



## **COVID-19 NOTICE:**

The November 18, 2020, 5:30 p.m., Design Review Board Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be broadcast live via the Village of Estero website link: <https://estero-fl.gov/council/watch-meetings-online/>. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19. Please see pages 2 of this agenda for further information and instructions for public participation.

## **AGENDA**

### **DESIGN REVIEW BOARD MEETING**

**9401 Corkscrew Palms Circle, Estero, Florida**

**November 18, 2020**

**5:30 p.m.**

*Design Review Board: Chairman - Barry Jones; Vice Chairman - Michael Sheeley; William Glass; Barry Freedman; Kristin Jeannin and Jim Wallace*

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**5. BUSINESS**

Items on the agenda are generally treated in sequential order, and due to the length of the agenda any or all of the items listed for discussion may be rescheduled to a later date for consideration. **The public will have an opportunity to speak during each agenda item; each individual has one opportunity to speak for five minutes per agenda item.**

**(a) Introduction**

- (1) Introduction of New Member, Kristin Jeannin

**(b) Workshops**

- (1) Estero Crossing Commercial Phase I (DOS2020-E006 & E007) (District 5)

10500 Corkscrew Road, a 43-acre site located on the south side of Corkscrew Road, 1,000 feet west of the intersection of Corkscrew Road and I-75.

- *The applicant requests review of updated building elevations and landscape plans since their Public Information Meeting on August 26, 2020.*

(2) Land Development Code – Part 2

**6. PUBLIC INPUT (Each individual will be given five minutes to speak)**

**7. BOARD COMMUNICATIONS**

(a) Next meeting December 9, 2020.

**8. ADJOURNMENT**

**COVID-19 NOTICE:**

To view and/or participate in the Design Review Board Meeting the following options are available:

- 1) View the meeting online, but not participate:  
You may watch the meeting via the Village of Estero website link:  
<https://estero-fl.gov/council/watch-meetings-online/>
- 2) View the meeting online as indicated above and provide public comment during the meeting by utilizing the eComment Card feature on the Village website: <https://estero-fl.gov/ecomment-cards/>  
Please fill out all required information. Comments received during the agenda item being discussed will be read into the record.
- 3) The Council Chambers will be available for public comment, in accordance with social distancing orders. Participants are to wear their own-supplied mask.

For additional information or for special assistance prior to the meeting, please contact Carol Sacco, Executive Assistant, [sacco@estero-fl.gov](mailto:sacco@estero-fl.gov) or 239-221-5035.

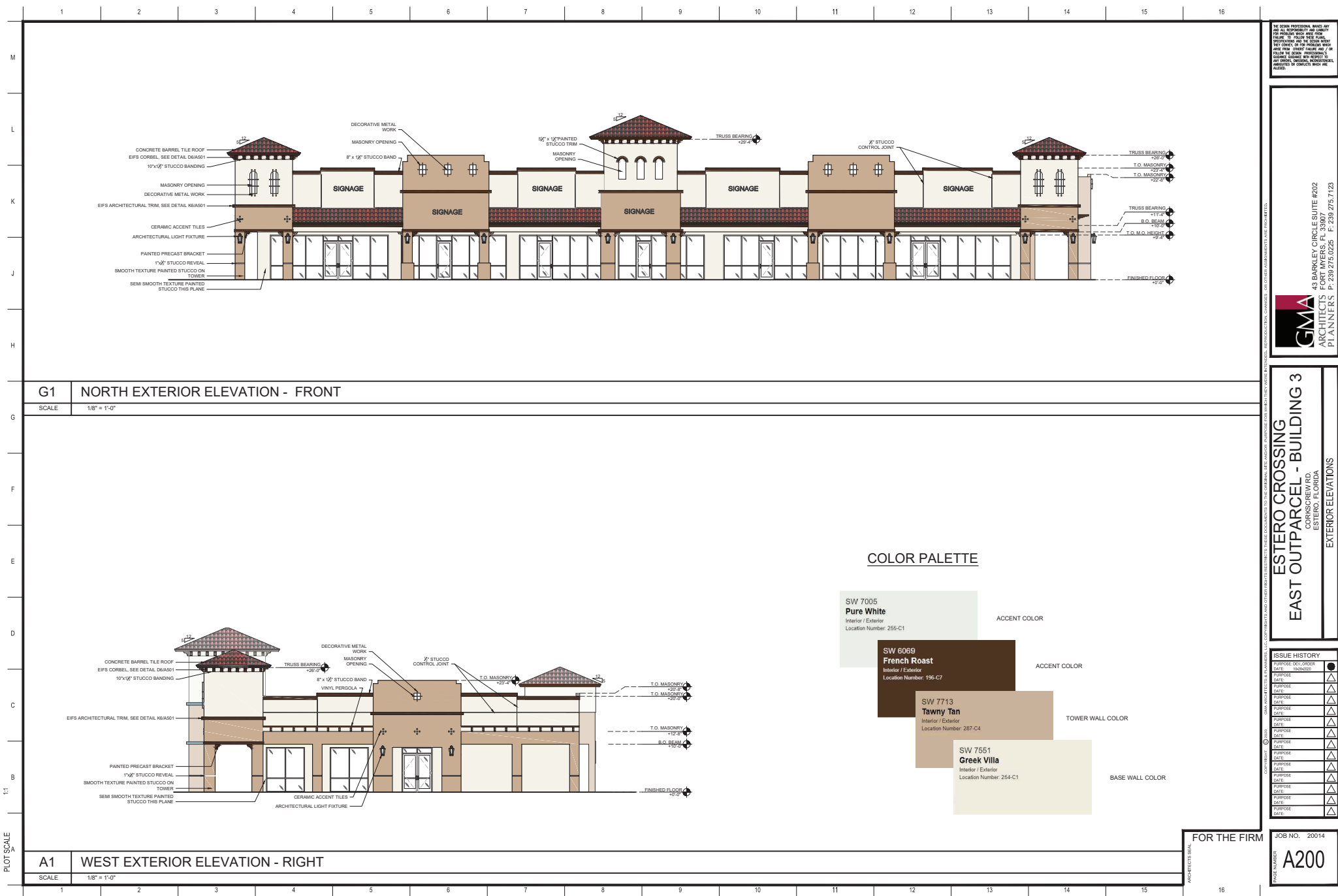
If you desire to address the Board, please complete a Public Comment Card and return it to the Village Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact Executive Assistant, Carol Sacco 239-221-5035, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:

“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”





NO OTHER PROFESSIONAL SHALL BE USED FOR ANY REPRESENTATION OF THIS PROJECT WITHOUT THE WRITTEN CONSENT OF GMA ARCHITECTS, P.A. ANY SUCH VIOLATION SHALL BE CONSIDERED A BREACH OF THE PROFESSIONAL ETHICS OF THE ARCHITECT AND SHALL BE SUBJECT TO THE DISCIPLINARY ACTION OF THE BOARD OF ARCHITECTS OF THE STATE OF FLORIDA.

43 BARKLEY CIRCLE SUITE #202  
ARCHITECTS FORT MYERS, FL 33907  
PLANNERS P. 239.275.0225 F. 239.275.7123

**GMA**  
ARCHITECTS, P.A.  
PLANNERS

**ESTERO CROSSING  
EAST OUTPARCEL - BUILDING 3**  
ARCHITECTS, P.A.  
ESTERO, FLORIDA  
EXTERIOR ELEVATIONS

**ISSUE HISTORY**

REVISION NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		

FOR THE FIRM

**A200**





ALL DIMENSIONS SHOWN ARE APPROXIMATE AND ALL REPRESENTATIONS ARE FOR INFORMATION ONLY. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE REPRESENTATIONS. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE REPRESENTATIONS. THE ARCHITECTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE REPRESENTATIONS.

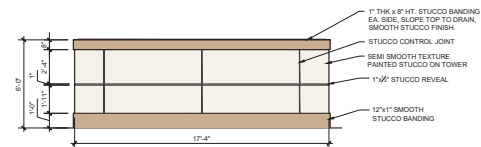
43 BARKLEY CIRCLE SUITE #202  
ARCHITECTS  
FORT MYERS, FL 33907  
P. 239.275.0225 F. 239.275.1723

ESTERO CROSSING  
EAST OUTPARCEL - BUILDING 3  
ARCHITECTS  
FORT MYERS, FL 33907  
P. 239.275.0225 F. 239.275.1723

ISSUE HISTORY		
NO.	DATE	DESCRIPTION
1	10/1/2014	ISSUED FOR PERMIT
2	10/1/2014	ISSUED FOR PERMIT
3	10/1/2014	ISSUED FOR PERMIT
4	10/1/2014	ISSUED FOR PERMIT
5	10/1/2014	ISSUED FOR PERMIT
6	10/1/2014	ISSUED FOR PERMIT
7	10/1/2014	ISSUED FOR PERMIT
8	10/1/2014	ISSUED FOR PERMIT
9	10/1/2014	ISSUED FOR PERMIT
10	10/1/2014	ISSUED FOR PERMIT
11	10/1/2014	ISSUED FOR PERMIT
12	10/1/2014	ISSUED FOR PERMIT
13	10/1/2014	ISSUED FOR PERMIT
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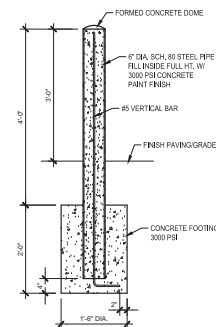
FOR THE FIRM

A201



H11	REAR ELEVATION
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SCALE	1/4" = 1'-0"
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A13	BOLLARD DETAIL
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SCALE	$3/4" = 1'$
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JOB NO. 20014  
PAGE NUMBER  
**A400**

JOB NO. 20014

# ESTERO CROSSING

## COMMERCIAL & RESIDENTIAL ENTRANCE

CORKSCREW ROAD | ESTERO, FLORIDA 33928

### CONSULTANTS

Client

SD ESTERO CROSSING, LLC  
2639 PROFESSIONAL CIRCLE, SUITE 101  
NAPLES, FLORIDA 34119

Civil  
Engineer

DELISI FITZGERALD, INC  
1605 HENDRY STREET  
FT.MYERS, FLORIDA 33901

### PROJECT SITE VICINITY MAP

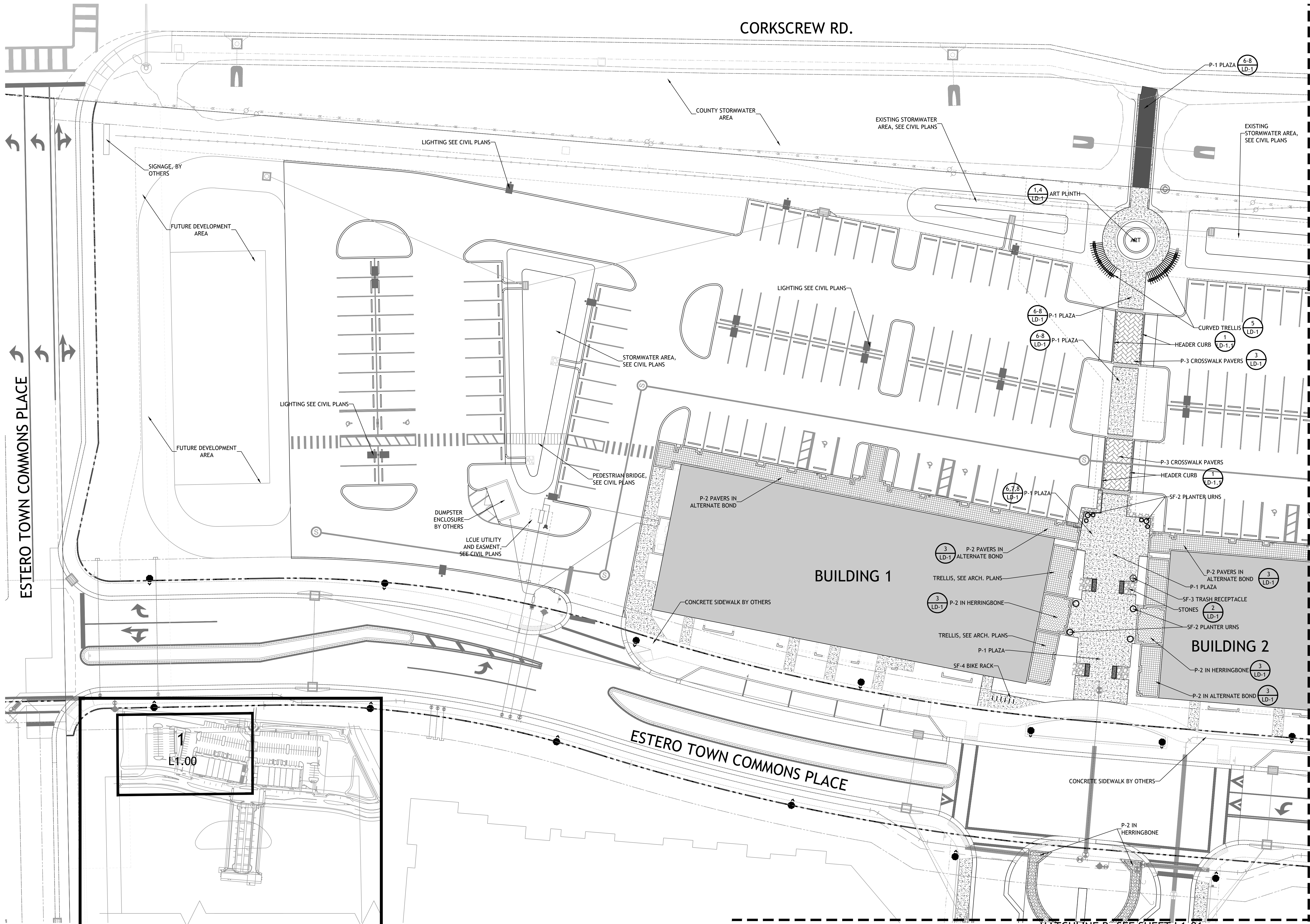


### INDEX OF DRAWINGS

DRAWING	DRAWING TITLE	PROGRESS SET
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LC1.00	LANDSCAPE CALCULATIONS	11/06/2020
LC1.01	LANDSCAPE CALCULATIONS	11/06/2020
L1.00	LANDSCAPE SITE PLAN	11/06/2020
L1.01	LANDSCAPE SITE PLAN	11/06/2020
L2.00	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
L2.01	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
L2.02	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
L2.03	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
L2.04	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
L2.05	LANDSCAPE DEVELOPMENT PLAN	11/06/2020
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LD-1.01	HARDSCAPE DETAILS	11/06/2020
LD-2	LANDSCAPE DETAILS	11/06/2020
LD-3	LANDSCAPE SPECIFICATIONS	11/06/2020
IR 1.0	IRRIGATION DEVELOPMENT PLAN	11/06/2020
IR 1.1	IRRIGATION DEVELOPMENT PLAN	11/06/2020
IR 1.2	IRRIGATION DEVELOPMENT PLAN	11/06/2020
LD-4	IRRIGATION NOTES AND DETAILS	11/06/2020
LD-5	IRRIGATION SPECIFICATIONS	11/06/2020







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St. Petersburg, FL 33701  
T/ 727.821.5699

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FT MYERS | FLORIDA  
239-418-0691  
239-288-2537

ARCHITECT  
GMA ARCHITECTURE  
43 BARKLEY CIR #202  
FT MYERS | FLORIDA, 33907  
239-275-0225

**OWNER**

STOCK DEVELOPMENT  
2639 PROFESSIONAL CIRCLE, SUITE 102  
NAPLES | FLORIDA  
239-592-7394

**ESTERO CROSSING  
COMMERCIAL & RESIDENTIAL  
ENTRANCE**

**SIGNATURE & SEAL**

FL Registration: LC26000471

**DO PLANS**

**ISSUE DATE**

1	DO PLANS	07-10-20
2	DO PLANS	09-28-20
3	DO PLANS	11-06-20

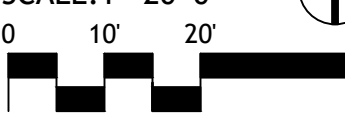
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NO.	COMMENTS	DATE

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CHECKED BY	HB

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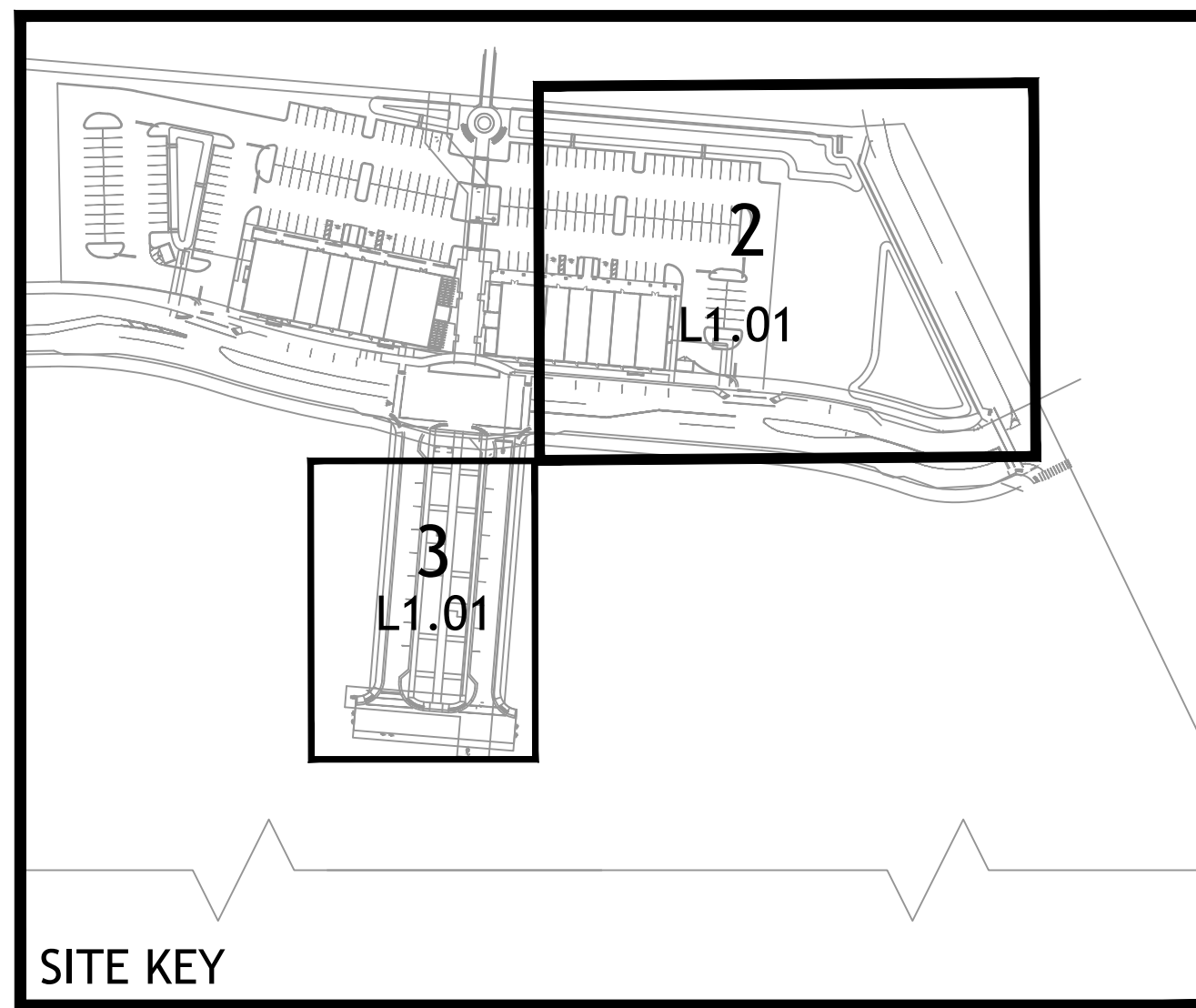
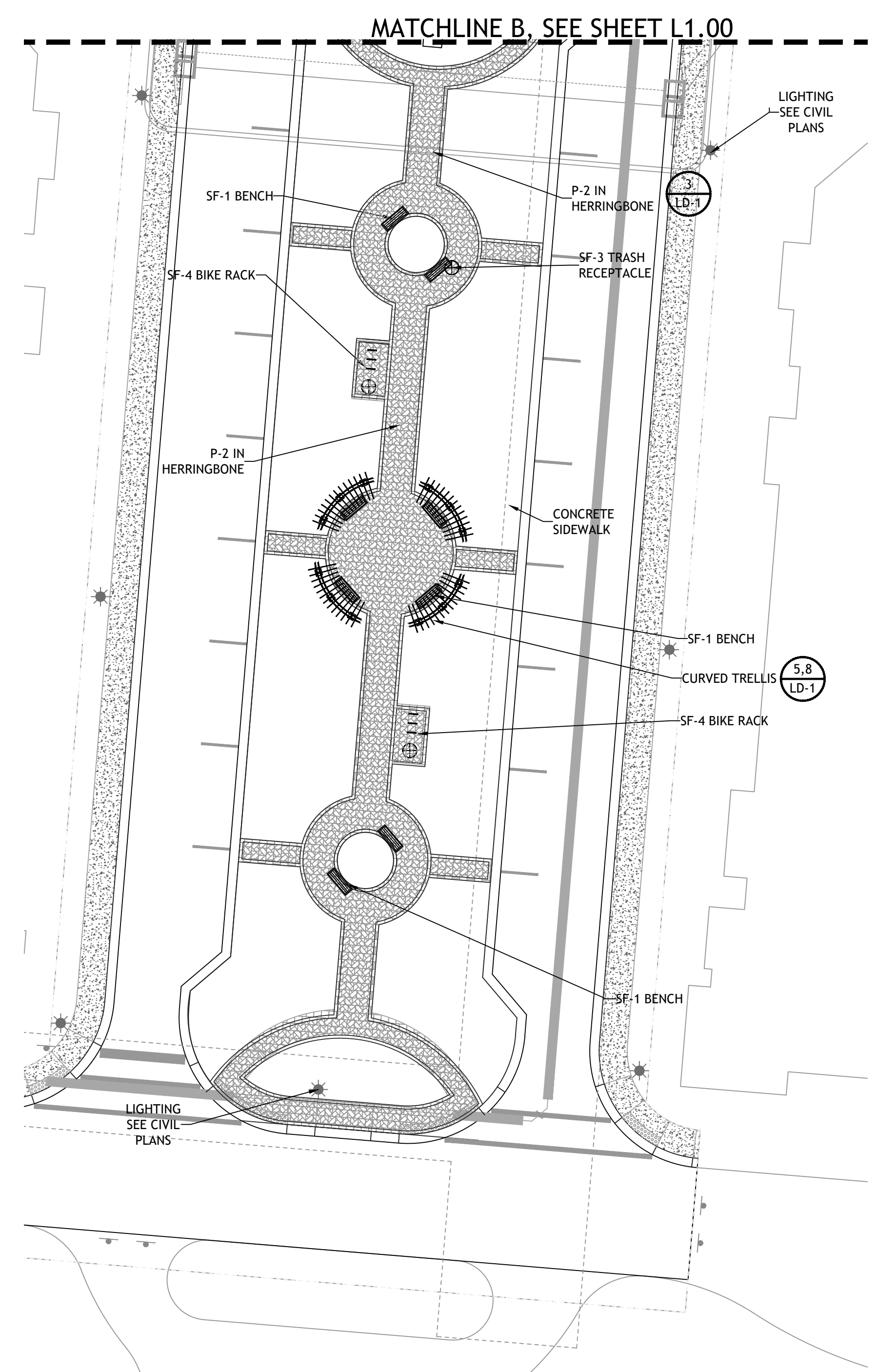
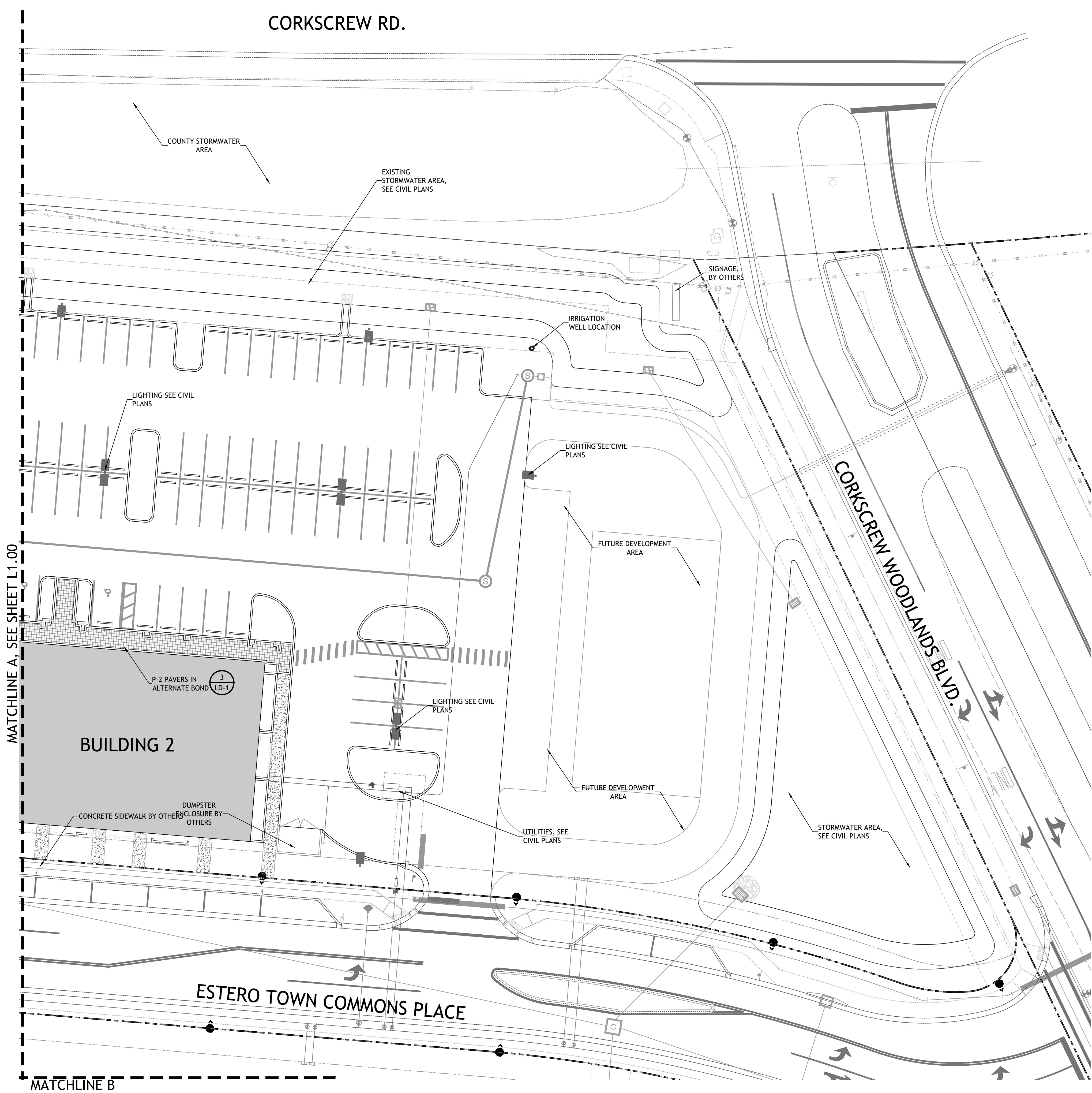


