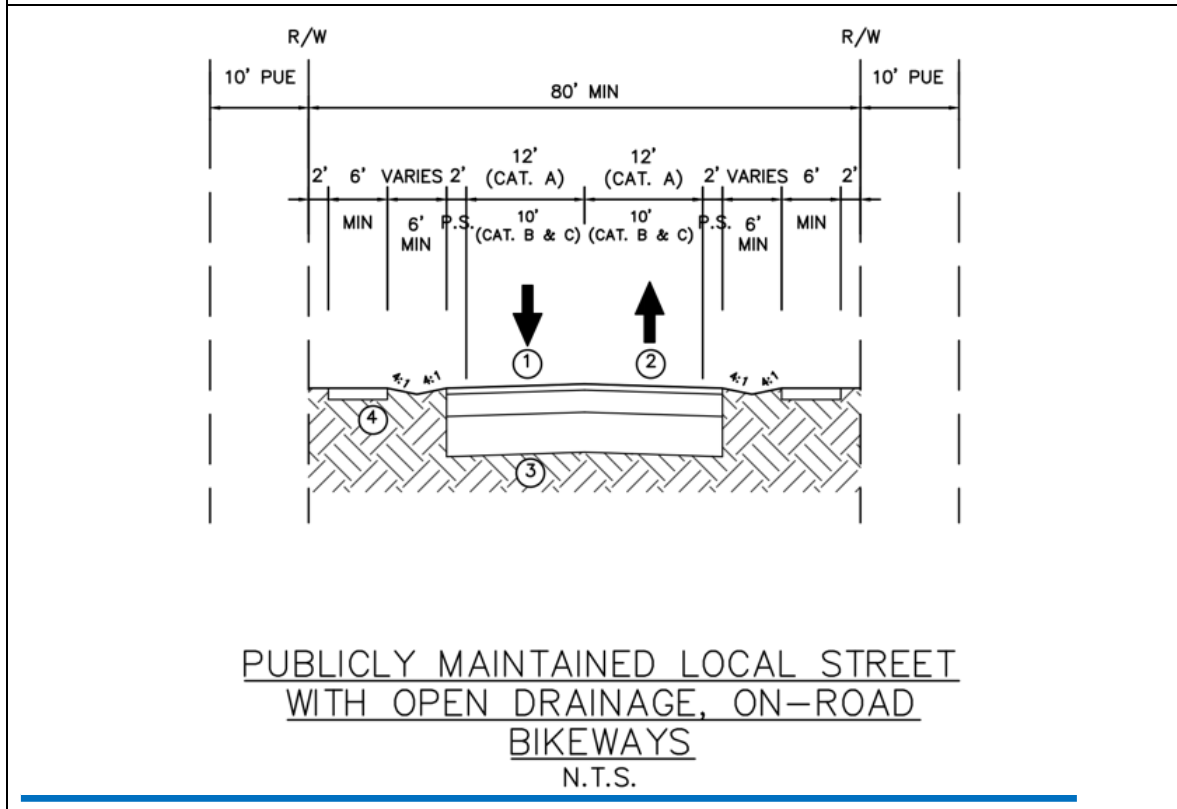
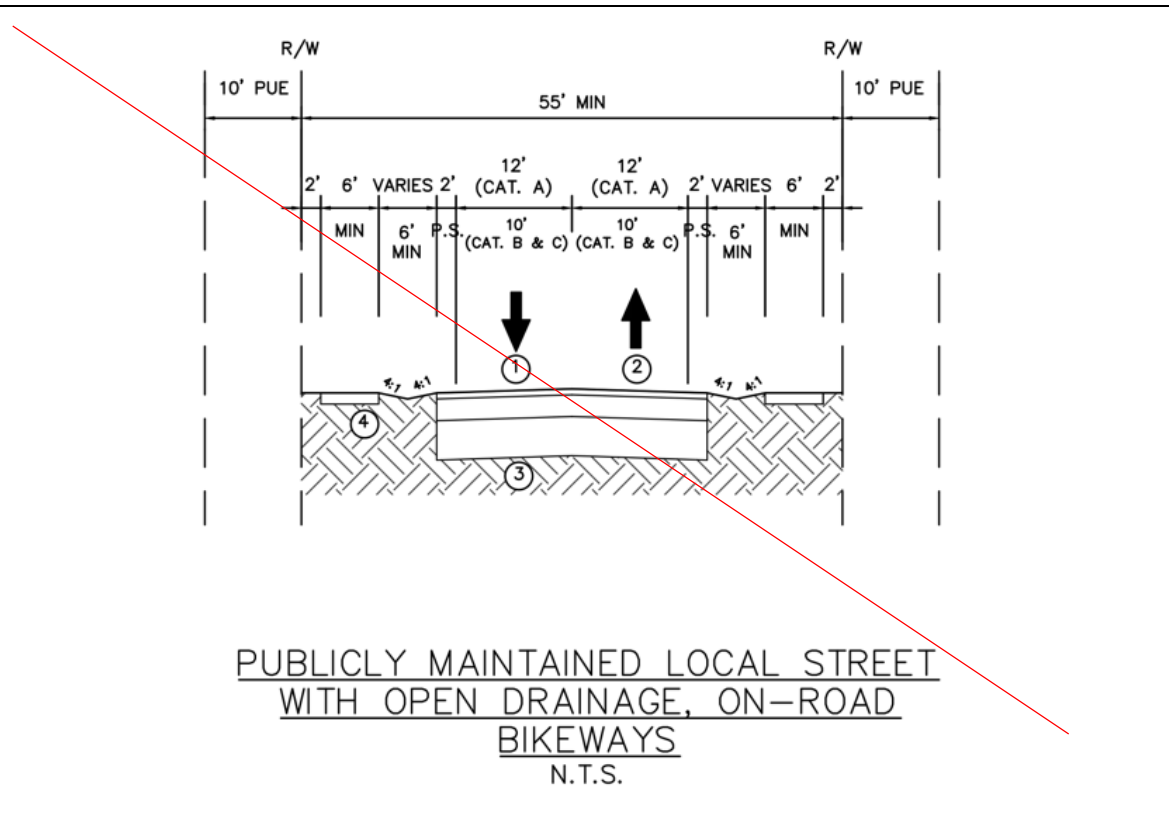
71. B.6 Collector Roads



