

September 2018

the Village of **STERO** LAND DEVELOPMENT CODE ASSESSMENT



CLARION

JOHNSON
ENGINEERING

I.	INTRODUCTION AND OVERVIEW	I-1
	Introduction	I-1
	Overview of the Assessment	I-2
II.	DIAGNOSIS	II-1
	Theme 1: Create a User-Friendly Code	II-1
	1.1. Make the Structure More Logical and Intuitive	II-2
	1.2. Use Graphics, Illustrations, and Flowcharts	II-3
	1.3. Improve Document Formatting and Referencing	II-5
	1.4. Make the Language Clearer and More Precise	II-6
	1.5. Modernize, Refine and Update Definitions	II-6
	1.6. Use a Procedures Manual	II-7
	1.7. Streamline Review Procedures	II-7
	Theme 2: Implement the Comprehensive Plan	II-23
	2.1. Introduction	II-23
	2.2. Create Higher Density, Walkable, Mixed Use Urban Centers in Appropriate Locations	II-23
	2.3. Strengthen Connections for Pedestrians, Vehicles, and Bicycles	II-24
	2.4. Enhance Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use, Development	II-24
	2.5. Support and Encourage Connections Between Public Parks/Sensitive Lands and Open Space Set-Asides on Private Lands	II-25
	2.6. Support and Encourage Sustainable Development Practices	II-25
	2.7. Strengthen Flood Protection and Stormwater Management Standards	II-26
	Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan	II-27
	3.1. Restructure, Modernize, and Tailor the Current Zone Districts	II-27
	Theme 4: Consider Modernizing the Site Development Standards and Ensure Their Consistency with the Comprehensive Plan	II-50
	4.1. Mobility and Connectivity Standards	II-50
	4.2. Off-Street Parking, Loading, and Bicycle Standards	II-51
	4.3. Landscaping and Buffer Standards	II-53
	4.4. Tree Protection Standards	II-58
	4.5. Comprehensive Open Space Set-Aside Standards	II-61
	4.6. Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development	II-63
	4.7. Protect Residential Neighborhoods from Incompatible Encroachment – Neighborhood Compatibility Standards	II-66
	4.8. Conversion of Golf Courses to Other Forms of Development	II-68
	4.9. Standards and Incentives for Sustainable Development Practices	II-70
III.	ANNOTATED OUTLINE OF NEW LAND DEVELOPMENT CODE	III-1
	Article 1. General Provisions	III-3
	Section 1.1. Title	III-3
	Section 1.2. Authority	III-3

Section 1.3.	General Purpose and Intent	III-3
Section 1.4.	Applicability	III-3
Section 1.5.	Consistency with Comprehensive Plan.....	III-4
Section 1.6.	Relationship with Other Laws, Covenants, or Deeds	III-4
Section 1.7.	Official Zoning Map	III-4
Section 1.8.	Transitional Provisions	III-4
Section 1.9.	Severability	III-5
Section 1.10.	Effective Date	III-5
Article 2.	Administration	III-7
Section 2.1.	Advisory and Decision-making Bodies and Persons	III-7
Section 2.2.	Standard Application Requirements and Procedures	III-10
Section 2.3.	Application Specific Review Procedures and Decision Standards	III-12
Article 3.	Zone Districts	III-17
Section 3.1.	General Provisions.....	III-17
Section 3.2.	Agriculture Districts	III-19
Section 3.3.	Residential Districts	III-19
Section 3.4.	Recreational Vehicle Districts.....	III-20
Section 3.5.	Community Facilities Districts.....	III-20
Section 3.6.	Business Districts	III-20
Section 3.7.	Industrial Districts	III-21
Section 3.8.	Special Purpose Districts	III-21
Section 3.9.	Planned Development Districts.....	III-21
Section 3.10.	Overlay Districts	III-21
Article 4.	Use Regulations.....	III-23
Section 4.1.	General Provisions.....	III-23
Section 4.2.	Principal Uses	III-23
Section 4.3.	Accessory Uses and Structures.....	III-24
Section 4.4.	Temporary Uses and Structures	III-25
Article 5.	Site Development Standards	III-27
Section 5.1.	Mobility and Connectivity Standards	III-27
Section 5.2.	Off-Street Parking, Bicycle, and Loading Standards	III-27
Section 5.3.	Landscape and Buffer Standards.....	III-27
Section 5.4.	Open Space Set-Aside Standards	III-27
Section 5.5.	Fence and Wall Standards	III-27
Section 5.6.	Residential Compatibility Standards	III-28
Section 5.7.	Architectural, Form, and Design Standards.....	III-28
Section 5.8.	Sustainable Development Standards	III-28
Section 5.9.	Sustainable Development Incentives	III-28
Section 5.10.	Plat Standards	III-28
Article 6.	Signage.....	III-29
Section 6.1.	General	III-29
Section 6.2.	Measurement, Construction, and Maintenance Standards	III-29
Section 6.3.	Restrictions Based on Location	III-29
Article 7.	Natural Resources	III-30
Section 7.1.	Environmental and Natural Resource Standards	III-30

Section 7.2.	Flood Hazard Reduction Standards	III-30
Section 7.3.	Marine Facilities, Structures and Equipment Standards	III-31
Section 7.4.	Hurricane Preparedness	III-32
Article 8.	Public Facility Funding and Coordination	III-33
Section 8.1.	Impact Fees	III-33
Section 8.2.	Concurrency Management.....	III-34
Section 8.3.	Proportionate Fair Share Program	III-35
Article 9.	Nonconformities	III-37
Section 9.1.	General Applicability	III-37
Section 9.2.	Nonconforming Uses.....	III-37
Section 9.3.	Nonconforming Structures.....	III-38
Section 9.4.	Nonconforming Lots of Record	III-38
Section 9.5.	Nonconforming Signs	III-38
Section 9.6.	Nonconformities created by Eminent Domain or Voluntary donation of Land for a public purpose	Error! Bookmark not defined.
Article 10.	Definitions and Rules for Construction, Interpretation, and Measurement.....	III-38
Section 10.1.	Rules of Construction	III-39
Section 10.2.	General Rules for Interpretation	III-39
Section 10.3.	Rules of Measurement	III-40
Section 10.4.	Use Classifications and Use Categories	III-40
Section 10.5.	Definitions	III-40
IV.	APPENDICES	A

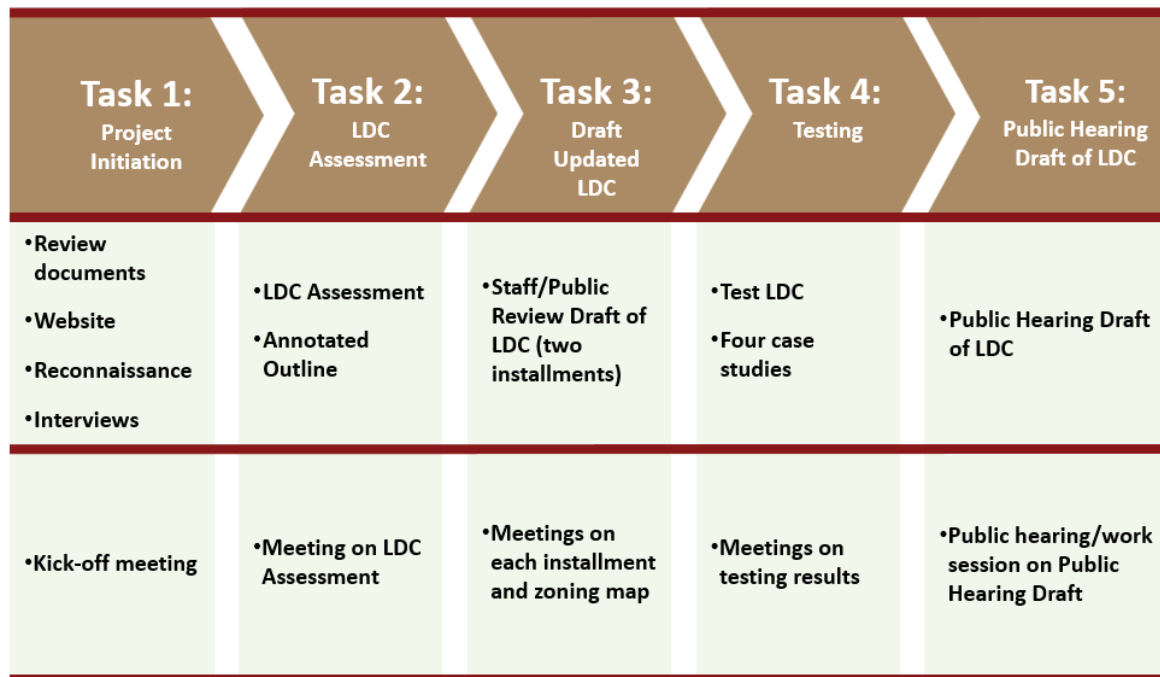
I. INTRODUCTION AND OVERVIEW

Introduction

The Village of Estero is preparing its first Land Development Code (LDC). The project will transform the current transitional LDC into a more user-friendly and efficient document, and establish zone districts and development standards that incorporate the community's values for development form and quality in ways that implement and are consistent with the recently-adopted Estero Comprehensive Plan.

To assist with this process, the Village has retained a nationally-recognized team of planning consultants, led by Clarion Associates (assisted by Johnson Engineering), to work with the Village's Community Development staff and Land Use Attorney on the project.

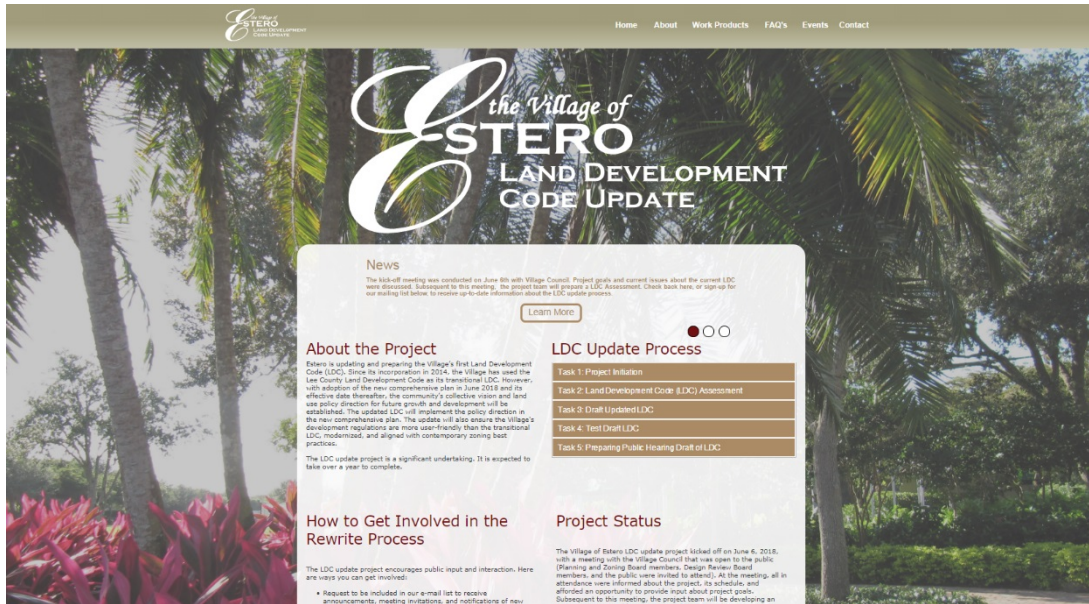
Rewriting the current regulations is a significant undertaking. The work is organized into five tasks, as shown below, and is expected to take over a year to complete.



I. Introduction And Overview

Overview of the Assessment

The Village encourages all members of the public to participate in the project and provide input. To assist in the effort, a project website, www.esterozoning.org, has been established. It includes information about the project, ways to get involved, and will provide notice about upcoming events, news, and contact information. When work products are completed they will be placed on the website.



Overview of the Assessment

This LDC Assessment is intended to be a starting point for discussions that need to take place about the Village's new LDC. The Assessment synthesizes the most important goals and policy direction included in the recently adopted Estero Comprehensive Plan along with other goals identified by the community that need to be accomplished in the project. It also includes an evaluation of how the current

I. Introduction and Overview

II. Diagnosis

- | | |
|----------|--|
| Theme 1: | Create a User-Friendly Code |
| Theme 2: | Implement the Comprehensive Plan |
| Theme 3: | Modernize and Tailor the Zone Districts and Regulations to Implement the Comprehensive Plan |
| Theme 4: | Modernize the Development Standards and Ensure Their Consistency with the Comprehensive Plan |

III. Annotated Outline of New Land Development Code

IV. Appendices

regulatory system (the transitional LDC) performs, and then suggests changes and the zoning tools needed in the new LDC if the identified goals and other policy direction are to be implemented.

The Assessment is organized into four parts and an Appendix (see graphic on previous page). Part I is this introduction and overview. Part II is a Diagnosis, which discusses the key goals and themes for the project, along with considerations and options for how the key goals can be achieved in the new LDC. Part III includes an Annotated Outline for how the new LDC would be restructured if the key themes identified in the Diagnosis are implemented. An Appendix is included in Part IV.

The new LDC will help facilitate the community's vision for future growth and development as directed in the comprehensive plan and by the Village Council. With input from Village staff, residents, business and property owners, the Planning and Zoning Board, and direction from the Village Council, the Assessment provides the framework for identifying the key themes that need to be addressed in the LDC to implement the plan and accomplish other important community goals. The key themes include preparing a user-friendly code that:

- Supports higher density, walkable, mixed-use places in appropriate locations in the Village;
- Strengthens connections for pedestrians, vehicles, and bicycles;
- Enhances design and form standards for mixed-use, commercial, and multifamily development;
- Protects residential neighborhoods from encroachment;
- Supports connections between public parks, sensitive lands, and open space set-asides;
- Encourages sustainable development practices; and
- Strengthens flood protection and storm water management standards.

This Assessment and the Annotated Outline will serve as the roadmap for the drafting of the new LDC.

Residents, business and property owners, elected and appointed officials, and all other stakeholders in the community are invited to read this Assessment and note the parts you agree with—as well as the parts that should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with

I. Introduction And Overview

Overview of the Assessment

an open mind about different ways of collaborating in order to achieve the community's desired goals for future growth and development.

II. DIAGNOSIS

Theme 1: Create a User-Friendly Code

One concern heard about the current transitional LDC is that it is unclear and not user-friendly. Generally these concerns are valid. Specifically, the transitional LDC:

- Is not intuitive and logically-organized;
- Does not integrate graphics, illustrations, photographs, tables, or flowcharts to explain zoning terms;
- Contains formatting that is difficult to navigate;
- Includes different review standards in different places;
- Does not define a number of uses and some terms;
- Includes imprecise and sometimes inconsistent review standards;
- In some instances is not written in plain English;
- Is in general not tailored to the needs of the Village of Estero community.

For these reasons, an important project goal should be to make the new LDC more understandable and user-friendly. User-friendly regulations are easy to use, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. They use plain and precise language and graphics to illustrate complex zoning concepts. They are organized and presented in a logical way that helps readers understand relationships among different parts of the regulations. We suggest the current regulations can be made more user-friendly by:

- Reorganizing them in a logical and intuitive way;
- Incorporating graphics, illustrations, and tables to explain zoning concepts;
- Improving the formatting and numbering system;
- Making the language more clear and precise, and addressing internal inconsistencies;
- Modernizing and updating the definitions;
- Using a Procedures Manual; and
- Streamlining the review procedures, where appropriate.

II. Diagnosis

Theme 1: Create a User-Friendly Code

1.1. Make the Structure More Logical and Intuitive

The transitional LDC currently includes 24 chapters (Chapters 1 through 34 with ten chapter numbers held in reserve). The chapters are each divided into articles, which are further divided into divisions and sections. The current organization is not necessarily logical or intuitive. Some chapters focus on small specialized subject areas; (e.g., Chapter 3 – Explosives and Blasting Regulations); another consists of a specific development standard (e.g., Chapter 30—Signs), even though other development standards are found in other articles. To determine development the requirements for development, at a minimum, a complex interplay between Chapters 10—Development Standards, 33—Planning Communities, and 34—Zoning, must be navigated.

Typically, modern codes address these problems in several ways. The first is by consolidating all relevant regulations into a Land Development Code (LDC), which has already been accomplished in the transitional LDC. The second is to organize the regulations based on procedural and substantive relationships. This organization, which is shown in the sidebar in this section, is set out in more detail in Part III: Annotated Outline of the Village Land Development Code (LDC). This is what is recommended for the rewrite. (See outline, at right)

Under the reorganized structure, all procedures are consolidated into one article (Article 2: Administration), and the provisions common to all procedures are included in a standard procedures section. The zone districts (Article 3: Zone Districts) and use regulations (Article 4: Use Regulations) are consolidated into two integrated articles. All site development standards are consolidated and their applicability to different types of development organized in Article 5: Site Development Standards. The sign requirements are included in Article 6: Signage. The environmental and natural resource, flood hazard reduction, marine facilities, structures, and equipment, and hurricane preparedness standards are consolidated into Article 7: Natural Resources. Impact fee and concurrency management provisions are consolidated into Article 8: Public Facility Funding and Coordination. Nonconformity provisions are consolidated in an article on nonconformities (Article 9:

Outline of the Village Land Development Code

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

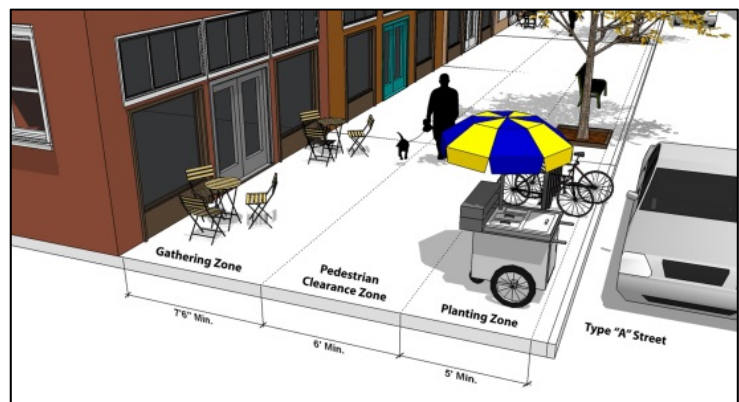
Nonconformities¹). Finally, all definitions are consolidated into one article and located at the back of the regulations (Article 10: Definitions and Rules for Construction, Interpretation, and Measurement) since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

1.2. Use Graphics, Illustrations, and Flowcharts

One way to make regulations user-friendly is through the use of graphics, illustrations, photographs, flowcharts, and tables. They assist with communicating zoning concepts and improving the readability of the regulations. Flowcharts, illustrations, graphics, and diagrams are also helpful in zoning regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text. The transitional LDC does not take advantage of current graphic design concepts or tools, and recent thinking regarding how the use of clear illustrations and graphics can help explain or establish zoning requirements.