**LANDSCAPE  
SITE DEVELOPMENT  
PLAN**

**L1.00**

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FT MYERS | FLORIDA, 33907  
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ENTRANCE**

CORKSCREW ROAD  
ESTERO | FLORIDA

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NO.	COMMENTS	DATE

**SHEET INFORMATION**  
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**LANDSCAPE  
SITE DEVELOPMENT  
PLAN**

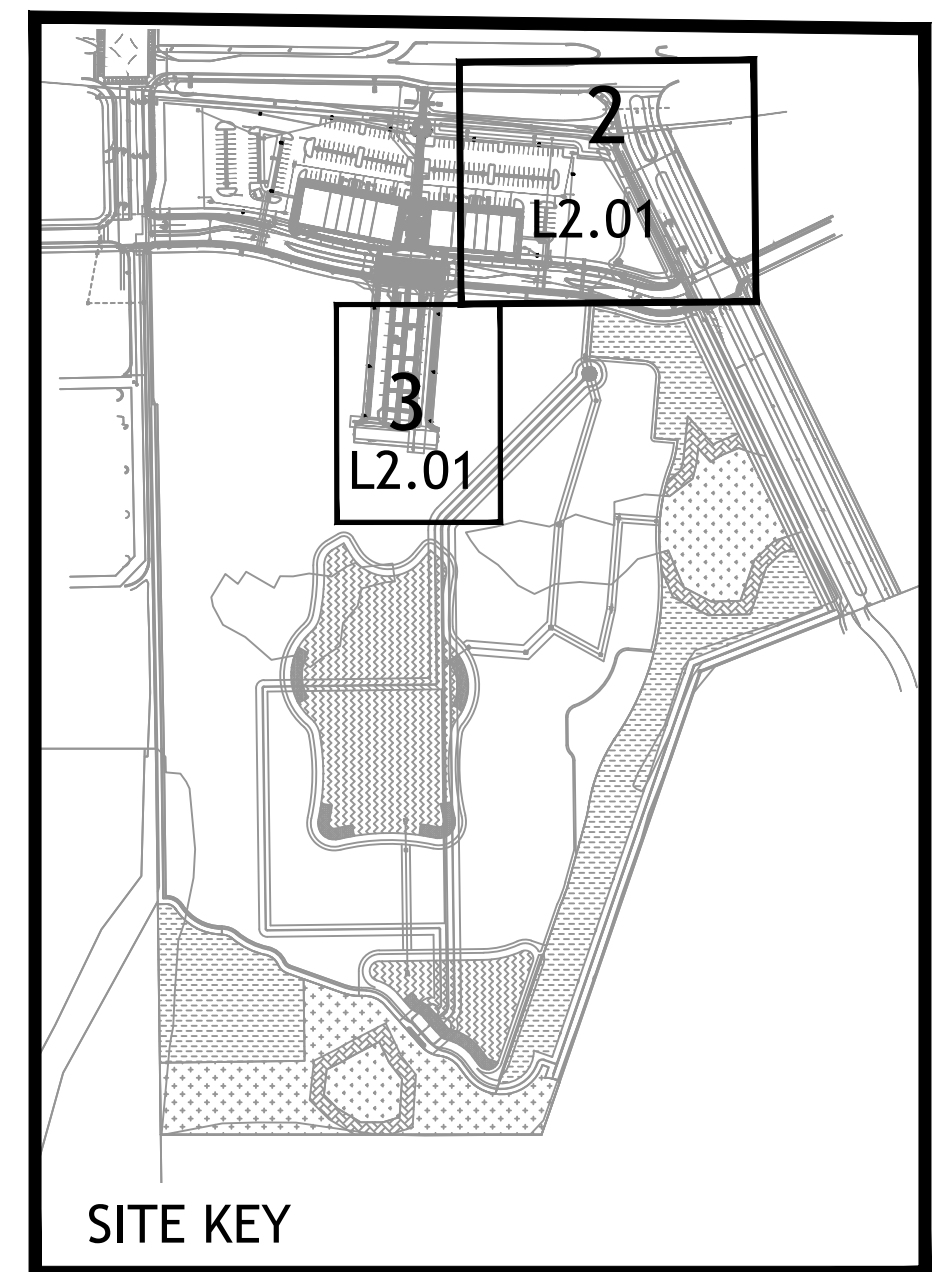
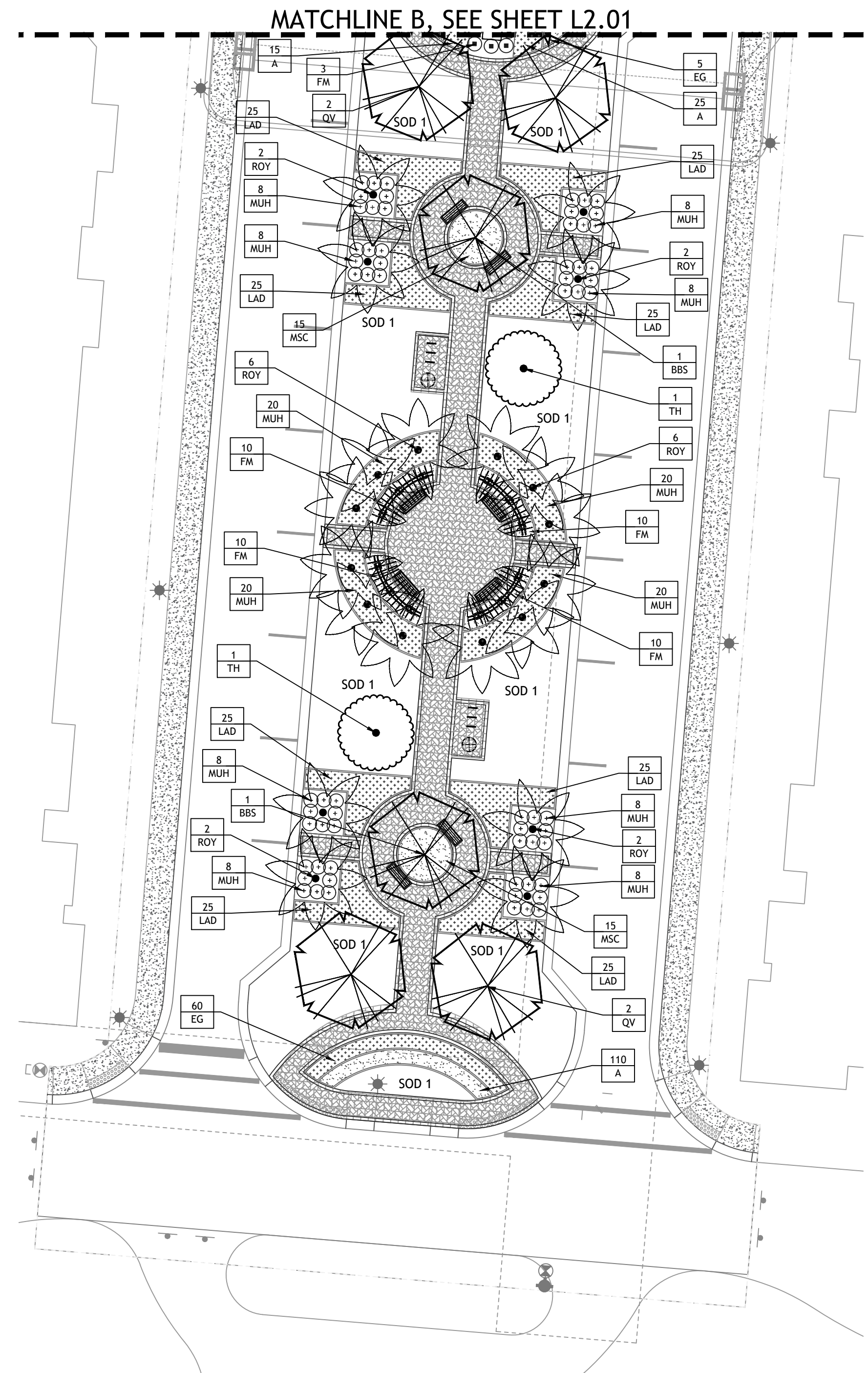
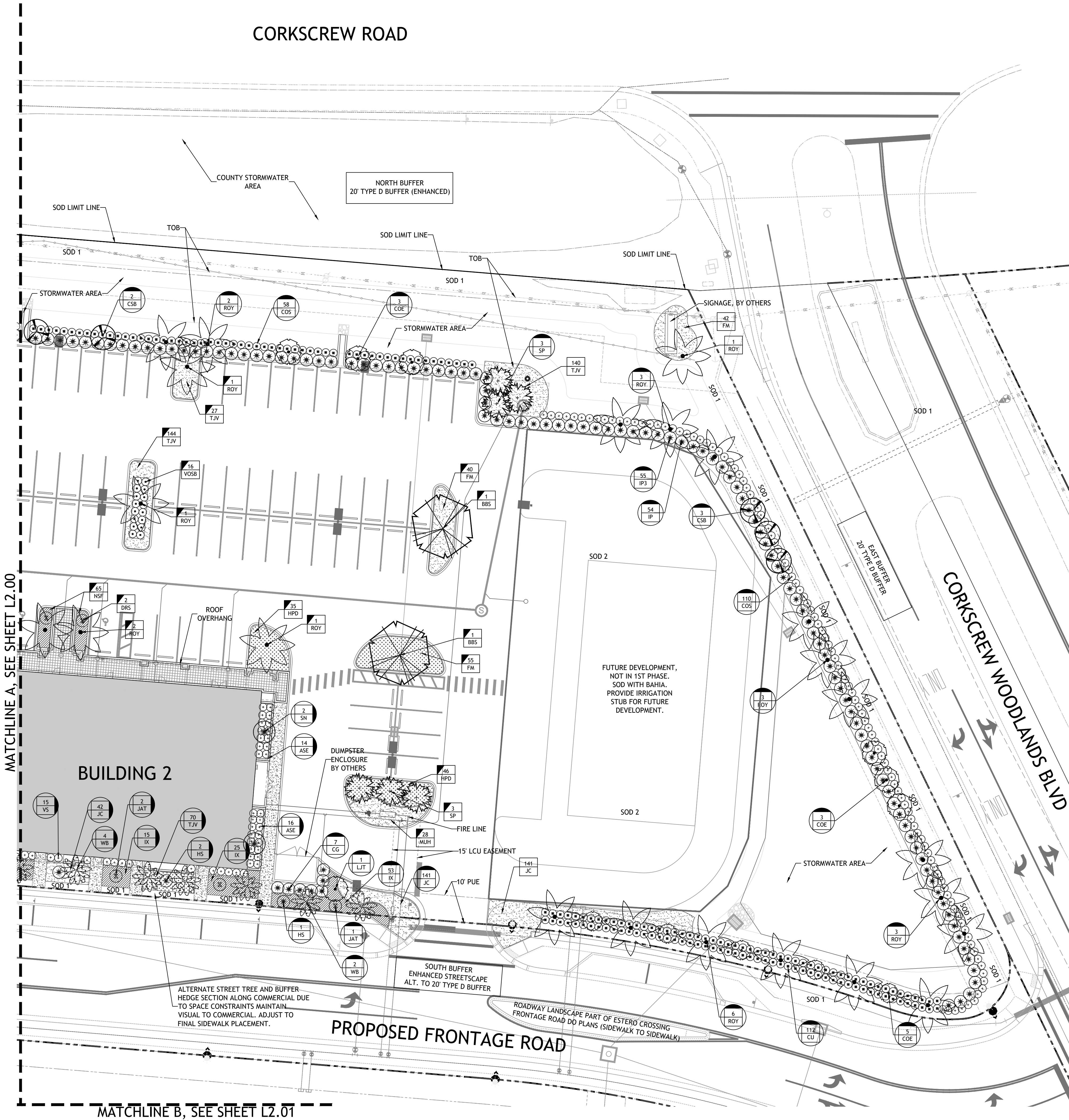
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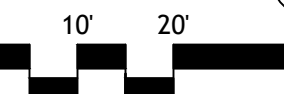
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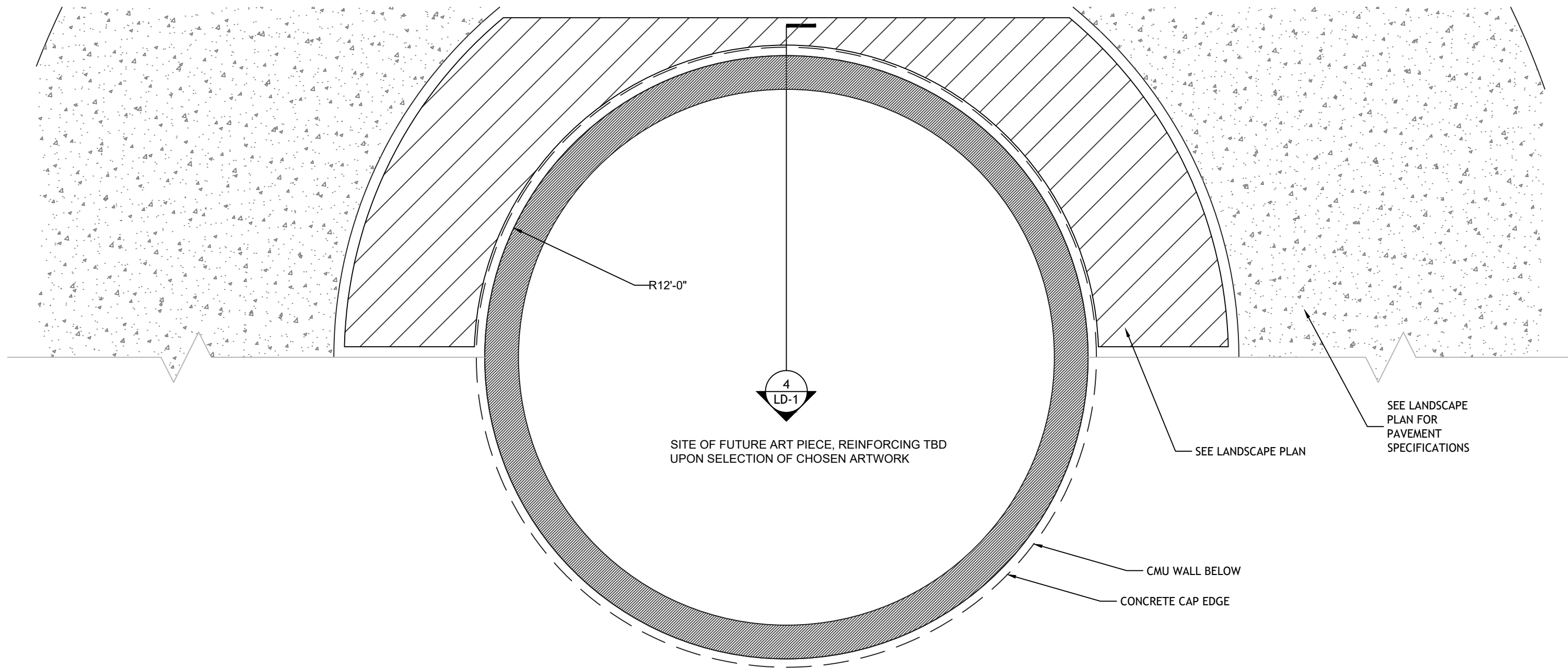


LANDSCAPE  
DEVELOPMENT  
PLAN

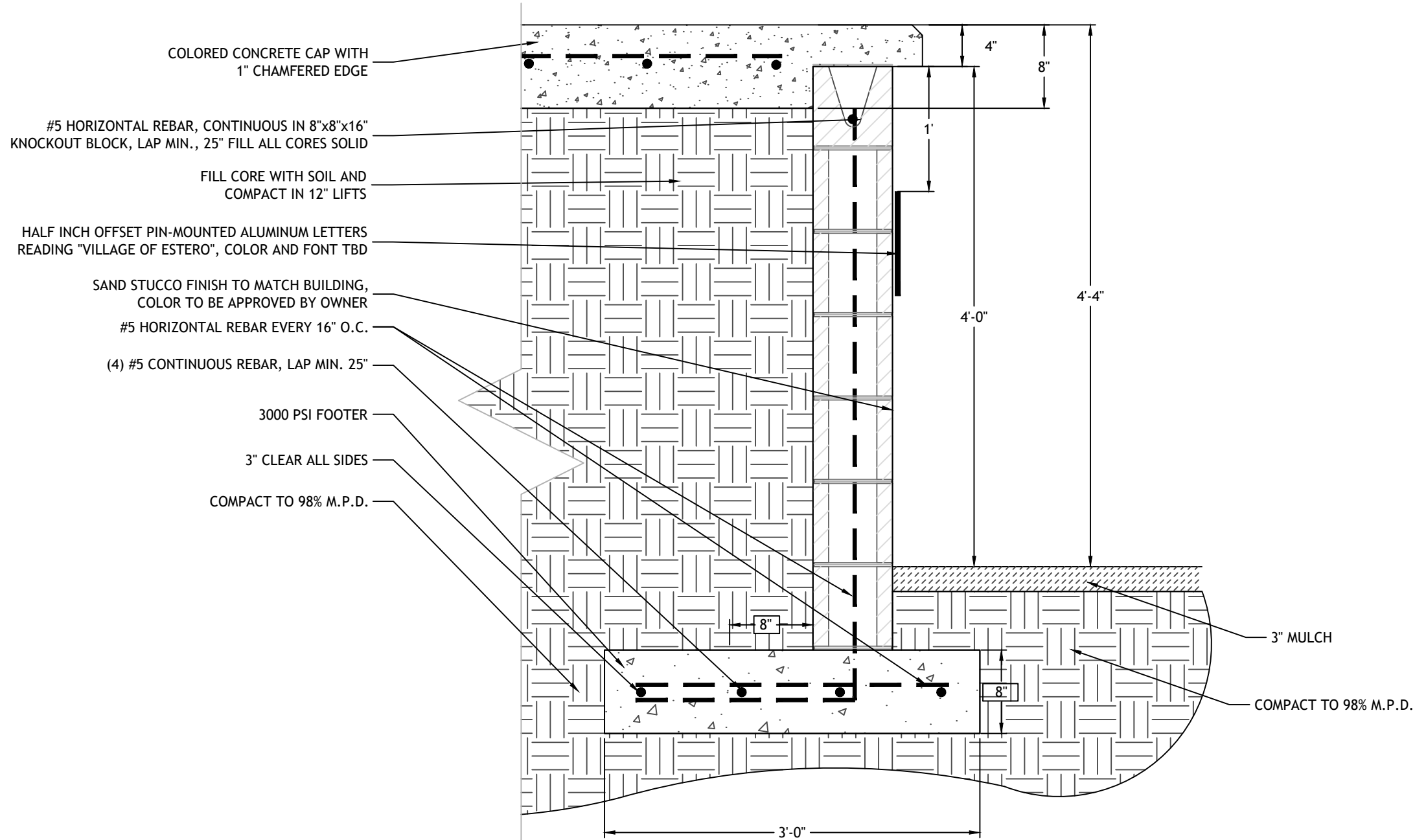
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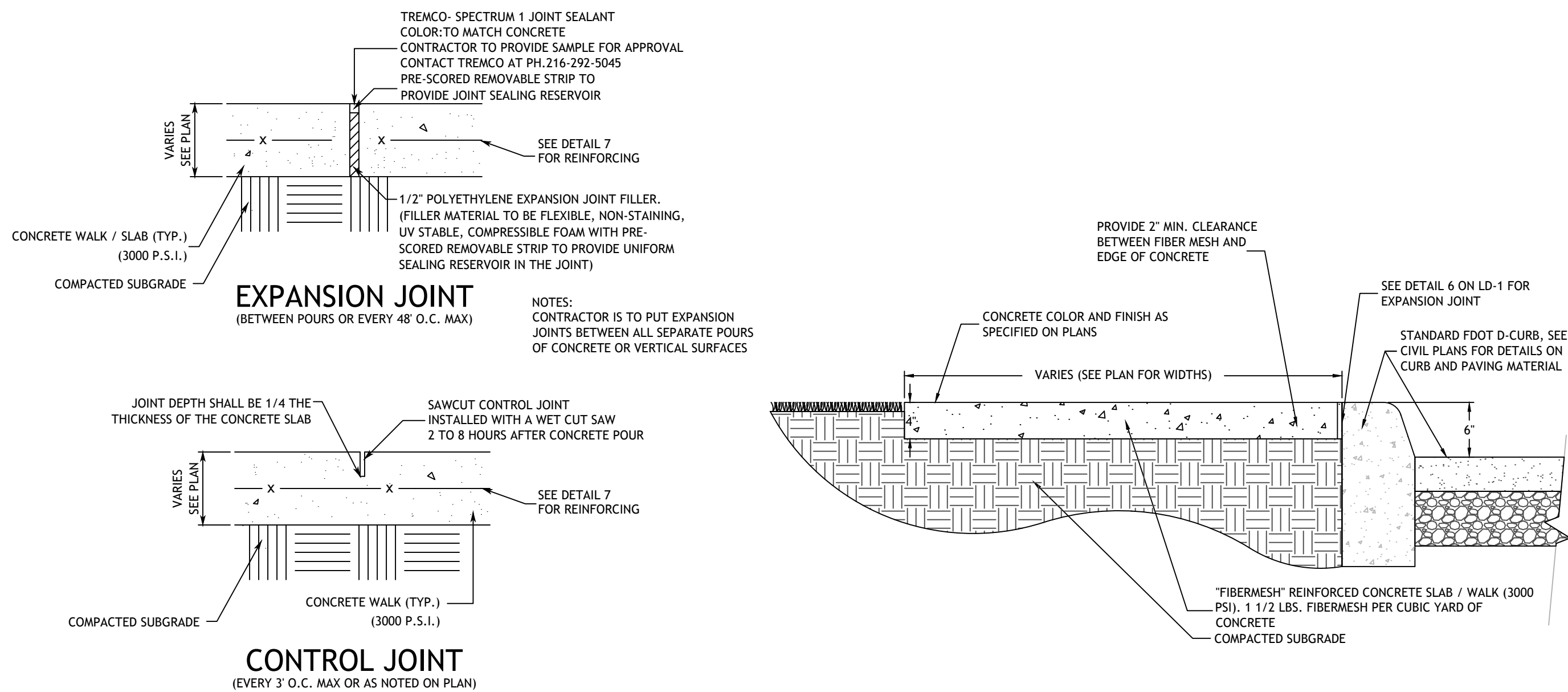