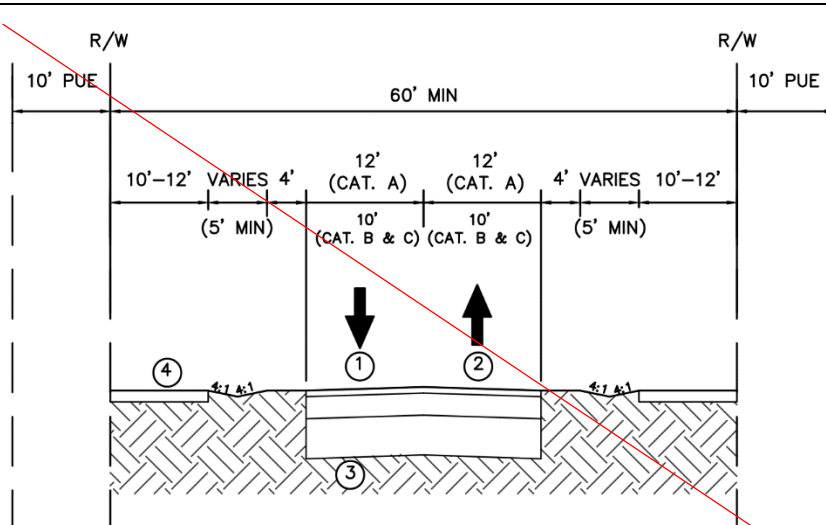
72. B.8 Collector Roads



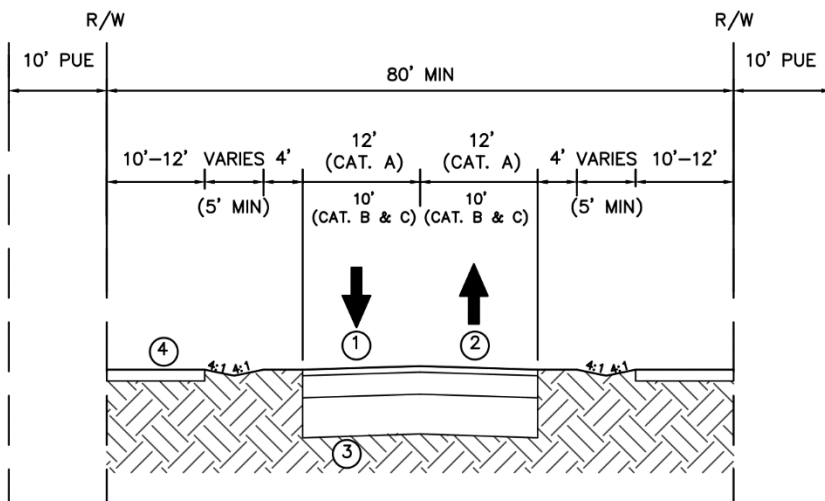
73. C.4. Public Local Roads



74. C.6 Public Local Roads



PUBLICLY MAINTAINED LOCAL STREET
WITH OPEN DRAINAGE AND OFF-ROAD
BIKEWAYS
N.T.S.