1.2.1. GRAPHICS AND ILLUSTRATIONS

Instead, the current regulations rely mainly on text to convey regulatory concepts. Overall, the document's reliance on text misses an opportunity to visually communicate the desired intention behind various provisions. Increasing the number and type of graphics throughout the LDC to help illustrate procedures, development form, and other zoning concepts (such as parking space dimensions, parking lot landscaping and other landscaping and screening requirements) would make the regulations more user-friendly (see example graphic on this page). Use of photographs demonstrating both preferred and discouraged development forms and patterns would also make the regulations more user-friendly.

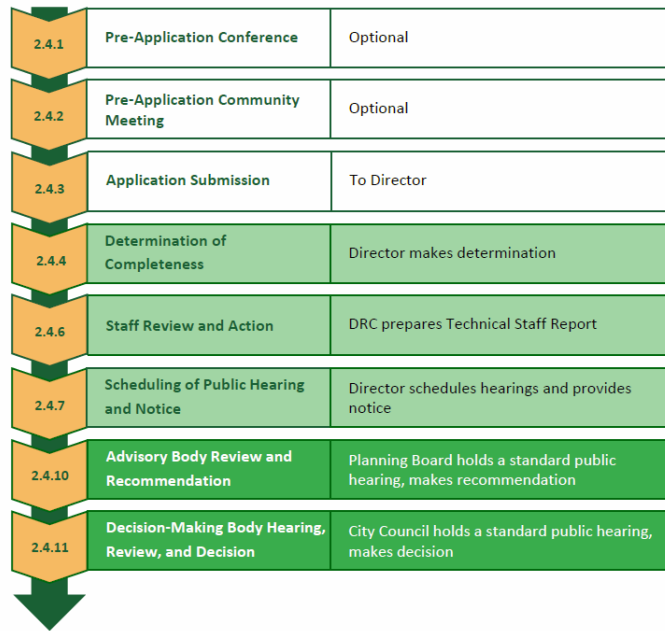


¹ The enforcement provisions will remain in the Code of Ordinances.

1.2.2. FLOWCHARTS AND SUMMARY TABLES

Flowcharts and summary tables are also helpful in presenting information succinctly and eliminating repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures section of the regulations to graphically portray the process required for review of a specific type of development application—from the time of application submission to the final decision on the application (see example flowchart from another community’s code on the next page).

Figure 2.5.1.C.2: Text Amendments Procedure



The transitional LDC does use some tables, though they are not clearly labeled, and lack repeating header rows that would follow across pages when printed (see Sec. 34-619. District Conversions). Some other standards that would benefit from summary tables include landscaping, off-street parking, open space set-asides, neighborhood compatibility standards, parking space standards, and exterior lighting. We suggest the new regulations use tables where appropriate, consolidating as much information as practical. Also, all tables should be labeled according to the subsection in which they are located, so they can be referenced elsewhere in the document (see example table below). Lastly, tables should be consistently formatted for readability.

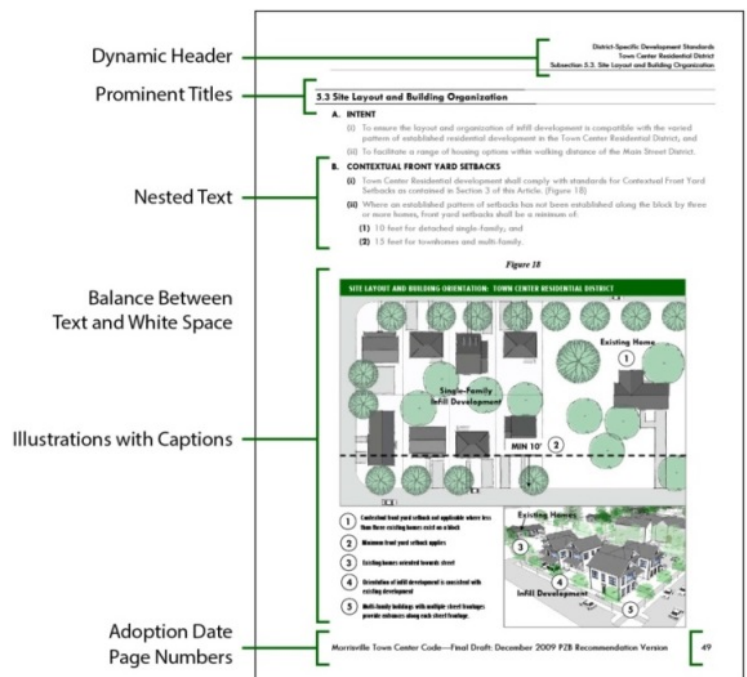
TABLE 3.8.6.D.11.C BEDROOMS BY RESIDENTIAL TYPE, SL-O DISTRICT		
Residential Type	Minimum Number of Bedrooms	Maximum Number of Bedrooms
Single-Family Detached	2	4
Two-Family (Duplex)	2	3
Townhome	2	3

1.3. Improve Document Formatting and Referencing

The format of the transitional LDC is difficult to navigate and use. Most pages in the regulations consist of text with wide margins. While some indentation is used to distinguish sub-sections, there could be a stronger use of white space and paragraph alignment to help make a visual distinction between provisions. The document could also make use of section headers, referencing systems, and an index, as well as a glossary of abbreviations. The table of contents could be enhanced with greater detail.

To improve readability, modern codes use distinctive heading styles to more clearly distinguish various sections, subsections, paragraphs, and subparagraphs (see example page layout from another community's code on this page). When combined with better alignment, white space, tables, and graphics, the text becomes much easier to read and interpret. Additionally, modern codes use:

- An easy to understand referencing system;
- A detailed table of contents;
- Detailed headers and footers which highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- Numerous cross-references;
- An index of topics at the end of the document; and
- A glossary of abbreviations.



As illustrated in the example page layout, we suggest all of these techniques be used in the new LDC.

Finally, we suggest the regulations establish a hierarchy of articles and sections with a numbering system that is logical—one that anchors sections in the article in which they are located. The current transitional LDC is organized into 24 chapters, which are then divided into articles, divisions and sections. Sections have a two part “address”

II. Diagnosis

Theme 1: Create a User-Friendly Code

that does not reference the division, “(Article)-(Section).” At the end of some sections are lists of enacted ordinances.

To better organize the LDC, we recommend using a hierarchy of articles followed by section numbers. For example, the first section in the first article (Article 1: General Provisions) would be Section 1.1; the next subsection will start with 1.1.1; the next subsection will start with 1.1.1 A., and so on. This hierarchy is shown in the sidebars within Part III, Annotated Outline of the New Land Development Code (LDC).

1.4. Make the Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as review boards, the public, and staff. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general/aspirational language can ensure the regulations are consistently interpreted. Using clear and objective standards helps ensure the regulations are consistently applied to each project that comes forward for review.

Finally, there are instances in the current regulations where language is general and imprecise. Additionally, there are conflicting provisions. During the rewrite, all procedures, standards, and all other ordinance language will be reviewed and where appropriate, modified with clear, precise, and measurable standards consistent with the Village’s planning and development goals.

1.5. Modernize, Refine and Update Definitions

Definitions in the transitional LDC are distributed throughout the document, with an individual definition section for particular divisions. In Chapter 2 alone, there are definitions in Secs. 2-45, 2-95, 2-143, 2-264, 2-304, 2-344, 2-384, 2-403, 2-423, and 2-483. Some additional definitions may be found in other substantive non-definitions sections

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, in the new LDC all definitions will be consolidated into Article 10: Definitions and Rules of Construction, Interpretation, and Measurement. In addition, all definitions will be reviewed and where appropriate, modernized, refined, and modified. In addition, where needed, definitions will be added or removed. The result will be development regulations that are easier to understand and use.

1.6. Use a Procedures Manual

The transitional LDC includes many specific details relating to application submittal requirements. For example, the concurrency application process in Sec. 2-71 sets out nine specific items of information required including the phone number of the owner. We suggest the Village consider removing such details of the submittal requirements from the new LDC and placing them in a Procedures Manual that is authorized to be prepared by the Community Development Director.

The Procedures Manual would include application content requirements, information about application fees, schedules for application processing (e.g., times for processing applications), and information about nuts and bolts staff review processes. The manual might also include a summary or explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

These detailed requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If they are included in the LDC, the Village will need to amend the regulations every time the requirements change. Including them in a Procedures Manual referenced in the LDC avoids both cluttering the code and the necessity of amending the regulations every time a minor modification or correction to application material requirements is needed. Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. We suggest the Village consider this practice for Estero's regulations.

1.7. Streamline Review Procedures

1.7.1. OVERVIEW OF CURRENT REVIEW PROCEDURES

The current review procedures in the transitional LDC are generally based on those found in the Lee County LDC, though the Village has made some fairly significant changes. The biggest involve (1) eliminating the role of the hearing examiner in making decisions on development applications (instead relying on the Village Council, Planning and Zoning Board, and Design Review Board (DRB)), (2) creating and assigning review duties to the appointed DRB, and (3) increasing opportunities for the public to learn about and provide input on development applications through public workshops. The current review procedures are summarized in Table 1.7.1: Estero: Current Development Review Procedures.

II. Diagnosis

Theme 1: Create a User-Friendly Code

TABLE 1.7.1: ESTERO CURRENT DEVELOPMENT REVIEW PROCEDURES

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required

#-Mandatory Preapplication or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board	Village Manager	Community Development Director	Development Review Manager	Public Information Workshop ¹
Discretionary Approval							
Comprehensive Plan Amendment	<D>	<R>					W
Development of Regional Impact	<D>	<R>			S		W
Text Amendment	<D>	<R>			S		
Zoning Map Amendment (Rezoning)²	<D> ³	<R>			S		W
Planned Development #	<D>	<R>			S		W
Special Exception	<A> / <D> ⁴	<D>			S		W
Site Development							
Development Order⁵	<A>		<D>				W
Minor Amendments						D	
Limited Review Development Order (LDO)⁶	<A>		<D>				W
Minor Amendments						D	
Plat Review	<D>	<R>			S ⁷		
Vacation of Easement, Right-of-Way, or Plat	<D>	<R>			S		
Concurrency							
Certificate of Concurrency Compliance⁸				D			
Certificate of Concurrency Exemption⁸				D			
Concurrency Variance Certificate⁸				D			
Historic Preservation							
Regular Certificate of Appropriateness	D ⁹						
Special Certificate of Appropriateness	<D> ⁹						
Density Bonus							
Density Bonus	<D>	<R>			S		
Permits							
Commercial Building Repainting Permit			<D>				
Driveway/Right-of-Way Permit¹⁰							
Sign Permit			<D> ¹¹		D/S		
Temporary Use Permit		<D>			S		
Tree Removal/Vegetation Removal Permit					D		
Bulding Permit ¹⁶							
Relief							
Variance							
Variance for Flood Hazard		<D>			S		
Variance for Zoning	<A>* / <D> ¹²	<D>			S		W
Administrative Deviation							
Deviation for Height	<A>	<D>	¹³		S		

TABLE 1.7.1: ESTERO CURRENT DEVELOPMENT REVIEW PROCEDURES

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required

#-Mandatory Preapplication or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board	Village Manager	Community Development Director	Development Review Manager	Public Information Workshop ¹
Deviation for Sec.10-104¹⁴			<D>				
Deviation (Other)¹⁵	<A>		<D>				
Flood Hazard Appeal	<A>						
Interpretation							
Interpretation	<A>				D		

NOTES

- Workshops are conducted by the body with decision authority; however, at the discretion of the Village Manager, a workshop for any type of development application may be required and conducted by the Planning & Zoning Board (see Ordinance 15-01).
- This is a quasi-judicial process for site-specific map amendments.
- For map amendments (rezonings) greater than ten acres, two public hearings of the Council are required.
- A special exception that is part of a map amendment (rezoning) must be decided by the Village Council when considering the rezoning.
- Development orders are required for all development permits, defined as:
A building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land. (Sec.2-54)
The Village differentiates large development orders from small development orders by size. Large development orders are proposed development over ten acres or with two acres or more of proposed impervious cover.
- LDO eligible actions listed in Sec. 10-174 include: improvements determined by the Director to have no impacts on public facilities; the addition or enlargement of impervious area where total impervious area does not exceed 2,500 square feet; outdoor recreation facilities provided total cumulative impervious area does not exceed 5,000 square feet; improvements with insignificant impacts on public facilities, installation of new utility lines, or improvements to a County-maintained road right-of-way; and subdivision of land into four lots or less meeting 11 specific criteria.
- Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney
- Concurrency actions have been approved by the Village Manager as a part of the development orders process.
- The Village has not established a Historic Preservation Board (HPB). Village Council makes decisions on certificates of appropriateness or delegates this authority.
- Decided by Public Works
- The DRB reviews monument signs only.
- A variance as a part of a map amendment (rezoning), must be decided by the Village Council as a part of the rezoning.
- Ordinance 15-01 does not provide this authority. The DRB interacts with height of architectural features when dealing with architectural issues.
- Includes infrastructure- and engineering-related provisions as well as native vegetation, landscaping of parking and vehicle use areas, and site design standards and guidelines for commercial developments.
- This is a residual category. One recent example includes allowing shoreline hardening of a golf course lake edge (DRB approved February 14, 2018).
- The Building Official decides the building permit. The procedure is in the Building Code.

II. Diagnosis

Theme 1: Create a User-Friendly Code

A review of the current procedures in the transitional LDC shows:

- There is no table that summarizes procedures;
- There are no code-delineated standard review procedures;
- Some procedures can be refined to become more efficient, e.g., the development order/limited development order procedure and the administrative deviation procedure;
- Some procedures are not needed and can be deleted; and
- Several new procedures need to be added to address the goals for drafting the new LDC, modernize the development review process, and incorporate zoning best practices (e.g., possibly a golf course conversion procedure).

1.7.2. STREAMLINING THE REVIEW PROCEDURES

Based on our independent review of the planning, zoning, and development review procedures, and discussions with staff, we suggest the following modifications be made to better organize and streamline the review procedures.

- Consolidate all development review procedures into one article, Article 2: Administration, as shown in Part III, Annotated Outline of the New Land Development Code (LDC).
- Establish a set of standard procedures, which:
 - Locates in one place the planning, zoning, and development review procedures that apply to all development applications;
 - Carries forward but streamlines the public information workshops for comprehensive plan amendments, zoning map amendments (rezonings), planned developments, development of regional impact resolutions, special exceptions, variances; and major site plans;
 - Requires pre-application conferences for more complex development applications;
 - Clarifies when an application is complete, and when formal review timelines are initiated;
 - Consolidates public notice requirements;

- Establishes a common set of rules that apply to all post-decision development orders and other approvals (amendments, expiration, etc.);
- Streamlines and modifies certain application-specific review procedures; and
- Adds or codifies several new procedures.

The suggested development review procedures for the new LDC are summarized in Table 1.7.2: Estero Suggested Development Review Procedures, and are discussed in more detail after the table.

TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES						
A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop ¹
Discretionary Approval						
Comprehensive Plan Amendment	<D>	<R>		S		W
Development of Regional Impact (DRI) #	<D>	<R>		S		W
Zoning District Map Amendment (Rezoning)#²	<D> ³	<R>		S		W
Planned Development (Rezoning) #	<D>	<R>		S		W
Development Agreement	<D>	<R>		S		
Special Exception	<A> / <D> ⁴	<D>		S		W
Site Development						
Development Order/Site Plan						
Development Order/Site Plan #	<A>		<D>	S		W
Minor Amendments				S	D	
Limited Development Order/ Minor Site Plan⁵	<A>			D		W
Minor Amendments				S	D	
Plat Review	<D>			S ⁶		
Vacation of Easement, Right-of-Way, or Plat	<D>			S		
Concurrency						
Certificate of Concurrency Compliance⁷				D		
Certificate of Concurrency Exemption⁷				D		
Concurrency Variance Certificate⁷				D		
Historic Preservation						
Regular Certificate of Appropriateness			<D> ⁸	S		
Special Certificate of Appropriateness			<D> ⁸	S		
Density Bonus						
Density Bonus	<D>			S		

II. Diagnosis

Theme 1: Create a User-Friendly Code

TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop ¹
Permits						
Commercial Building Repainting Permit			<D>			
Driveway/ Right-of-Way Permit⁹						
Sign Permit			<D> ¹⁰	D/S		
Temporary Use Permit (includes Special Events)		<A> / <D> ¹¹		D/S ¹¹		
Tree Removal/Vegetation Removal Permit				D		
Building Permit¹²						
Relief						
Variance						
Variance for Flood Hazard		<D>		S		
Variance for Zoning	<A> / <D> ¹³	<D>		S		W
Deviation						
Major Deviation	<A>	<D>	<D>	S		
Minor Deviation	<A>			D		
Appeal of Administrative Official	<A>					
Vested Rights	<D>					
Interpretation						
Interpretation	<A>			D		
NOTES 1. Workshops are conducted by the body with decision authority; however, at the discretion of the Village Manager, a workshop for any type of development application may be required and conducted by the Planning & Zoning Board (see Ordinance 15-01). 2. This is a quasi-judicial process for site-specific map amendments. 3. For (map amendments) rezonings of n ten acres or more, initiated by the Village, the Council is required to conduct two public hearings 4. A special exception as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning. 5. Development orders/site plans are decided by the DRB; limited development orders/site plans are decided by the Community Development Director. New thresholds for development orders/site plans and limited development orders/site plans will be established, and the threshold for limited development order/site plan are proposed to be increased. (Applications currently eligible for a limited development order will be incorporated into limited development order/site plan review. Current LDO eligible actions listed in Sec. 10-174 include: improvements determined by the director to have no impacts on public facilities; addition or enlargement of impervious area where total impervious area does not exceed 2,500 square feet; outdoor recreation facilities provided total cumulative impervious area does not exceed 5,000 square feet; Improvements with insignificant impacts on public facilities, installation of new utility lines, or improvements to a County-maintained road right-of-way; and subdivision of						

TABLE 1.7.2: ESTERO SUGGESTED DEVELOPMENT REVIEW PROCEDURES

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required
 #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop ¹
<p>land into two lots or less meeting 11 specific criteria).</p> <p>6. Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney</p> <p>7. The Community Development Director makes the decision as a part of the development order process.</p> <p>8. It is recommended the Village create a Historic Preservation Board, and that the DRB act as the Historic Preservation Board.</p> <p>9. Decided by Public Works.</p> <p>10. The DRB reviews monument signs only.</p> <p>11. For special events (permitted as a temporary use), with an expected attendance threshold, for example at least 300-400 people, the permit is decided by the Planning and Zoning Board instead of the Community Development Director. The Director provides staff review.</p> <p>12. A building permit is decided by the Building Official. The procedure is in the Building Code.</p> <p>13. A variance as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.</p>						

1.7.2.1. CONSOLIDATE PROCEDURES INTO ONE ARTICLE

As discussed in Section 1.1, Make the Structure More Logical and Intuitive, we suggest locating all procedures for development review in one article, Article 2: Administration. The article would include standard procedures common to all development applications, as well as review standards and any special rules for individual development applications (where relevant).