1  
LD-1  
ART PLINTH- PLAN VIEW  
SCALE 1/2"=1'-0"

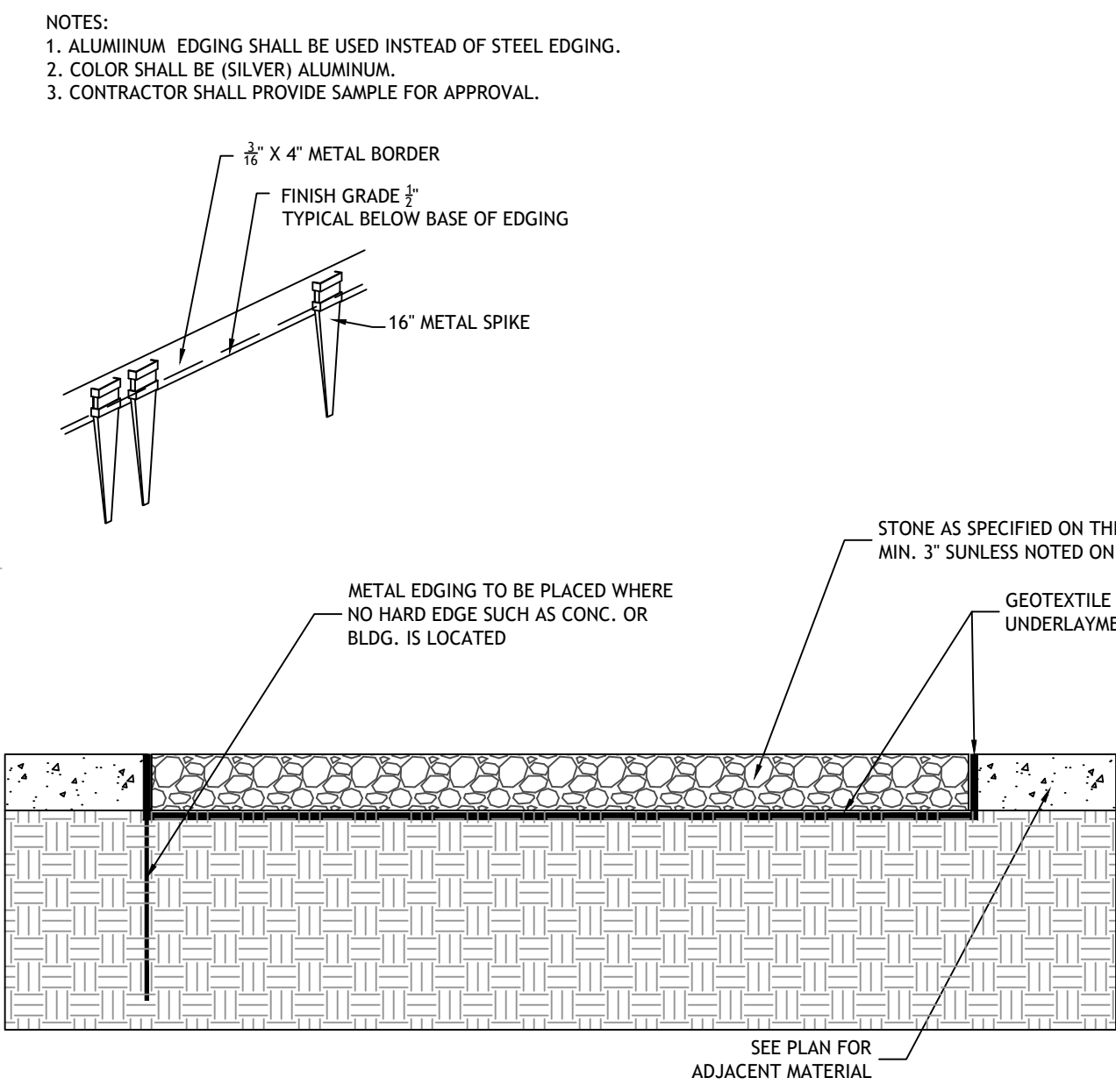


4  
LD-1  
ART PLINTH SECTION  
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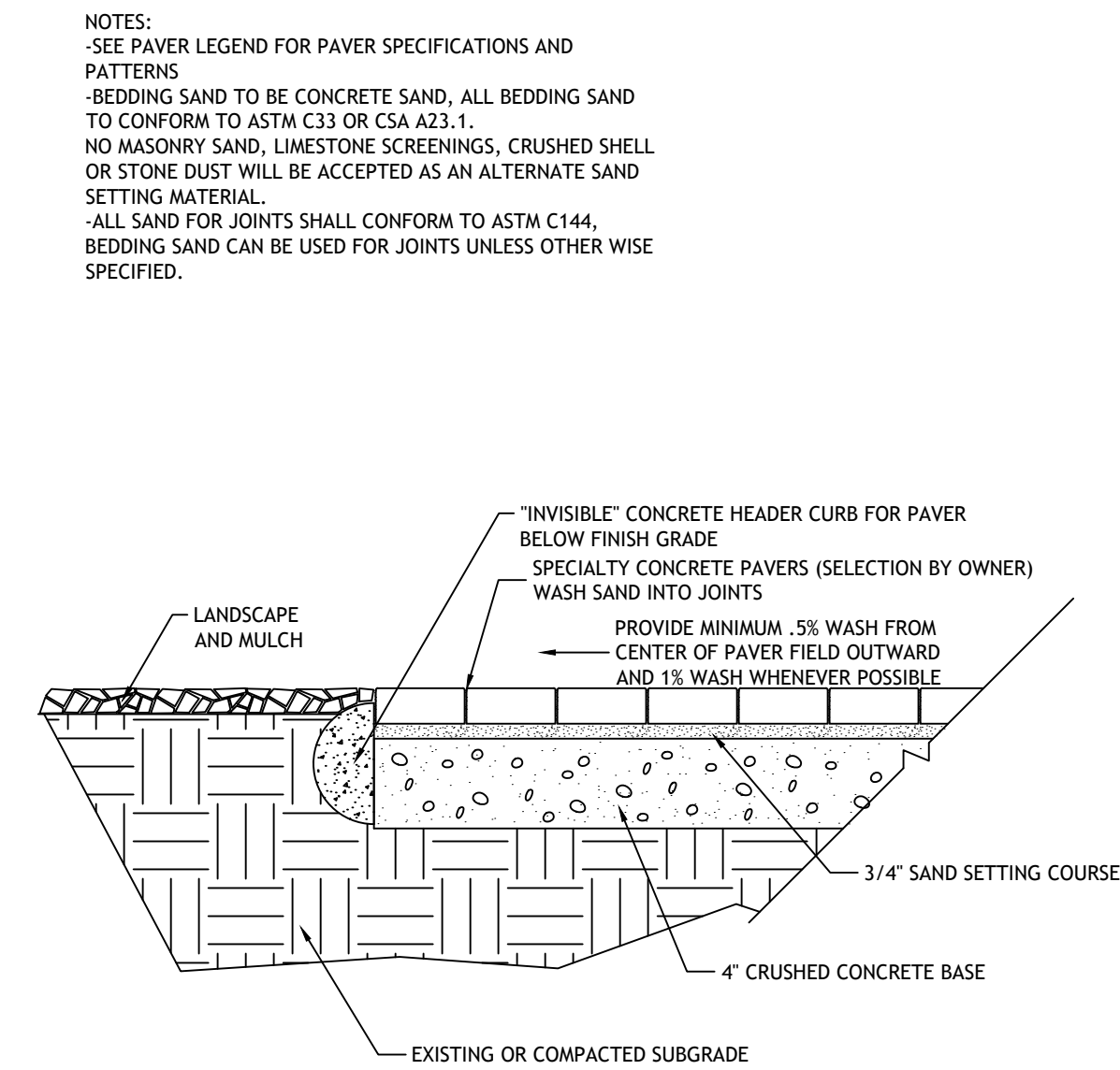


6  
LD-1  
CONCRETE JOINT DETAILS  
N.T.S.

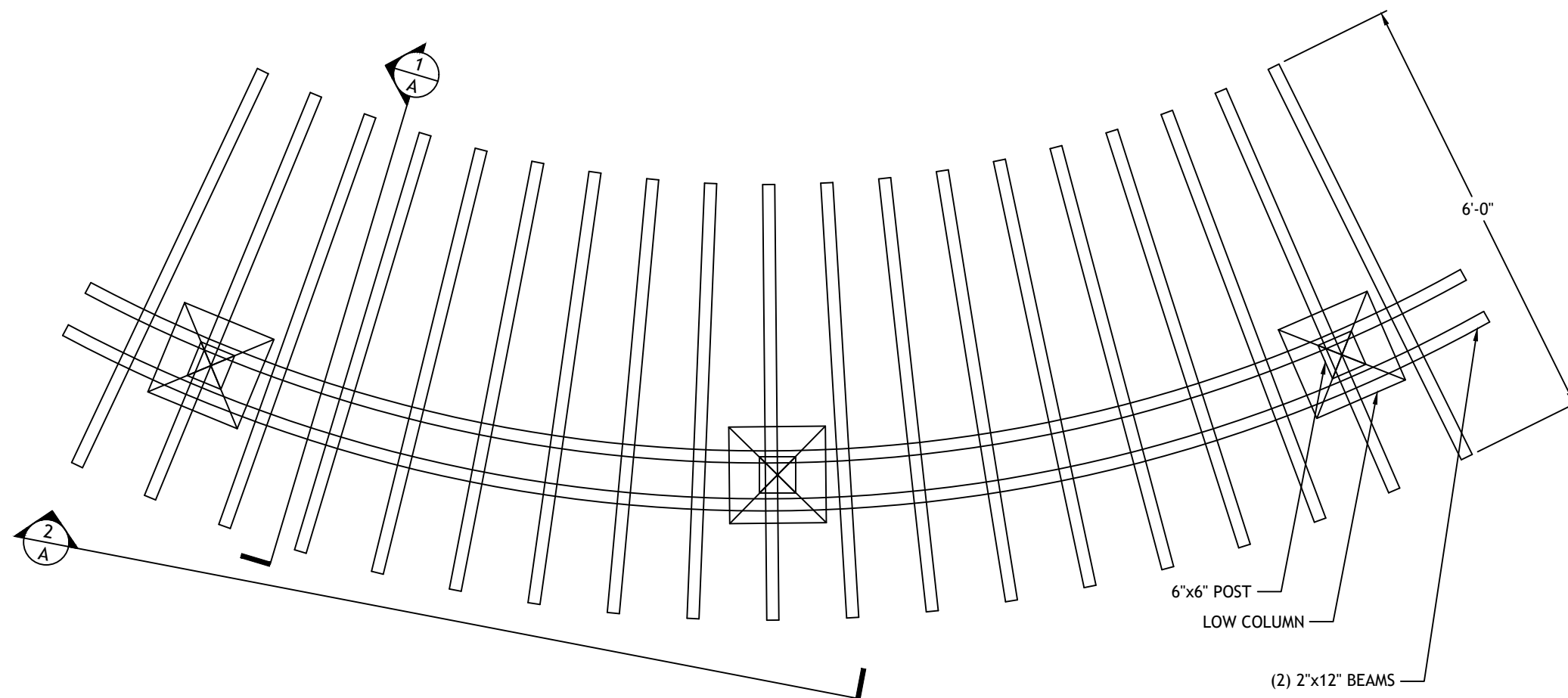
7  
LD-1  
4" CONC. WALK  
SCALE 1"=1'-0"



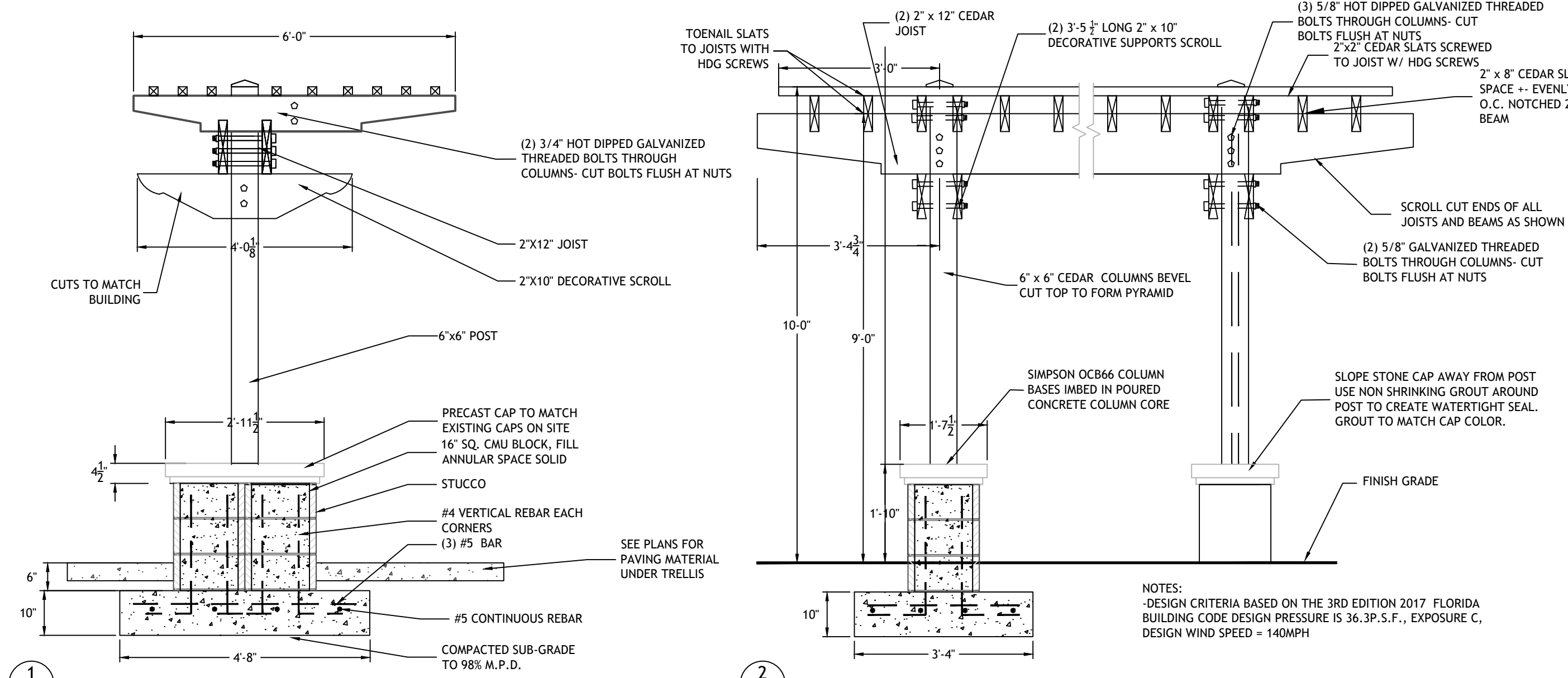
2  
LD-1  
ROCK W/ UNDERLAYMENT



3  
LD-1  
CONC. PAVER SECTION W/ CRUSHED CONC. BASE  
SCALE: N.T.S.



5  
LD-1  
TRELLIS (PLAN VIEW)  
SCALE 1/2"=1'-0"



8  
LD-1  
TRELLIS  
SCALE 1/2"=1'-0"



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CIVIL ENGINEER

DELISI FITZFERNALD INC

1605 HENDRY STREET

FT MYERS | FLORIDA

239-418-0691

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239-279-0225

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STOCK DEVELOPMENT

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ENTRANCE

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ISSUE DATE

1 DO PLANS 07-10-20

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3 DO PLANS 11-06-20

REVISIONS

NO. COMMENTS DATE

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JOB NUMBER 20040

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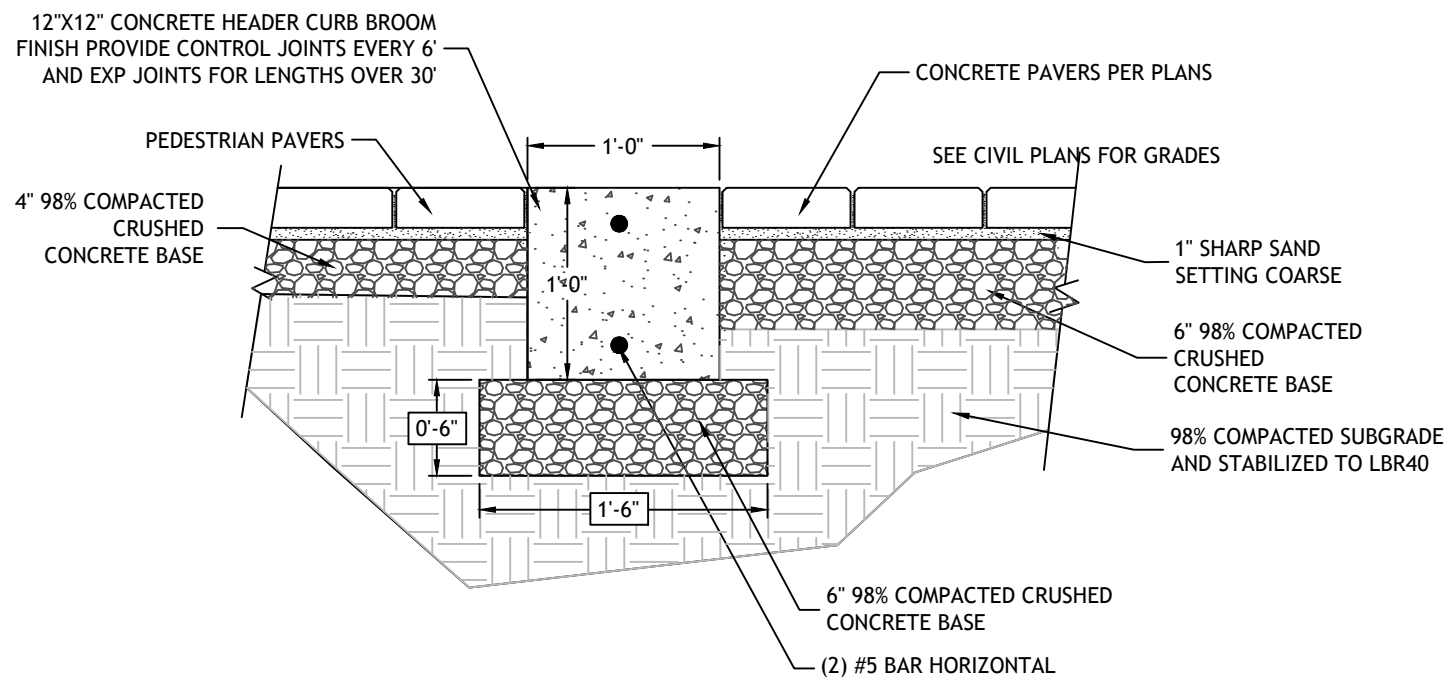
HARDSCAPE DETAILS

LD-1

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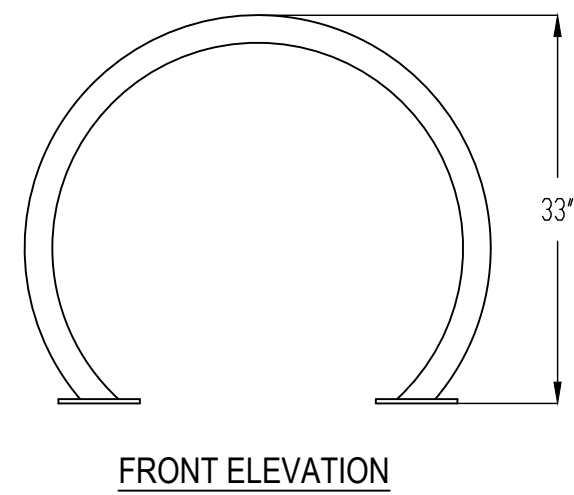
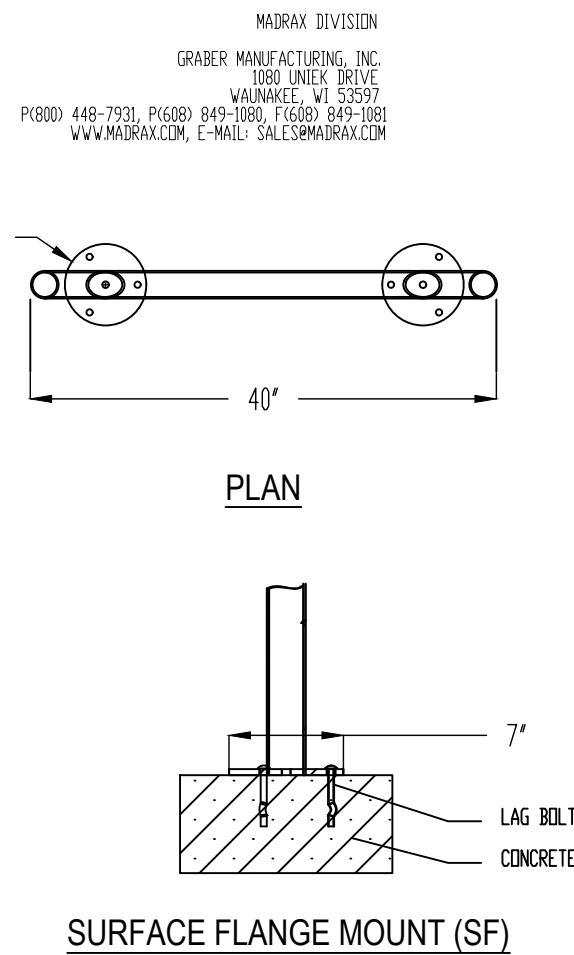
NOTES:  
-SEE PAVEN LEGEND FOR PAVEN SPECIFICATIONS AND PATTERNS  
-BEDDING SAND TO BE CONCRETE SAND, ALL BEDDING SAND TO CONFORM TO ASTM C33 OR CSA A23.1.  
NO MASONRY SAND, LIMESTONE SCREENINGS, CRUSHED SHELL OR STONE DUST WILL BE ACCEPTED AS AN ALTERNATE BASE MATERIAL.  
-ALL SAND FOR JOINTS SHALL CONFORM TO ASTM C144.  
BEDDING SAND CAN BE USED FOR JOINTS UNLESS OTHER WISE SPECIFIED.  
-FOR EXPANSION JOINT ON CURB, USE PER-FORMED JOINT FILLER AND JOINT SEAL AS REQUIRED BETWEEN CURBS AND CONCRETE PAVEMENT ONLY.



1  
LD-1.1

CONCRETE HEADER CURB & VEHICULAR PAVERS DETAIL

SCALE 1"=1'-0"



PRODUCT: 302-153  
DESCRIPTION: ORION BIKE RACK  
DATE: 07-07-2020  
ENG: SHC

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NOTES:  
1. INSTALL BIKE RACKS ACCORDING TO MANUFACTURER'S SPECIFICATIONS.  
2. CONSULT WITH US TO SELECT COLOR & FINISH. SEE MANUFACTURER'S SPECIFICATIONS.  
3. SEE SITE PLAN FOR LOCATION OR CONSULT OWNER.

2  
LD-1.1

ORION BIKE RACK

NOT TO SCALE

B

D

G

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St. Petersburg, FL 33701  
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FT MYERS | FLORIDA  
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REVISIONS


NO.	COMMENTS	DATE

SHEET INFORMATION

JOB NUMBER20040

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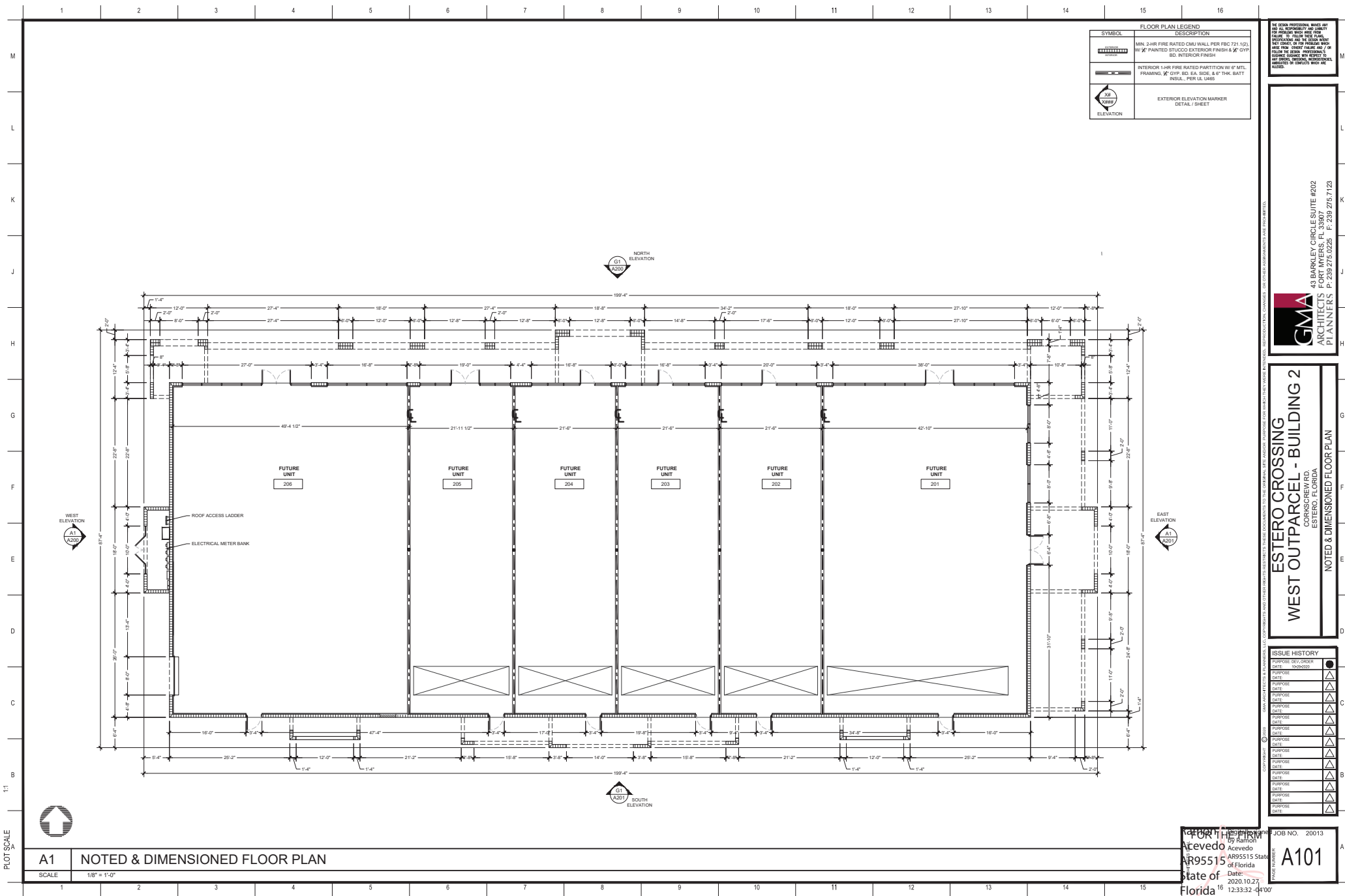
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SCALE: NO SCALE

HARDSCAPE  
DETAILS

LD-1.01

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FORT MYERS, FL 33907  
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PLANNERS

ESTERO CROSSING  
WEST OUTPARCEL - BUILDING 2  
CORKSCREW RD.  
ESTERO, FLORIDA

NOTED & DIMENSIONED FLOOR PLAN

[illegible]

JOB NO. 20013  
PAGE NUMBER  
**A101**

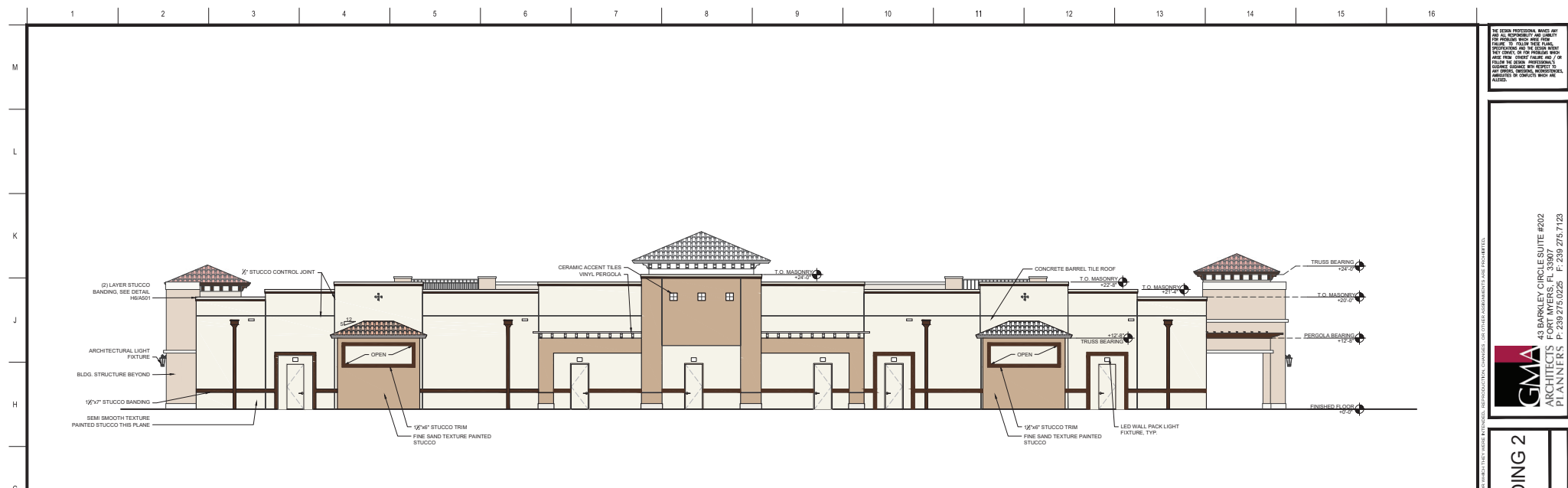


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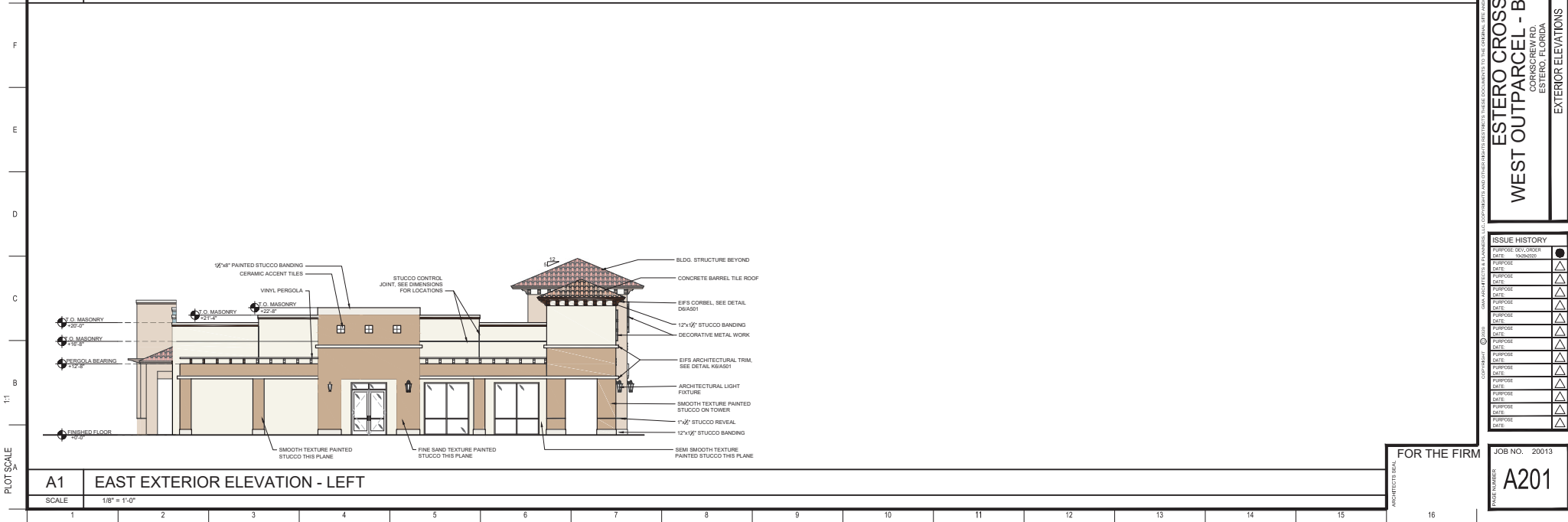
JOB NO. 20013

A200



G1 SOUTH EXTERIOR ELEVATION - REAR


SCALE 1/8" = 1'-0"



A1 EAST EXTERIOR ELEVATION - LEFT

SCALE 1/8" = 1'-0"

NO OTHER PROFESSIONAL SHALL BE USED FOR THIS PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PROJECTS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER PROJECTS.