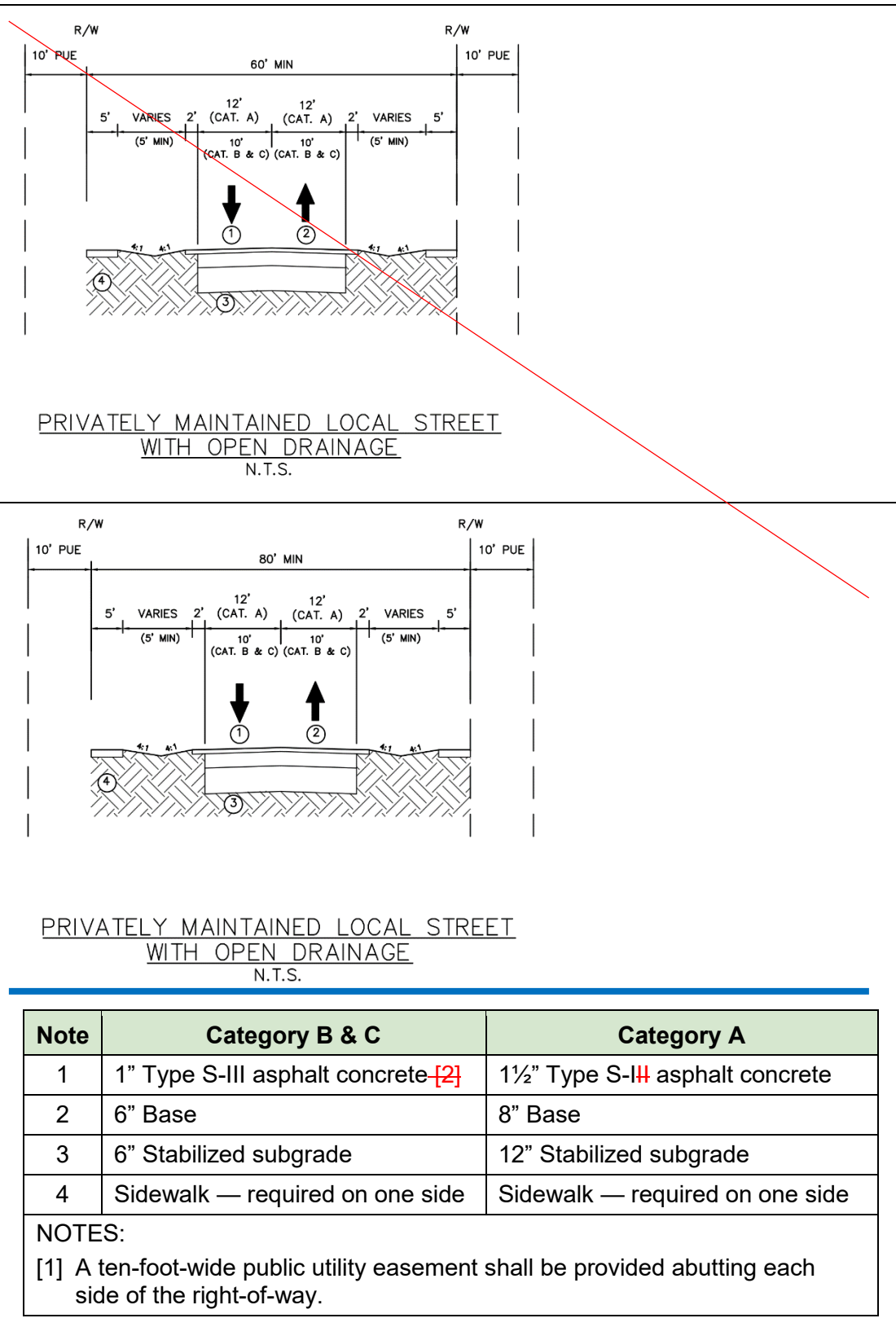


PUBLICLY MAINTAINED LOCAL STREET
WITH OPEN DRAINAGE AND OFF-ROAD
BIKEWAYS
N.T.S.