1.7.2.2. ESTABLISH A SET OF STANDARD PROCEDURES

Currently, the elements common to the development review process are addressed separately for each different type of development application, resulting in redundancy and inconsistencies. To address this problem, modern codes establish a set of standard review procedures that apply to all development applications. We suggest a set of standard procedures that addresses review requirements relevant to all development applications be included in the new LDC. The types of procedural requirements included in the standard procedures section would address:

- Who has authority to submit applications;
- Pre-application conferences;

II. Diagnosis

Theme 1: Create a User-Friendly Code

- Public information workshops;
- Reference to the establishment of application fees and a review schedule (which will be located outside the LDC);
- Completeness determination provisions;
- Rules governing preparation of the staff report;
- Public notification and public hearing requirements;
- Deferral and withdrawal of applications;
- Procedures for review and approval of applications by staff, the review boards, and the Village Council (including the imposition of conditions of approval);
- Appeals;
- Post-decision actions and notifications;
- Amendments; and
- Expiration and lapse of approval.

The transitional LDC includes many of these provisions, but they are established under individual development application procedures.

1.7.2.3. REFINE USE OF PUBLIC INFORMATION WORKSHOPS

The transitional LDC requires the Planning and Zoning Board to conduct public information workshops prior to the public hearings on applications for:

- Comprehensive plan amendments;
- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Any other application for which the Village Manager determines a public information meeting should be conducted.

It requires the Design Review Board (DRB) to conduct public information workshop meetings prior to making a decision on any development order/site plan.

The Village recommends that workshops be conducted prior to application submittal; however, there are currently no binding standards on timing. There is currently no specific notice requirement. At the workshop, the applicant is required to provide a detailed overview of the development proposal, answer questions, and provide documents and information relevant to the review of the development proposal.

We suggest the Village consider making refinements to this procedure by requiring public information meetings prior to application submission for:

- Comprehensive plan amendments;
- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Development orders/site plans only.

Other suggested refinements are to clarify the purpose of the meetings in the regulations, establish basic requirements for what must be made available by the applicant to the public about the development proposal, establish basic ground rules for how the meetings should be conducted including timing and public notice requirements, require the applicant to submit a summary of the issues discussed at the meeting (which would be part of the public record), require the summary to be part of the application submittal, and allow any person in attendance at the meeting to submit a written response to the applicant's summary (which would also become part of the public record).

1.7.2.4. PRE-APPLICATION CONFERENCE

The transitional LDC requires a pre-application conference be conducted with staff before submission of an application for

II. Diagnosis

Theme 1: Create a User-Friendly Code

mining facilities,² and encourages (but does not require) pre-application conferences for planned developments and wireless communications facilities.³ Pre-application conferences are optional for all other applications.⁴

Best practices suggest that conducting a pre-application conference between a potential applicant and staff, especially for a more complex development proposal, is an effective way to expedite the development review process. Encouraging potential applicants to meet informally with staff to present conceptual plans and get staff input prior to submittal of an application helps address substantive issues and procedural requirements before significant time and expense are invested in preparing or processing applications. We suggest the Village consider including a pre-application conference requirement in the new LDC for:

- Planned developments;
- Map amendments (rezonings);
- Special exceptions;
- Variances; and
- Development orders/site plans.

Pre-application conferences would be encouraged for other applications that require a public hearing. The provision would also clarify the purpose of such meetings, set basic ground rules if a pre-application conference is conducted, and explain the effect of the meetings (i.e., discussions are not binding on the Village and processing times do not start until a formal application is submitted and accepted).

1.7.2.5. APPLICATION COMPLETENESS DETERMINATION

In the transitional LDC, staff is charged with the intake of applications and then determining whether the application is

² See Sec. 34-372 (planned developments and mining facilities) (however, there is no mining planned development in the Village).

³ See Sec. 34-1445(a), wireless communications facilities.

⁴ Currently, upon an applicant's request, staff does meet with an applicant before an application is submitted. In many respects, this provision would codify current practices.

complete.⁵ For actions that require public hearings, the Department begins review of an application for completeness (or in the case of planned developments, sufficiency) only when the Department receives a complete application form, all required documents, and the filing fee.⁶ The language in the transitional LDC is fairly general about how a completeness review is determined.

We suggest the new LDC make it express in the standard procedures that all applications will be reviewed and determined “complete” for review, before formal review of the application will begin. What this means is the new LDC would include a subsection in the standard procedures authorizing the Community Development Director (or a designee) to review submitted applications to determine whether they are “complete.” The provision would apply to selected development applications and state that application processing does not begin until after a formal determination that the application is “complete.” Completeness means all relevant and appropriate application submittal requirements are received and the appropriate fees are paid.

The Community Development Director would be given a specific number of working days to review and make a “completeness” determination. After this review, the Community Development Director either notifies the applicant the application is “complete,” and processing of the application will begin, or returns the application to the applicant as “incomplete,” with written notice of the deficiencies. The applicant is then given a specific amount of time within which to resubmit a revised application. If it is not submitted within that timeframe, the application is considered withdrawn. The clock does not start running for staff review of an application until the application is determined “complete.” Once accepted, there is an expectation that the review will progress at a reasonable pace.

⁵ See Sec. 10-1(b).

⁶ See Sec. 34-201(b).

II. Diagnosis

Theme 1: Create a User-Friendly Code

1.7.2.6. CONSOLIDATE PUBLIC NOTIFICATION REQUIREMENTS

The transitional LDC generally consolidates the public notification provisions in several sections of the code (see Secs. 34-202 and 34-236), with several exceptions.⁷

We suggest all public notification requirements be consolidated into one subsection in the standard procedures section, and shown in a table, to the extent possible. During the drafting of consolidated public notification requirements, the required days of advance notice and when public documents will be available should be made consistent, if possible. An example of how this was done in another community's code—and how it is suggested to be done in the new LDC—is shown below.

TABLE 3.3.E.3: PUBLIC HEARING NOTICE TIMING REQUIREMENTS ¹			
APPLICATION TYPE	PUBLISHED NOTICES	NOTICE TIMING REQUIREMENT	
		MAILED NOTICES	POSTED NOTICES
Text Amendment to revise other than Principal Use Table	Publish notice of City Commission public hearing at least 10 calendar days before the hearing		
Text Amendment to revise Principal Use Table	Publish notice of first City Commission public hearing at least 7 calendar days before the hearing		
City-initiated General, Site-Specific, or Historic Overlay Zoning District Map Amendment to reclassify 10 or more contiguous acres	Publish notice of second City Commission public hearing at least 5 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing on a nomination proposal at least 10 calendar days before the hearing date ²	
City-initiated General, Site-Specific, or Historic Overlay Zoning District Map Amendment to reclassify parcel(s) involving less than 10 contiguous acres	Publish notice of City Commission public hearing at least 10 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing at least 10 calendar days before the hearing date ² Mail notice of City Commission public hearing at least 30 calendar days before the hearing	Post notice of City Commission public hearing on site at least 10 calendar days before the hearing
General, Site-Specific, or Historic Overlay Zoning District Map Amendment initiated by any person other than the City	Publish notice of City Commission public hearing at least 10 calendar days before the hearing	Mail notice of any Historic Preservation Board public hearing at least 10 calendar days before the hearing ²	
Planned Development		Mail notice of City Commission public hearing at least 15 calendar days before the hearing	
Special Use Permit			
Public or Semipublic Use Permit			

Example Partial Table from Dania Beach, FL

⁷ Notice of public hearings is required for hearings before the historic preservation board in Section 22-203(2). Written notice of an application for a private landing strip is required to be sent by certified mail to property owners in Section 22-203(e)(7).

1.7.2.7. SPECIFIC STREAMLINING PROCEDURES

Efficient development review procedures make a development code more user-friendly. Our review of the current procedures in the transitional LDC suggests there is opportunity to improve procedural efficiency by streamlining several review procedures, deleting several procedures, and creating several new ones. The proposed changes are identified in Table 1.7.2: Estero Proposed Development Review Procedures, and summarized below.

1.7.2.7.(A) Planned Development Procedures

The intent of planned developments is to offer an applicant flexibility from the zone district regulations and development standards in return for greater development quality, to identify the specific uses allowed, and in some instances to encourage preferred development types (e.g., walkable urbanism; better pedestrian, vehicular, and bicycle connections; better tree protection; more open space; etc.). The majority of current developments in Estero have been approved as planned developments.

The planned development procedures in Chapter 34, Article IV of the transitional LDC, while complex, have served the community well. They provide flexibility to vary standards, and require that the development includes a master plan to provide zoning regulations and the overall plan for development for the PD. Table 3.1.3: Proposed Zone District Structure, identifies the planned development procedures that are proposed to be carried forward in the new LDC. In the drafting stage, we will review the current procedures and standards, and make refinements, where appropriate, to streamline development review.

1.7.2.7.(B) Rename Development Order/Site Plan, Establish Different Procedure for Development Order/Site Plan and Limited Development Order/Minor Site Plan, and Increase Threshold for Limited Development Order/Minor Site Plan

The development order and limited development order procedures in the transitional LDC involve the review and evaluation of a site plan for a proposed development to ensure it complies with the applicable standards and other

II. Diagnosis

Theme 1: Create a User-Friendly Code

requirements of the LDC. In most development codes, this procedure is called site plan review, since it requires an applicant to submit and have reviewed a site plan of proposed development.

We suggest the new LDC change the name for the development order procedure to development order/site plan, since it more accurately characterizes the type of review carried out. We also suggest that the procedures in the new LDC include two types of site plan review: development order/site plan review and limited development order/ minor site plan review.⁸ Development order/site plan would consist of projects above a certain size. They would be reviewed and decided by the DRB (with appeals taken to the Village Council). All other proposed development, unless exempted, would be considered a limited development order/minor site plan, and would be reviewed and decided by the Community Development Director (with appeals to the Village Council).⁹

1.7.2.7.(C) Modernize and Update Procedure for Deviations

Administrative adjustments or deviations are typically used to adjust setbacks by a minor amount as a means of protecting resources, adjust height limits without affecting compatibility, preserve local development contexts like building façade rhythms, or allow minor adjustments to development standards (e.g., off-street parking or landscaping standards) without affecting development quality. In addition to measureable thresholds identifying maximum adjustment or deviation amounts, the provisions also have clear standards of approval and rules governing expiration and amendment to help ensure the provision is not abused. They are accomplished outside of the variance process, and as such, do not require the applicant to demonstrate “hardship.”

In the transitional LDC, administrative deviations are possible for 23 specific subjects listed in Sec. 10-104(a), mostly related to engineering and infrastructure provisions, and for parking

⁸ Another possible name for “limited development order / minor site plan” is “minor development order / minor site plan.” The appropriate term will be chosen during drafting.

⁹ All projects that are considered subject to limited development in the transitional LDC would be subject to limited site order/minor site plan review.

area landscaping and commercial site design. The Community Development Director makes a decision based on specific standards included in the section.

In addition, the DRB has authority to decide deviations that impact building appearance or design. No threshold limitations are included about the degree or size of the deviations that can be approved. Additionally, this general standard is subject to multiple interpretations, and consequently there is a degree of uncertainty about exactly what type of deviations the DRB can decide.¹⁰ Finally, the Planning and Zoning Board also has authority to decide requests for deviations of building or structure height.

In many respects, these multiple levels of deviations are complex, and in some instances difficult to administer and understand. They are also not bounded as tightly by specific thresholds and standards as those in most modern development codes.

We suggest the Village consider revising and clarifying these deviation procedures by establishing a two-tier procedure for deviations: minor deviations and major deviations. Minor deviations would be decided by the Community Development Director (or a designee) and major deviations would be decided by either the Planning and Zoning Board or DRB.

Even though the complete list of what constitutes a minor deviation or major deviation would need to be specifically defined at the drafting stage, minor deviations might include the deviations currently identified in Section 10-104(a), along with deviations of the following standards by up to 10 percent, subject to specific review standards:

- Other dimensional standards;
- Other off street parking space standards;
- Other landscaping standards; and

¹⁰ In some because of this lack of clarity, the Community Development Director has had to make interpretations about whether certain types of deviations can be considered by the DRB.

II. Diagnosis

Theme 1: Create a User-Friendly Code

- Targeted design standards, like fenestration or modulation of façades.

Major deviations would specifically focus on deviations to the above standards by over ten and up to 15 percent, and possibly other specific design and form standards which are not subject to review as minor deviations.

1.7.2.7.(D) Include Procedure for Development Agreements

The transitional LDC allows the Village Council to enter into development agreements in accordance with Secs. 163.3220-163.3243, Fla. Stat., the Florida Local Government Development Agreement Act.¹¹ Currently development agreement applications are controlled by provisions in an administrative code (see Section 2-96). Since there is a reasonable possibility the Village Council might decide to enter into a development agreement in future years, we suggest a development agreement procedure be included in the new LDC.

¹¹ See Secs. 2-91 through 2-140.

Theme 2: Implement the Comprehensive Plan

2.1. Introduction

The Florida statutes and laws require that a local government land development code be consistent with and implement an adopted comprehensive plan. The Village officially adopted its first comprehensive plan, the Estero Comprehensive Plan, on June, 13, 2018. The plan includes a number of goals and policies. The key goals that need to be implemented in the new LDC include:

- Supporting higher density, walkable, mixed-use places in appropriate locations in the Village (the Village Center and Transitional Mixed-Use areas) ;
- Strengthening connections for pedestrians, vehicles, and bicycles;
- Enhancing architectural, form, and design standards for mixed-use, commercial, and multifamily development;
- Supporting connections between public parks, sensitive lands, and open space set-asides;
- Encouraging sustainable development practices; and
- Strengthening flood protection and storm water management standards.

Each will be implemented. The following sections summarize the specific plan goals and policies that establish these directives, and then identify the actions that will be taken in the new LDC to implement each of the policy directives.

2.2. Create Higher Density, Walkable, Mixed Use Urban Centers in Appropriate Locations

Policies in the comprehensive plan direct that the new LDC establish regulations that support and encourage the development of higher density, mixed-use, urban centers in several locations – in the Village Center (FLU 1.2.1 and 1.2.10) and the Transitional Mixed-Use (FLU 1.2.1 and 1.2.8) areas identified in the plan. The Village has implemented the policies related to development of the Village Center through the Estero planned development district, which will be carried forward, with refinements, as appropriate. It is suggested the Village consider implementing the policies related to the Transitional Mixed-use area, in part, through the establishment of a new Village Mixed-Use District (see Section 3.1.3, Proposed Zone District Structure).

2.3. Strengthen Connections for Pedestrians, Vehicles, and Bicycles

Policies in the comprehensive plan direct that development practices encourage and support a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways (TRA 1.2.2). The system should provide connections between neighborhoods, commercial and mixed-use centers; enable multi-modal transportation access; and where feasible, provide connections between adjacent uses. It is suggested the Village consider implementing this plan direction in the new LDC by adding a set of mobility, circulation, and connectivity standards that require and encourage new development to provide a variety of connections for pedestrians, bicycles, and vehicles, between and within developments (see Section 4.1, Mobility and Connectivity Standards; Section 4.2, Off-Street Parking, Loading, and Bicycle Standards; and Section 4.6, Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development).

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

The comprehensive plan recognizes that high quality architecture and building design is a hallmark of the Village, and architectural, form, and design standards play a key role in ensuring this tradition is carried forward. Policies in the plan include supporting horizontal and vertical mixed-use areas with a form and design that unifies “live, work, play, and shop” destinations through higher densities, walkable urbanism, and incentives that result in reduced parking and buffer requirements (FLU 1.9.1). These types of development are also to be supported with a circulation system that connects residential and nonresidential areas for both automobile and non-automobile trips (FLU 1.9.2). The plan is also clear that development is to be of high quality, including incorporating elements from historic structures into new future architectural design (HOU 1.3.3). It is suggested the Village consider implementing this plan direction in the new LDC through the refinement and enhancement of the current architectural, form, and design standards (see Section 4.6, Architectural, Form, and Design Standards for Multifamily, Commercial, and Mixed-Use Development).