43 BARKLEY CIRCLE SUITE #202  
ARCHITECTS FORT MYERS, FL 33907  
PLANNERS P. 239.275.0225

ESTERO CROSSING  
WEST OUTPARCEL - BUILDING 2

ARCHITECTS  
FORT MYERS, FLORIDA

EXTERIOR ELEVATIONS

ISSUE HISTORY	
PURPOSE	DATE
REVISION	
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DATE	
PURPOSE	
DATE	

FOR THE FIRM

JOB NO. 20013

A201







# ESTERO CROSSING WORKING SESSION

ESTERO, FL  
NOVEMBER 2020



**BOOTH DESIGN GROUP**  
landscape architecture • planning • urban design





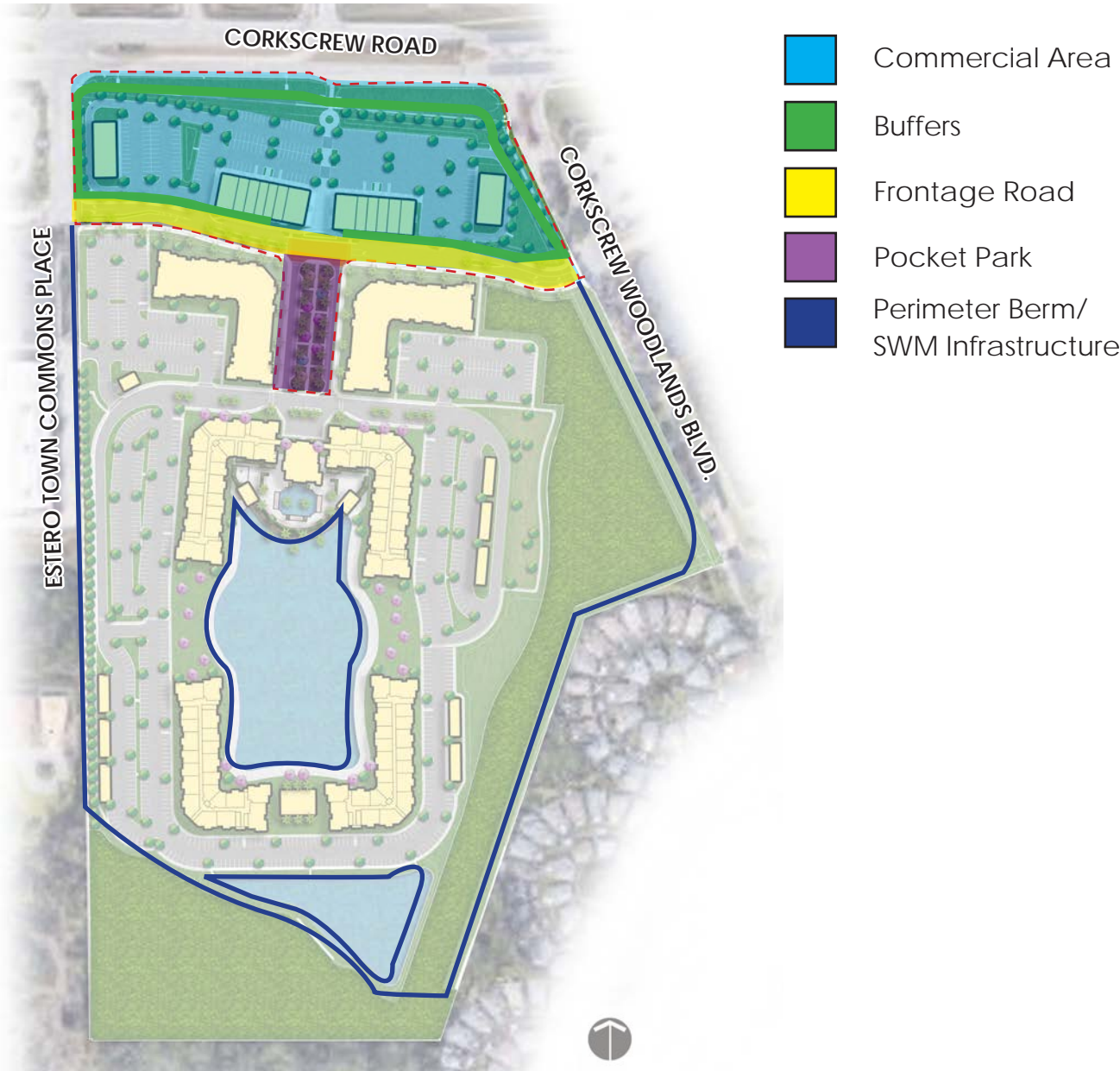
## VICINITY MAP



ESTERO CROSSING

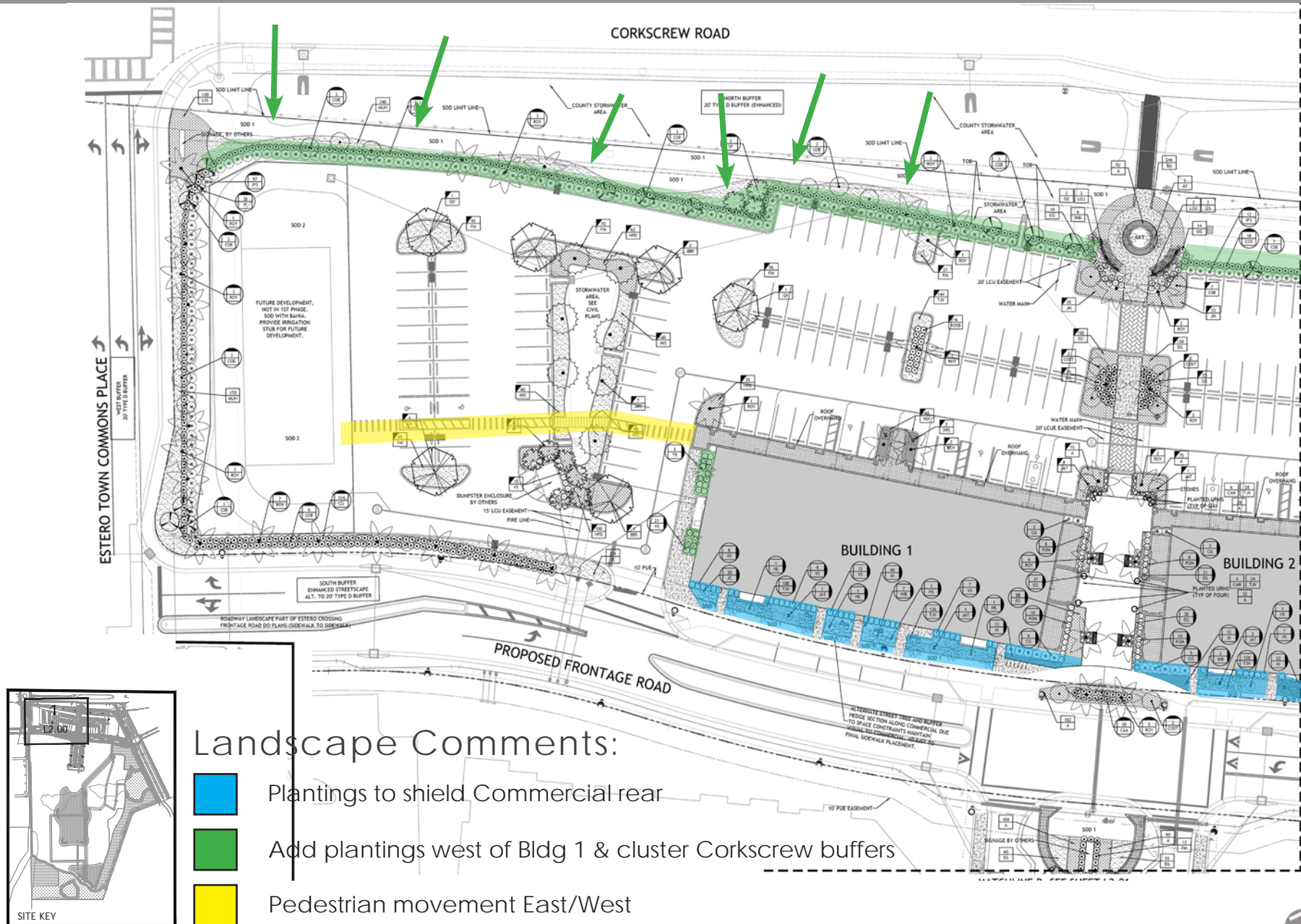


# SPOTLIGHT SPACES: OVERALL PLAN








# REVISED DO PLANS - NORTH WESTERN PORTION OF COMERCIAL

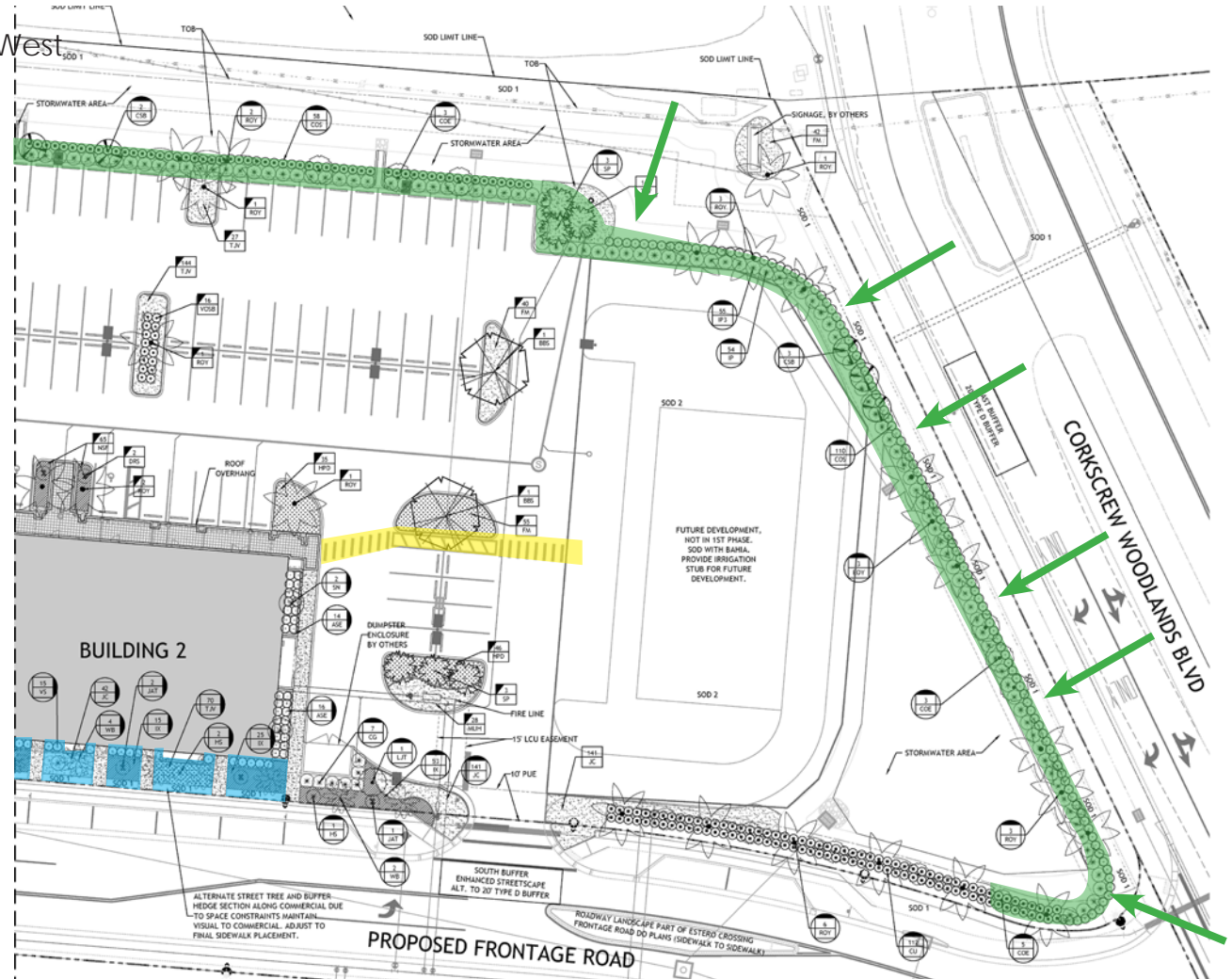
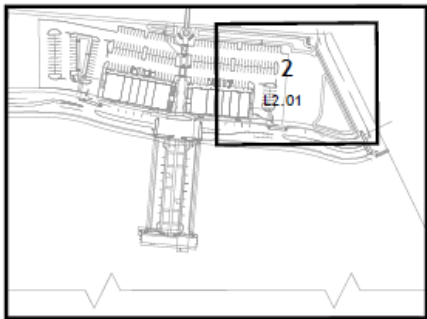


ESTERO CROSSING

# REVISED DO PLANS - NORTH EASTERN PORTION OF COMERCIAL AREA

## Landscape Comments:

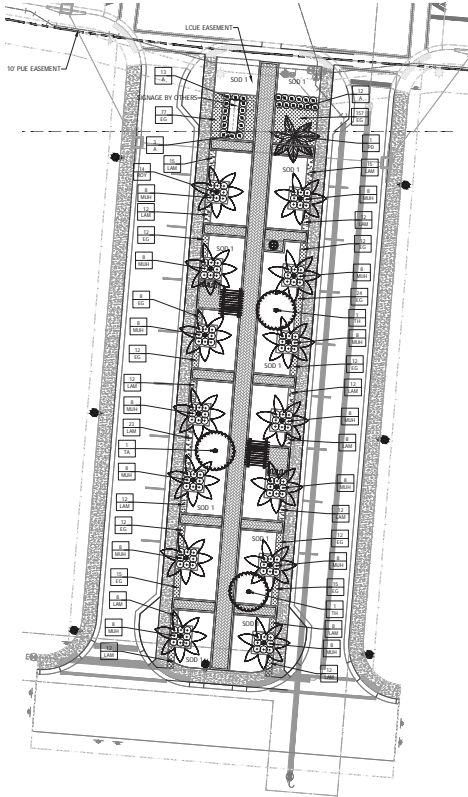
-  Plantings to shield Commercial rear
-  Cluster Corkscrew buffer trees for view corridors
-  Pedestrian movement East/West



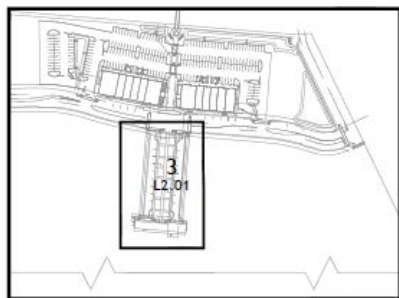
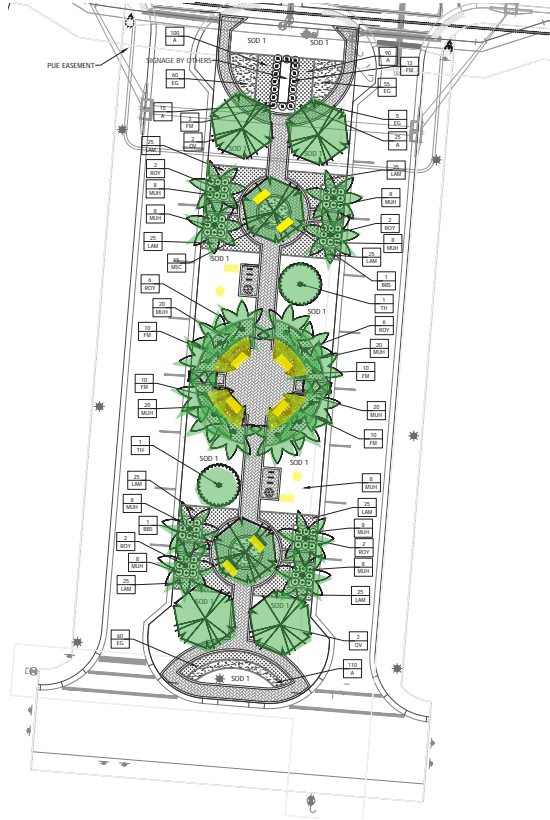


# REVISED DO PLANS - SOUTHERN PORTION, POCKET PARK

Before:



After:



Landscape Comments:



Add shade in pocket park

Add public seating,  
site furnishings, etc.



ESTERO CROSSING

# Plan Rendering

## Proposed Architecture + Foundation Planting





# Exterior Elevation - Front

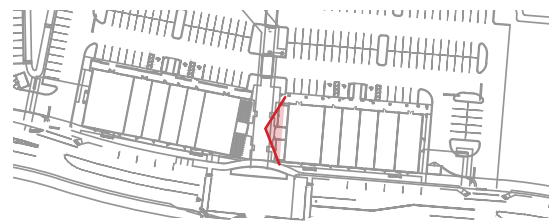
## Proposed Architecture + Foundation Planting



ESTERO CROSSING

# Exterior Elevation - West

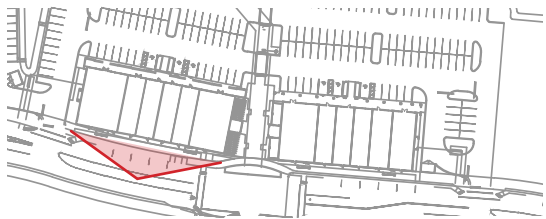
## Proposed Architecture + Foundation Planting



ESTERO CROSSING

# South Exterior Elevation - Rear

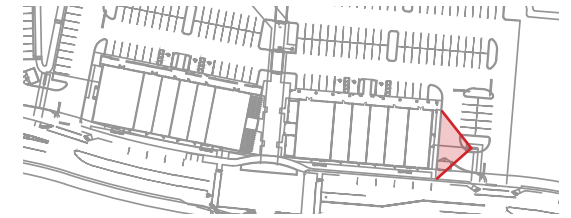
## Proposed Architecture + Foundation Planting





# Exterior Elevation - East

## Proposed Architecture + Foundation Planting



ESTERO CROSSING





# Land Development Code

## REVIEW DRAFT – NOVEMBER 6, 2020



### MODULE 2A IN BOLD

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

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

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



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# CHAPTER 5

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## SITE DEVELOPMENT STANDARDS

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### COMMENTARY

**Chapter 5: Site Development Standards**, consolidates all of the development standards in the LDC related to physical layout of a new development, except for signage (Article 6: Signage), and the environmental standards (Article 7: Natural Resources).

- **Section 5-1, Site Development Standards Timing of Review**, establishes the point in the development review process where compliance with these site development standards are reviewed.
- **Section 5-2, Off-Street Parking, Bicycle Parking, and Loading Standards**, carries forward and refines the parking standards, consolidates parking standards in a unified parking table, incorporates best practices (where appropriate), refines the flexibility provisions, and includes bicycle parking standards.
- **Section 5-3, Mobility and Connectivity Standards**, consolidates and modernizes mobility and connectivity standards to align with best practices and better provide multimodal access.
- **Section 5-4, Landscape Standards**, refines and establishes landscaping standards to reinforce Estero's "sense of place." Standards include a plant palette, tree preservation, perimeter buffers, building perimeter plantings, landscaping of vehicular use areas (parking areas), and maintenance requirements for landscaping.
- **Section 5-5, Fence and Wall Standards**, updates and consolidates the existing standards from throughout the transitional LDC on fences and walls, and conforms them to the organization and format of the new LDC.
- **Section 5-6, Exterior Lighting Standards**, updates, consolidates, and refines standards from both outdoor lighting standards and specific Estero Planning Community provisions in the transitional LDC.
- **Section 5-7, Architectural, Form, and Design Standards**, carries forward and refines the architectural, form, and design standards for the Village, and adds new placemaking standards. It includes provisions for appropriate architectural styles, site context, building design, placemaking, and supplemental standards.
- **Section 5-8, Green Building Standards**, establishes objective point-based standards for requiring a minimum amount of green building features.
- **Section 5-9, Plat Standards**, carries forward and refines the existing plat standards of the transitional LDC, and conforms them to the organization and format of the revised LDC.
- **Section 5-10, Utilities**, updates the existing utilities standards from the transitional LDC relating to utilities, and conforms them to the organization and format of the revised LDC.
- **Section 5-11, Fire Safety**, updates the existing fire safety standards of the transitional LDC relating to fire safety, and conforms them to the organization and format of the revised LDC.
- **Section 5-12, Refuse and Solid Waste Disposal Facilities**, updates the existing standards of the transitional LDC relating to the screening of refuse and waste facilities in the multifamily, commercial, and industrial development.
- **Section 5-13, Residential Impact Standards**, establishes new standards based on regional precedents that protect established residences from some adverse impacts.
- **Section 5-13, Clearing, Grading and Filling of Land Standards**, carries forward critical standards related to site clearing and grading.
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**Note: This commentary is provided for reference purposes. It will be deleted in the adopted LDC.**

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## CHAPTER 5. SITE DEVELOPMENT STANDARDS

### SECTION 5-1. GENERAL SITE DEVELOPMENT STANDARDS

#### 5-101. OVERVIEW

Chapter 5: Site Development Standards includes specific development standards grouped by subject. These standards are initially reviewed as a part of certain applications to the Village.

#### 5-102. GENERAL STANDARDS<sup>218</sup>

The following standards apply to all development in the Village:

- A. Lands proposed for development shall be suitable for the purposes in the application for development order approval.
- B. The size, shape and orientation of a lot and the siting of buildings shall be designed to provide development logically related to trees, topography, solar orientation, natural features, streets, and adjacent land uses. All development shall be designed to maximize the preservation of natural features, trees, tree masses, unusual rock formations, watercourses, and sites which have historical significance, scenic views, or similar assets. The U.S. Secretary of the Interior's Standards for Rehabilitation are the recommended guidelines for all development involving historic resources.
- C. All proposed development shall be specifically adapted and designed for the uses anticipated, including lot configuration, access and internal circulation, and that the development will be consistent with the comprehensive plan and the standards of this chapter.
- D. The developer shall demonstrate that the proposed development complies with all other provisions this LDC and all other laws, ordinances and regulations, as applicable.
- E. The developer shall be responsible for the full cost of site-related improvements.

### SECTION 5-2. OFF-STREET PARKING, BICYCLE PARKING, AND LOADING STANDARDS<sup>219</sup>

#### 5-201. PURPOSE AND INTENT<sup>220</sup>

The purpose of this section is to establish off-street parking and loading standards to ensure developments provide appropriate parking and loading for zoning districts and uses. The standards in this section are intended to provide for adequate off-street parking, bicycle parking, and loading while supporting walkability in appropriate locations. They are also intended to provide the flexibility needed to accommodate alternative parking solutions.

#### 5-202. APPLICABILITY<sup>221</sup>

##### A. New Development

All new development shall provide off-street parking, bicycle parking, and loading areas in accordance with the standards of this section.

<sup>218</sup> This builds on Sec. 101(c), 10-251, and 10-252 of the transitional LDC.