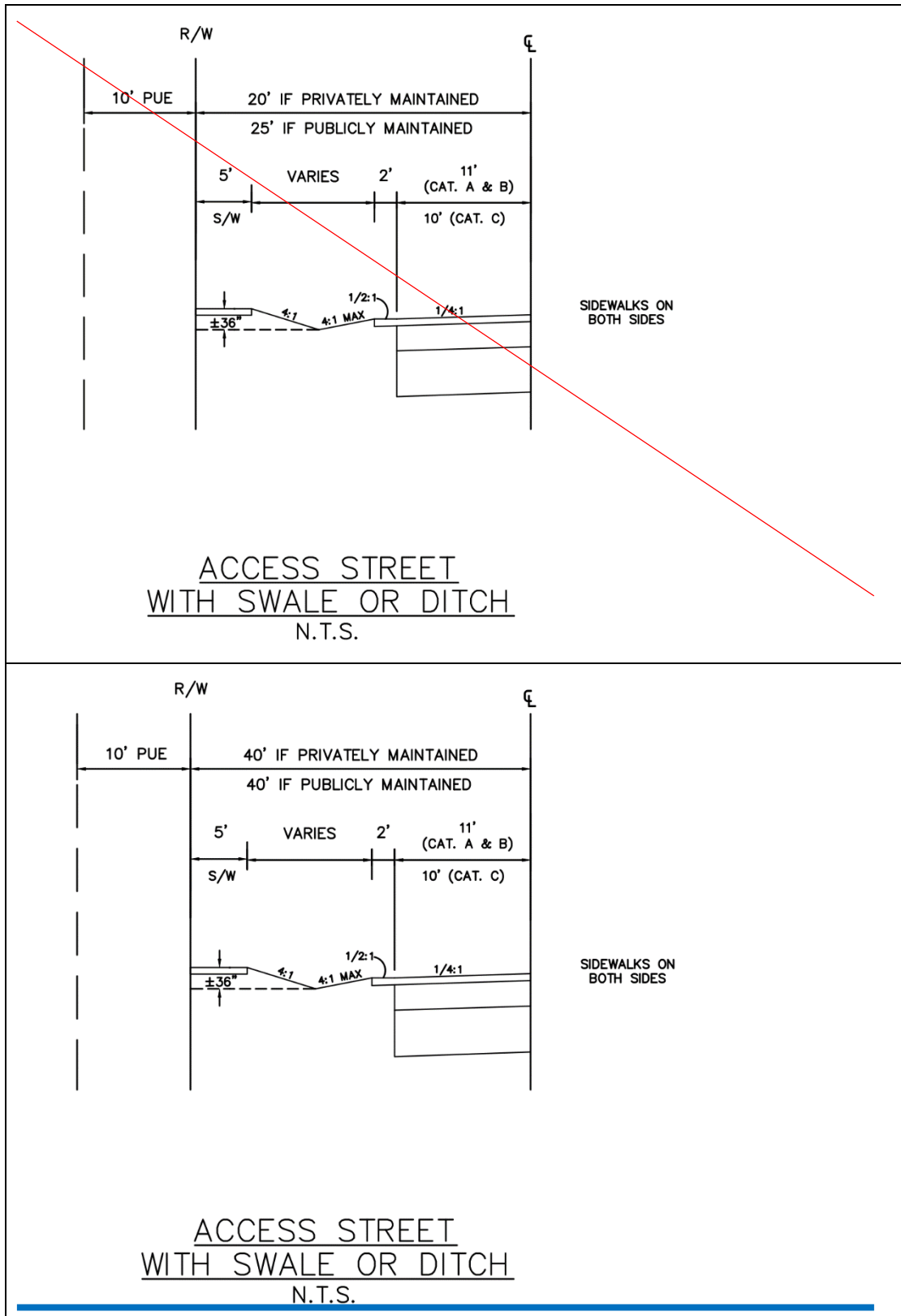
75. D.1 Private Local Roads

Note	Category B & C	Category A
1	1" Type S-III asphalt concrete [2]	1½" Type S-III asphalt concrete
2	6" Base	8" Base
3	6" Stabilized subgrade	12" Stabilized subgrade
4	Sidewalk — required on one side	Sidewalk — required on one side
NOTES: [1] A ten-foot-wide public utility easement shall be provided abutting each side of the right-of-way.		