2.5. Support and Encourage Connections Between Public Parks/Sensitive Lands and Open Space Set-Asides on Private Lands

Comprehensive plan policy TRA 1.2.2 C directs that development practices should result in corridors linking neighborhoods to each other, and corridors linking public parks, and public facilities with Estero Community Park, the Estero River, Koreshan State Park, and Estero Bay Preserve. This plan direction can be achieved through a combination of land acquisition by the Village in conjunction with regulations in the new LDC that require establishment of pedestrian connections and greenways along identified corridors through open space set-aside standards (see Section 4.1, Mobility and Connectivity Standards; and Section 4.5, Comprehensive Open Space Set-Aside Standards).

2.6. Support and Encourage Sustainable Development Practices

Policies in the comprehensive plan direct the promotion of Florida-friendly and xeriscape landscaping (CCM-1.10.4), strengthening tree protection requirements (CCM-1.6.2), and encouraging the use of clean fuels and alternative energy (CCM-1.11.1). In addition, during the kick-off meetings, a number of community members supported the idea of the new LDC encouraging and supporting sustainable development practices generally. The Village might consider implementing this plan direction and general goal in the new LDC through:

- Strengthened tree protection standards (see Section 4.4, Tree Protection Standards);
- The encouragement of Florida-friendly and xeriscape landscaping (4.3, Landscaping and Buffer Standards);
- New sustainable development standards and incentives (Section 4.9, Standards and Incentives for Sustainable Development Practices); and
- Strengthened flood protection and storm water management standards (Section 2.7, Strengthen Flood Protection and Stormwater Management Standards).

2.7. Strengthen Flood Protection and Stormwater Management Standards

The Village's location in southwest Florida subjects it to conditions that may cause flooding during storms. The comprehensive plan recognizes this vulnerability and contains policies relevant to strengthening the flood protection and stormwater management standards of the new LDC. These include restoring natural flow-ways and drainage systems (INF 1.1.4), requiring stormwater management systems for redevelopment (INF 1.1.5) and when rebuilding after destruction by natural forces (FLU1.7.2), protecting potable water wellfields (INF 1.2.1), reducing flood risk in coastal areas through tools such as green streets and ecological asset protection (CCM 1.3.10), and preparing and implementing a new Stormwater Master Plan (INF 1.1.2 and INF 1.1.3).

The Village is in the process of preparing a new Stormwater Management Plan. The plan will include recommendations on development standards related to flood protection and stormwater management. The policy directives in the plan can be implemented by including the regulatory actions directed in the new Stormwater Management Plan in the new LDC.

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

- One special purpose district.
- Zone district categories with purpose statements and (if applicable) standards that apply to all districts within the category;
- Consolidation of certain districts where they achieve similar purposes, allow similar uses, and establish similar rules;
- Deletion of a number of districts that are not relevant or needed in the Village;
- Establishment of several new business districts to implement the comprehensive plan and establish a logical array of commercial and mixed-use development options in the Village, including:
 - A Neighborhood Commercial (NC) district that will provide lands for small-scale neighborhood serving uses in close proximity to, and within, residential neighborhoods;
 - An Urban Corridor Redevelopment (UCR) District, to replace the current C-1 district in order to encourage and support high quality commercial, mixed-use, and moderate density residential redevelopment on C-1 zoned lands;
 - A new Office-Mixed-Use (O-MX) District to support high quality stand-alone office development, as well as mixed-use development that includes offices; and
 - A Village Mixed-Use (VMX) District, that implements the policy direction in the comprehensive plan; and
- Modernization of the format of all the districts to better communicate their character and the zone district regulations.

As background, it is important to understand that, in considering how best to restructure the zone districts, a systematic evaluation was conducted that involved:

- First, evaluation of the current zone district structure;
- Second, evaluation of land use policy direction and future land use classifications in the comprehensive plan; and

- Third, consideration of the other key goals for the update project, in particular the desire to make the current regulations more user-friendly and efficient.

This analysis is summarized below in Section 3.2.1, Overview of Current Zone Districts. Based on these considerations, the proposed structure for the zone districts is outlined and discussed in Section 3.2.2, Proposed Zone District Structure. The section concludes with suggestions about how to reorganize and simplify the system for classifying and establishing uses and use-specific regulations (see Section 3.2.5, Identify and Classify Uses in a Simpler and More Flexible Way) and how to improve the organization of zone regulations generally (see Section 2.2.3, Modernize Format of Zoning Districts).

3.1.2. OVERVIEW OF CURRENT ZONE DISTRICTS

The transitional LDC includes 79 zone districts:

- 54 base zone districts;
- Three special purpose districts;
- 13 planned development districts; and
- Eight redevelopment or community overlay districts (of which, only two apply in the Village)¹³.

3.1.2.1. BASE DISTRICTS

The 54 base districts consist of three agricultural districts, 21 residential districts, four recreational vehicle park districts, four community facility districts, 16 commercial districts, three marine-oriented districts, and three industrial districts. See Table 3.1.2.1: Base Zone Districts in Transitional LDC.

¹³ The Corkscrew Road Redevelopment and US 41 Redevelopment Overlay Districts apply within the Village. Page Park Community, Malatcha Residential, Malatcha Historic, Caloosahatchee Shores Olga Planning Community, Caloosahatchee Shores State Route 80 Corridor, and San Carlos Island Redevelopment Overlay Districts apply outside the Village.

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC

These Districts	are not currently used in Estero
These Districts	are currently only used in Estero in rare instances
District	Purpose Statement
Agricultural Districts	
Provides for agricultural operations, with residential uses permitted as ancillary to agriculture. Also accommodates compact communities as long as agricultural or natural lands are protected.	
AG-1: Agricultural	Provides for agricultural operations, with residential uses permitted as ancillary to agriculture. Also accommodates compact communities as long as agricultural or natural lands are protected.
AG-2: Agricultural	
AG-3: Agricultural	
Residential Districts	
Permit various types of residential units at various densities in the urban service area where infrastructure exists or can feasibly be extended, and lower-density single-family and mobile homes in nonurban areas.	
RSC-1: Residential Single-Family Conservation	Allows existing single-family dwellings; lots, structures, and uses that do not conform to the requirements of other single-family residential districts; and the residential use of lawfully existing nonconforming lots (minimum lot size smaller than RSC-2 at 4,000 square feet).
RSC-2 Residential Single-Family Conservation	Allows existing single-family dwellings that do not conform to the requirements of other single-family residential districts; and the residential use of lawfully existing nonconforming lots (minimum lot size larger than RSC-1 at one acre).
RSA	Allows all uses permitted by right in RSC-1 or RSC-2 districts. Minimum lot size is 6,500 square feet.
RS-1: Residential Single-Family	Allows for detached, single-family dwellings at varying lot sizes ranging from 7,500 square feet (RS-1) to two acres (RS-5).
RS-2: Residential Single-Family	
RS-3: Residential Single-Family	
RS-4: Residential Single-Family	
RS-5: Residential Single-Family	
TFC-1: Residential Two-Family Conservation	Accommodates and protects existing two-family units and lots that do not conform to other district regulations. These districts are not available for new development.
TFC-2: Residential Two-Family Conservation	
TF-1: Residential Two-Family	Allows conventionally built duplex, two-family, and single-family dwellings.
RM-2: Residential Multiple-Family	Allows a variety of residential use types for development which is not part of a planned development, or which falls below the requirements for residential planned developments.
RM-3: Residential Multiple-Family	
RM-6: Residential Multiple-Family	
RM-8: Residential Multiple-Family	
RM-10: Residential Multiple-Family	
MHC-1: Mobile Home Conservation Residential	Allows and protects mobile home developments lawfully developed under the 1962 or 1968 zoning regulations (MHC-1 or MHC-2) that do not conform to other mobile home districts.
MHC-2: Mobile Home Conservation Residential	
MH-1: Mobile Home Residential	Allows mobile homes with residential lot sizes ranging from 7,500 square feet (MH-1) to 5,000 square feet (MH-2).
MH-2: Mobile Home Residential	
MH-3: Mobile Home Residential	Allows mobile homes in mobile home communities with more moderate densities and larger lot sizes (21,000 square feet in MH-3 and 40,000 square feet in MH-4).
MH-4: Mobile Home Residential	
Recreational Vehicle Districts	
Allows recreational vehicle (RVs) for temporary or seasonal vacationers.	
RV-1	Allows recreational vehicle (RVs) for temporary or seasonal vacationers. These districts use less space per vehicle than the mobile home districts per dwelling (2,000 square feet in R-3, the only existing RV district in the Village).
RV-2	
RV-3	
RV-4	
Community Facilities Districts	
These districts allow community service uses, government facilities, parks, group homes, schools, and some medical facilities	
CF-1	Provides lands that accommodate community service uses, government facilities, parks, group homes, schools, and some medical facilities.
CF-2	

TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
CF-3	
CF-4	
Commercial	
Allows for a broad range of different types of commercial uses in a variety of context (neighborhood serving, community serving, general, highway, tourist, special). Also allows for continuance of certain uses/structures that existed on August 1, 1986, that were permitted under 1962County Zoning Regulations (amended 1978). Except for the purpose of accommodating existing development, prevents rezoning of parcel ten acres or greater in size to one of the base commercial districts.	
C-1A: Commercial	Allows continuance of commercial and certain residential uses/structures permitted under 1962 Lee County Zoning Regulations (amended 1978) that lawfully existed on August 1, 1986.Prevents land to be rezoned to this district after February 4, 1978.
C-1: Commercial	
C-2: Commercial	
C-2A: Commercial	Allows for continuation of most commercial and residential uses in the C-2 district (but not industrial and manufacturing uses). This district is not available to landowners through normal procedures, but shall be used only by the Village Council on its own initiative to achieve the purpose stated in this subsection.
CN-1: Neighborhood Commercial	Allows small-scale commercial uses within or adjacent to residential areas. States substantial buffering and other design techniques will be used to prevent negative impacts on residential lands.
CN-2: Neighborhood Commercial	Allows CM-1 uses and consumer-oriented commercial uses (food, drugs, sundries, hardware personal services, and similar items) of moderate scale, including neighborhood shopping centers. Allows greater floor area and serves a broader market area than CN-1.
CN-3: Neighborhood Commercial	Allows broad range of small-scale retail, office and personal service uses adjacent to and within residential areas without the need to obtain CPD (Commercial Planned Development) zone district designation.(District is especially designed for Lehigh Acres).
CC: Community Commercial	Allows medium- to large-scale consumer-oriented commercial uses, particularly for community or regional shopping centers. In addition to retail sales, district also allows wide range of services, including financial, business, and professional offices, all arranged in discrete commercial centers or evolving business districts. They have a greater floor area than development in the CN districts. Buffering is required, along with designed gradients of intensity adjacent to less intense uses.
CG: General Commercial	Allows consumer-oriented commercial uses at a scale which is not suited for CN or CC districts. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.
CS-1: Special Commercial Office	Allows standard office uses, and a minimum level of retail sales and personal services uses to provide convenient access to goods and services for the offices. While uses in the district typically require easy access from arterial or high-volume collector roads, the district is intended to separate and buffer residential and other low/medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.
CS-2: Special Commercial Office	Allows t standard office uses, and other low-impact uses that can be allowed by special exception. The district is intended to be used to separate and buffer residential and other low- or medium-intensity uses, such as schools or parks, from higher-intensity commercial and light industrial uses.
CH: Highway Commercial	Allows commercial uses along major highways. The market for such uses is presumed to consist of transient visitors rather than residents or long-term visitors to the Village.
CT: Tourist Commercial	Allows commercial uses and services, and accommodations (includes housing and recreation facilities), that primarily serve tourists, other visitors, and short-term or seasonal residents. Lands designated CT are expected to be located near or adjacent to an attractor of tourism such as gulf beach frontage, theme parks, major public or private parks, and other recreational or scenic resources.
CP: Commercial Parking	Allows for the provision of automobile parking subordinate to other uses on other parcels of

II. Diagnosis

Theme 3:Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.2.1: BASE ZONE DISTRICTS IN TRANSITIONAL LDC

These Districts	are not currently used in Estero
These Districts	are currently only used in Estero in rare instances
District	Purpose Statement
	land where it is not appropriate to permit the full range of uses allowed by the district.
CI: Intensive Commercial	Allows commercial uses which have similar needs as industrial uses. They include warehousing, distribution and transportation of goods. The CI district is intended to be located between consumer-oriented commercial and light industrial uses.
CR: Rural Commercial	Allows limited commercial uses in the nonurban areas of the Village. It should be small-scale and neighborhood-oriented in character and uses allowed, and provide other goods and services specific to rural productive activities, such as farming or ranching. The standard of physical development must be or closely approximate that of a minor commercial development as set forth in standard Section 6.1.2.1 of the Lee Plan.
Marine-Oriented Districts	
CM: Commercial Marinas	Allows commercial marinas and other uses incidental to marinas. The principal uses are limited to waterfront-dependent uses required for the support of recreational boating and fishing.
IM: Industrial Marine	Allows commercial and industrial waterfront-dependent uses (.boatbuilding, major hull and engine maintenance/repair, icing and shipping of fish and seafood (fish and seafood processing requires a special exception), and other uses of similar scope and scale). Uses are more intense than those encountered in a recreational marina, but do not include storage and commodity handling facility uses, and equipment attendant to waterborne commerce movement uses found in the PORT district.
PORT	Allows waterborne commerce movement, including, but not limited to wharfs and docks for sea- and river-going bulk carriers (ships and barges), bulk storage of commodities, warehousing for goods received or awaiting shipment, and other similar uses.
Industrial Districts	
IL: light Industrial District	Allows variety of light industrial and quasi-industrial commercial uses.
IG: General Industrial District	Allows various heavy industrial uses which potentially produce extensive adverse impacts on surrounding uses or resources. The uses produce noise, odors or increased hazards of fire, and are generally incompatible with lower-intensity land uses.
IR: Rural Industrial District	Allows limited industrial uses in nonurban areas. Uses are limited to industrial uses having a close relation to agricultural products, or produce goods or provide services essential to agriculture.

3.1.2.1. SPECIAL PURPOSE DISTRICTS

The three special purpose districts are summarized in Table 3.1.2.1: Special Purpose Districts in the Transitional LDC. Their purpose is to provide lands to accommodate certain types of uses and conditions which do not normally occur within the other districts in the transitional LDC.

TABLE 3.1.2.1: SPECIAL PURPOSE DISTRICTS IN THE TRANSITIONAL LDC

These Districts	are not currently used in Estero
These Districts	are currently only used in Estero in rare instances
District	Purpose Statement
ECD: Environmentally Critical District	Preserves and protects certain lands and waters areas in the unincorporated county which have important ecological, hydrological or physiographic importance. The application of the EC district is intended to prevent a public harm by precluding development that adversely impacts lands in their natural state and otherwise adversely affects a defined public interest.
Airport Compatibility District	The purpose of this district is to establish protection around SWFIA and Page Field in accordance with state and federal law. It addresses height obstructions, airport hazards, wildlife attractants,

TABLE 3.1.2.1: SPECIAL PURPOSE DISTRICTS IN THE TRANSITIONAL LDC

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
	noise, runway protection zones, light emissions, reflectivity and power interference, aircraft overflights, and public investment in air transportation facilities. ¹⁴
PUD: Planned Unit Development District	Parts of the old PUD regulations are retained in this district to allow completion of these developments which received preliminary approval prior to August 1, 1986. Subsequent to September 30, 1985, no application for preliminary approval of a planned unit development will be accepted. (Breckenridge, Wildcat Run, and The Vines are PUDs).

3.1.2.2. PLANNED DEVELOPMENT DISTRICTS

The 13 planned development districts are summarized in Table

3.1.2.1: Planned Development Districts in the Transitional LDC.

Only five of these districts are currently being used in Estero.

TABLE 3.1.2.1: PLANNED DEVELOPMENT DISTRICTS IN THE TRANSITIONAL LDC

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
AOPD: Airport Operations Planned Development	Accommodate lands where public airports and ancillary facilities are located.
CFPD: Community Facilities Planned Development	Accommodates governmental, religious and community service uses which support development throughout the community, but which, due to the size, intensity or nature of the use and the potential impact on adjacent development, roads or other infrastructure, is not allowed as a by-right use.
Compact PD: Compact Planned Development	Accommodates compact neighborhoods with shopping and workplaces nearby. The Compact PD is the sole subject of Chapter 32 Compact Communities, incorporating form-based provisions and traditional neighborhood design.
CPD: Commercial Planned Development	Accommodates the retail sale/distribution of consumer goods and services, financial services, and offices (including doctor's offices but not inpatient facilities).
EPD: Estero Planned Development	Accommodates development that is consistent with the specific goals and objectives for the Village Center Area in the comprehensive plan. Development in the PD should be pedestrian-friendly (walkable and bikeable), support a mix-use of uses at greater densities or intensities than elsewhere in the village, where appropriate preserve community history, and protect natural resources and the environment (particularly along the Estero River). The EPD contains four-tiers of sub-districts ranging in density from 6 dwellings per acre (Tier 1) to 21 dwellings units per acre (Tier 4), with additional density available when developments provide significant public benefits. Tier 4 is currently the same as a compact planned development.
IPD: Industrial Planned Development	Accommodates the manufacture and storage/distribution of goods/materials, and limited commercial uses intended to serve the employees/patrons of businesses, in a planned development context.
RPD: Residential Planned Development	Allows accommodation of increased residential density/ancillary development in rural or outer-island categories in the comprehensive plan, if the PD is independent of Village-subsidized facilities and services, and the project will not have adverse economic, environmental, fiscal or social impact on its surrounding or the Village.

¹⁴ The Airport Compatibility District is applicable only in the unincorporated portions of Lee County unless an interlocal agreement exists between a municipality and the county. While no interlocal agreement currently exists between the Village and the county with respect to this district, there is a small amount of land within the Village that should be subject to the district; currently, the Village solicits comments from airport staff on projects on these lands.