<sup>219</sup> This section carries forward and modifies the off-street parking standards in Section 34, Article VI, Divisions 25 (Off-Street Loading) and 26 (Parking) of the transitional LDC. The section includes quantitative off-street parking standards for each principal use identified in the use tables. A number of the current parking standards are carried forward; where changes are proposed, they reflect new studies and modern best practices. The section also provides general location and design standards to promote safety and access for parking and loading areas, provides specific detail on how the parking requirements are measured, and provides off-street parking alternatives and parking reduction incentives and methodology. Also included are bicycle parking standards that implement best practices for quantity, location, and design in specific areas of the Village.

<sup>220</sup> NOTE: The purpose and intent statement has been revised in accordance with the Public Works Director's comments.

<sup>221</sup> This subsection states to what development the standards of this section apply and carries forward the substance of Sec. 34-2021 of the transitional LDC,

## **B. Existing Development<sup>222</sup>**

### **1. *Change in Use***

Except as identified in subsection 4 below, any change in use shall be accompanied by the additional off-street parking, bicycle parking, and loading spaces required for the new use.

### **2. *Expansion***

Any expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity) structure or use shall provide additional off-street parking, bicycle parking, and loading spaces for the expanded or enlarged part of the structure or use only.

### **3. *Repair from Damage***

A structure that suffers damage in excess of 50 percent of its appraised value shall update off-street parking, bicycle parking, and loading areas to comply with the requirements of this section.

### **4. *Upgrading of Nonconforming Parking***

Nonconforming off-street parking facilities upon an enlarged, expanded, or altered structure or use shall be updated to comply with the requirements of this section in accordance with the standards of Chapter 9: Nonconformities.

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## **5-203. PARKING AND LOADING PLAN REQUIRED<sup>224</sup>**

All development applications subject to review for compliance with the standards of this section shall include a parking and loading plan. This may be combined with the circulation plan required in Sec. 5-302.D, Circulation Plan. The parking and loading plan shall identify the number and location of required parking spaces, access aisles, driveways, and bicycle parking facilities (if applicable); illustrate the relationship of the off-street parking facilities to the development they are designed to serve, show how the parking facilities coordinate with the pedestrian, bicycle, transit, and vehicular circulation systems for the development, and show how the off-street loading areas (if applicable) are designed.

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## **5-204. OFF-STREET PARKING STANDARDS<sup>225</sup>**

### **A. General Standards for Off-Street Parking and Loading Areas**

#### **1. *Use of Parking and Loading Areas***

##### **A. *General<sup>226</sup>***

1. Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition, except as provided below. Required parking spaces and loading berths may not be used for the display of goods for sale (except that farmers' markets may be permitted to operate within parking areas), or for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.
2. The Director may approve the installation of charitable drop-off collection stations, automatic teller machines (ATMs), or similar facilities within a designated off-street parking area upon determining that these facilities:
  - (a) Do not reduce off-street parking required by this section; and
  - (b) Do not create a traffic or pedestrian hazard.
3. Residential property owners are not prohibited from the occasional servicing of their own noncommercial vehicle or conducting normal residential accessory uses.

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<sup>222</sup> NOTE: Text throughout this subsection 5-2 has been revised in accordance with the Public Works Director's comments.

<sup>224</sup> This carries forward the provisions of Sec. 34-2014 of the transitional LDC but expands the requirement to apply to all development applications, not just those that propose more than ten off-street parking spaces, in accordance with staff's request.

<sup>225</sup> NOTE: Edits by the Public Works Director have been incorporated into this subsection.

<sup>226</sup> This replaces Sec. 34-2019(1) and (2) of the transitional LDC. The specific allowance in (1) for residential property owners servicing vehicles, and the provisions regarding carnivals, fairs and amusement attractions in (3) have been carried forward.

4. Off-street parking areas required by this section may be used for carnivals, fairs, and amusement attractions and devices in accordance with the following standards:
  - (a) The off-street parking area shall have enough spaces to comply with the minimum requirements for both the uses served by the off-street parking area and the carnival, fair, or amusement attraction or device. Prior to obtaining a temporary use permit (see Sec. 2-505.C, Temporary Use Permit) for the temporary use of a parking lot, the applicant shall submit a site plan that demonstrates there will be no net loss or reduction in the number of parking spaces required for any existing principal use that relies on the off-street parking area.
  - (b) The temporary use may not be located in an off-street parking area that is nonconforming as to the number of spaces needed for the existing uses.
- B. *Identified as to Purpose and Location*

Off-street parking areas and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths, and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Sec. 5-205.A.4, Markings.
2. *Surfacing*<sup>227</sup>

All off-street parking areas, as well as off-street loading areas, shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.
3. *Location and Arrangement*
  - A. *Safe and Convenient Access*<sup>228</sup>
    1. *Access Points*<sup>229</sup>
      - (a) Each parking area shall have distinct access points with the following dimensions, except where the Director determines that high traffic volumes or other special circumstances require modifications of these standards:
        - i. A one-way access shall be at least 15 feet wide at the property line.
        - ii. A two-way access shall be at least 24 feet wide at the property line.
        - iii. The maximum width of an access shall be 35 feet at the property line.
      - (b) Access points shall not exceed a 6 percent grade for 20 feet into any lot or parcel, provided that where a pedestrian way crosses the access point, the maximum grade shall be 2 percent.<sup>230</sup>
      - (c) Access points shall not enter a street right-of-way or easement at an angle of less than 90 degrees without the Director's approval.
    2. Off-street parking and loading areas shall be arranged for convenient access between an adjacent road and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

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<sup>227</sup> This carries forward the surfacing requirements of Sec. 34-2017 of the transitional LDC. References to the coastal construction control line, in section (a)(2), have been removed as they are not applicable. All parking is now required to be paved; the "low-turnover" parking allowance has been removed.

<sup>228</sup> This incorporates provisions from Sec. 34-2016(2) of the transitional LDC. It adds provisions regarding incursion into public space. Provisions regarding space dimensions are moved to Sec. 5-205.C.

<sup>229</sup> This subsection carries forward the provisions of Sec. 34-2013(b) and (c) of the transitional LDC.

<sup>230</sup> This provision has been revised to add a 2 percent maximum grade provision, in accordance with staff comments.

3. Off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public road or sidewalk, except for off-street parking areas serving single-family detached and two-family dwellings.
  4. Except for off-street parking areas serving single-family detached or two-family dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless within an automated or mechanical parking deck or garage.
  5. A maximum of a two-foot overhang is allowed from a curb or wheel stop onto a non-paved surface for all off-street vehicular parking spaces except parallel spaces. The two-foot overhang areas may not intrude onto pedestrian walkways, landscaped buffers, accessways, rights-of-way, or adjacent property not a part of the site. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking area.<sup>231</sup>
  6. In parking areas that provide more than one tier of parking spaces, pedestrian accommodations shall be provided.
- B. *Backing onto Streets Prohibited*
- All off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a road or accessway, except for parking areas serving single-family detached or two-family dwellings.
4. *Markings*<sup>232</sup>
- A. Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles, except for parking areas serving single-family detached and two-family dwellings. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement—shall be maintained to be readily visible at all times.
  - B. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. (This requirement does not apply to vehicular use area (parking area) drive aisles.)
5. *Drainage*<sup>233</sup>
- All off-street parking and loading areas shall be properly drained to eliminate standing water and prevent damage to adjacent land and public streets and alleys. The slope of asphalt paving shall be one percent or greater, and the slope of gutters shall be 0.3 percent or greater.
6. *Exterior Lighting*<sup>234</sup>
- Off-street parking and loading areas shall comply with the standards of Section 5-6, Exterior Lighting Standards.
7. *Landscaping*<sup>235</sup>
- Off-street parking areas and loading areas shall comply with the standards of Section 5-4, Landscape Standards.

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<sup>231</sup> This provision requires that a parking space be designed so that when cars are parked no parts of the vehicle extend onto other property, including right of way, and places where people will be walking. Similarly, it requires that vehicles not intrude into landscape buffers required by this LDC so that the vehicles do not detract from the purpose of the buffer or impact any required planted vegetation planted.

<sup>232</sup> This incorporates provisions from Sec. 34-2016(2)(a) of the transitional LDC.

<sup>233</sup> This subsection is new.

<sup>234</sup> This subsection updates Sec. 34-2015(2)(b) of the transitional LDC.

<sup>235</sup> This subsection updates Sec. 34-2015(2)(a) of the transitional LDC.

**8. Accessible Parking for Physically Disabled<sup>236</sup>**

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces are specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in Ch. 316, Fla. Stat.; the Florida Accessibility Code for Building Construction, adopted in accordance with Sec. 553.503, Fla. Stat.; and the standards in the Federal Americans with Disabilities Act Accessibility Guidelines. Access aisles shared between two disabled spaces may be no less than five feet wide and shall be part of an accessible route to the closest building or facility entrance.

**9. Maintained In Good Repair<sup>237</sup>**

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

**10. Completion**

All off-street parking and loading areas shall be completed prior to the issuance of a certificate of compliance for the development they serve.

**B. Off-Street Parking Space Standards<sup>238</sup>**

**1. Minimum Number of Off-Street Parking Spaces**

- A. Development subject to the requirements of this section shall provide the minimum number of off-street parking spaces in accordance with Table 5-205.B.1: Minimum Number of Off-Street Parking Spaces.
- B. Uses with variable parking demands or unlisted uses shall comply with Sec. 5-205.B.2, Unlisted Uses.

<b>TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>239</sup></b>			
<b>Use Type</b>	<b>Minimum Number of Vehicular Parking Spaces</b>		
	<b>Current<sup>240</sup></b>		<b>Proposed<sup>241</sup></b>
	<b>Single Use Development</b>	<b>Multiple Use Development</b>	
Agricultural use	No minimum		No minimum
Animal clinic	5 per veterinarian plus 1 per employee		1/1,000 sf
Animal shelter <sup>242</sup>	5		1/500 sf
Assisted living facility	0.54/unit [R2]	0.41/unit	1.12/du <sup>243</sup>
Automatic car wash	1.5 per car stall		1.5 per car stall
Automotive service station	4 per service bay plus 1 per employee		4 per service bay plus 1 per employee

<sup>236</sup> This subsection is new.

<sup>237</sup> This subsection is new.

<sup>238</sup> This provision replaces Sec. 34-2020 of the transitional LDC, including subsections (a) (required parking spaces for residential uses) and (b) (required parking spaces for nonresidential uses). Parking requirements for all uses are provided in Table 5-205.B.1.

<sup>239</sup> This table supplants Tables 34-2020(a) and 34-2020(b) of the transitional LDC. To facilitate review of the proposed minimum parking requirements, the standards and notes from the transitional LDC minimum parking requirements are included in this table, under "Current," shaded in a light background. The final LDC will not include this column.

<sup>240</sup> In the transitional LDC, different minimum parking requirements apply for some uses depending on whether they are in a single-use development or a multiple-use development.

<sup>241</sup> The separate standards for multiple-use development in the transitional LDC have been removed, in accordance with staff's comments.

<sup>242</sup> This is a new use; the analogous use in Table 34-2020(b) of the transitional LDC used for comparison is "animal kennels."

<sup>243</sup> This requirement has been raised to match the requirements for continuing care retirement communities.



<b>TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>239</sup></b>			
<b>Use Type</b>	<b>Minimum Number of Vehicular Parking Spaces</b>		
	<b>Current<sup>240</sup></b>		<b>Proposed<sup>241</sup></b>
	<b>Single Use Development</b>	<b>Multiple Use Development</b>	
Banks and financial institutions	3/1,000 sf		3/1,000 sf <sup>244</sup>
Bait and tackle shop	No minimum		1/400 sf
Bar	21/1,000 sf	14/1,000 sf	21/1,000 sf
Bed and breakfast			See Sec. 4-108
Boat storage, dry	1 per 5 stalls		1 per 5 stalls
Boating and canoeing with no motors except electric trolling motors	No minimum		No minimum
Brewpub or micro-brewery, -winery, or -distillery	n/a (new use)		10/1,000 sf of seating area
Broadcast studio, commercial radio and television <sup>245</sup>	3/1,000 sf		3/1,000 sf
Building contractor's storage yard	n/a (new use)		1/500 sf
Bus station	(existing use, no parking requirements listed)		Determined by Director
Cemeteries and mausoleums	(new use)		Determined by Director
Cinemas and theaters	(new use)		1 per 4 seats
Clubhouse (as accessory to golf course use)	(new use)		6 per hole, 14/1,000 sf
Clubs, lodges, or community-oriented associations	1/100 sf [N7] [N14]		1/200 sf
College or university	1 per emp + Director discretion, plus 1 per six seats if public use of auditorium or other place of assembly is likely [N3]		1/500 sf, plus 1 per six seats if public use of auditorium or other place of assembly is likely
Community garden	No minimum		No minimum
Community residential home	2/du		2/du
Continuing care retirement community	1.12/du	1/du	1.12/du, except 2.0 for each independent living du
Convenience store with gas sales or super convenience store	1/200 sf floor area (1 per 4 fuel pumps credited against required parking), minimum 5 spaces [N1] [N15]		1/200 sf (minimum 5) (4 fuel pumps = credit for 1 parking space)
Convenience food and beverage store without gas sales	1/200 sf floor area, minimum 5 spaces [N1] [N15]		1/200 sf (minimum 5)
Convention Center or Exhibition Hall	4/1,000 sf [N1]	3.5/1,000 sf	4/1,000 sf
<b>Counseling, nonresidential</b>	<b>No minimum</b>		<b>1/250 sf</b>

<sup>244</sup> The vehicle stacking standards included for "banks and financial establishments" in Table 34-2020(b) of the transitional LDC are relocated to the general vehicle stacking standards in Sec. 5-304.C, Vehicle Stacking Space for Drive-through and Related Uses.

<sup>245</sup> This is a new use; the analogous use in Table 34-2020(b) of the transitional LDC used for comparison is "Museums, art galleries, libraries, studios and other similar uses not covered elsewhere."

<b>TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>239</sup></b>			
<b>Use Type</b>	<b>Minimum Number of Vehicular Parking Spaces</b>		
	<b>Current<sup>240</sup></b>		<b>Proposed<sup>241</sup></b>
	<b>Single Use Development</b>	<b>Multiple Use Development</b>	
Cultural facility, noncommercial	n/a (existing use, no parking requirements listed)		3/1,000 sf
Day care center	2 per employee [N2]		2 per employee or 1/800 sf, whichever is greater
Dock	Determined by Director		Determined by Director
Drugstore	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf
Dryclean and laundry services	n/a (existing use, no parking requirements listed)		1.7/1,000 sf
Dwelling, live-work	2/du		2/du
Dwelling, mobile home	2/du		2/du
Dwelling, multiple-family	2/du plus 10% additional required for visitor uses		2/du plus 10% additional required for visitor uses
Dwelling, single-family residence	2/du		2/du
Dwelling, student housing <sup>247</sup>	n/a (new use)		1 per br 10% additional required for visitor uses
Dwelling, townhouse	2/du		2 per du 10% additional required for visitor uses
Dwelling, two-family attached	2/du		2/du
EMS, fire, or sheriff's station	1/employee at largest shift		1 per employee at largest shift
Emergency operations center	n/a		Determined by Director
Fishing, sport or recreational	No minimum		No minimum
Food or beverage, limited service	No minimum		8/1,000 sf eating area
Forest management activities	No minimum		No minimum
Funeral home or mortuary	1/4 seats or 4/250 sf chapel area, whichever is greater [N14]		2/250 sf of chapel area
Golf Course	6 per hole [N4]		6 per hole
Government maintenance facility	No minimum		Determined by Director
Grocery store or food market	1/250 sf (minimum 5); dead storage calculated at same rate		1/350 sf; dead storage calculated at same rate
Home care facility	4.5/1,000 sf	4/1,000 sf	4.5/1,000 sf
Hiking and nature study, including clearing for pedestrian boardwalks	No minimum		No minimum
Hospital	1/bed + 1/emp		1 per 2 beds, plus 1 per employee
Hotels/motels	1 per 1.2 guest rooms		1 per 1.2 guest rooms

<sup>247</sup> NOTE In accordance with the discussion at the April staff meeting, we have reviewed student housing requirements in other communities. Given Estero's suburban development style, a requirement for 1.0 parking spaces per bedroom, while higher than some other communities for student housing, seems appropriate.

<b>TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>239</sup></b>			
<b>Use Type</b>	<b>Minimum Number of Vehicular Parking Spaces</b>		
	<b>Current<sup>240</sup></b>		<b>Proposed<sup>241</sup></b>
	<b>Single Use Development</b>	<b>Multiple Use Development</b>	
Laundry, self-service	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1.7/1,000 sf
Laundry services	n/a		1.7/1,000 sf
Library	3/1,000 sf of total floor area		2/1,000 sf
Manufacturing, assembly, or fabrication, Light	No minimum		2/1,000 sf
Medical or dental lab	n/a (existing use, no parking requirements listed)		1/400 sf
Medical marijuana dispensary			N/A (Use not permitted in Village)
Moving and storage facility	n/a (new use)		2/1,000 sf
Nature Center	n/a (existing use, no parking requirements listed)		3/1,000 sf
Newspaper/periodical publishing establishment	n/a (existing use, no parking requirements listed)		1/4000 sf
Nursing home	1/du [R1] [R2]	0.59/du	1 per 3 beds or 1/500 sf, whichever is greater
Office, contractor's or general business	1/300 sf	1/350 sf	1/300 sf
Office, medical	1/300 sf	1/350 sf	1/300 sf
Outdoor education	No minimum		Determined by Director
Outpatient care facilities	4.5/1,000 sf	4/1,000 sf	4.5/1,000 sf
Park, Village, County, or State	n/a (existing use, no parking requirements listed)		Determined by Director
Personal services group I	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Personal services group II	3 per operator (chair) or 1/100 sf, whichever is greater (minimum 5)		3 per operator or 1/100 sf, whichever is greater (minimum 5)
Pet services	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/350 sf
Pharmaceutical manufacturing	1.75/1,500 sf [N1]	1.5/1,500 sf	1.75/1,500 sf
Place of worship	1 per 5 seats [N14]		1 per 3 seats
Post office	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Recreational facilities, indoor	4/1,000 sf [N1]	3.5/1,000 sf	4/1,000 sf
Recreational facilities, outdoor	Determined by the director		Determined by Director
Recreational vehicle	No minimum		1 (in addition to parking for recreational vehicle)
Recycling drop-off facility	n/a (new use)		No minimum
Religious facility	1 per 3 seats [N1] [N14]		1 per 3 seats

<b>TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES<sup>239</sup></b>			
<b>Use Type</b>	<b>Minimum Number of Vehicular Parking Spaces</b>		
	<b>Current<sup>240</sup></b>		<b>Proposed<sup>241</sup></b>
	<b>Single Use Development</b>	<b>Multiple Use Development</b>	
Repair shop, household	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Research and development laboratories	n/a (existing use, no parking requirements listed)		1/600 sf
Resource recovery to energy facility	n/a (existing use, no parking requirements listed)		1 per employee at largest shift
Restaurant, convenience	n/a (existing use, no parking requirements listed)		1 per 4 seats
Restaurant, fast casual or fast food	13/1,000 sf of total floor area including outdoor eating area (N9)		13/1,000 sf of total floor area including outdoor eating space
Restaurant, standard	14/1,000 sf total floor area including outdoor eating area [N8] [N9] [N10]	12.5/1,000 sf total floor area including outdoor eating area	12.5/1,000 sf total floor area including outdoor eating area
Retail sales	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/400 sf
Satellite earth stations and amateur radio antennas	(Only an accessory use in existing code)		1 when used as a primary use
Schools, elementary, middle and high	Public: As required by state law Private HS: 1 per employee plus 1 per 10 students Private elementary school: 1 per employee plus 1 per 40 students		Public: As required by state law Private HS: 1 per employee plus 1 per 10 students Private elementary school: 1 per employee plus 1 per 40 students
Self storage	1/25 storage units (Minimum 5 spaces)		1 per 25 storage units (minimum 5)
Showroom, wholesale	n/a (new use)		2/1,000 sf
Tattoo or body piercing establishment	1/300 sf	1/350 sf	1/300 sf
Tobacco shop	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Training and rehabilitation	n/a (existing use, no parking requirements listed) <sup>249</sup>		1/350 sf
Utility, major	1 per employee at largest shift		1 per employee at largest shift
Utility, minor	n/a (new use)		Determined by Director
Vehicle and boat rental and sales <sup>250</sup>	1/700 sf (minimum 5); dead storage: 1/1,500 sf	1/700 sf; 0 for dead storage	1/700 sf (minimum 5); dead storage: 1/1,500 sf

<sup>249</sup> This is a renaming of existing social services groups II in the transitional LDC. Table 34-2020(b) in the transitional LDC includes minimum parking requirements for social services groups I, III and IV, but not group II.

<sup>250</sup> This is a new use; the analogous use in Table 34-2020(b) of the transitional LDC used for comparison is "Retail or business establishments: Very large products or commodities."



TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES <sup>239</sup>			
Use Type	Minimum Number of Vehicular Parking Spaces		
	Current <sup>240</sup>		Proposed <sup>241</sup>
	Single Use Development	Multiple Use Development	
Vehicle and boat repair and maintenance <sup>251</sup>	1/700 sf (minimum 5), dead storage calculated at 1/1,500	1/700 sf, 0 for dead storage	1/700 sf
Vocational or trade school	Private: 1 per employee plus Director discretion [N3]		Private: Determined by Director Commercial: 2/100 sf classroom floor area
	Commercial: 2/100 sf classroom floor area	Commercial: 1/100 sf classroom floor area	
Warehouse	Current standards have varied parking requirements for warehouses (cars and trucks/trailers), and different requirements for warehouse/mini-warehouse (1 per 25 storage units, minimum 5)		1/2,000 sf
Wildlife management and game reserves	n/a		Determined by Director
Wireless Telecommunications	n/a		1
<b>NOTES FROM CURRENT STANDARDS (TABLES 34-2020(A) AND 34-2020(B)):</b> <b>(THESE NOTES ARE FOR THE CURRENT STANDARDS AND ARE NOT PROPOSED TO BE CARRIED FORWARD)</b>			
[R2] In addition to the spaces required, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking in a common vehicular use area (parking area).			
[R2] Where the living units are maintained under single management and the residents are not capable or permitted to own or operate private vehicles on the same premises, the Director may authorize up to a 75 percent reduction in required parking spaces if sufficient parking is provided for employees and visitors.			
[N1] Accessory or ancillary uses must be calculated separately and in compliance with this section.			
[N2] In addition to the minimum parking requirement for day care centers, adequate and safe provisions for loading and unloading must be provided.			
[N3] An additional one space for every six seats must be provided when public use of an auditorium or other place of assembly within a school is likely.			
[N4] Parking for a clubhouse with a restaurant will be six spaces per hole or 12.5 spaces per 1,000 square feet of restaurant, whichever is greater.			
[N7] For meeting facilities with fixed seats, refer to Recreational facilities, indoor.			
[N8] If over 50 percent of the total floor area of a restaurant is used as a bar, then the minimum parking requirement will be: 14 spaces per 1,000 square feet for the floor area used as the restaurant and 21 spaces per 1,000 square feet for the floor area used as the bar.			
[N9] The minimum required parking requirement for Groups I, II and fast food restaurants with no drive-up facilities located in a multiple-use development is one space per 350 square feet of total floor area.			
[N10] No additional parking spaces are required when a restaurant is located within the same building as the principal use and is provided primarily for the employees and customers of the principal use.			
[N14] Where occupants utilize benches, pews, or other similar seating arrangements, each 24 lineal inches of seating facilities will be counted as one seat for the purpose of computing off-street parking requirements.			
[N15] If more than 20 percent of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking will be calculated the same as a fast food restaurant.			

## 2. Unlisted Uses<sup>252</sup>

An applicant proposing to develop an unlisted use shall meet the minimum parking requirement in Table 5-205.B.1: Minimum Number of Off-street Parking Spaces, for the use most similar to that being requested, subject to the discretion of the Director.

**3. *Multiple Uses***<sup>253</sup>

Development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses.

**4. *Maximum Number of Off-Street Parking Spaces***<sup>254</sup>

- A. Except as provided in paragraph C below, for any commercial use, the maximum number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required for that use, except as allowed at the discretion of the Director.
- B. Except as provided in paragraph C below, for any mixed-use development located in the areas identified as Town Center or Transitional Mixed Uses on the FLUM of the comprehensive plan, the maximum number of off-street spaces shall not exceed 115 percent of the computed minimum requirements, except that parking spaces in excess of that amount may be allowed for general public use or made available for sharing with other uses not associated with the development.
- C. Parking spaces in excess of the maximum allowed by this subsection may be provided if grass is used as the parking surface. The grass surface shall be maintained in good repair in accordance with Sec. 5-205.A.9 above.

**5. *Electric Vehicle (EV) Charging Stations***<sup>255</sup>

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

**6. *Driveways Used to Satisfy Standards***<sup>256</sup>

For single-family detached and two-family dwellings, driveways may be used to satisfy minimum off-street parking space standards, provided a minimum of 20 feet of driveway length is available

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<sup>251</sup> This is a new use; the analogous use in Table 34-2020(b) of the transitional LDC used for comparison is “Retail or business establishments: Very large products or commodities.”

<sup>252</sup> This subsection carries forward the process for determining minimum number of required parking spaces for unlisted uses in Sec. 34-2020 of the transitional LDC. It removes the requirement that the applicant provide support for its proposal by demonstrating that the proposed use is similar to a listed use, or through provision of a parking demand study, in accordance with staff’s request.

<sup>253</sup> The allowable reduction for uses in multiple-use developments from the transitional LDC has been removed.

<sup>254</sup> This provision establishes a cap on the number of off-street parking spaces provided for commercial uses and uses located in areas designated Town Center and Transitional Mixed use on the FLUM. Its purpose is to twofold. First to discourage commercial developments—especially larger retail establishments (big box retail stores)—from providing very large paved parking lots that may be full only one or two times a year. The second is to support shared parking arrangements in areas of the Village that want to achieve walkable urbanism. NOTE: In accordance with staff’s request, we have modified this provision from the original version to provide the Director discretion to lift this cap without requiring the applicant to provide a parking demand study demonstrating the need for additional parking supply.

<sup>255</sup> This subsection is new and establishes standards for providing electric vehicle chargers without unduly limiting the number of spaces made available to non-EVs (or, alternately, restricted to EVs) and adds minimum EV parking requirements.

<sup>256</sup> This section is new and explicitly finds that residential driveways are compliant with this section.

outside a street right-of-way, easement, or sidewalk to store the length of a general purpose vehicle.