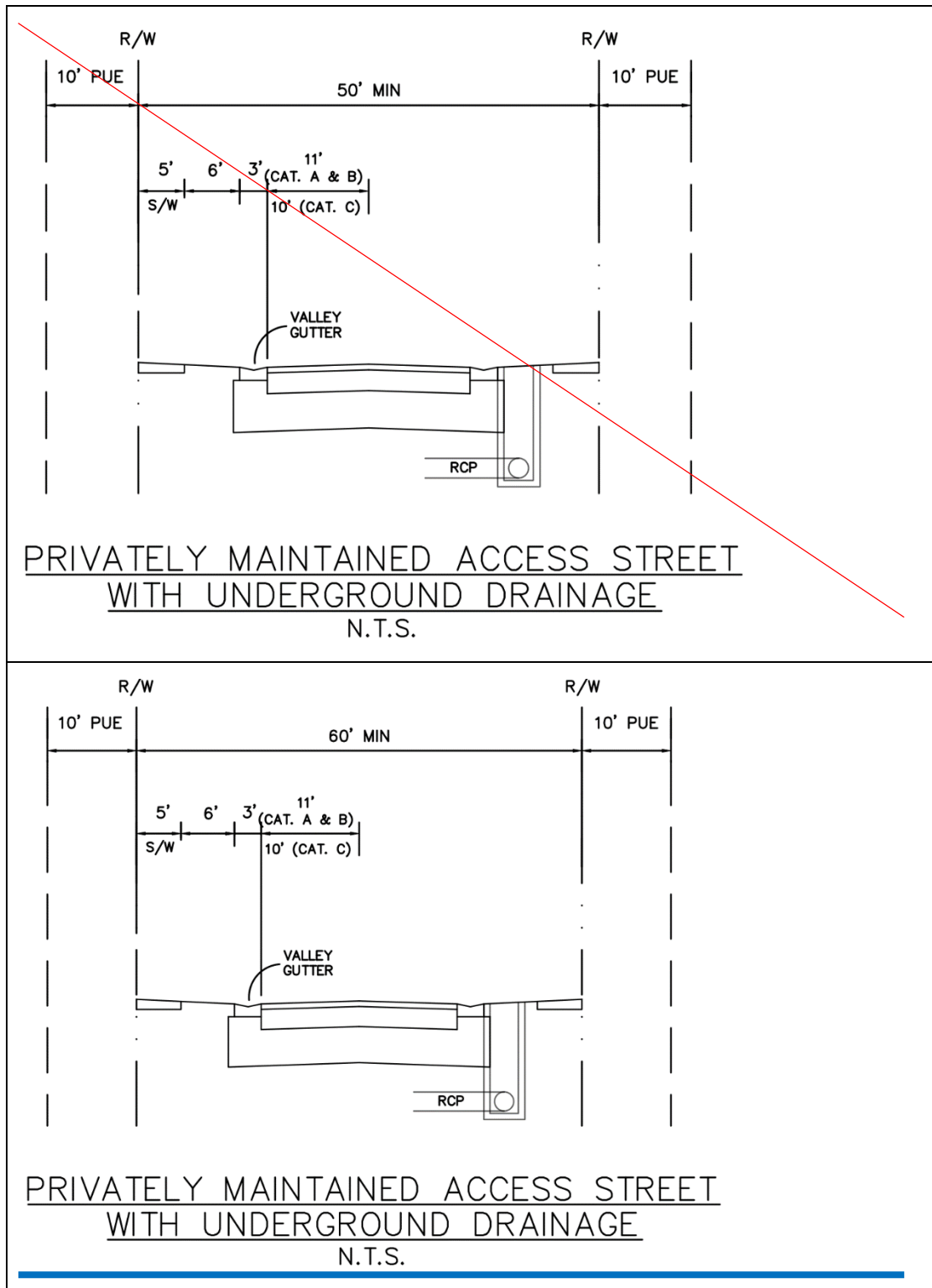
76. D.2 Private