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.2.1: PLANNED DEVELOPMENT DISTRICTS IN THE TRANSITIONAL LDC

These Districts are not currently used in Estero	
These Districts are currently only used in Estero in rare instances	
District	Purpose Statement
RDP-CDP	Accommodates a planned development option in Pelican Landing only.
MEPD: Mine Excavation Planned Development	Accommodates mining uses/activities and resource extraction.
MHPD: Mobile Home Planned Development	Accommodates increased residential density for mobile homes/ancillary development in a planned development context, in rural or outer island categories in the comprehensive plan, if the PD is independent of Village-subsidized facilities and services, and will not have an adverse economic, environmental, fiscal, or social impact to its surroundings or the Village.
MPD: Mixed-Use Planned Development	Accommodates planned developments with a mix of uses in order to reduce the number of vehicular trips. A broad range of residential and nonresidential uses are allowed (including some low and moderate impact light industrial and manufacturing uses.
PRFPD: Private Recreational Facilities Planned Development	Accommodates private recreational facilities in a planned development context, in suitable areas within DR/GR (Density Reduction/ Groundwater Resource) areas. The DR/GR areas are meant to counterbalance existing rights to construction in Cape Coral and Lehigh Acres that have not yet been built, and contain much of the land east of I-75; they excluded the Village boundaries at the time of incorporation.
RVPD: Recreational Vehicle Planned Development	Accommodates all new recreational vehicle development and any expansion of an existing recreational vehicle development(required to be rezoned RVPD district).

3.1.2.3. OVERLAY DISTRICTS

There are eight redevelopment and community overlay districts. Their purpose is to support and encourage revitalization of redevelopment areas through master planning. This is done by the establishment of special development standards for the overlay district. Compliance with the standards is voluntary. Landowners have the option to either proceed under the redevelopment overlay standards, or the rules in the base zone district.

There are two redevelopment overlay districts in the transitional LDC that apply in the Village. They are:

- The Corkscrew Road Overlay; and
- The US 41 Overlay.

3.1.3. PROPOSED ZONE DISTRICT STRUCTURE

Based on this evaluation of the current zone district structure, land use policy directed in the comprehensive plan, and a key project goal of making the new LDC more user-friendly and efficient, we suggest the the Village consider restructuring the zone districts in the new LDC as outlined in Table 3.1.3: Proposed Zone District Structure. The table organizes the districts into the following groups:

- Base districts:
 - Agriculture Districts
 - Residential Districts
 - Recreational Vehicle Districts;
 - Business Districts;
 - Light Industrial Districts;
 - Special Purpose Districts;
- Planned Development Districts; and
- Overlay Districts.

The proposed changes are discussed in further detail following the table.

So the reader can better compare the current zone district structure to the proposed structure, the first column in the table outlines the current zone districts. Where current districts are proposed to be deleted or consolidated, that is noted. The listing of the districts under each group generally starts with the least intense districts, extending to the highest-intensity districts. In addition, so the reader can relate the proposed zone district structure to the Future Land Use Map (FLUM) categories in the Estero Comprehensive Plan, the final column in the table shows the corresponding comprehensive plan FLUM land use classifications that are being implemented by the proposed zone districts.

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
BASE DISTRICTS		
Agriculture Districts		
Agricultural district (AG-2)	Agriculture (AG) District	Wetland Conservation Urban Commercial Transitional Mixed Use Public Parks and Recreation Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2
Agricultural district (AG-3)		Village Neighborhood 1

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
Agricultural district (AG-1)	[DELETE]	District is currently not applied in the Village of Estero
Residential Districts		
Single -Family Districts		
Residential single-family conservation district (RSC-1)	Residential Single-Family Conservation (RSFC) District	Village Neighborhood 2
Residential single-family district (RS-1)	Residential Single-Family (RSF) District	Village Center Village Neighborhood 1 Village Neighborhood 2
Residential single-family conservation district (RSC-2)	[DELETE]	Village Neighborhood 1
Residential single-family district (RS-2)		Village Neighborhood 1
Residential single-family district (RS-4)		Districts are currently not applied in the Village of Estero
Residential single-family attached district (RSA)		
Residential single-family district (RS-3)		
Residential single-family district (RS-5)		
Residential two family conservation district (TFC-1)		
Residential two family conservation district (TFC-2)		
Two-family district (TF-1)		
Multiple-Family Districts		
Residential multiple family district (RM-2)	Residential Multiple Family (RMF) District	Wetland, Conservation Village Neighborhood 1 Village Neighborhood 2
Residential multiple family district (RM-3)	[DELETE]	Districts are currently not applied in the Village of Estero
Residential multiple family district (RM-6)		
Residential multiple family district (RM-8)		
Residential multiple family district (RM-10)		
Mobile Home Districts		
Mobile home conservation residential district (MHC-2)	Mobile Home Conservation (MHC) District	Village Neighborhood 1

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE

TABLE 2-11: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
Mobile home residential district (MH-1)	Mobile Home Small Lot (MHSL) District	Village Neighborhood 1 Village Neighborhood 2
Mobile home residential district (MH-2)		Conservation Village Neighborhood 1 Village Neighborhood 2
Mobile home residential district (MH-3)	Mobile Home Large Lot (MHLL) District	Village Neighborhood 1
Mobile home conservation residential district (MHC-1)	[DELETE]	Districts are currently not applied in the Village of Estero
Mobile home residential district (MH-4)		
Recreational Vehicle Districts		
Recreational vehicle district (RV-3)	Recreational Vehicle (RV) District	Wetland Conservation Village Center Village Neighborhood 2 Village Neighborhood 1
Recreational vehicle district (RV-2)	[DELETE]	Districts are currently not applied in the Village of Estero
Recreational vehicle district (RV-4)		
Community Facilities District		
Community facilities (CF)	Community Facilities (CF) District	Public Parks and Recreation Public Facilities Village Center
Business Districts		
	Neighborhood Commercial (NC) District [NEW]	
	Urban Commercial Redevelopment (UCR) District [NEW]	Urban Commercial Village Neighborhood 2
Community commercial district (CC)	Community Commercial (CC) District	Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1
	Office-Mixed-Use (OMX) District [NEW]	
	Village Mixed Use (VMX) District	

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
	[NEW]	
Commercial district (C-1A)	[DELETE]	Urban Commercial
Commercial district (C-1)		Urban Commercial Village Neighborhood 2
Commercial district (C-2)		Districts are currently not applied in the Village of Estero
Commercial district (C-2A)		
Neighborhood commercial district (CN-1)		
Neighborhood commercial district (CN-2)		
Neighborhood commercial district (CN-3)		
General commercial district (CG)		Transitional Mixed Use
Special commercial office district (CS-1)		District is currently not applied in the Village of Estero
Special commercial office district (CS-2)		Village Neighborhood 2
Highway commercial district (CH)		Districts are currently not applied in the Village of Estero
Tourist commercial district (CT)		
Commercial parking district (CP)		
Intensive commercial district (CI)		
Rural commercial district (CR)		
Marine-Oriented Districts		
Marine commercial district (CM)	[DELETE]	Districts are currently not applied in the Village of Estero
Marine industrial district (IM)		
Port district (PORT)		
Industrial Districts		
Light industrial district (IL)	Light Industrial (IL) District	TBD
General industrial district (IG)	[DELETE]	Districts are currently not applied in the Village of Estero
Rural industrial district (IR)		
PLANNED DEVELOPMENT DISTRICTS		
Residential planned development district (RPD)	Residential Planned Development (RPD) District	Wetland Conservation Transitional Mixed Use Village Neighborhood 1 Village Neighborhood 2
Community facilities planned development district (CFPD)	Community Facilities Planned Development (CFPD) District	Urban Commercial
Commercial planned	Commercial Planned	Wetland

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE

Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
development district (CPD)	Development (C PD) District	Conservation Urban Commercial Transitional Mixed Use Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2
Mixed use planned development district (MPD)	Mixed Use Planned Development (MXPD) District	Wetland Conservation Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1
Estero planned development	Estero Planned Development (EPD) District	Village Center
Compact planned development (Compact PD)	[Reference or create summary process for Compact PD District, so it is unnecessary to carry forward entire Compact PD regulations]	Village Center-Tier 4
RPD-CPD <i>(Pelican Landing is the only instance of RPD-CPD designation [reference: ZVL2014-00039])</i>	[Remove from district line-up, but recognize validity of approved RPD-CPD in Section 1.8, Transitional Provisions in Article 1: General Provisions (include there rules relevant to amendments and how to treat new development in the RPD-CPD)]	Urban Commercial Village Center Village Neighborhood 2
Mobile home planned development district (MHPD)	[DELETE]	Districts are currently not applied in the Village of Estero
Recreational vehicle planned development district (RVPD)		
Industrial planned development district (IPD)		
Airport operations planned development district (AOPD)		
Private recreational facilities planned development (PRFPD)		
Mine excavation planned		

II. Diagnosis

Theme 3:Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

TABLE 3.1.3: PROPOSED ZONE DISTRICT STRUCTURE		
Existing Zone Districts	Proposed Zone Districts	FLUM Designation Which District Implements
development district (MEPD)		
SPECIAL PURPOSE DISTRICTS		
Environmentally critical district (EC)	Environmentally Critical (EC) District	Conservation Public Facilities
Airport compatibility district	[Delete from district line-up since it only applies to a small area in the Village; require area where it applies to comply with district standards by referencing in Lee County LDC, or establishing supplementary standards (versus a district) in new LDC that incorporates relevant standards.]	Applies to any building that exceeds 125 feet in height
Planned unit development district (PUD)	[Remove from district line-up, but recognize validity of approved PUDs in Section 1.8, Transitional Provisions in Article 1: General Provisions (include in that section rules relevant to amendments and how to treat new development in approved PUD)]	Wetland Public Facilities Village Neighborhood 2 Village Neighborhood 1
OVERLAY DISTRICTS		
Corkscrew Road Redevelopment Overlay District	Corkscrew Road Redevelopment Overlay (CRR O) District	N/A
US 41 Redevelopment Overlay District	US 41 Redevelopment (US 41 O) Overlay District	N/A
San Carlos Island Redevelopment Overlay District	[DELETE]	District is currently not applied in the Village of Estero

3.1.3.1. BASE DISTRICTS

3.1.3.1.(A) Agriculture Districts

The Agricultural 2 (AG-2) District is carried forward, with refinements as appropriate, and renamed **Agricultural (AG)**

District. The uses allowed are more limited than in the current AG-2 and AG-3 districts and generally allow agriculture activities, single-family detached, and limited public and civic uses. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

3.1.3.1.(B) Residential Districts

The Residential Single-Family Conservation-1 District is carried forward, with refinements as appropriate, and renamed **Residential Single-Family Conservation (RSFC) District**. The dimensional standards are generally carried forward (with a minimum lot area of 4,000 sf). The current allowed uses are carried forward, with refinements as appropriate.

The Residential Single Family-1 District is carried forward with refinements as appropriate, and renamed **Residential Single-Family (RSF) District**. The dimensional standards are generally carried forward (with a minimum lot area of 7,500 sf). The current allowed uses are carried forward. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

The Residential Multiple Family District-2 is carried forward, with refinements as appropriate, and renamed **Residential Multiple Family (RMF) District**. The dimensional standards are generally carried forward (with the following minimum lot area standards for the following uses: single-family attached- 6,500 sf; duplex and townhouse- 7,500 sf (lot area per unit- 3,750); multifamily- 14,000 sf (lot area per unit -3,000); and nonresidential uses- 10,000 sf. The current allowed uses are carried forward. The maximum density for the district will be directed by the comprehensive plan; it will be placed in the new LDC.

The Mobile Home Residential Conservation -2 District is carried forward, with refinements as appropriate, and renamed **Mobile Home Conservation (MHC) District**. The current dimensional standards are carried forward (with a minimum lot area of 7,500 sf, which may be reduced to 3,750 sf if on central sewage system). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

The Mobile Home Residential-2 District is carried forward, with refinements as appropriate, and renamed **Mobile Home Small Lot (MHSL) District**. The current dimensional standards are carried forward (minimum lot area- 5,000 sf for residential uses). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

The Mobile Home Residential-3 District is carried forward, with refinements as appropriate and renamed **Mobile Home Large Lot (MHLL) District**. The current dimensional standards are carried forward and refined as appropriate (minimum lot area- 21,000 sf for residential uses). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

3.1.3.1.(C) Recreational Vehicle District

The Recreational Vehicle -3 District is carried forward, with refinements as appropriate, and renamed **Recreational Vehicle (RV) District**. The current dimensional standards are carried forward, with refinements as appropriate (minimum lot area- 2,000 sf). The current allowed uses are generally carried forward. The district recognizes the validity of existing mobile home parks in the Village with no increase in densities or other similar modification. Language in the LDC clarifies this zone district will not be applied to any additional lands in the future.

3.1.3.1.(D) Community Facilities District

The **Community Facilities (CF) District** is carried forward.

3.1.3.1.(E) Business Districts

The new **Neighborhood Commercial District (NC)** would be designed as a neighborhood serving district in which small-scale, neighborhood serving uses (e.g., restaurants, delis, financial institutions, personal service uses, etc. – auto-oriented uses and drive-thrus would be prohibited) are developed. The scale of development in the district would be controlled through dimensional standards, building floorplate limitations, and some basic form and design standards. It is contemplated these districts would be located at the edge of residential neighborhoods, or at street intersections within neighborhoods. Additionally, and to further ensure development in the district is compatible with adjacent or surrounding neighborhoods, residential compatibility standards would be applied in the edge areas.

The new **Urban Commercial Redevelopment (UCR) District** would replace the current C-1 district. In addition, it could be applied to any other lands designated Urban Commercial on the Future Land Use Map of the comprehensive plan. The goals of the district are to foster the development of unique destinations rather than strip development patterns, achieve high quality development and redevelopment, and encourage and support mixed-use, pedestrian-friendly development. The district would allow community and neighborhood commercial, office, lodging (hotels), assisted living, government (public and quasi-public), civic (schools and places of worship), residential, and mixed-use development. It would not allow the most intense light industrial and industrial type uses currently allowed in the C-1 district. To support walkable urbanism, higher development quality, and a more pedestrian-friendly environment, measureable design and form standards would be included as requirements; minimum lot area requirements would be deleted in the district (but setbacks, height and lot coverage requirements would be maintained). Finally, and consistent with plan direction, incentives would be established for horizontal and vertical mixed-use development.

The **Community Commercial (CC) District** is carried forward, with refinements as appropriate (with a minimum lot area of

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

20,000 sf). The current allowed uses are generally carried forward (including auto-oriented uses).

The new **Office Mixed Use (OMX) District** would accommodate stand-alone office development, as well as mixed-use development with offices. To ensure a high quality of design and form, basic form and design standards would be included in the district.

The **Village Mixed-Use (VMX) District** provides lands that support and encourage mixed-use, walkable urbanism. It would allow commerce, (regional, community, and neighborhood commercial uses), offices, lodging (hotels), government (public and quasi-public), residential, and supporting civic uses (like schools and places of worship). Development should be at moderate densities/intensities. To ensure development is in a form that is attractive, pedestrian-friendly, well-connected, and supports multiple modes of mobility, basic form and design standards will be included as requirements. Additionally, and to encourage and support mixed use development, density and possibly other incentives will be included for certain levels of vertical and horizontal mixed-use development. It is contemplated the areas designated Transitional Mixed Use in the Future Land Use Element of the comprehensive plan could be classified TMX district on the Zone District Map. They are areas, “characterized by primarily existing or emerging developments where the Village’s largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are in place or readily expandable to support moderately intense levels of mixed commercial and residential development” (FLU-10). They are generally in the north Estero area near the intersections of US 41 with Broadway and Estero Parkway, the Coconut Point DRI, and the four quadrants of the I-75 and Corkscrew Road interchange.

3.1.3.1.(F) Industrial District

The **Light Industrial (IL) District** would build on the current IL district, but would limit uses to general office, research and

development, and other light industrial uses that are compatible with a general office environment (e.g., establishments primarily engaged in the transformation of previously prepared materials into new products, including the assembly of component parts). It would not include activities that generate off-site noise, odor, vibration, etc. It could also include support uses such as restaurants. To ensure development in the district maintains a certain level of form and quality, basic form and design standards would be included and required.

3.1.3.2. SPECIAL PURPOSE DISTRICTS

The **Environmentally Critical (EC) District** is carried forward.

3.1.3.3. PLANNED DEVELOPMENT DISTRICTS

The **Residential Planned Development (RPD)**, **Commercial Planned Development (CPD)**, **Mixed Use Planned Development (MXPD)**, and **Estero Planned Development (EPD) Districts** are carried forward, with modest refinements as appropriate.

3.1.3.4. OVERLAY DISTRICTS

Currently, the **Corkscrew Road Redevelopment Overlay (CRRO)**, and **US 41 Redevelopment Overlay (US 410) Districts** are proposed to be carried forward. However, as the drafting of the new LDC proceeds, we will closely evaluate whether it is appropriate to carry forward or delete these overlay districts based on factors such as whether their standards are no longer consistent with Village goals, or whether other zoning tools (i.e., development standards), can be used to more efficiently achieve the goals of the overlays.

3.1.4. MODERNIZE FRAMEWORK FOR UPDATED DISTRICTS

In discussing the restructuring of the zone districts, it is also important to recognize the current layout of zone district regulations could also be improved. For example, in Chapter 34, Article VI, District Regulations, of the transitional LDC, districts are arranged in broad divisions (e.g., Agricultural Districts, Residential Districts) occasionally with subdivisions. (e.g. One-and Two-Family Residential Districts, Multiple-Family Districts). Each division or subdivision, follows the same format with purpose statements listed together, then a permitted use table, then a property development regulations (dimensions) table. To simplify the use table,

II. Diagnosis

Theme 3: Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

some uses are grouped into use activity groups. Like most modern codes, the transitional LDC places use regulations in a separate article or section (Chapter 34 Article VII, Supplementary District Regulations), where they can be reviewed more comprehensively (see Section 3.1.5, Identify and Classify Uses in a Simpler and More Flexible Way). Overall, as currently presented, information in the zone district regulations is difficult to digest quickly.