### C. Dimensional Standards for Parking Spaces and Aisles

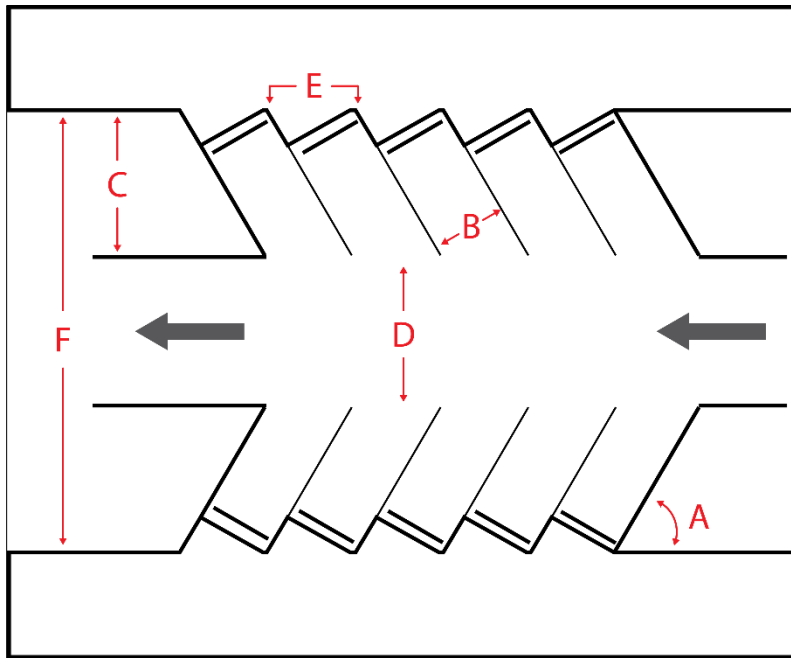
#### 1. General<sup>257</sup>

Standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 5-205.C: Dimensional Standards for Parking Spaces and Aisles, which references the illustration in . Figure 5-205.C: Measurement of Parking Space and Aisle Dimension.

TABLE 5-205.C: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES					
Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [1]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (ft) [2]
A	B	C	D	E	F
(Parallel Parking)	8	8	12 (20)	22	28 (36)
30	8.5	17	12 (22)	17	48 (58)
45	8.5	19	12 (22)	12	50 (60)
60	8.5	20	18 (24)	9.8	58 (65)
90	9	18	22 (24)	9	58 (60)
(Golf Cart Parking)	5	8			
NOTES:					
[1] Required width for one-way travel listed first; required width for two-way travel listed second, in parentheses. The Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.					
[2] Distance with one-way travel aisles listed first; distance with two-way travel aisles listed second, in parentheses.					

<sup>257</sup> Sec. 34-2016(1) of the transitional LDC specifies the required minimum width and depth of parking spaces serving all uses. This draft carries most of the current standards of that section forward and includes additional standards.

**FIGURE 5-205.C: Measurement of Parking Space and Aisle Dimension**



**2. Vertical Clearance**

All off-street parking spaces shall have a minimum overhead clearance of seven feet for vehicle parking, and 8.2 feet for van-accessible parking.

**3. Cart Amenities<sup>258</sup>**

The minimum required parking for a use may be reduced by one space for every two designated golf cart spaces, up to a maximum reduction of 10 percent of the total number of spaces required by Table 5-205.B.1: Minimum Number of Off-street Parking Spaces, if:

- A. Golf carts will be used as a means of travel to the proposed use;
- B. The use is accessed by a road where golf cart travel has been approved by the Village or Lee County, as appropriate; and,
- C. Designated golf cart parking is provided that meets the dimensional and other standards of this subsection.

**5-205. BICYCLE PARKING STANDARDS<sup>259</sup>**

**A. Minimum Required Bicycle Parking**

In all commercial and multifamily developments subject to the requirements of Sec. 5-202, Applicability, safe and secure bicycle parking that complies with the requirements of this subsection shall be provided in the following quantities unless a deviation from these standards is allowed (see Sec. 2-506.C, Deviation):

- 1. Bicycle parking spaces equal to five percent of the off-street vehicular parking spaces required to be provided in accordance with Table 5-205.B.1: Minimum Number of Off-Street Parking Spaces, up to 500 vehicular parking spaces; and
- 2. Four additional bicycle parking spaces for every 500 vehicular parking spaces in excess of 500.

<sup>258</sup> This is carried forward from Sec. 34-2020(c)(4) of the transitional LDC and includes roads where golf carts are permitted and approved by the Village, as well as by Lee County.

<sup>259</sup> This is a new subsection that provides standards for bicycle parking



## **B. General Bicycle Parking Space Standards**

All bicycle parking shall be constructed and maintained to the standards of the most recent edition of the Bicycle Parking Guidelines published by the Association of Pedestrian and Bicycle Professionals.

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## **5-206. LOADING AREA STANDARDS<sup>260</sup>**

### **A. Applicability<sup>261</sup>**

The requirements of this subsection apply to commercial, industrial, and other nonresidential uses.

### **B. Access<sup>262</sup>**

1. Street access to off-street loading areas shall comply with the provisions set forth in this section for access to off-street parking.
2. Except as provided in subsection F below, off-street loading areas shall be spatially or physically separated from off-street parking areas and pedestrian walkways
3. Service roads shall be a minimum of 12 feet wide for one-way usage and 24 feet for two-way operations.

### **C. Lighting, Maintenance, and Drainage<sup>263</sup>**

The provisions of this section relating to site lighting, maintenance, and drainage apply to loading areas.

### **D. Other Use of Loading Areas<sup>264</sup>**

Off-street loading areas shall not be used for the sale, repair, dismantling, or servicing of any vehicles or equipment except on an emergency or temporary basis or in accordance with Sec. 5-205.A.1, Use of Parking and Loading Areas.

### **E. Screening<sup>265</sup>**

When off-street loading areas are located adjacent to residential uses or zoning districts, and are not entirely visually screened at ground level, a continuous visual screen along the lot line abutting the residential use shall be provided in accordance with Section 5-5, Fence and Wall Standards.

### **F. Off-Street Loading Area Requirements<sup>266</sup>**

#### **1. General**

Commercial, industrial and nonresidential uses that receive or ship goods via large semitrailer or full trailer trucks shall provide an off-street loading area. Establishments that receive or ship commodities via small panel trucks or vans will not be required to provide off-street loading areas and may utilize the parking area, provided:

- A. Deliveries are received before or after the hours open to the public;
- B. No delivery truck remains in the parking lot for more than four hours; and
- C. Deliveries do not interfere with pedestrian or vehicle movements.

#### **2. Design Requirements**

Off-street loading areas shall comply with the following requirements:

- A. Each loading area shall be located on the lot or parcel it serves;
- B. Surfaced portions of loading areas, excluding driveways, shall be set back 20 feet from right-of-way lines and ten feet from property under separate ownership or control; and

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<sup>260</sup> This carries forward Chapter 34 Division 25, Off Street Loading, of the transitional LDC, Sec. 34-1981 et seq.

<sup>261</sup> This carries forward Sec. 34-1981 of the transitional LDC.

<sup>262</sup> This carries forward Sec. 34-1982 of the transitional LDC.

<sup>263</sup> This carries forward Sec. 34-1983 of the transitional LDC.

<sup>264</sup> This carries forward Sec. 34-1984 of the transitional LDC.

<sup>265</sup> This carries forward Sec. 34-1985 of the transitional LDC.

<sup>266</sup> This carries forward Sec. 34-1986 of the transitional LDC. The requirements for a plan in Sec. 34-1986(b) have been moved to Sec. 5-204, Parking and Loading Plan Required.

- C. Loading areas may not obstruct, hinder, or endanger the movement of vehicles and pedestrians.

**3. Dimensional Requirements**

The off-street loading area shall have a minimum width of ten feet and minimum depth of 30 feet.

**G. Number of Spaces<sup>267</sup>**

Establishments that receive or ship goods via large semitrailer or full trailer trucks shall provide a minimum of one loading space for the first 10,000 square feet of floor area, plus one space for each additional 20,000 square feet of floor area or major fraction thereof.

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## **SECTION 5-3. MOBILITY AND CONNECTIVITY STANDARDS**

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### **5-301. PURPOSE AND INTENT<sup>268</sup>**

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system, to the maximum extent possible. The multimodal transportation system should permit the safe and efficient movement of motor vehicles, emergency vehicles, transit vehicles, bicyclists, and pedestrians within a development and between a development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

- A. Provide transportation options;
- B. Promote healthy walking and bicycling;
- C. Facilitate use of public transportation;
- D. Contribute to the attractiveness of the development and community;
- E. Connect neighborhoods and increase opportunities for interaction between neighbors;
- F. Reduce greenhouse gas emissions;
- G. Improve air quality;
- H. Minimize congestion and traffic conflicts; and
- I. Preserve the safety and capacity of the Village's transportation systems.

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### **5-302. APPLICABILITY<sup>269</sup>**

#### **A. Developer Responsibility for Improvements<sup>271</sup>**

1. The developer shall provide road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction in this section and this LDC. The developer shall dedicate any required rights-of-way or easements.
2. The developer may make a fee-in-lieu contribution to the Village instead of constructing bicycle or pedestrian facilities required by this section in any of the following circumstances:<sup>272</sup>

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<sup>267</sup> This carries forward Sec. 34-1987 of the transitional LDC.

<sup>268</sup> This subsection is new. It sets down the purpose and intent of the section.

<sup>269</sup> This subsection is new. It specifies when and where the mobility and connectivity standards apply and when a development's compliance with the terms of this section will be reviewed. Subsection 2 carries forward the standards in Sec. 10-256(cc)(1) of the transitional LDC regarding redevelopment requirements for incorporating bicycle and pedestrian facilities. Subsection 3 requires that vehicular access and circulation be improved to meet the terms of this LDC in additional circumstances.

<sup>271</sup> This subsection is new and makes explicit the provisions included in the transitional LDC that require the applicant/developer to construct facilities, such as Sec. 10-256 regarding construction of bicycle and pedestrian facilities, Sec. 10-283 regarding access roads, Sec. 10-288 regarding construction of new turn lanes, and Sec. 10-442 regarding transit facilities required to be built

<sup>272</sup> This subsection carries forward, consolidates, and updates the fee-in-lieu provisions in Sec. 10-256(c)(3)(g), Sec. 10-256(c)(5), and Sec. 10-256(d)(5) of the transitional LDC.

- A. If a bike or pedestrian facility is located where the right-of-way is scheduled for improvement within two years in accordance with the current Village or Lee County CIP and the scheduled right-of-way improvement would result in the destruction of the facility.
  - B. The developer clearly demonstrates that:
    - 1. Bicycle or pedestrian facilities are impractical or infeasible due to the presence of natural features or other site constraints that do not allow connections to be made; or
    - 2. A bicycle facility is not needed due to an established bicycle facility already within or abutting the development.
  - C. The Director determines that construction of the facility would be contrary to public safety;
  - D. The Director determines that facilities can be established through “other available means” as defined in the Administrative Manual; or
  - E. The Director determines that it is appropriate to provide a waiver from the requirement to construct facilities along privately maintained roads.
3. Any fee-in-lieu contribution shall be equal to the estimated cost of constructing the improvement in accordance with the provisions set forth in the Administrative Manual. The in-lieu fee shall be paid prior to issuance of a development order, limited development order, or plat, as applicable.

**B. Circulation Plan<sup>273</sup>**

Development applications shall include a circulation plan that demonstrates how the development complies with the requirements of this section. The plan shall also provide information about the safety of the vehicular, bicycle, and pedestrian facilities proposed to be included in the development, including details about how conflict points between different road users will be managed to ensure the safety of all users.

**C. Timing of Construction<sup>274</sup>**

All facilities required in this section shall be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety in accordance with this section that is acceptable to the Village as assurance of completion of the improvements. As an alternative to posting surety, the Director has the discretion to accept a phasing plan that will provide for the continuous extension of the sidewalk facility and establish a bona fide construction schedule for the facility prior to issuance of a building permit for vertical construction on property adjacent to the proposed facility.

**D. Additional Standards<sup>275</sup>**

In addition to the standards specifically listed in this section, all facilities shall be designed and constructed following the criteria included in the Administrative Manual, the Florida Greenbook, the FDOT Design Manual (for state roads), and the Americans with Disabilities Act (ADA) guidelines for accessibility.

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### **5-303. MULTIMODAL TRANSPORTATION SYSTEM**

All new development, to the maximum extent practicable, shall be served by a system of sidewalks, paths, roads, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development’s size, character, relationship to surrounding development and development patterns, and existing and planned community transportation systems. To the maximum extent practicable, the access and circulation systems for all modes of travel shall be coordinated and integrated to provide all users of the transportation network—a development’s occupants as well as visitors—multiple options to enhance safe and efficient mobility throughout the development and the community.

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<sup>273</sup> This subsection is new. It requires a circulation plan that demonstrates compliance with this Section 5.1. The last sentence incorporates Policy TRA-1.5.4 of the Estero Comprehensive Plan (2019) regarding evaluation of the safety of transportation networks for all users.

<sup>274</sup> This subsection carries forward Sec. 10-256(3)(g) of the transitional LDC.

<sup>275</sup> This subsection carries forward Sec. 10-256(b) of the transitional LDC. The reference to Lee County Administrative Code 11-9 has been updated to refer to the Village Administrative Manual.

## 5-304. VEHICULAR ACCESS AND CIRCULATION<sup>276</sup>

### A. Vehicular Access and Management

#### 1. Management of Access to Roads

The ability of any development to access existing public roads, new public roads, or new private roads, including proposed modification of existing access to public roads, is subject to the standards of this section.

#### A. Connection Separation<sup>277</sup>

1. In development and redevelopment that is subject to the requirements of this section, except for lots serving a single-family or two-family residential use, new or modified connections to Village roads or Village access roads, whether by an intersecting public or private road or by driveway or accessway, shall be separated in accordance with the minimum centerline distances designated in Table 5-304.A.1.A: Connection Separation.

TABLE 5-304.A.1.A: CONNECTION SEPARATION	
Roadway Functional Classification	Separation Distance (feet)
Arterial	660
Collector	330
Local	125
Access Roads or Accessways	60

#### 2. Measurement of Separation Distance

- (a) For existing roads not proposed to be widened, separation distance is measured from the edge of the outermost through lane of the road to the nearest edge of pavement of the proposed intersecting connection.
  - (b) For existing roads with a proposed widening funded in the Village's Capital Improvement Program, the separation distance is measured based on the actual proposed design of the road if available, or a typical section of the type of road project being designed.
  - (c) The measurement of distance between connection points along multi-lane median-divided arterials or collectors with restrictive medians will be between connections on the same side as the proposed connection. Existing or approved median openings will be treated as connections on both sides. Roads designed by private parties for multi-lane construction or widening that will be Village-maintained arterials or collectors, or roads that are included in the current Village CIP and verified to incorporate a median divider, will be evaluated as such under this provision.
3. Driveways to a single residential building of two dwelling units or less on local roads may be spaced closer than the connection spacing requirements specified in Table 5-304.A.1.A.

<sup>276</sup> This section is new. It consolidates and reorganizes provisions relating to street improvements and street access from Chapter 10, Article III, Division 2 of the transitional LDC, Sec. 10-281 et seq, but maintains existing standards except as identified in footnotes below and where references to the Village are added.

<sup>277</sup> This subsection updates Sec. 10-285(a) of the transitional LDC. The required separation distances are identified in Subsection 1. Subsection 2 describes how the separation distance is measured, and clarifies that for all funded road projects the future cross-section should be the basis for measurement. Subsection 3 carries forward the reduction in separation distance for local roads included in the first sentence of the third paragraph. Other elements of Sec. 10-285 are included in subsection (4) and (5) below. We have limited the applicability of this section to Village roads, as county or FDOT standards govern access to county or state roads.

**B. *Functional Classification***<sup>278</sup>

Each road in the Village shall be assigned a functional classification to reflect its role within the Village's transportation system. The current classification of roads is included in the comprehensive plan Map TR-1. All public roads and private roads not listed on Map TR-1 shall be classified by the Public Works Director, and shall be designated as "local" roads if not otherwise assigned.

**C. *Limitation on Direct Access for Residential Lots***<sup>279</sup>

Where a residential through lot or corner lot fronts on roads of different classifications, direct driveway access to the lot shall be provided only from the lower-classified fronting road, to the maximum extent practicable.

**D. *Limitation on Access Via Local Streets***<sup>280</sup>

Development shall be designed to minimize traffic impacts on surrounding areas, particularly to prevent incompatible traffic such as large semi-trailers servicing commercial establishments from using residential areas. Main access points to a development shall not be established where traffic is required to travel over local streets through areas with significantly lower densities or intensities (for example, multi-family development that provides access through a single-family neighborhood, except where adequate mitigation can be provided).

**E. *Additional Access Rules***<sup>281</sup>

1. Any development order shall contain appropriate conditions requiring all roads to which the project proposes access to be constructed or improved to meet the standards in this section, in particular Sec. 5-310, Design Standards and Requirements.<sup>282</sup>
2. Improvements to offsite roads necessary to provide access to the project shall extend, at minimum, from the project's access point to the point at which the road connects to a County, Village, or privately maintained road meeting the standards in Sec. 5-310, Design Standards and Requirements.<sup>283</sup>
3. Access roads intersecting another road that also intersects the parallel arterial or collector shall have an outer separation of at least 125 feet from the edge of pavement of the arterial or collector.
4. Existing corner commercial parcels on an arterial road are permitted a right-in/right-out connection at no less than 330 feet from the intersecting public road, if the parcel is not large enough to provide standard spacing, and if the owner agrees to shared access with the adjoining property. If shared access on the arterial road is not practical, the connection may be right-out only, if downstream of the nearby intersection; and right-in only, if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the arterial road or one temporary single direction connection on each of the roads as described above, to be used until an access road is provided. Lot splits and subdivisions will not be allowed on corner lots that cause new parcels to be too small to meet the minimum connection separation standards in Table 5-304.A.1.A: Connection Separation, unless the property owner provides an alternative form of access to the new corner parcel.
5. Existing corner commercial parcels on a collector road are permitted a right-in/right-out connection at a minimum of 245 feet from the intersecting public road if the parcel is not large enough to provide standard spacing, and if the owner agrees to shared access with

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<sup>278</sup> This subsection updates and simplifies Sec. 10-284 of the transitional LDC.

<sup>279</sup> This is a new subsection. Along with subsection C it revises the standards for access to roads contained in the final sentences of the third paragraph of Sec. 10-285(a) of the transitional LDC.

<sup>280</sup> This carries forward Sec. 10-8(2)(c) of the transitional LDC with revisions.

<sup>281</sup> These provisions carry forward the access rules in Sec. 10-285(b)-(j) of the transitional LDC.

<sup>282</sup> This carries forward the second sentence of Sec. 10-291(2) of the transitional LDC.

<sup>283</sup> This carries forward the third sentence of Sec. 10-291(2) of the transitional LDC. The fourth sentence has not been carried forward as it restates the application of the intersection separation requirements which are also applied in Sec. 5-304.A.1.A, Connection Separation.



the adjoining property. If shared access on the collector road is not practical, the connection may be right-out only, if downstream of the nearby intersection; and right-in only, if upstream of the nearby intersection. Any property so small that this minimum cannot be met will be granted a temporary right-in/right-out connection on the collector or one temporary single direction connection on each of the roads as described above, to be used until an access road is provided. Lot splits and subdivisions will not be allowed on corner lots that cause new parcels to be too small to meet the minimum connection separation standards in Table 5-304.A.1.A: Connection Separation, unless the property owner provides an alternative form of access to the new corner parcel.

6. Approval of connection locations along multi-lane divided roads, or along roads identified in plans as multi-lane divided roads, does not guarantee that the connection is permitted a crossover through the median divider. In these instances, approval of the median opening or turning movement will be determined on a case-by-case basis. The purpose of this subsection is to make it clear that even though a parcel may be entitled to access to the Village road system, there is no entitlement to a median opening or left-in movement in conjunction with an approved access point.
  7. Development shall not cause traffic hazards or congestion that results from narrow or poorly aligned roads or from excessive exit and entrance points along arterial and collector roads.
  8. Ingress and egress areas shall be of sufficient width to provide for servicing of utilities, refuse collection, and access for emergency vehicles.
  9. The Village retains the right and authority to modify or restrict access, turning movements, median openings, and use of traffic control devices on or affecting Village rights-of-way as it deems necessary to address operational and safety issues. This provision is applicable to existing as well as future development in the Village.
2. *Turn lanes*<sup>285</sup>
- A. Access to roads or accessways shall not be permitted unless turn lanes are constructed by the applicant where turning volumes make such improvements necessary to protect the health, safety, and welfare of the public or to reduce adverse traffic impacts on the adjacent road system. Turn lanes shall be designed in accordance with standards in this LDC and the Administrative Manual.<sup>286</sup>
  - B. Wherever turn lanes are installed, the surface materials of the added lane shall match the surface materials of the existing lanes. If the addition of a turn lane requires a lateral shift of the centerline or other lanes, the entire pavement area shall be re-surfaced to create matching surfaces throughout. New and replacement pavement markings shall be provided.
  - C. On arterial or collector roads with restrictive medians where an access road is not otherwise required, existing parcels with insufficient road frontage to meet the minimum connection spacing required in Table 5-304.A.1.A: Connection Separation, may be required to provide a continuous right-turn lane on the adjacent arterial or collector road.

3. *Required Road Access*<sup>287</sup>

Each development shall be designed so as not to create remnants and landlocked areas, unless those areas are established as common areas.

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<sup>285</sup> This subsection carries forward Sec. 10-288 of the transitional LDC.

<sup>286</sup> This provision has been modified to reference the provisions of Lee County AC 11-4 which will be incorporated into the Administrative Manual.

<sup>287</sup> This subsection carries forward Sec. 10-291(1) of the transitional LDC.

4. *Development Entry Points*<sup>288</sup>

- A. All development shall abut and have access to a public or private road designed, and constructed or improved, to meet the standards of Sec. 5-310, Design Standards and Requirements.<sup>289</sup>
- B. All development shall provide adequate ingress to and egress from the development.
- C. Residential development of more than five acres and commercial or industrial development of more than ten acres, including redevelopment, shall provide more than one means of ingress or egress for the development. Access points designated for emergency use only shall not be used to meet this requirement. A deviation or variance from the access point (ingress/egress) requirements stated in this subsection shall be obtained through the public hearing process. If a variance or deviation from this section is approved, a notice to all future property owners shall be recorded by the developer in the public records of Lee County prior to the issuance of a development order allowing construction of the access to the development. The notice shall articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.<sup>290</sup>
- D. Nothing in this subsection shall limit the total number of roads providing access to the road system outside a development, or exempt a development from meeting all applicable external road connectivity standards.
- E. Where feasible, additional access points shall not be onto the same road.
- F. Development shall be exempted from these standards if it is demonstrated that one of the following conditions apply:
  - 1. No other road access points can be located due to existing lot configurations, absence of connecting roads, or environmental or topographic constraints;
  - 2. The appropriate permitting agency owning the road will not authorize the required number of entrances; or
  - 3. Alternative access can be provided in a manner acceptable to the Village.

5. *Privately Maintained Roads*<sup>291</sup>

- A. Privately maintained roads may be permitted and approved if they meet each of the following standards:
  - 1. They comply with the road design standards and the road construction specifications of this LDC, including reservation of right-of-way for utility services; and
  - 2. The appropriate notation is made on the development order, limited development order, or the plat, as applicable, to identify it as a private road.
- B. A legally responsible organization (i.e. homeowners association, special district, etc.) is established to maintain the private roads. Documents to assure private responsibility of future maintenance and repair by a homeowners association or similar entity shall be approved as to form by the Director and Village Land Use Attorney.
- C. A private road maintenance agreement, satisfactory to the Director and the Village Land Use Attorney, shall be recorded by the developer and/or property owner(s) in the public records of Lee County. The agreement shall:
  - 1. Specify lot owners' responsibilities for maintenance of private roads and drainage systems, and provide for assessments to finance all maintenance activities; and

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<sup>288</sup> This subsection revises the provisions in Sec. 10-291(2) et seq. of the transitional LDC. It adds a requirement that redevelopments above a certain threshold (not just new developments) must provide the requisite number of access points. It also incorporates the first sentence of Sec. 10-82(2).

<sup>289</sup> This subsection carries forward the first sentence of Sec. 10-291(2) of the transitional LDC.

<sup>290</sup> The access points standards in Sec. 10-291(3) are carried forward, in accordance with staff's request. The provisions of Sec. 10-291(4) are provided elsewhere in this code (e.g. C) below.

<sup>291</sup> This subsection largely carries forward the provisions in Sec. 10-293 of the transitional LDC, and enhances the requirement for an agreement to ensure continued private maintenance of private roads.

2. For gated or controlled access subdivisions, specify the method by which continuous accessibility to subdivision lots for the provision of public service and emergency vehicles will be provided.
6. *Reservation of Future Rights-of-Way*<sup>292</sup>  
The comprehensive plan includes Map TR-4 which identifies future road projects and their projected cross-sections. Development is encouraged to be set back from the rights-of-way shown on Map TR-4 to accommodate future road construction plans. Developers are encouraged to voluntarily dedicate these rights-of-way.
7. *Emergency Access*<sup>293</sup>  
Development shall be designed to allow for adequate access by emergency vehicles.

## **B. Vehicular Road Connectivity**

1. *External Street Connectivity*
  - A. *General*  
Road layouts of new developments shall be designed to integrate with and continue the existing road layout outside the development, and to provide for future extension of the development's road network to provide the maximum number of interconnections and points of ingress and egress.
  - B. The arrangement of roads in a development shall provide for the alignment and continuation of existing roads to provide access to:
    1. Adjacent developments and subdivisions platted for such connections; and
    2. Adjacent lands where the adjacent lands are undeveloped and deemed appropriate for future development.
  - C. A road connection or stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.
  - D. Except for residential subdivisions, at all locations where roads terminate with no road connection but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION" to inform land owners.
  - E. The final plat (see Section 5-9, Plat Standards) shall identify all stub streets and include a notation that all street stubs are intended for connection with future roads on adjoining lands.
  - F. Stub streets that exceed 150 feet in length shall include a temporary turn-around. When adjoining lands are subsequently developed, the developer of the adjoining land shall pay the cost of extending the road and restoring it to its original design cross section.
  - G. All roads proposed for dedication to the public shall be indicated on the development order, limited development order, or plat, as appropriate, and shall connect to or be an extension of an existing public road.
2. *Shared Access to Public Streets*<sup>294</sup>
  - A. Shared access between adjoining lots is encouraged and, in the case of lot frontages that cannot be served individually due to the access spacing requirements in Table 5-304.A.1.A: Connection Separation, may be required to limit direct vehicular access along streets.
  - B. To ensure the development will have perpetual access to the site, easements allowing cross-access to and from lands served by a shared access, along with agreements defining maintenance responsibilities of land owners, shall be recorded in the public records of Lee County before issuance of a development order for the development proposing the shared access. Such easements shall stipulate that both owners shall share in the costs and responsibility of maintaining the access easement.