Local Roads



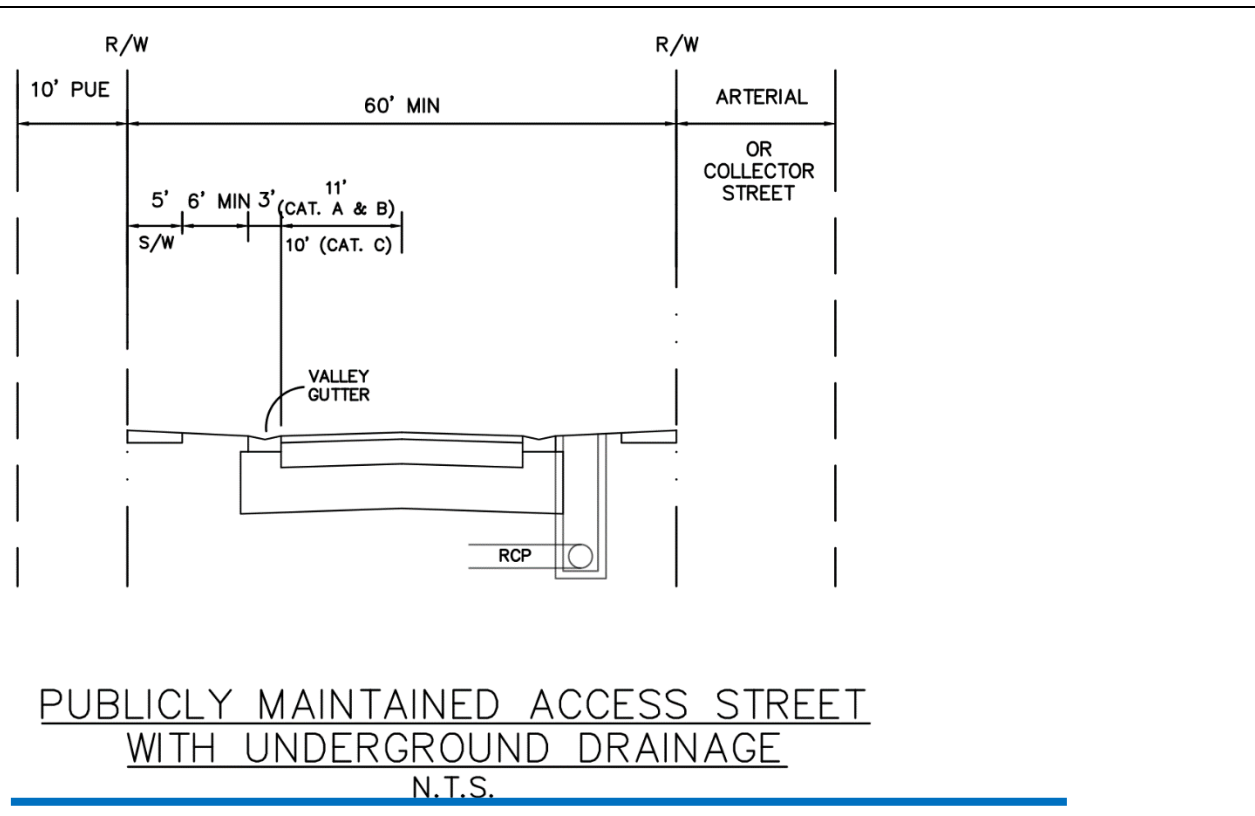