Modern approaches to laying out zone district regulations include attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the new LDC include a purpose statement, a reference to the use table and use-specific standards, the intensity and dimensional standards applicable in the district, and form standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zone district layout is shown in the graphic on the following page. Full page examples are included as Appendix A .

2.4. RS-18: Single-Family Residential²⁷

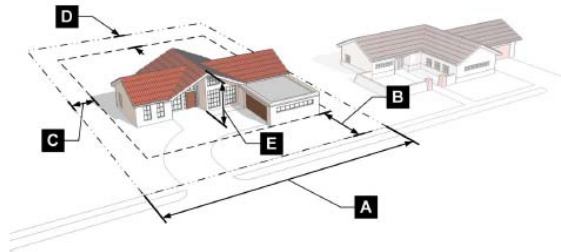
A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

B. RS-18 Lot and Building Standards

Lot Standards		Other Standards	Location in LDC
A	Width (minimum)	Measurements and Exceptions	Section 2.23
	Area (minimum)	Use-Specific Standards	Section 3.3
	Density (maximum)	Off-Street Parking	Section 5.5
		Landscaping, Buffering	Section 5.6
Setbacks (minimum)			
B	Front		
C	Side		
	Side, abutting street		
D	Rear		
Height (maximum)			
E	Building height		
Impervious Coverage (maximum)			
	Building coverage		
	Total coverage		

Notes:
 (1) Currently 30 feet in RS-18a
 (2) Currently 30 feet in RS-18a
 (3) Currently 25 percent in RS-18a



²⁷ This district is a consolidation of the RS-18a and the RS-18b districts.

Sedona Land Development Code
 Consolidated Draft - May 2018 (STAFF DRAFT)

20

2.10. RM-3: High-Density Multifamily²⁷

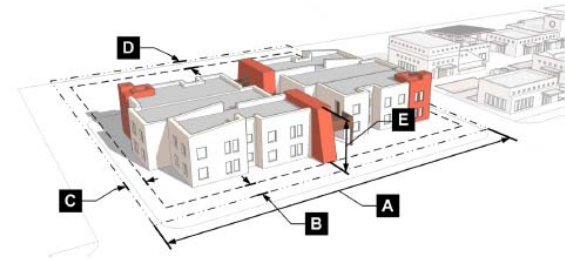
A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

B. RM-3 Lot and Building Standards

Lot Standards		Other Standards	Location in LDC
A	Width (minimum)	Measurements and Exceptions	Section 2.23
	Area (minimum)	Use-Specific Standards	Section 3.3
	Density (maximum)	Off-Street Parking	Section 5.5
		Landscaping, Buffering	Section 5.6
		Site and Building Design	Section 5.7
Setbacks (minimum)			
B	Front		
C	Side [3]		
D	Rear		
Height (maximum)			
E	Building height		
Impervious Coverage (maximum)			
	Building coverage		
	Total coverage		

Notes:
 (1) Currently 23,780 sq. ft. (1/2 acre)
 (2) Currently 20 feet
 (3) Did not carry forward the side setback abutting a street, which is currently 15 feet
 (4) Currently 10 feet
 (5) Currently 25 feet
 (6) Currently 25 percent



²⁷ This district is carried forward from the current RM-3 district.

²⁸ The current lot size requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.

²⁹ A shallower setback will encourage more walkable and dense development in key areas throughout the city.

³⁰ Revised to match the proposed limits in the RM-1 and RM-2 districts.

Sedona Land Development Code
 Consolidated Draft - May 2018 (STAFF DRAFT)

26

3.1.5. IDENTIFY AND CLASSIFY USES IN A SIMPLER AND MORE FLEXIBLE WAY

As discussed earlier, in the transitional LDC, permitted uses are established within a series of tables under groups of districts (e.g., there is a use table for all uses in the agricultural districts, and another for one- and two-family residential districts).

In many modern codes, and we suggest it is appropriate here, use regulations are established in a separate article, and organized into one or several master use tables, which show the list of allowed uses by zone district. It is best to consolidate the list into as few tables as possible, for example a table each for principal, accessory, and temporary uses.

The principal use table(s) should identify permitted, special exception, and prohibited uses, and also include a cross-reference to any applicable use-specific standards, which would be located after the table. This is the

II. Diagnosis

Theme 3:Restructure, Modernize and Tailor the Zone Districts to Implement the Comprehensive Plan

approach we suggest be used in the new LDC. An example portion of a use table from another community's code is shown below.

Table 4-2(e): Principal Use Table																																		
P=Permitted by right C=Allowed subject to conditional use permit U=Allowed subject to provisional use permit - =Prohibited A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document																																		
Use Category	Use Type	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	RTH	O-1	O-2	O-3	O/S	B-1	B-2	B-3	UMU	M-1	M-2	M-3	G-PD	SRM-PD	UMU-PD	TND-PD	Use-Specific Standards	
Residential Use Classification																																		
Household Living	Dwelling, duplex	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	P	-	-	-	A	A	-	A		
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	P	C	C	P	-	-	-	A	A	A	A	Sec. 4-3(b)(1)a
	Dwelling, mansion apartment	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	Sec. 4-3(b)(1)b	
	Dwelling, manufactured home	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 4-3(b)(1)c	
	Dwelling, multi-family	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-	P	-	-	-	A	A	A	A	Sec. 4-3(b)(1)d
	Dwelling, single-family detached	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	A	A	-	A	
	Dwelling, townhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	P	-	-	-	A	A	A	A	Sec. 4-3(b)(1)e
Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	P	-	-	-	A	A	A	A		
Group Living	Assisted living facility	-	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	-	-	-	-	-	-	-	-	P	-	-	-	A	A	A	A	Sec. 4-3(b)(2)a
	Continuing care retirement community	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	-	-	-	-	-	-	-	-	P	-	-	-	A	A	A	A	Sec. 4-3(b)(2)b
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A	-	
	Lodging house	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
Public, Civic, and Institutional Use Classification																																		
Community Services	Auditorium, conference and convention center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	U	-	U	U	-	-	-	-	A	-	A	-	
	Club or lodge	-	U	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	C	-	P	P	P	P	P	P	-	-	A	-	-	-	Sec. 4-3(c)(1)a
	Community center, private	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	-	-	-	-	-	-	-	P	-	-	-	-	A	A	A	A	

3.1.6. USE A THREE-TIERED SYSTEM TO CLASSIFY USES, AND SIMPLIFY LIST OF USES

The uses in the transitional LDC are based on the standard industrial classification system; consequently, the lists of uses are lengthy and most likely needlessly detailed –especially for the Village, and certainly more detailed and complex than the use structure found in most modern development codes. Even though use activity groups are established for the industrial uses (and a few others) that consolidate the detailed list of industrial uses, they are not employed for most other use classes. This approach is especially problematic in a place like Estero, which is a small Village, with limited and fairly straightforward uses, relative to larger urban areas and counties. For these reasons, and based on best practices, we suggest the new LDC incorporate a simpler and more understandable

three-tiered use classification system that organizes uses at three different levels:

- **Use Classifications** (broad general classifications such as Residential, Commercial, and Industrial);
- **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as “Group Living” and “Household Living” under the Residential classification—Use Categories are broader than most existing Use Activity Groups); and
- **Uses** (specific uses within the Use Categories, such as single-family dwelling, duplex dwelling, multi-family building dwelling, and townhouse dwelling under the Household Living category and Residential classification).

Many communities are moving to this use classification approach due to its more robust structure and flexibility. In addition, we suggest the use regulations in the new LDC define use categories broadly and consolidate and simplify some of the current uses, including specific uses only if they are sufficiently different from other uses or need to be included because they are subject to special review (e.g., as a special exception in a particular district).

II. Diagnosis

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

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

4.1. Mobility and Connectivity Standards

Today, many communities across the country are modifying their transportation and development policies to support and require an approach that calls for a connected network of streets, sidewalks, and pedestrianways. The Village recognized this initially while still a planning community in Lee County,¹⁵ and includes policies supporting a connected network of streets, sidewalks, and pedestrianways in its recently adopted comprehensive plan.¹⁶ To implement these policies, the streets, sidewalks, and pedestrianways in the Village should be designed to enable safe, convenient, and comfortable travel for users of all ages and abilities, regardless of whether their mode of transportation is walking, driving, or bicycling. The approach also acknowledges the use of streets not only for vehicular travel, but, in certain places, as destinations (e.g., for sidewalk dining and social gathering) as well as links between places. It also considers the use of streets, sidewalks, and pedestrianways in the context of the surrounding development and the zone districts in which they are located. The following summarizes the characteristics of this connected system:

- Pedestrian infrastructure such as sidewalks, textured crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities, and sidewalk bulb-outs;
- Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes—including center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, on-street parking, street trees, planter strips, and ground cover;
- Bicycle accommodations, such as bicycle parking, neighborhood greenways, wide paved shoulders, and protected or dedicated bicycle lanes six feet in width with buffers and barriers between moving vehicles; and

¹⁵ In the County Ordinance, Estero-specific language dating back to 2005 calls for pedestrian walkways, transportation linkages, strategies for enabling pedestrians to coexist with vehicles, and accommodations for public transit vehicles.

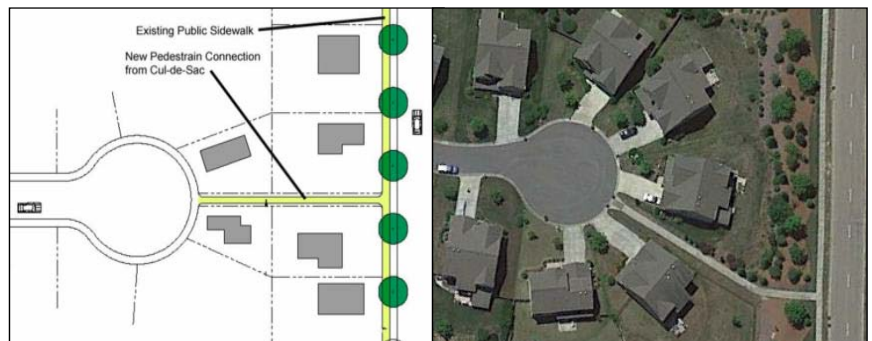
¹⁶ Estero Comprehensive Plan policy TRA-1.1.3 encourages rights-of-way within mixed-use centers and the Old Estero Area to include pedestrian ways. Policy TRA-1.2.2 encourages links between neighborhoods, commercial, and mixed use centers through integrated transportation systems.

- Public transit accommodations, such as bus pullouts, bus shelters, and dedicated bus lanes.

The transitional LDC includes requirements for some of these kinds of provisions.

Understanding that there are clear limits on what can be achieved in the community given that Estero is primarily a built-out place, we suggest the Village consider including the following refinements in the new LDC.

- **Multimodal (pedestrian, vehicle, and bicycle) access and circulation, where appropriate.** Access and circulation standards that expressly encourage new development and redevelopment, where appropriate, to provide integrated multimodal access and circulation that addresses anticipated pedestrian, vehicular, and bicycle demands. This might include provisions for sidewalks, bicycle facilities, and use of traffic calming devices.



- **Sidewalk and related pedestrianway standards.** Provisions that new development and certain redevelopment place sidewalks and street trees on both sides of a street, where infrastructure layout allows for it.
- **Connected access and circulation systems.** Carry forward and add, as appropriate, connectivity standards to ensure extensions of streets and sidewalks from developments to adjoining undeveloped land, connections of pedestrianways, and cross-access requirements between the internal access and circulation systems of adjoining commercial and office developments. Additionally, standards that would encourage areas being redeveloped to dedicate additional connections between existing streets, where appropriate.

4.2. Off-Street Parking, Loading, and Bicycle Standards

The current off-street parking standards are located in Chapter 34, Article VII, Division 26, Parking, in the transitional LDC. The section lists requirements for off-street parking and loading areas. Those standards establish minimum off-street parking standards, off-street loading standards, vehicular stacking requirements (for drive-throughs), and set down minimum requirements for the general layout of the parking lots, and parking spaces. The provisions also provide the Community Development

II. Diagnosis

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

Director discretion to administratively approve a reduction of the minimum off-street parking requirements by up to ten percent, in specific circumstances¹⁷ or if a parking demand study demonstrates that special circumstances exist resulting in a reduced need for off-street parking.

Many of these provisions are commonly found in development codes. However, there is room for improvement. We suggest the Village consider the following refinements in the new LDC .

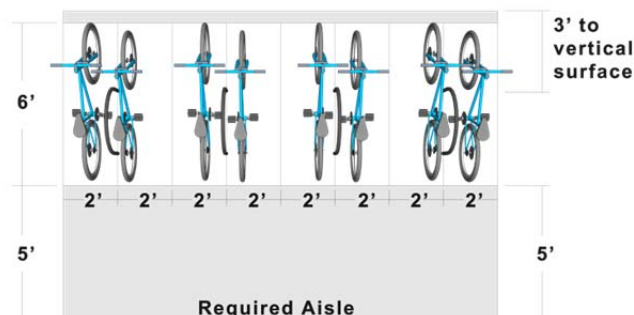
Modernize the minimum parking requirements to bring them into conformity with best practices. This would involve comparing the Village's parking requirements with standards recommended in the Institute of Transportation Engineers' (ITE's) Parking Generation Manual, other national standards, and recent standards adopted by other local governments to determine the appropriate quantity of required parking spaces for various uses.

Establish different parking standards for the places where more intense, mixed-use, and walkable development patterns will be supported versus all other places in the Village -- moving away from the "one size fits all" baseline standards in the current regulations.

Place the parking standards in a unified parking table that sets out the parking requirements for all allowable uses based on the uses in the permitted use table, along with provisions for uses with variable parking demands, and provisions that allow the Community Development Director to require preparation of a parking demand study for unusual uses where there is no reliable parking demand data.

Require that a portion of the required surface parking in most areas of the community be located on the sides or rear of buildings.

Add bicycle parking standards that would be applied in certain base districts that require bicycle parking on-site. Incentivize the use of bicycle parking in other locations for retail establishments of a certain size, or in certain zone districts that permit a certain amount of intensity. Also specify acceptable types of bicycle storage,



¹⁷ For example, where the use is close to a transit stop, or when some residents will either walk or use bicycles.

consistent with standards recommended by the Association of Pedestrian and Bicycle Professionals.

Refine the current flexibility provisions that could be used to address parking standards. This might include:

- More measureable shared parking provisions, as well as off-site parking provisions that are subject to limitations on distance from the site and requirements for good pedestrian access from the off-site parking location to the site; and
- Adding provisions that allow parking reductions based on the provision of valet or tandem parking for certain types of uses.

4.3. Landscaping and Buffer Standards

The transitional LDC currently has a comprehensive and strong set of landscape standards that address site landscaping, vehicular use area and parking garage landscaping, perimeter buffers and screening, corridor landscaping, landscaping around signs, landscape and vegetation maintenance, irrigation, and plantings. Since 2005, the Village has placed an emphasis on the landscaping component of new development through upgraded buffering and sizing requirements for plantings. The current Landscaping standards are outlined below, followed by options to consider in the new LDC.

4.3.1. THE TRANSITIONAL LDC

4.3.1.1. SITE LANDSCAPING

The current site landscaping standards include requirements for building foundation plantings, streets, pedestrianways, service areas, open space, and water management areas.

Building foundation plantings apply to all commercial projects with special provisions for shopping centers. Sections 33-330 and 33-335 also reference façade enhancement through shrubs or vines growing upright on wire or trellising and window boxes.

Standards for street trees can be challenging given the conflicts between tree roots and utility corridors along rights-of-way. The code requires that standard typical street sections provide for landscaping on all roadways, and that they be grassed and mulched. Installation and maintenance of landscaping and

II. Diagnosis

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

irrigation systems in county maintained road right-of-way may be performed at the developer's option and expense. Specifications for placement, type or spacing of street trees is currently not codified, with the exception of the Village Center standards and diagrams. Section 33-506 references cross sections for Connecting Streets in the Village Center with typical planting areas for street trees located between on-street parking and sidewalks for blocks designated as Tier 1, Tier 2 or Tier 3. Section 33-353 also suggests that plantings such as street trees is an example of a defining element to be utilized in new development. Section 33-362 specifies that a minimum four-foot-wide planting strip is required, where possible, between sidewalks or bikeways installed along project frontage roads (this, however, is not an adequate width for the planting of street trees).

Pedestrianways are allowed to occupy space within required landscape buffers. Pedestrianways are encouraged as lakeside amenities and for linkage within parking lots. Section 33-362 includes guidance that walkways should be defined with vertical plantings, such as trees or shrubs.

General landscape standards for service areas are supplemented with shielding requirements for loading areas and docks, and refuse areas. Section 33-438 further elaborates on the requirements for screening of trash storage areas requiring an eight foot high enclosure around dumpsters at a service station. Chapter 33 includes the screening requirements for outparcels, parking lots, loading and service areas, and shopping cart areas associated with big box stores.

The transitional LDC does not establish standards for landscaping recreation areas, except that buffers may accommodate pedestrianways as a form of passive recreation and that active recreation areas are subject to general landscape requirements.

Section 10-415 identifies the minimum site area that is to be dedicated for open space. The requirements range from none for single or two-family residences, to 40 percent for large residential projects. Section 33-113 specifies how open space associated with commercial developments should be made places of public

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

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

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

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

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

4.3.1.3. PERIMETER BUFFERS

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

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

II. Diagnosis

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

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

4.3.1.4. LANDSCAPING AROUND SIGNS

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

4.3.1.5. LANDSCAPE AND VEGETATION MAINTENANCE

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

4.3.1.6. IRRIGATION

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

4.3.1.7. PLANTING REQUIREMENTS





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

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

4.3.2. OPTIONS

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

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

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







II. Diagnosis

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

conditions of corridors such as Corkscrew Road and US 41.