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<sup>292</sup> This subsection carries forward Sec. 10-281 of the transitional LDC but updates the reference from the Lee County transportation plan map to Estero's comprehensive plan.

<sup>293</sup> This carries forward Sec. 10-8(2)(d) of the transitional LDC.

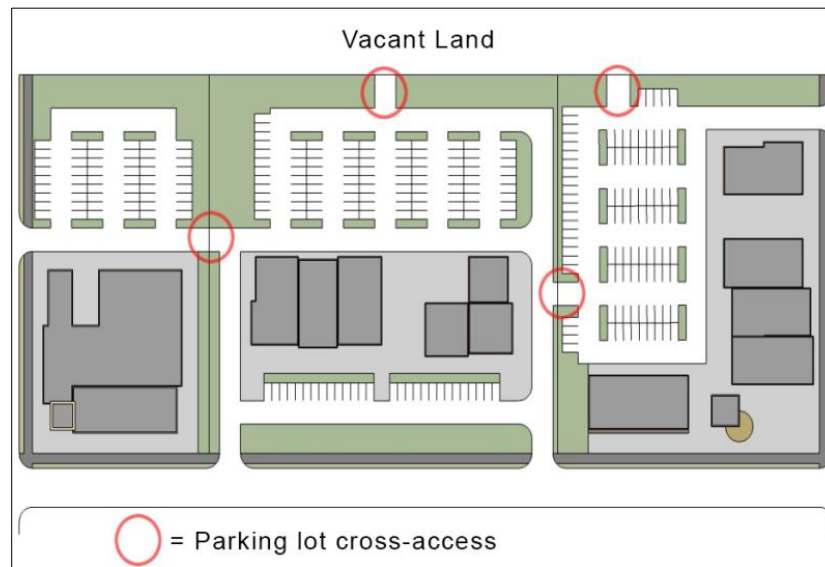
<sup>294</sup> This is a new section that establishes recordation requirements for shared access agreements to ensure that access for all properties applying to utilize a shared access will be maintained

### 3. Cross-Access Between Adjoining Developments<sup>295</sup>

To encourage shared parking, minimize access points along roads, and improve traffic circulation, development shall comply with the following standards:

- A. The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's parking area and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of vacant land (See Figure 5-304.B.3: Cross-Access Between Parking Areas of Adjoining Developments).

**Figure 5-304.B.3: Cross-Access Between Parking Areas of Adjoining Developments**



- B. Cross-accessways shall provide for two-way vehicular traffic between the parking areas on the adjoining lots through the use of a single drive aisle or accessway that is at least 24 feet wide or through two one-way aisles or accessways that are each at least 14 feet wide.
- C. If the applicant is unable to execute a cross-access agreement, then access roads and parking shall still be oriented so as to facilitate future cross-access connections with adjacent parcels. Abutting properties developed or redeveloped at a later date shall at that time be required to enter into the requisite cross-access agreement.<sup>296</sup>
- D. Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of land owners, shall be recorded in the public records of Lee County before issuance of a certificate of compliance for the development.

### C. Vehicle Stacking Space for Drive-through and Related Uses<sup>297</sup>

#### 1. Required Number of Stacking Spaces

- A. In addition to meeting the off-street parking standards in Table 5-205.B.1: Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall comply with the minimum number of stacking spaces established in Table 5-304.C: Minimum Stacking Spaces for Drive-through Facilities and Related Uses.

<sup>295</sup> This is a new section that requires landowners/developers to establish connections between adjoining nonresidential parking areas. This facilitates circulation of vehicles and pedestrians among adjoining commercial establishments by reducing the number of trips required to access the main road network.

<sup>296</sup> This provision is new and requires inclusion of provisions for later cross-access connections when abutting properties redevelop. This provision is adapted from the model code included in Model Access Management Policies and Regulations for Florida Cities and Counties, 2nd Edition, Center for Urban Transportation Research (2017), prepared for FDOT.

<sup>297</sup> This subsection carries forward and refines the drive-through stacking requirements in Sec. 34-2021 of the transitional LDC.

**TABLE 5-304.C: MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES<sup>298</sup>**

Use or Activity [1]	Minimum Number of Stacking Spaces	Measured From
Automatic car wash	5 per tunnel	Entry to car wash tunnel
Bank or financial Institution, with drive-through service, or automated teller machine (ATM) as an accessory use	5 per lane	Teller window or teller machine
Car wash	1 per service stall (minimum 5)	Bay entrance
Personal vehicle repair and maintenance, specifically with oil change/lubrication shop	1 per bay (minimum 5)	Bay entrance
Restaurant, convenience, fast food, with drive-through service [2]	5 per lane	Order box
Other	5 per lane	

NOTES:  
 [1] See Chapter 4: Use Specific Standards.  
 [2] Restaurants with drive-through service shall provide at least five additional stacking spaces between the order box and the pick-up window.

## 2. Design and Layout

Required stacking spaces shall:

- Be a minimum of ten feet wide and 20 feet long;
- Not impede on-site or off-site vehicular traffic movements or movements into or out of off-street parking spaces;
- Not impede onsite or offsite bicycle or pedestrian traffic movements; and
- Be separated from other internal driveways by raised medians or pavement markings for traffic movement and safety.

## D. Local Road Traffic-Calming Measures<sup>299</sup>

- Road widths not in excess of basic design standards, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic-calming measures are encouraged on all local roads that connect between two nodes, provided they do not interfere with emergency vehicle access.
- Residential development may employ measures to interrupt direct vehicle flow on linear road segments where determined to be necessary by the Village.



## 5-305. PEDESTRIAN ACCESS AND CIRCULATION

### A. Required Pedestrian Access<sup>300</sup>

#### 1. General Pedestrian Access

All new development, except the development of an individual single-family dwelling or two-family dwelling on an individual lot, shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the

<sup>298</sup> This table carries forward the stacking standards in Sec. 34-201(a) – (e) of the transitional LDC.

<sup>299</sup> This subsection carries forward the provisions of Sec. 10-290 of the transitional LDC, and includes additional detail about road features that slow traffic, making them safer for drivers, safer for people on bikes and walking, and discourage cut-through traffic.

<sup>300</sup> This subsection rewrites and simplifies Sec. 10-256 of the transitional LDC. It includes updated requirements for construction of sidewalks and other pedestrian facilities.



development, as well as between the adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining transit stops, public parks, greenways, schools, and shopping areas:

- A. The primary entrance(s) of principal buildings (or the buildable area of lots for subdivisions), including any outparcels;
- B. Off-street parking bays;
- C. Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent road); and
- D. Recreation facilities and other common use areas and amenities.

**2. Sidewalks Required<sup>301</sup>**

- A. Development, is required to install sidewalks (see street cross-section in Appendix D: Illustrations and Cross-Sections):<sup>303</sup>
  - 1. On both sides of all roads within commercial development;
  - 2. On one side of all roads within residential subdivisions;
  - 3. Along all roads that connect the development to existing public roads; and
  - 4. Along existing roads along the entire frontage of the development site and project frontage roads (unless an existing sidewalk meeting Village standards is already in place).
- B. Residential development shall install sidewalks along existing roads up to ¼ mile (measured along the principal perimeter street) from the development where the sidewalk would:<sup>304</sup>
  - 1. Connect to a pedestrian generator such as schools, parks, playgrounds, shopping centers, employment centers or transit facilities; or
  - 2. Connect to an existing or proposed sidewalk shown on the Bicycle and Pedestrian Master Plan;
- C. Where a development site fronts an existing road with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the landowner/developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public road.
- D. All new development shall upgrade or replace sidewalks that do not meet Village standards.
- E. Sidewalks constructed in accordance with this section shall comply with the following standards:<sup>305</sup>
  - 1. The minimum width of the sidewalk shall be six feet on Village, County, and state-maintained road frontages, and five feet elsewhere.
  - 2. Where practicable, a minimum three-foot wide strip shall be provided between the road and the sidewalk.
  - 3. A planting strip with street trees may be provided behind the sidewalk.<sup>306</sup>
  - 4. A minimum four-foot wide passage clear of obstacles shall be maintained within the entire sidewalk. If it is impossible to meet this standard along the entire sidewalk due to natural features or other site constraints, or for other reasons deemed acceptable by the

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<sup>301</sup> This subsection establishes sidewalk requirements greater than the existing requirements in Sec. 10-256(a) of the transitional LDC, which only require bikeways or walkways along roads specified in a bike/walk facilities plan, and Sec. 10-256(c) which requires sidewalks only in certain circumstances.

<sup>303</sup> Lee County Ordinance 17-11, enacted September 5, 2017, requires that all development (regardless of whether the streets are County-owned or public, and regardless of the density of the project) provide sidewalks on one side of all internal streets, and requires that all new non-residential developments provide sidewalks on both sides of all internal streets. See Sec. 10-256(c) of the Lee County LDC. This has been incorporated into the text of the LDC.

<sup>304</sup> This subsection carries forward the requirement in Sec. 10-256(c)(1) of the transitional LDC, but removes the waiver in (c)(1)(e).

<sup>305</sup> This carries forward the standards of Sec. 10-256(3)(b) and (c) of the transitional LDC, as well as Sec. 33-362(6), and adds additional provisions such as minimum sidewalk width.

<sup>306</sup> This is a new standard, based on the frontage road requirement in Sec. 33-362(6) of the transitional LDC.

Director, the sidewalk shall include a passing space of at least five feet long by five feet wide every 200 linear feet along the section that does not meet the four-foot passage standard.

5. Where the applicant proposes to widen an existing road that includes a sidewalk and the sidewalk exceeds the minimum standards of this subsection regarding width and clear passage, the replacement sidewalk shall meet the minimum standards of the existing sidewalk.<sup>307</sup>
6. The sidewalk shall meet the accessibility standards of the Americans with Disabilities Act.
7. Curb ramps are required at all intersections with road curb and gutter.<sup>308</sup>
8. *Construction Requirements*
  - (a) Except as provided in subsection (b) below, the sidewalk shall be constructed in accordance with the following specifications:
    - i. Four-inch thick Portland cement concrete (in which case all driveway crossings shall be a minimum of six inches thick); or
    - ii. A minimum of 1.5-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.
  - (b) The applicant may submit an alternative design, subject to the approval of the Director, provided it is structurally equal to or better than, the options set forth in this subsection.

## **B. Pedestrian Connectivity**

1. All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:<sup>309</sup>
  - A. The internal pedestrian circulation system of the development shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development.
  - B. If the applicant is unable to execute a cross-access agreement, pedestrian circulation shall still be oriented to facilitate future cross-access connections with adjacent parcels. Abutting properties developed or redeveloped at a later date shall at that time be required to enter into the requisite cross-access agreement.<sup>310</sup>
  - C. Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of land owners, shall be recorded in the public records of Lee County before issuance of a certificate of occupancy for the development.
2. Pedestrian walkways (including sidewalks) shall be provided to connect to each public vehicular entrance to a project (excluding ingress and egress points intended primarily for service, delivery, or employee vehicles) and each current or future transit stop identified in Sec. 5-307.A, Required Transit Facilities, to the internal pedestrian circulation system described in this subsection.<sup>311</sup>
3. To the extent possible, development shall be designed to promote bicycle and pedestrian street crossings at traffic control signals, crosswalks, or intersections.

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<sup>307</sup> This subsection is based on Sec. 10-256(c)(3)(e) of the transitional LDC. It requires that replacement sidewalks meet the same standards as existing sidewalks.

<sup>308</sup> This subsection carries forward Sec. 10-256(c)(3)(b) of the transitional LDC.

<sup>309</sup> This is a new section. It incorporates the connectivity requirements of Sec. 33-362(4) of the transitional LDC.

<sup>310</sup> This provision is new and is intended to reserve the possibility of a future cross-access feature when the adjoining property redevelops, in the situation where the applicant cannot secure a cross-access agreement.

<sup>311</sup> This subsection carries forward Sec. 33-362(1) of the transitional LDC.

**4. Pedestrian Walkways through Parking Areas and Parking Garages<sup>312</sup>**

- A. All parking areas and parking structures shall provide a clearly identified pedestrian path between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access from the furthest extent of the parking area to the primary building entrance(s).
- B. Pedestrian walkways providing access between parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development otherwise required by this section.

**C. Pedestrian Walkway Requirements<sup>313</sup>**

Pedestrian walkways shall meet the same standards as sidewalks in Sec. 5-305.A.2.E above, with the exception that wherever possible, the surface of a pedestrian walkway shall include specialty pavers, concrete, colored concrete, or stamped concrete patterns that accentuate and highlight pedestrian areas.

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**5-306. BICYCLE ACCESS AND CIRCULATION<sup>314</sup>**

**A. Required Bicycle Access**

**1. Internal and Adjoining Bicycle Access**

All new commercial development shall allow for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient, and intuitive, specifically by providing the following, in coordination with Lee County and FDOT:

- A. Bicycle parking facilities required by Sec. 5-206, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings;
- B. Connections to any adjacent existing or planned on-street or off-street bicycle facilities outside the development (including facilities in the comprehensive plan or the Bicycle and Pedestrian Master Plan) or internal bicycle systems in adjacent developments;
- C. Connections to any designated or planned transit stops and shelters (on-site or on an adjacent road); and
- D. Connections to any recreational amenities internal to the development, such as open space set-asides.

**2. Required Bikeway Network Improvements**

- A. Commercial and multi-family development shall install bike lanes, bike paths, or other bicycle improvements included in the comprehensive plan or the Bicycle and Pedestrian Master Plan.<sup>315</sup>
- B. All new residential development shall install bikeways up to ¼ mile (measured along the principal perimeter street) from the development where the bikeway would connect to an existing or proposed bikeway shown on the Bicycle and Pedestrian Master Plan;<sup>316</sup>
- C. Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes.

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<sup>312</sup> This is a new section that requires parking facilities be designed with walkways that facilitate pedestrian crossings.

<sup>313</sup> This subsection carries forward Sec. 33-362(2) of the transitional LDC. While the terms are typically used interchangeably in the transitional LDC, in this updated LDC the term "sidewalk" is for pedestrian facilities adjacent to roads while "pedestrian walkway" is used for pedestrian facilities that are not adjacent to roads, such as through open space and vehicular storage areas (parking lots).

<sup>314</sup> This is a new section that establishes requirements for new developments to incorporate bicycle circulation into site design, similar to the requirements for vehicular and pedestrian circulation. This section does not change the substantive requirements regarding construction of dedicated bicycle facilities in the transitional LDC, because the required bicycle circulation can be accomplished using appropriately designed local roads. Lee County Ordinance 17-11, enacted September 5, 2017, incorporated similar standards into Lee County's LDC. (See Sec. 10-610(d)(1)(c) of the Lee County LDC.)

<sup>315</sup> This subsection carries forward the requirements of Sec. 10-256(a) of the transitional LDC.

<sup>316</sup> This subsection carries forward the requirement in Sec. 10-256(c)(1) of the transitional LDC but removes the waiver in (c)(1)(e).

Establishment of the facilities shall include an agreement and/or easements which provide assurances for their continued maintenance.

- D. Where a development site fronts an existing road with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site, within a public easement running parallel and nearby the public road. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.<sup>317</sup>

#### **B. Bicycle Connectivity Between Developments**

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

1. Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, townhouse, nonresidential (except industrial), or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse, multifamily, nonresidential (except industrial), or mixed-use development.
2. If the applicant is unable to execute a cross-access agreement, bikeways shall still be oriented so as to facilitate future cross-access connections with adjacent parcels. Abutting properties developed or redeveloped at a later date shall at that time be required to enter into the requisite cross-access agreement.<sup>318</sup>
3. Easements allowing cross-access to and from lands served by a bicycle cross-access, along with agreements between owners of lands that provide and are served by the cross-access defining the owners' maintenance responsibilities, shall be recorded in the public records of Lee County before issuance of a building permit for the development.

#### **C. Bikeway Layout and Design**

Required on-street bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roads of which they are a part.

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### **5-307. TRANSIT ACCESS AND CIRCULATION<sup>319</sup>**

#### **A. Required Transit Facilities**

1. A residential development with more than 100 dwelling units, and any commercial development with less than 30,000 square feet of total floor area, shall be subject to the following requirements:
  - A. If a bus stop is within  $\frac{1}{4}$  mile of the vehicular entrance to the property, measured by the existing pedestrian access to the stop, a paved pedestrian walkway or sidewalk shall be constructed to the nearest bus stop.
  - B. If there is no bus stop within  $\frac{1}{4}$  mile of property, measured by the existing pedestrian access, but the property abuts either an existing bus route or a future bus route identified in the comprehensive plan, the developer shall provide signage and a bicycle rack for a new bus stop at a location designated as a future bus stop by the Director in consultation with the relevant transit agency.
2. A residential development with more than 500 units, and any commercial establishment with 30,000 square feet or more of total floor area, shall be subject to the following requirements:
  - A. If a bus stop is within  $\frac{1}{4}$  mile of the vehicular entrance to the property, measured by the existing pedestrian access to the stop, a paved pedestrian walkway or sidewalk shall be constructed to the nearest bus stop, and a bicycle storage rack that meets the standards of

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<sup>317</sup> This subsection carries forward Section 10-256(c)2) of the transitional LDC.

<sup>318</sup> This provision is new and requires inclusion of provisions for later cross-access connections when abutting properties redevelop. This provision is adapted from the model code included in Model Access Management Policies and Regulations for Florida Cities and Counties, 2nd Edition, Center for Urban Transportation Research (2017), prepared for FDOT.

<sup>319</sup> This section carries forward the existing requirements in the transitional LDC in Chapter 10, Article III, Division 7, and at Sec. 33-361 (in Section C).



Sec. 5-206.B, General Bicycle Parking Space Standards, and supports at least two bicycles shall be provided.

- B. If there is no bus stop within  $\frac{1}{4}$  mile of the vehicular entrance to the property, measured by the existing pedestrian access, but the property abuts either an existing bus route or a future bus route identified in the comprehensive plan, the developer shall provide the following, at a location designated as a future bus stop by the Director and in consultation with LeeTran:
  - 1. A pedestrian walkway or sidewalk with adequate lighting to the future bus stop;
  - 2. A concrete pad that meets the current standards of the Village or the FDOT Transit Facilities Design office and LeeTran, as applicable;
  - 3. A bus pull-out area that meets the current standards of the Village or FDOT and LeeTran, as applicable; and
  - 4. A bus shelter.

**B. Waiver**

The Director may waive the requirement to provide a pedestrian walkway or sidewalk to a bus stop where a developer has provided bikeways, pedestrian ways, or sidewalks that provide equivalent access.

- C. Developments are encouraged to accommodate the use of public transportation vehicles on primary roads within the development.<sup>320</sup>

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**5-308. TRAFFIC IMPACT STUDY (TIS)<sup>321</sup>**

**A. Purpose**

A Traffic Impact Study (TIS) is intended to survey current and anticipated traffic conditions and public transportation in order to identify potential traffic impacts that will be created by a development proposal.

**B. Requirement**

- 1. If traffic generated by a proposed development will add 300 or more external vehicle trips during the peak hour to the adjacent road system, the developer shall submit a TIS providing a comprehensive assessment of the development's impact on the surrounding road system in accordance with the traffic impact statement guidelines which are available from the Director.
- 2. If traffic generated by the proposed development is not expected to meet the threshold in paragraph 1, the developer shall submit a TIS providing information regarding the development's traffic generation and impacts at the development's access points onto the adjacent road system.

**C. Required Elements of Study**

A TIS required in accordance with subsection B above shall comply with the following standards:

- 1. The TIS shall include, at a minimum, information regarding the development's traffic generation and impacts at the development's access points onto the adjacent road system, and at the nearest intersection of a local road and an arterial or collector road if the development's direct access is to a local road;
- 2. The TIS shall be prepared in accordance with the current edition of the forms, procedures, and guidelines which are provided by the Director and/or included in the Administrative Manual. The developer or the developer's representative shall assume full occupancy and a reasonable build-out of the development in the preparation of the TIS;
- 3. The TIS shall be prepared by a qualified professional in the field of civil or traffic engineering, or transportation planning; and
- 4. The TIS shall be submitted to the Director for review of the study's sources, methodology, technical accuracy, assumptions, and findings.

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<sup>320</sup> This subsection carries forward Sec. 33-361(1) of the transitional LDC.

<sup>321</sup> This section carries forward Sec. 10-286 of the transitional LDC, with modifications to accommodate the format of this updated LDC.

**D. Approval Required**

1. The Director shall review and decide whether to reject or approve the TIS' sources, methodology, technical accuracy, assumptions, and findings, based on professional transportation engineering principles.
2. Approval of the TIS shall be revoked after one year has expired since the date of approval if the assumptions upon which the TIS was approved are no longer valid.
3. A significant change in the development proposal may result in the revocation of a previous approval of the TIS by the Director.

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**5-309. TRAFFIC IMPACT STUDY MITIGATION PLAN<sup>322</sup>**

**A. Plan Required**

Upon approval of the TIS by the Director, the developer shall prepare a Traffic Impact Study Mitigation Plan (TIS Plan) based on the approved TIS.

**B. Purpose**

The purpose of the TIS Plan is to:

1. Provide information to staff who evaluate development applications about the traffic impacts generated by a proposed development;
2. Ensure that safe and efficient access is provided to the development;
3. Minimize the proposed development's adverse traffic impacts and minimize traffic congestion on the road system;
4. Monitor growth and development for the preparation of subarea and corridor transportation studies;
5. Provide the technical background and assumptions needed to plan road improvements;
6. Relate the various needed road improvements to the occupancy and use of developed land, particularly regarding the relative timing of occupancy and availability of the road improvements; and
7. Identify which participants in the development process are responsible for different elements of the road improvement process and who will be responsible for the costs of the road improvements.

**C. Requirements**

The TIS Plan shall comply with the following standards:

1. It shall be reasonably based on the assumptions and findings embodied in the approved TIS;
2. It shall include elements that meet or exceed the minimum actions required to alleviate the adverse impacts on the surrounding or adjacent road network; and
3. It shall be consistent with all other local policy, particularly the comprehensive plan, impact fees, any applicable development agreements, and all other applicable requirements of this LDC.

**D. Required as Condition of Development Order**

1. The development order shall require timely implementation of the TIS Plan.
2. No certificate of occupancy or other permit to occupy or use developed land may be issued until the TIS Plan is implemented and improvements are in place in proportion to the demand the development generates.

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<sup>322</sup> This section carries forward Sec. 10-287 of the transitional LDC and reorganizes it for clarity.

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#### **5-310. DESIGN STANDARDS AND REQUIREMENTS<sup>323</sup>**

- A.** All roads and bridges shall be designed, constructed, and improved in accordance with the specifications set out in this Appendix C: General Road Specifications, as well as the other requirements of this section. Any deviations from the standards in this section shall comply with the standards and criteria established by FDOT in the Florida Greenbook with consideration of the FDOT Plans Preparation Manual, and are subject to review by the Director. Road design illustrations and cross sections are included in Appendix D: Illustrations and Cross-Sections.
- B.** In addition, the following standards and criteria shall apply: American Association of State and Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, as modified by the FDOT Florida Greenbook, FDOT Design Standards, FDOT Drainage Manual and FDOT Standard Specifications, current editions, with supplements, and such other applicable publications, editions, and amendments as may be adopted by FDOT, and sound engineering principles.
- C.** Construction on State facilities shall be done in accordance with applicable State statutes and regulations.

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#### **5-311. LIABILITY INSURANCE REQUIREMENT<sup>335</sup>**

As a condition applicable to the issuance of a development order requiring a Village right-of-way permit to construct improvements within Village owned or controlled right-of-way property, the applicant shall obtain liability insurance coverage for the benefit of the Village. The condition shall require the insurance to be effective coincident with the start of construction. Proof of insurance shall be submitted to the Village upon commencement of construction. The amount and type of coverage shall be in accordance with Village standards in effect at the time the insurance is obtained. The insurance coverage shall remain in effect until the approved project obtains a certificate of compliance or the Village formally accepts the right-of-way improvements for maintenance.

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#### **5-312. MAINTENANCE<sup>336</sup>**

##### **A. Facilities Constructed within Village Right-of-Way**

The Village will maintain bike and pedestrian facilities located within the Village right-of-way that are built to the standards set forth in this LDC and other applicable regulations

##### **B. Facilities Constructed within Easement Granted to the Village**

The Village shall maintain bike and pedestrian facilities constructed adjacent to the Village right-of-way within a perpetual right-of-way easement on privately held property where:

1. The facilities are constructed in compliance with the standards set forth in this LDC;
2. An easement instrument, along with the legal description and sketch of the easement area, is submitted by the applicant for review and approval by the Village Land Use Attorney prior to issuance of development order approval;
3. Upon completion of the facilities and prior to issuance of the certificate of compliance allowing the facility to be opened for public use, the easement is formally approved and maintenance responsibility is accepted by the Village Council; and
4. The approved easement is recorded in the public records of Lee County, at the property owner's expense, prior to issuance of the certificate of compliance allowing public use of any facility.

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<sup>323</sup> This subsection carries forward Sec. 10-296(a) of the transitional LDC. It incorporates the provision regarding deviation of standards from Sec. 10-296(d)(2). The requirement to conform with FDOT standards is carried forward from Sec. 10-296(n). Specific standards are in Appendix C.

<sup>335</sup> This section carries forward Sec. 10-282 of the transitional LDC.

<sup>336</sup> This subsection carries forward the provisions of Sec. 10-256(c)(4) (in A and B), Sec. 33-362(6) (in C), and Sec. 10-256(d)(4) (in D).

**C. Facilities along Frontage Roads**

Where a sidewalk or bikeway is installed along a project frontage road, the property owner shall provide for maintenance of the adjoining planting strip unless the Village formally accepts responsibility for maintenance.