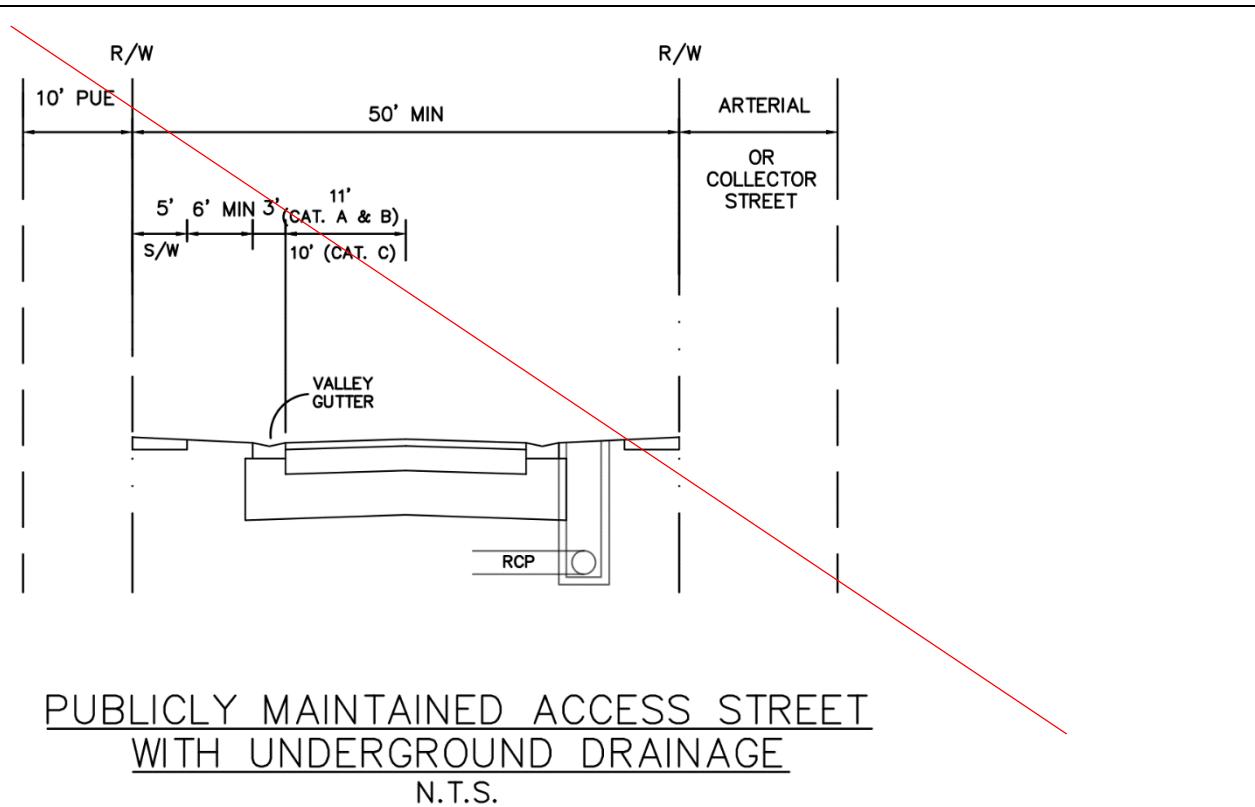
77. E.1 Access Roads