- Maintain open space set-aside standards and organize the current requirements for lakes versus dry detention areas to be part of the general landscaping section.

- Graphically illustrate buffer standards for ease of reference, like the example to the right. The potential for waivers of the buffer requirements between two uses that are compatible in proximity to one another should be considered.

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

- Organize landscape and vegetation maintenance requirements into a set of easy-reference diagrams of standard technical details for planting and maintaining trees, palms, shrubs, groundcovers, sod, mulch, and littorals¹⁹.
- Update the irrigation standards based on modern best practices. Options may include: low impact design techniques, overspray limitations, timer requirements, or requiring plans by a licensed landscape architect or certified irrigation designer.
- Include a desired plant palette for the Village in the LDC with graphic illustrations. Consider diagrams for calculations and plant specifications, such as the palm to canopy credit calculation or the material specifications for trees, palms and hedgerows.

4.4. Tree Protection Standards

4.4.1. THE TRANSITIONAL LDC

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

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

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

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

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

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

²¹ The transitional LDC currently incentivizes:

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

INDIGENOUS NATIVE TREE AND PALM CANOPY CREDITS	
EXISTING CANOPY >4" CAL. DBH	5 CREDITS
EXISTING SABAL PALM >8' CT LOCATED WITHIN PRESERVED AREA	3 CREDITS
EXISTING SABAL PALM >8' CT RELOCATED ON SITE	2 CREDITS
REPLACEMENT HERITAGE TREE	1 CREDIT

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

II. Diagnosis

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

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

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

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

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

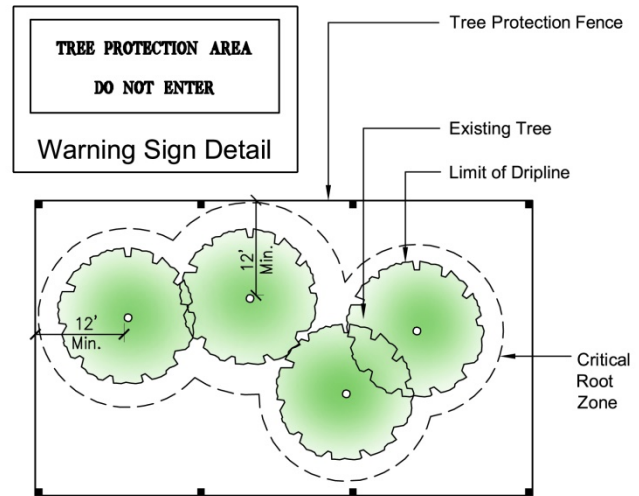
Section 14-383 identifies the methods for tree protection during development.

4.4.2. OPTIONS

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

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

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



4.5. Comprehensive Open Space Set-Aside Standards

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

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

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

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

II. Diagnosis

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

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

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

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

The standards might also recognize that open space needs and functions are different in the proposed Village Center and Village Mixed-Use District, versus other areas in the

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

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

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

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

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

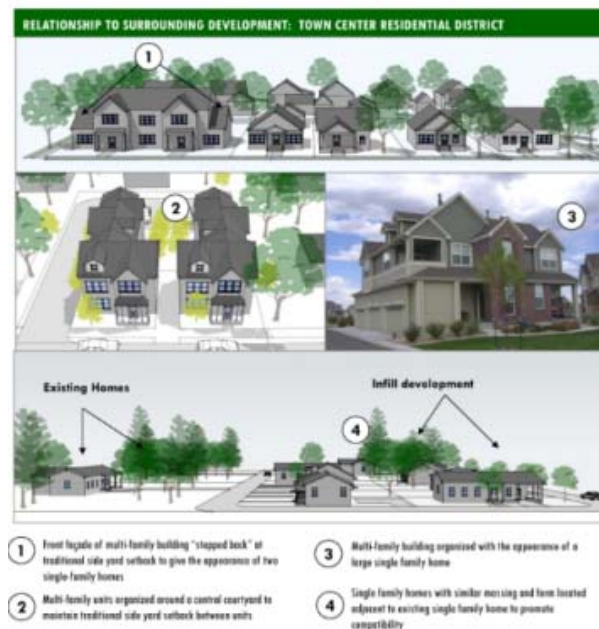
Finally, open space set-aside standards would include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides.

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

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

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

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



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

²⁵ Ordinance 2016-07.

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

II. Diagnosis

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

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

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

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

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

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

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

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

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

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

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

II. Diagnosis

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

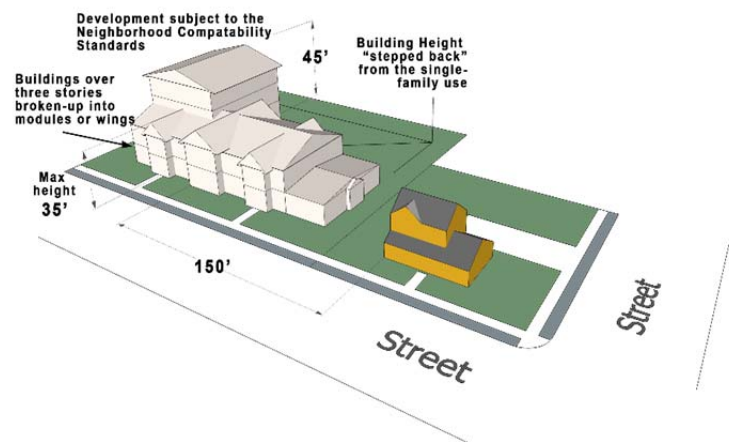
such as guidelines established by the Treasure Coast Regional Planning Council³⁰.

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

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

Estero is blessed with a number of well-established, high quality, residential neighborhoods, and the plan and the community concur that maintaining and protecting these neighborhoods from incompatible encroachment is very important. As is the case in many communities, preservation of residential neighborhoods does not come without conflict, especially regarding development proposals at the edge of these neighborhoods, or in the transition

areas between residential neighborhoods and commercial corridors. Sometimes the conflict can be especially jarring, such as when a large new office or retail building is erected adjacent to single-family backyards or other types of low density residential



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

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

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

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

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

II. Diagnosis

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

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

4.8. Conversion of Golf Courses to Other Forms of Development

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

³¹ The transitional LDC requires a wall.

³² This is currently required by the transitional LDC.

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

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

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

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

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

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

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

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

II. Diagnosis

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

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

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

4.9. Standards and Incentives for Sustainable Development Practices

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



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

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



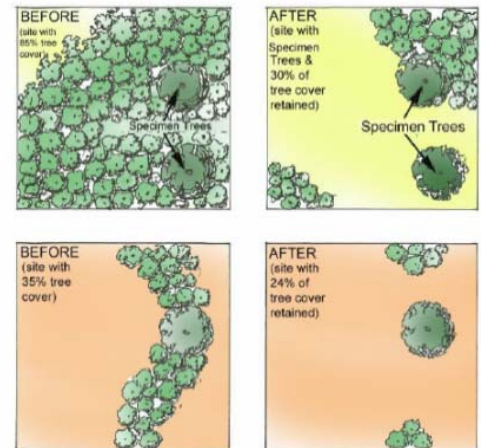
The transitional LDC includes very few standards and incentives to support many

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

sustainable development practices and the procedures needed to implement them.

For example:

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



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

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

II. Diagnosis

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

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

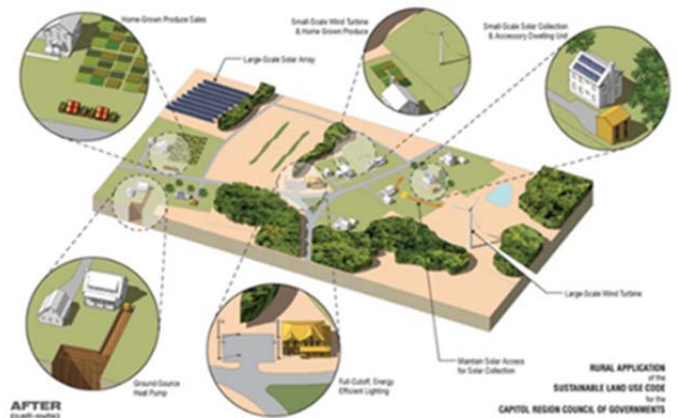
³⁷ While prospects for wind power are limited, maps from the National Renewable Energy Laboratory (NREL) suggest there may be some land where residential-scale wind power is viable in Estero.

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

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

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

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



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

II. Diagnosis

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

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

III. ANNOTATED OUTLINE OF NEW LAND DEVELOPMENT CODE

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

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

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

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

III. Annotated Outline of New Land Development Code

Article 1 General Provisions

ARTICLE 1. GENERAL PROVISIONS

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

SECTION 1.1. TITLE

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

SECTION 1.2. AUTHORITY

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

SECTION 1.3. GENERAL PURPOSE AND INTENT

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

SECTION 1.4. APPLICABILITY

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

Section 1.1. Title

Section 1.2. Authority

Section 1.3. General Purpose and Intent

Section 1.4. Applicability

Section 1.5. Consistency with Comprehensive Plan

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

Section 1.7. Official Zoning Map

Section 1.8. Transitional Provisions

Section 1.9. Severability

Section 1.10. Effective Date

SECTION 1.5. CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

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

SECTION 1.7. OFFICIAL ZONING MAP

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

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

SECTION 1.8. TRANSITIONAL PROVISIONS

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

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

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

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

SECTION 1.9. SEVERABILITY

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

SECTION 1.10. EFFECTIVE DATE

This section establishes the effective date of the new LDC.

III. Annotated Outline of New Land Development Code

Article 1 General Provisions

ARTICLE 2. ADMINISTRATION

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

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

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

Each section is outlined and discussed in more detail below.

SECTION 2.1. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

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

Section 2.1. Advisory and Decision-Making Bodies and Persons

Section 2.2. Standard Application Requirements and Procedures

Section 2.3. Application Specific Review Procedures and Decision Standards

III. Annotated Outline of New Land Development Code

Article 2 Administration

COPY OF TABLE 1.7.2: ESTERO PROPOSED DEVELOPMENT REVIEW PROCEDURES						
A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required #-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required						
Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop ¹
Discretionary Approval						
Comprehensive Plan Amendment	<D>	<R>		S		W
Development of Regional Impact (DRI) #	<D>	<R>		S		W
Zoning District Map Amendment (Rezoning)#²	<D> ³	<R>		S		W
Planned Development (Rezoning) #	<D>	<R>		S		W
Development Agreement	<D>	<R>		S		
Special Exception	<A> / <D> ⁴	<D>		S		W
Site Development						
Development Order/Site Plan						
Development Order/Site Plan #	<A>		<D>	S		W
Minor Amendments				S	D	
Limited Development Order/ Minor Site Plan ⁵	<A>			D		W
Minor Amendments				S	D	
Plat Review	<D>			S ⁶		
Vacation of Easement, Right-of-Way, or Plat	<D>			S		
Concurrency						
Certificate of Concurrency Compliance ⁷				D		
Certificate of Concurrency Exemption ⁷				D		
Concurrency Variance Certificate ⁷				D		
Historic Preservation						
Regular Certificate of Appropriateness			<D> ⁸	S		
Special Certificate of Appropriateness			<D> ⁸	S		
Density Bonus						
Density Bonus	<D>			S		
Permits						
Commercial Building Repainting Permit			<D>			
Driveway/ Right-of-Way Permit ⁹						
Sign Permit			<D> ¹⁰	D/S		
Temporary Use Permit (includes Special Events)		<A> / <D> ¹¹		D/S ¹¹		
Tree Removal/Vegetation Removal Permit				D		
Building Permit ¹²						
Relief						
Variance						
Variance for Flood Hazard		<D>		S		
Variance for Zoning	<A> / <D> ¹³	<D>		S		W
Deviation						

COPY OF TABLE 1.7.2: ESTERO PROPOSED DEVELOPMENT REVIEW PROCEDURES

A-Appeal D-Decision R-Recommendation S-Staff Review W-Community Workshop Required
#-Mandatory Pre-application or Prehearing Meeting < >-Public Hearing Required

Review Procedure	Village Council	Planning & Zoning Board	Design Review Board/Historic Preservation Board	Community Development Director	Development Review Manager	Community Workshop ¹
Major Deviation	<A>	<D>	<D>	S		
Minor Deviation	<A>			D		
Appeal of Administrative Official	<A>					
Vested Rights	<D>					
Interpretation						
Interpretation	<A>			D		

NOTES

- Workshops are conducted by the body with decision authority; however, at the discretion of the Village Manager, a workshop for any type of development application may be required and conducted by the Planning & Zoning Board (see Ordinance 15-01).
- This is a quasi-judicial process for site-specific map amendments.
- For (map amendments) rezonings of ten acres or more, initiated by the Village, the Council is required to conduct two public hearings.
- A special exception as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.
- Development orders/site plans are decided by the DRB; limited development orders/minor site plans are decided by the Community Development Director. New thresholds for development orders/site plans and limited development orders/minor site plans will be established, and the threshold for limited development order/minor site plan are proposed to be increased. (Applications currently eligible for a limited development order will be incorporated into limited development order/minor site plan review. Current LDO eligible actions listed in Sec. 10-174 include: improvements determined by the director to have no impacts on public facilities; addition or enlargement of impervious area where total impervious area does not exceed 2,500 square feet; outdoor recreation facilities provided total cumulative impervious area does not exceed 5,000 square feet; Improvements with insignificant impacts on public facilities, installation of new utility lines, or improvements to a County-maintained road right-of-way; and subdivision of land into four lots or less meeting 11 specific criteria).
- Staff review of a plat includes input from the Village Professional Surveyor and Mapper and the Village Attorney.
- The Community Development Director makes the decision as a part of the development order process.
- It is recommended the Village create a Historic Preservation Board, and that the DRB act as the Historic Preservation Board.
- Decided by Public Works.
- The DRB reviews monument signs only
- For Special Events (permitted as a Temporary Use), with an expected attendance threshold, for example at least 300-400 people, the permit is decided by the Planning and Zoning Board instead of the Community Development Director. The Director provides staff review.
- A building permit is decided by the Building Official. The procedure is included in the Building Code..
- A variance as a part of a map amendment (rezoning) is decided by the Village Council in conjunction with the rezoning.

SECTION 2.2. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

SEC. 2.2.1. PUBLIC INFORMATION WORKSHOPS

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

SEC. 2.2.2. PRE-APPLICATION CONFERENCE

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

SEC. 2.2.3. APPLICATION SUBMISSION

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

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

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

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

SEC. 2.2.4. DETERMINATION OF COMPLETENESS

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

SEC. 2.2.5. STAFF REVIEW AND ACTION

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

SEC. 2.2.6. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

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

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

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

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

SEC. 2.2.7. ADVISORY BODY REVIEW AND RECOMMENDATION

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

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

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

SEC. 2.2.9. PUBLIC HEARING PROCEDURES

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

SEC. 2.2.10. NOTIFICATION TO APPLICANT OF DECISION

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

SEC. 2.2.11. POST DECISION ACTIONS

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

SECTION 2.3. APPLICATION SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

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

SEC. 2.3.1. DISCRETIONARY APPROVAL

Sec. 2.3.1.(A) COMPREHENSIVE PLAN AMENDMENT

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

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

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

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

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

Sec. 2.3.1.(D) PLANNED DEVELOPMENT

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

Sec. 2.3.1.(E) DEVELOPMENT AGREEMENT

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

Sec. 2.3.1.(F) SPECIAL EXCEPTION

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

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

As discussed in Section 1.7.2.7.(B), Rename Development Order/Site Plan, Establish Different Procedure for Development Order/Site Plan and Limited Development Order/Minor Site Plan, and Increase Threshold for Limited Development Order/Minor Site Plan, this subsection establishes the review procedure for development orders/ site plans. The public is informed by a public information workshop, and a decision is made by the Design Review Board. An appeal of the DRB's decision may be taken to the Village Council.

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

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

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

As discussed in Section 1.7.2.7.(B), Rename Development Order/Site Plan, Establish Different Procedure for Development Order/Site Plan and Limited Development Order/Minor Site Plan, and Increase Threshold for Limited Development Order/Minor Site Plan, this subsection establishes the review procedure for limited development orders/minor site plans. The public is informed by a public information workshop prior to a decision by the Community Development Director. An appeal of the Director's decision may be taken to the Village Council.