78. E.2 Access Roads



79. E.3 Access Roads



Category	Minimum Pavement Width (feet)	Asphaltic Concrete Surface Course	Base (ft)	Stabilized Subgrade LBR 40 (ft)
A	22	1½" Type S-I or S-III	8	12
B	22	1½" Type S-III or S-III	6	6
C	20	1½" Type S-III or S-III	6	6

Appendix F: RECOMMENDED PLANT LISTS

80. Comment

Multiple comments were provided on Appendix F: Recommended Plant Lists, recommended changes to the list of recommended species, concern about the pictures use to illustrate permitted plants and the absence of pictures for some, and disagreement whether certain species was native or non-native. Based upon the number of comments, we recommend not including the plant palette as a comprehensive list within the LDC. Instead, the plant list will be a guide for staff and designers to use.

Changes

Sec. 5-403.A Plant Suitability

Plant materials shall be suited to the climate and suited for their planting location at maturity.

~~1. Required plantings shall be in accordance with the Estero plant palette, which is set out in Appendix F: Recommended Plant Lists.~~

~~2.~~ The invasive exotic plants identified in Table 5-403.A.2: Prohibited Invasive Exotic Plants, are prohibited and shall be removed. Methods to remove and control invasive exotic plants shall be included in development orders or limited development orders, as applicable. A statement shall also be included in development orders or limited development orders that the development area will be maintained free from invasive exotic plants in perpetuity.

TABLE 5-403.A.2: PROHIBITED INVASIVE EXOTIC PLANTS

Common name	Scientific name	Common name	Scientific name
Earleaf acacia	<i>Acacia auriculiformis</i>	Old World climbing fern	<i>Lygodium microphyllum</i>
[...]			

Sec. 5-403.B.2. Native varieties

At least 75 percent of the trees and 50 percent of the shrubs used to comply with the requirements of this section shall be native Florida species, ~~identified in Appendix F: Recommended Plant Lists.~~

Sec. 7-206.G.3.C.1.(b)

The planting of native shade trees, ~~meeting the specifications of Appendix F: Recommended Plant Lists~~, around the lake perimeter, calculated at one tree per 100 feet of lake shoreline measured at control elevation. The tree planting is in addition to other required trees and shall be coordinated with lake littoral plant requirements. The planting locations proposed to meet the wetland herbaceous plant requirements set forth in Sec. 5-408.I.5, Planted Littoral Shelf (PLS), and other additional trees, shall be graphically identified as part of the deep lake management plan. All required plantings shall be grouped or clustered together around the lake perimeter.

Sec. 10-4 Definitions:

Indigenous Native Vegetation

Plant species that are characteristic of the major plant communities of the area, ~~listed as native in Appendix F: Recommended Plant Lists~~. Areas where invasive exotic vegetation (see Invasive Exotic Vegetation) has exceeded 75 percent of the plant species by quantity will not be considered indigenous vegetation.

~~Appendix F: Recommended Plant Lists~~
~~[...]~~