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

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

Sec. 2.3.2.(E) PLAT REVIEW

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

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

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

SEC. 2.3.3. CONCURRENCY

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

SEC. 2.3.4. HISTORIC PRESERVATION

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

SEC. 2.3.5. BONUS DENSITY

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

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

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

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

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

Sec. 2.3.6.(C) *SIGN PERMIT*

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

Sec. 2.3.6.(D) *TEMPORARY USE PERMIT*

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

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

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

Sec. 2.3.6.(F) *BUILDING PERMIT*

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

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

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

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

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

Sec. 2.3.7.(B) *DEVIATION*

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

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

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

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

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

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

SEC. 2.3.8. INTERPRETATION

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

SEC. 2.3.9. VESTED RIGHTS

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

ARTICLE 3. ZONE DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

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

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

Section 3.1. General Provisions

Section 3.2. Agriculture Districts

Section 3.3. Residential Districts

Section 3.4. Recreational Vehicle Districts

Section 3.5. Community Facilities Districts

Section 3.6. Business Districts

Section 3.7. Light Industrial Districts

Section 3.8. Special Purpose Districts

Section 3.9. Planned Development Districts

Section 3.10. Overlay Districts

TABLE 3.1: PROPOSED ZONE DISTRICTS

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

III. Annotated Outline of New Land Development Code

Article 3 Zone Districts

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

TABLE 3.1: PROPOSED ZONE DISTRICTS

Proposed Zone Districts	FLUM Designation Which District Implements
	Conservation Transitional Mixed Use Village Neighborhood 1 Village Neighborhood 2
Community Facilities Planned Development (CFPD) District	Urban Commercial
Commercial Planned Development (CPD) District	Wetland Conservation Urban Commercial Transitional Mixed Use Public Facilities Village Center Village Neighborhood 1 Village Neighborhood 2
Mixed Use Planned Development (MXPDP) District	Wetland Conservation Urban Commercial Transitional Mixed Use Village Center Village Neighborhood 1
Estero Planned Development (EPD) District	Village Center
OVERLAY DISTRICTS	
Corkscrew Road Redevelopment Overlay (CRRO) District	N/A
US 41 Redevelopment (US 41O) Overlay District	N/A

SECTION 3.2. AGRICULTURE DISTRICTS

SEC. 3.2.1. GENERAL PURPOSE OF AGRICULTURAL DISTRICTS

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

SEC. 3.2.2. AGRICULTURAL (AG) DISTRICT

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

SECTION 3.3. RESIDENTIAL DISTRICTS

SEC. 3.3.1. GENERAL PURPOSE OF RESIDENTIAL DISTRICTS

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

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

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

SEC. 3.3.3. RESIDENTIAL SINGLE FAMILY (RSF) DISTRICT

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

SEC. 3.3.4. RESIDENTIAL MULTIPLE FAMILY (RMF) DISTRICT

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

SEC. 3.3.5. MOBILE HOME CONSERVATION (MHC) DISTRICT

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

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

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

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

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

SECTION 3.4. RECREATIONAL VEHICLE DISTRICTS

SEC. 3.4.1. GENERAL PURPOSE OF RECREATIONAL VEHICLE DISTRICTS

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

SEC. 3.4.2. RECREATIONAL VEHICLE (RV) DISTRICT

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

SECTION 3.5. COMMUNITY FACILITIES DISTRICTS

SEC. 3.5.1. GENERAL PURPOSE OF COMMUNITY FACILITIES DISTRICT

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

SEC. 3.5.2. COMMUNITY FACILITIES (CF) DISTRICT

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

SECTION 3.6. BUSINESS DISTRICTS

SEC. 3.6.1. GENERAL PURPOSE OF COMMERCIAL DISTRICTS

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

SEC. 3.6.2. NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

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

SEC. 3.6.3. URBAN COMMERCIAL REDEVELOPMENT (UCR) DISTRICT

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

SEC. 3.6.4. COMMUNITY COMMERCIAL (CC) DISTRICT

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

SEC. 3.6.5. OFFICE MIXED USE (OMX) DISTRICT

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

SEC. 3.6.6. VILLAGE MIXED USE (VMX) DISTRICT

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

SECTION 3.7. INDUSTRIAL DISTRICTS**SEC. 3.7.1. GENERAL PURPOSE OF INDUSTRIAL DISTRICT**

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

SEC. 3.7.2. LIGHT INDUSTRIAL (IL) DISTRICT

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

SECTION 3.8. SPECIAL PURPOSE DISTRICTS**SEC. 3.8.1. GENERAL PURPOSE OF SPECIAL PURPOSE DISTRICTS**

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

SEC. 3.8.2. ENVIRONMENTALLY CRITICAL (EC) DISTRICT

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

SECTION 3.9. PLANNED DEVELOPMENT DISTRICTS**SEC. 3.9.1. GENERAL PURPOSE OF PLANNED DEVELOPMENT DISTRICTS**

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

SEC. 3.9.2. RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT

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

SEC. 3.9.3. COMMERCIAL PLANNED DEVELOPMENT (CPD) DISTRICT

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

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

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

SEC. 3.9.5. ESTERO PLANNED DEVELOPMENT (EPD) DISTRICT

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

SECTION 3.10. OVERLAY DISTRICTS**SEC. 3.10.1. GENERAL PURPOSE OF OVERLAY DISTRICTS**

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

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

III. Annotated Outline of New Land Development Code

Article 3 Zone Districts

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

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

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

SEC. 4.2.3.

CLASSIFICATION OF PRINCIPAL USES

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

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

SEC. 4.2.4.

STANDARDS SPECIFIC TO PRINCIPAL USES

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

SECTION 4.3. ACCESSORY USES AND STRUCTURES

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

SEC. 4.3.1.

GENERAL

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

SEC. 4.3.2.

ACCESSORY USE/STRUCTURE TABLE

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

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

Table 4-4(b): Accessory Use/Structure Table																																
P=Permitted by right C=Allowed subject to conditional use permit U=Allowed subject to provisional use permit - =Prohibited A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document																																
Accessory Use/Structure	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5	R-5A	R-6	RTH	O-1	O-2	O-3	O/S	B-1	B-2	B-3	UMU	M-1	M-2	M-3	G-PD	SRM-PD	UMU-PD	TND-PD	Specific Standards for Use/Structure
Accessory dwelling unit	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(1)	
Agritourism activity	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Antenna, building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(2)	
Antenna, amateur (ham) radio	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(3)	
Automated teller machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(4)	
Automatic car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	A	A	-	Sec. 4-4(d)(5)	
Caretaker dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	A	A	A		
Child care center (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(7)	
Community garden (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P	P	P	-	A	A	A	Sec. 4-4(d)(8)	
Drive-through	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	A	A	-	Sec. 4-4(d)(9)	
Electric vehicle (EV) level 1, 2, or 3 charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(10)	
Family day home (as accessory to a dwelling)	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	-	P/C	P/C	P/C	P/C	-	-	-	A	A	A	Sec. 4-4(d)(11)	
Helicopter landing facility (as an accessory use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-	-	P	P	-	-	-	-	-	-	-	Sec. 4-4(d)(12)	
Home garden (as accessory to a dwelling)	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	P	-	-	-	A	A	A		
Home occupation	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	-	-	-	A	A	A	Sec. 4-4(d)(13)
Keeping of animals outside a dwelling (as accessory to a dwelling)	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	-	-	-	-	-	P/C	-	-	-	A	A	A	Sec. 4-4(d)(14)
Outdoor display of merchandise (as accessory to a Retail Sales and Services use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	A	-	-	Sec. 4-4(d)(16)	
Outdoor seating (as accessory to an Eating Establishments use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	U	P	P	P	P	P	P	A	A	A	Sec. 4-4(d)(17)	
Outdoor storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	P	P	A	A	A	Sec. 4-4(d)(18)	

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

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

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

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

SECTION 4.4. TEMPORARY USES AND STRUCTURES

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

III. Annotated Outline of New Land Development Code

Article 4 Use Regulations

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

SEC. 4.4.1. GENERAL

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

SEC. 4.4.2. TEMPORARY USE/STRUCTURE TABLE

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

SEC. 4.4.3. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

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

ARTICLE 5. SITE DEVELOPMENT STANDARDS

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

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

Section 5.1. Mobility and Connectivity Standards

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

Section 5.3. Landscape and Buffer Standards

Section 5.4. Open Space Set-Aside Standards

Section 5.5. Fence and Wall Standards

Section 5.6. Exterior Lighting Standards

Section 5.7. Residential Compatibility Standards

Section 5.8. Architectural, Form, and Design Standards

Section 5.9. Sustainable Development Standards

Section 5.10. Sustainable Development Incentives

Section 5.11. Plat Standards

SECTION 5.1. MOBILITY AND CONNECTIVITY STANDARDS

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

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

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

SECTION 5.3. LANDSCAPE AND BUFFER STANDARDS

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

SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

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

SECTION 5.5. FENCE AND WALL STANDARDS

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

SECTION 5.6. RESIDENTIAL COMPATIBILITY STANDARDS

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

SECTION 5.7. ARCHITECTURAL, FORM, AND DESIGN STANDARDS

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

SECTION 5.8. SUSTAINABLE DEVELOPMENT STANDARDS

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

SECTION 5.9. SUSTAINABLE DEVELOPMENT INCENTIVES

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

SECTION 5.10. PLAT STANDARDS

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

ARTICLE 6. SIGNAGE

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

SECTION 6.1. GENERAL

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

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

SECTION 6.2. MEASUREMENT, CONSTRUCTION, AND MAINTENANCE STANDARDS

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

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

SECTION 6.3. RESTRICTIONS BASED ON LOCATION

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

Section 6.1. General

Section 6.2. Measurement, Construction, and Maintenance Standards

Section 6.3. Restrictions Based on Location

ARTICLE 7. NATURAL RESOURCES

SECTION 7.1. ENVIRONMENTAL AND NATURAL RESOURCE STANDARDS

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

SEC. 7.1.1. WILDLIFE AND HABITAT PROTECTION

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

SEC. 7.1.2. WELLFIELD PROTECTION

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

SEC. 7.1.3. WETLANDS PROTECTION

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

SEC. 7.1.4. TREE PROTECTION

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

SEC. 7.1.5. MANGROVE PROTECTION

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

SEC. 7.1.6. CLEAN WATER PROVISIONS

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

SECTION 7.2. FLOOD HAZARD REDUCTION STANDARDS

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

Section 7.1. Environmental and Natural Resource Standards

Section 7.2. Flood Hazard Reduction Standards

Section 7.3. Marine Facilities, Structure and Equipment Standards

Section 7.4. Hurricane Preparedness

SEC. 7.2.1. GENERAL

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

Sec. 7.2.1.(A) *FINDINGS OF FACT*

Sec. 7.2.1.(B) *PURPOSE AND INTENT*

Sec. 7.2.1.(C) *OBJECTIVES*

Sec. 7.2.1.(D) *APPLICABILITY*

Sec. 7.2.1.(E) *BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD*

Sec. 7.2.1.(F) *WARNING AND DISCLAIMER OF LIABILITY*

SEC. 7.2.2. STANDARDS

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

Sec. 7.2.2.(A) *GENERAL STADARDS*

Sec. 7.2.2.(B) *SPECIFIC STANDARDS*

**Sec. 7.2.2.(C) *STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD
ELEVATIONS OR FLOODWAYS***

**Sec. 7.2.2.(D) *STANDARDS FOR SUBDIVISION AND OTHER DEVELOPMENT
PROPOSALS***

Sec. 7.2.2.(E) *STANDARDS FOR AREAS OF SHALLOW FLOODING*

Sec. 7.2.2.(F) *STANDARDS FOR AREAS IN THE B, C, AND X ZONES*

**SECTION 7.3. MARINE FACILITIES, STRUCTURES AND EQUIPMENT
STANDARDS**

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

SEC. 7.3.1. GENERAL

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

SEC. 7.3.2. DOCK AND SHORELINE STRUCTURES

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

SEC. 7.3.3. MARINE SANITATION

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

SECTION 7.4. HURRICANE PREPAREDNESS

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

SEC. 7.4.1. PURPOSE AND INTENT

SEC. 7.4.2. APPLICABILITY

SEC. 7.4.3. DETERMINING IMPACTS

SEC. 7.4.4. IMPACT MITIGATION

SEC. 7.4.5. APPEAL

ARTICLE 8. PUBLIC FACILITY FUNDING AND COORDINATION

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

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

SECTION 8.1. IMPACT FEES

SEC. 8.1.1. AUTHORITY

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

SEC. 8.1.2. ROADS IMPACT FEES

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

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

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

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

Sec. 8.1.2.(L) *CREDITS*

Sec. 8.1.2.(M) *APPEALS*

SEC. 8.1.3. REGIONAL AND COMMUNITY PARKS IMPACT FEES

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

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

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

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

Sec. 8.1.3.(E) *PAYMENT*

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

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

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

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

Sec. 8.1.3.(J) *CREDITS*

Sec. 8.1.3.(K) *APPEALS*

SECTION 8.2. CONCURRENCY MANAGEMENT

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

SEC. 8.2.1. PURPOSE AND INTENT

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

SEC. 8.2.2. APPLICABILITY

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

SEC. 8.2.3. CERTIFICATE OF CONCURRENCY EXEMPTION

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

SEC. 8.2.4. CONCURRENCY CERTIFICATION

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

SEC. 8.2.5. VESTED RIGHTS

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

SEC. 8.2.6. CONCURRENCY MANAGEMENT INFORMATION SYSTEM

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

SEC. 8.2.7. CONCURRENCY VARIANCE CERTIFICATE

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

SEC. 8.2.8. REVOCATION OF CONCURRENCY CERTIFICATE

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

SEC. 8.2.9. APPEALS

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

SECTION 8.3. PROPORTIONATE FAIR SHARE PROGRAM

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

SEC. 8.3.1. PURPOSE AND INTENT

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

SEC. 8.3.2. APPLICABILITY

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

SEC. 8.3.3. PROCEDURE

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

SEC. 8.3.4. GENERAL STANDARDS

III. Annotated Outline of New Land Development Code

Article 8 Public Facility Funding and Coordination

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

SEC. 8.3.5. DETERMINING PROPORTIONATE FAIR SHARE MITIGATION

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

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

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

SEC. 8.3.7. APPROPRIATION OF FAIR SHARE REVENUES

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

SEC. 8.3.8. INTERGOVERNMENTAL IMPACTS

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

ARTICLE 9. NONCONFORMITIES

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

SECTION 9.1. GENERAL APPLICABILITY

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

SEC. 9.1.1. PURPOSE AND SCOPE

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

SEC. 9.1.1. AUTHORITY TO CONTINUE

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

SEC. 9.1.2. DETERMINATION OF NONCONFORMITY STATUS

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

SEC. 9.1.3. MINOR REPAIRS AND MAINTENANCE

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

SEC. 9.1.4. CHANGE IN TENANCY OR OWNERSHIP

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

SECTION 9.2. NONCONFORMING USES

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

Section 9.1. General Applicability

Section 9.2. Nonconforming Uses

Section 9.3. Nonconforming Structures

Section 9.4. Nonconforming Lots Of Record

Section 9.5. Nonconforming Signs

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

SECTION 9.3. NONCONFORMING STRUCTURES

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

SECTION 9.4. NONCONFORMING LOTS OF RECORD

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

SECTION 9.5. NONCONFORMING SIGNS

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

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

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

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

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

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

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

SECTION 10.1. RULES OF CONSTRUCTION

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

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

SECTION 10.2. GENERAL RULES FOR INTERPRETATION

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

Section 11.1. Rules of Construction

Section 11.2. General Rules for Interpretation

Section 11.3. Rules of Measurement

Section 11.4. Use Classifications and Use Categories

Section 11.5. Definitions

SECTION 10.3. RULES OF MEASUREMENT

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

SECTION 10.4. USE CLASSIFICATIONS AND USE CATEGORIES

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

SEC. 10.4.1. PRINCIPAL USE CLASSIFICATION SYSTEM

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

SEC. 10.4.2. INTERPRETATION OF UNLISTED USES

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

SECTION 10.5. DEFINITIONS

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

IV. APPENDICES

Appendix A: Zone District Examples (Full Page)

Article 3: Zoning Districts

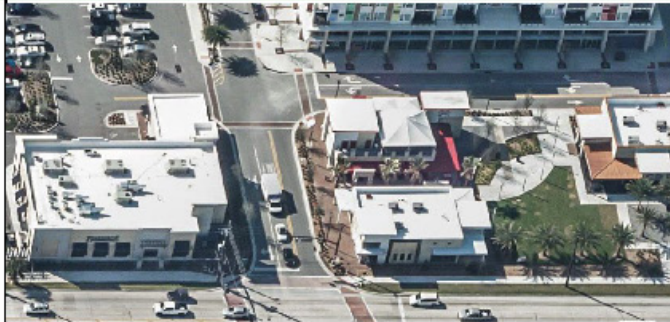
Section 3.4 Commercial Base Zoning Districts

3.4.7 C-COR: Corridor Commercial District

3.4.7. C-COR: CORRIDOR COMMERCIAL DISTRICT^{xv}

A. Purpose

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



B. Use Standards

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

C. Intensity and Dimensional Standards

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

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

[1] Only applies to the exterior units.

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

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

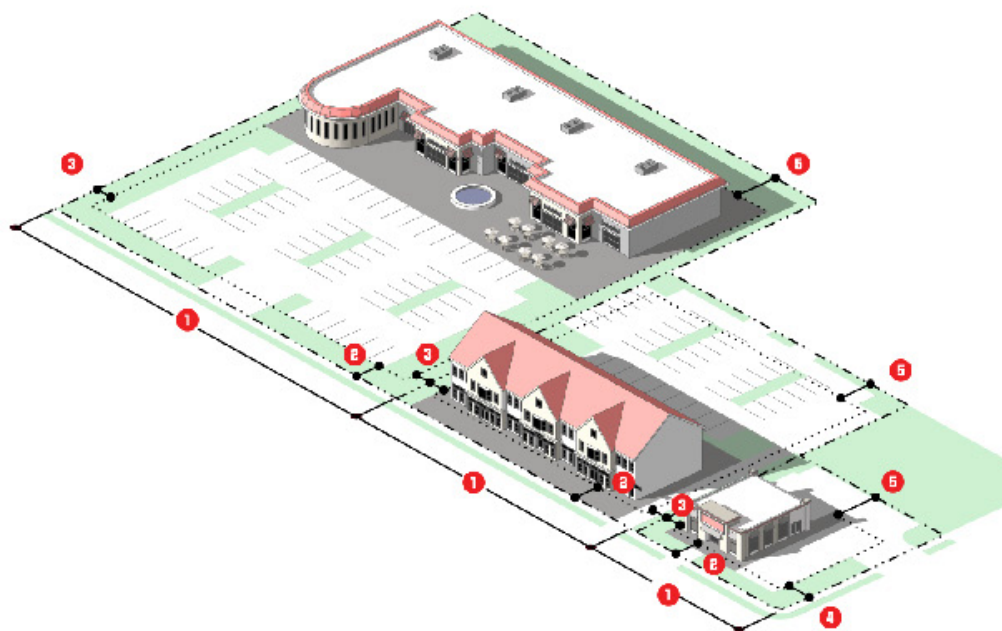
[4] Horizontal mixed-use development shall comply with the standards in "All Other Uses."

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

Article 3: Zoning Districts

Section 3.4 Commercial Base Zoning Districts

3.4.7 C-COR: Corridor Commercial District

**D. Reference to Other Standards**

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