**D. Facilities along Private Roadways**

Bicycle and pedestrian facilities along private roads shall be maintained by the property owners' association or other similar legal entity through operation and maintenance covenants.

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## **SECTION 5-4. LANDSCAPE STANDARDS**

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**5-401. PURPOSE<sup>337</sup>**

- A. The purpose of this section is to establish landscaping standards that integrate landscape, hardscape, and open space standards to:
1. Enhance the appearance of the Village;
  2. Provide trees for shade and heat and glare reduction;
  3. Support soil erosion control and water conservation;
  4. Screen incompatible land uses; and
  5. Improve air quality.
- B. This is intended to be achieved by:
1. Establishing a hierarchy of plantings with emphasis on creating defined public open space and implementing plantings that shade and provide passive cooling;
  2. Organizing landscaping patterns and materials based on the site's context and implementing the patterns across the site to visually unify the development and integrate it with its surroundings;
  3. Using distinctive landscape and hardscape to create focal points;<sup>338</sup>
  4. Using plantings and hardscapes as space-defining elements between the public and private realm and to separate pedestrian paths from vehicles;<sup>339</sup>
  5. Positioning building perimeter plantings to complement the building's architecture; and
  6. All outdoor light fixtures and light elements must meet DOE Energy Star requirements or be in the top 25% of efficiency for similar products. The Director may allow exceptions to this requirement on finding the applicant demonstrates it is unreasonable or impractical due to cost, availability, or similar factors.<sup>340</sup>

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**5-402. APPLICABILITY**

**A. General**

Unless exempted in accordance with subsection B below, or expressly stated to the contrary in this section, the standards in this section apply to:

1. All new development;
2. Any expansion or alteration of a building if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), provided that where there are inherent problems retrofitting existing sites, the Director may waive some or all requirements if other equivalent enhancements are provided; and

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<sup>337</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysí.

<sup>338</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysí.

<sup>339</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysí.

<sup>340</sup> See Sec. 10-8(10) of the transitional LDC.

3. Any change in use.<sup>341</sup>

## B. Exemptions

Single family detached and two family dwellings are exempt from this section, except each lot shall plant one or two trees per lot in accordance with Sec. 5-405.B, General Tree Standards.

## 5-403. PLANT PALETTE AND MATERIAL STANDARDS

### A. Plant Suitability

Plant materials shall be suited to the climate and suited for their planting location at maturity.<sup>342</sup>

1. Required plantings shall be in accordance with the Estero plant palette, which is set out in Appendix F: Recommended Plant Lists.
2. The invasive exotic plants identified in Table 5-403.A.2: Prohibited Invasive Exotic Plants, are prohibited and shall be removed. Methods to remove and control invasive exotic plants shall be included in development orders or limited development orders, as applicable. A statement shall also be included in development orders or limited development orders that the development area will be maintained free from invasive exotic plants in perpetuity.<sup>343</sup>

TABLE 5-403.A.2: PROHIBITED INVASIVE EXOTIC PLANTS <sup>344</sup>			
Common name	Scientific name	Common name	Scientific name
Earleaf acacia	<i>Acacia auriculiformis</i>	Old World climbing fern	<i>Lygodium microphyllum</i>
Woman's tongue	<i>Albizia lebbek</i>	Melaleuca, paper tree	<i>Melaleuca quinquenervia</i>
Bishopwood	<i>Bischofia javanica</i>	Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>
Australian pines	<i>All Casuarina species</i>	Chinese tallow	<i>Sapium sebiferum</i>
Carrotwood	<i>Cupianopsis anacardioides</i>	Brazilian pepper, Florida holly	<i>Schinus terebinthifolius</i>
Rosewood	<i>Dalbergia sissoo</i>	Tropical soda apple	<i>Solanum viarum</i>
Air potato	<i>Dioscorea alata</i>	Java plum	<i>Syzygium cumini</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>	Rose apple	<i>Syzygium jambos</i>
Weeping fig	<i>Ficus benjamina</i>	Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>	Wedelia	<i>Wedelia trilobata</i>
Japanese Climbing fern	<i>Lygodium japonicum</i>		

### B. Plant Material Standards

Plant materials installed in cultivated landscapes shall comply with the following standards:<sup>345</sup>

<sup>341</sup> Sec. 33-51 of the transitional LDC states standards apply to all commercial, religious, institutional, and mixed-use buildings within the Estero community. However, Sec. 33-52(a) of the transitional LDC states provisions apply to all development located in the Estero Planning community. Sec. 10-415. Open space, does not identify applicability; it states "all development must...." Sec. 10-416. Landscape standards, states "Landscaping for all new developments, except community and regional parks as defined in the Lee Plan, must include, at a minimum, the following number of trees, in addition to the landscaping required for parking and vehicle use areas and buffers." This section clearly sets out the rules governing to what type of development the landscape standards apply.

<sup>342</sup> See Sec. 33-353(b)(4) of the transitional LDC.

<sup>343</sup> See Sec. 10-420 of the transitional LDC.

<sup>344</sup> See Sec. 10-420 of the transitional LDC (list is the same).

<sup>345</sup> See Sec. 33-353 of the transitional LDC.



1. *Quality*<sup>346</sup>

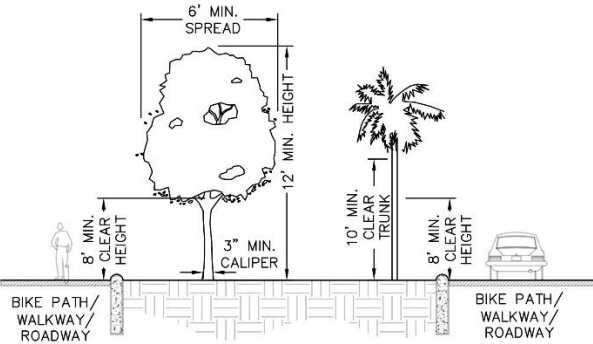
Meet the standards for Florida No. 1 or better, as set out in *Grades and Standards for Nursery Plants, Parts I and II*, Department of Agriculture, State of Florida. Root ball sizes on all transplanted plant materials shall also comply with state standards.

2. *Native varieties*<sup>347</sup>

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

3. *Trees and Palms*<sup>348</sup>

All required trees shall be a minimum 12-foot in height<sup>349</sup> measured from the adjacent grade of the development site, with a six-foot spread and three-inch caliper at the time of planting.<sup>350</sup> Palms shall have a minimum of ten feet of clear trunk at planting.<sup>351</sup> Trees adjacent to walkways, bike paths, and rights-of-way shall be maintained with eight feet of clear trunk.<sup>352</sup> Trees shall provide 15-foot clearance from light poles and buildings; palms shall provide an eight-foot clearance. Trees shall provide a six-foot clearance from hardscapes; palms shall provide a four-foot clearance. Root barriers are required for all trees planted within ten feet of hardscape or utilities. See Table 5-403.B.3: Tree and Palm Plant Material Standards.

TABLE 5-403.B.3: TREE AND PALM PLANT MATERIAL STANDARDS		
Standard	Trees	Palms
Height, spread, caliper at planting	12 feet in height, 6-foot spread, 3-inch caliper	10 feet of clear trunk
Clear trunk adjacent to walkways, bike paths, and right of ways	8 feet of clear trunk	10 feet clear trunk
		
Clearance from light poles and buildings	15 feet	8 feet
Clearance from hardscapes	6 feet	4 feet

<sup>346</sup> See Sec. 10-420 of the transitional LDC.

<sup>347</sup> See Sec. 10-420 of the transitional LDC.

<sup>348</sup> See Sec. 10-420 of the transitional LDC.

<sup>349</sup> See Sec. 33-353 of the transitional LDC. This is reduced from 14 to 12 feet in height.

<sup>350</sup> The following is deleted from the transitional LDC: "Trees having an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot crown spread."

<sup>351</sup> See Sec. 33-353 of the transitional LDC.

<sup>352</sup> See Sec. 10-420 of the transitional LDC.

**TABLE 5-403.B.3: TREE AND PALM PLANT MATERIAL STANDARDS**

Standard	Trees	Palms
	<p>The diagram shows a cross-section of a landscape. On the left, a building is shown. To its right is a tree. The distance between the building and the tree is labeled '6' MIN. CLEAR'. To the right of the tree is a hardscape area. The distance between the tree and the hardscape is labeled '15' MIN. CLEAR'. To the right of the hardscape is a palm tree. The distance between the hardscape and the palm tree is labeled '8' MIN. CLEAR'. To the right of the palm tree is another building. The distance between the palm tree and the building is labeled '4' MIN. CLEAR'. Below the hardscape, a root barrier is shown, labeled 'ROOT BARRIER' and 'UTILITY PIPE'. The distance between the root barrier and the hardscape is labeled '&lt; 10' CLEAR'.</p>	
Root barrier	Required within 10 feet of hardscape or utility	n/a

**4. Measurement of Height<sup>353</sup>**

The height of all trees and shrubs shall be measured from the final adjacent grade of the development site.

**5. Shrubs<sup>354</sup>**

Shrubs shall be a minimum of 24 inches (48 inches for Type F Buffers) in height, at time of planting. Saw palmettos (*Serenoa repens*) and coonties (*Zamia floridana*) may be used as shrubs, provided they are 12 inches in height at time of planting. All shrubs shall be a minimum three-gallon container size and be spaced 18 to 36 inches on center. They shall be at least 36 inches (60 inches for type F Buffers) in height within 12 months of time of planting, and maintained in perpetuity at a height of no less than 36 inches (60 inches for Type F Buffers). Shrubs shall provide 18-inch clearance from hardscapes and 36-inch clearance from buildings.

**6. Mulch Requirements<sup>355</sup>**

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

**5-404. TREE PRESERVATION<sup>356</sup>**

**A. Purpose<sup>357</sup>**

1. A “tree worthy of preservation” includes: any tree listed in the Florida Champion Tree Records compiled by the state, any heritage tree (live oak, South Florida slash pine, or longleaf pine 20-inch caliper dbh or greater), or any native tree which is four-inch caliper dbh or greater, of the species listed in Appendix G: Protected Tree List, including 39 families of trees and including healthy sabal palms that are a minimum eight-foot clear trunk.
2. Tree preservation standards are established to meet the goal of maintaining green spaces and trees in the Village landscape by:
  - A. Defining trees that are “worthy of preservation.”

<sup>353</sup> See Sec. 10-420 of the transitional LDC.

<sup>354</sup> See Sec. 10-420 of the transitional LDC.

<sup>355</sup> See Sec. 10-420 of the transitional LDC.

<sup>356</sup> See Sec. 10-416(a) of the transitional LDC.

<sup>357</sup> See Sec. 14-374 of the transitional LDC.

- B. Requiring an application and permitting process for removal of trees.
- C. Requiring protection of trees that are “worthy of preservation” at time of site development.

**B. Applicability<sup>358</sup>**

Unless exempted in accordance with subsection C below, no person shall deliberately cut down, destroy, remove, relocate, defoliate through the use of chemicals or other methods, or otherwise damage any “tree worthy of preservation” under this section, without first obtaining a tree removal permit as provided in Sec. 2-505.D, Tree Removal/Vegetation Permit.

**C. Exemptions**

1. No notice, application, approval, permit, fee, or mitigation is required for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.<sup>359</sup>
2. In addition, the following is exempt from this subsection:
  - A. The removal of trees on public rights-of-way conducted by or on behalf of a federal, state, county, Village, or other governmental agency in carrying out its lawful activities in the construction or improvement of public rights-of-way or in the performance of other official duties.
  - B. The removal of a “tree worthy of preservation” that is dead or which is destroyed or damaged by natural causes or an act of God, and is beyond saving or which is a hazard and constitutes an immediate peril to life and property.
  - C. The removal of trees by duly constituted communication, water, sewer or electrical utility companies, or federal, state, county, or Village engineer or surveyor agencies, working under a contract with federal, state, county, or Village entities, or when such tree removal is done as a governmental function of such agency.
  - D. The removal of trees by duly constituted communication, water, sewer, or electrical utility companies in or adjacent to a public easement or right-of-way, provided such removal is limited to those areas necessary for maintenance of existing lines or facilities, or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided that such removal is conducted to avoid any unnecessary damage or removal of trees.
  - E. The removal of trees by a state-licensed land surveyor in the performance of the land surveyor’s duties. The removal of such trees in a manner which requires clearing a swath of greater than three feet in width shall require approval of the Director prior to such removal and clearance.
  - F. The removal of trees on a lot in the RSF district or that is being used lawfully by a single-family dwelling or mobile home where the residence or proposed residence is located on a lot no greater than five acres in area.
  - G. The removal of trees “worthy of preservation” on the premises of a licensed plant or tree nursery or tree farm where such trees are intended for sale in the ordinary course of the licensee’s business.
  - H. Land used for bona fide agricultural purposes that meets the standards of or has been designated as wetlands.

**D. Suspension<sup>360</sup>**

Upon the declaration of a state of emergency in accordance with Ch. 252, Fla. Stat., the Director may suspend the enforcement of the requirements of this subsection for a period of 30 days in order to expedite the removal of damaged and destroyed trees in the interest of public safety, health, and general welfare.

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<sup>358</sup> See Sec. 14-411 of the transitional LDC.

<sup>359</sup> See Sec. 163.045, Fla. Stat.

<sup>360</sup> See Sec. 14-378 of the transitional LDC.

**E. Tree Protection During Development of Land<sup>361</sup>**

1. A tree inventory identifying the location, species, and sizes of trees “worthy of preservation” on the site, as well as a tree health assessment, shall be submitted with the application for a development order or limited development order, as applicable.
2. Prior to the land clearing stage of development, the owner or developer shall clearly mark all trees “worthy of preservation” and other protected trees for which a tree removal permit is not issued, and shall erect barriers for the protection of the trees according to the following:
  - A. Around an area at or greater than a six-foot radius of all species of mangroves and protected cabbage palms;
  - B. Around an area at or greater than the full dripline of all protected native pines;
  - C. Around an area at or greater than two-thirds of the dripline of all other protected species.
3. No person shall attach any sign, notice, or other object to any trees “worthy of preservation” or protected tree or fasten any wires, cables, nails, or screws to any such tree in any manner that could prove harmful to the tree “worthy of preservation” or protected tree, except as necessary in conjunction with activities in the public interest.
4. During the construction stage of development, the owner or developer shall not cause or permit the cleaning of equipment or material within the outside perimeter of the crown (dripline) or on the nearby ground of any tree or group of trees which is to be preserved. Within the outside perimeter of the crown (dripline) of any tree or on nearby ground, the owner or developer shall not cause or permit storage of building material and/or equipment, or disposal of waste material such as paints, oil, solvents, asphalt, concrete, mortar, or any other material harmful to the life of the tree.
5. No person shall permit any unnecessary fire or burning within 30 feet of the dripline of a protected tree.
6. Any landscaping activities within the barrier area shall be accomplished with hand labor.
7. Prior to the issuance of a certificate of occupancy or compliance for any development, all trees designated to be preserved that are destroyed during construction shall be replaced by trees of the same species and equivalent dbh tree caliper, before occupancy or use, subject to processing of an amendment to the development order. (See Sec. 2-505.D, Tree Removal/Vegetation Permit.)
8. The Director may conduct periodic inspections of the site during land clearing and construction.<sup>362</sup>

**F. Restoration Standards**

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

- A. The restoration plan must include the following minimum planting standards:
  1. The plan must include a planting plan for all protected trees. Replacement stock must be computed on a three for one basis according to the total number of unlawfully removed trees. The phrase “three for one” in this section refers to the requirement of replacing an illegally removed tree with three live trees according to the provisions of this section. Replacement trees must be nursery grown, containerized and sized to satisfy the standards of Sec. 5-403.B.3 above. It is within the discretion of the Director to allow a deviation from the ratio specified in this subsection. When such deviation is sought, the total of heights and calipers must equal or exceed that specified in the standards set out in this subsection. An example of this might be one in which trees four feet in height might be planted in a ratio of five replacement trees to one illegally removed tree. Justification for such a deviation must be provided to the Director.
  2. The plan must include a planting plan for understory vegetation. Understory vegetation must be restored to the area from which protected trees were unlawfully removed or mutilated. The plant selection must be based on that characteristic of the FLUCFCS. Shrubs, ground cover and grasses must be restored as delineated in FLUCFCS. Up to

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<sup>361</sup> See Sec. 14-383 of the transitional LDC.

<sup>362</sup> See Sec. 14-383 of the transitional LDC.

seven species may be utilized with relative proportions characteristic of those in FLUCFCS. The exact number and type of species required must also be based upon the existing indigenous vegetation on adjacent property. Replacement stock must be no less than one-gallon-sized nursery-grown containerized stock planted at no less than three feet on center in the area from which protected trees were unlawfully removed or mutilated. This area must be defined by the dripline of the trees. The number of shrubs must not exceed, but may be less than, 25 shrubs per tree unlawfully removed or mutilated. The understory of the restored site must be protected for a period of no less than ten years, unless its removal is a provision of a development order which has been approved after the restoration of the site.

3. If the unlawful removal or mutilation of trees has caused any change in hydrology or surface water flows, then the hydrology or surface water flows must be restored to pre-violation condition.
- B. Massing of replacement stock will be subject to agreement of the parties or if appropriate then by the Special Magistrate, as long as the minimum number of trees and/or seedlings are provided. Replacement stock, with the exception of palms, shall be Florida No. 1 or better grade. Replacement stock shall have a guaranteed 80 percent survivability for a period of no less than five years. A maintenance provision of no less than five years must be provided in the restoration plan to control invasion of exotic vegetation. Replacement stock may not be located on any property line, underground utility, or county easement. The Director may at his/her discretion allow the replacement stock to be planted off-site where approved development displaces areas to be restored. In these situations, off-site plantings shall be on lands under the control of a public agency. The off-site location is subject to the approval of the Director.
- C. In the event of impending development on property wherein protected trees were unlawfully removed, the restoration plan shall indicate the location of the replacement stock consistent with any approved plans for subsequent development. For the purposes of this section, impending development shall mean that a developer has made application for a preliminary development order or applied for a building permit.
- D. If identification of the species of trees is impossible for any reason on property wherein protected trees were unlawfully removed, then a presumption is raised that the trees illegally removed were of a similar species and mix as those found on adjacent properties.
- E. A monitoring report shall be submitted to the Director on an annual basis for five years describing the conditions of the restored site. The monitoring report shall be submitted on or before each anniversary date of the effective date of the restoration plan. Mortality estimates per species planted, estimated causes for mortality, growth of the vegetation, and other factors which would indicate the functional health of the restored systems shall be included in the monitoring report. Failure to submit the report in a timely manner shall constitute a violation of this section. When mitigation is required pursuant to this section, monitoring reports are necessary to ensure that the mitigation efforts have been successful. In order to verify the success of the mitigation efforts and the accuracy of the monitoring reports, periodic inspections by Village staff are necessary. In order that the Village be compensated by the violator for the costs of these periodic inspections of the restored site by Village staff, a schedule of inspection fees shall be established by the Village Council.

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#### **5-405. GENERAL TREE AND STREET TREE STANDARDS**

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

The purpose of this subsection is to establish standards that maintain green spaces and trees in the Village landscape by requiring the planting of trees in new development and incentivizing tree preservation with credits against those standards.

##### **B. General Tree Standards**

Development subject to the requirements of this subsection shall comply with the requirements of Table 5-405.B: General Tree Standards. All required trees shall be a minimum of 12-foot in height measured from final grade of the project site, with a six-foot spread and have three-inch calipers at



dbh, at the time of planting, except that palms shall have a minimum of ten feet of clear trunk at time of planting.<sup>363</sup>

<b>TABLE 5-405.B: GENERAL TREE STANDARDS [1]<sup>364</sup></b>	
<b>Types of Development</b>	<b>Minimum Required General Trees</b>
Single-family dwelling development constructed on individual (single) lots.	Provide one tree for each 3,000 square feet of development area. The preferred location for installation is on common property (around a clubhouse, lakes, dry detention area or other similar areas).
Single-family dwelling development on a conventional zoning district lot with minimum lot sizes of 6,500 square feet or greater	Two trees for each lot
Other residential development (including recreational vehicle development).	Provide one tree for each 3,000 square feet of development area. The preferred location for installation is on common property (around a clubhouse, lakes, dry detention or other similar areas).
All other developments.	Provide one tree for each 3,500 square feet of development area.
<b>NOTE</b> [1] Existing waterbodies within the development area will not be included in the calculation for general tree standards.	

### C. Offsets and Credits

#### 1. Credits<sup>365</sup>

The credits identified in Table 5-405.C.1: Offsets and Credits Against General Tree Standards, shall be provided against the general tree standards for preserving the following types of existing trees.

<b>TABLE 5-405.C.1: OFFSETS AND CREDITS AGAINST GENERAL TREE STANDARDS</b>		
<b>On site tree preservation activity</b>	<b>Minimum size</b>	<b>Credit (Number of required general trees that may be offset)</b>
One indigenous native tree preserved in place	Trunk diameter of four inches measured at 4.5 feet above the ground (dbh)	Five
One Champion or heritage tree preserved in place	20-inch caliper dbh	Five
One native palm preserved in place	Eight foot clear trunk	Three
One sabal palm retained in a dedicated indigenous preserve area	Eight foot clear trunk	Three
One sabal palm relocated onsite	Eight foot clear trunk	Two

- A. A tree location plan shall be submitted when general trees located within a designated preserve are being claimed for credit. The tree location plan shall include specific information about all trees that are being preserved for credit within the entire development footprint. In addition, the tree location plan shall: (1) be at the same scale as the site plan for the development order or limited development order, as applicable; (2) show the location of trees

<sup>363</sup> See Section 33-353 of the transitional LDC.

<sup>364</sup> See Sec. 10-416(a) of the transitional LDC.

<sup>365</sup> See Sec. 10-420 of the transitional LDC.

- to be saved; (3) state the caliper for each tree (three-inch minimum caliper measured at four and one-half feet above ground level); and (4) identify the species of each tree.
- B. Except for prohibited invasive exotic species as identified in Table 5-403.A.2: Prohibited Invasive Exotic Plants, above, every consideration shall be given to retaining as much of the existing plant material on a site as possible.
  - C. Each existing indigenous native tree preserved in place, which has a trunk diameter of four inches or greater measured at four and one-half feet above the ground (dbh), shall receive a credit of five trees against the general tree standards. Native palms preserved in place that are eight feet or greater from ground level to base of fronds shall receive a credit of three trees. Existing sabal palms that are relocated onsite shall be given a two tree credit. Credits for existing trees may not be used to reduce the required canopy trees required in parking areas. Existing native trees in buffers may be used for credit provided they occur within the required buffer segment.
  - D. Credits shall apply only when the trees are labeled as protected-credit trees. If the protected-credit trees die within three years from the date a certificate of compliance is issued for the development, they shall be replaced by the number of trees for which credit is given.
  - E. Credits shall apply where the preserved tree is in a barricaded area that is at least two-thirds the radius of the crown spread of the credited tree measured from the trunk center, except in no case may this area radius be less than two and one-half feet. For indigenous native pine trees, the barricaded area may be no less than the full crown spread of the tree, unless other measures such as tie-walls or special slope treatment are constructed for additional protection. Prior to the land clearing stage of development, the owner, developer or agent shall erect protective barriers that are at a minimum made of a three-foot high silt fence, a three-foot high orange construction fence, or approved alternative barricading material. For all native, indigenous open space areas, including shrubs and ground cover, barricades shall be erected around the perimeter of the vegetation. The owner or developer or an agent shall not cause or permit the movement of equipment or the storage of equipment, material, debris, or fill within the required protective barrier. The protected trees shall be alive and healthy at the end of the construction for the credit to apply.
2. *Larger Trees*<sup>366</sup>
- General tree standards may be reduced by up to 50 percent through the planting of larger trees. Larger trees are at least four inches in diameter at 12 inches above the ground and at least 16 feet in height at the time of planting.
3. *Alternative Landscape Betterment Plan*
- General tree standards may be reduced through approval of an alternative landscape betterment plan. Alternative, creative designs are encouraged for difficult sites for landscape design, including but not limited to infill developments, existing developments, and irregularly shaped parcels. The approval of the alternate landscape betterment plan shall be reviewed and approved by the Director, and may include conditions to ensure that the overall landscape design complies with the intent of this section.<sup>367</sup> An alternative landscape betterment plan shall comply with the following standards:
- A. The plan shall not deviate from the minimum open space requirements of this LDC.
  - B. The plan shall be labeled as an alternate landscape betterment plan, and delineate, identify, and locate all changes to the requirements of this section.
  - C. One hundred (100) percent of the required trees installed shall be native species.
  - D. The plan shall designate the location of all plant material to be installed.
  - E. The plan shall exceed the intent of the minimum landscape standards.
  - F. Any changes to an approved plan shall be reviewed as a minor change.

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<sup>366</sup> See Sec 10-420(c)(2) of the transitional LDC.

<sup>367</sup> See Sec 10-419 of the transitional LDC.

#### 4. *Street Trees*

Development constructed with street trees on both sides of all streets, to the maximum extent possible, may count the street trees toward the general tree planting requirements of this section, subject to the following requirements.

- A. A street tree plan shall be submitted at time of review that demonstrates compliance with site triangles and line of sight at intersections and driveways.
- B. On-center spacing for street trees shall be an average of 50 feet, with a maximum of 70 feet.

### 5-406. PERIMETER BUFFERS

#### A. Purpose

The purpose of perimeter landscape buffers is to provide screening and buffers between parcels on which there are incompatible land uses, and to provide screening and buffering along road rights-of-way.

#### B. Perimeter Buffer Standards

##### 1. *Buffers Required*<sup>368</sup>

A buffer area is required along the entire perimeter of a proposed development when it abuts a different use category. The existing use category of the development or, where vacant, the permitted uses allowed by the zoning district of abutting vacant land determines the type of buffer area required for the proposed development. Buffer areas shall not be located on any portion of an existing or dedicated street right-of-way or road easement except a buffer may be located within slope easements, as long as appropriate planting soil is provided on the slope.

##### 2. *Use Categories*

In applying the standards of this section, uses are classified into the use categories identified in Table 5-406.B.2: Uses.

TABLE 5-406.B.2: USES	
Use Category	Uses
<b>SF-R</b>	Single-family or two-family attached, situated on individual lots
<b>MF-R</b>	Residential structures containing three or more dwelling units on a single parcel
<b>COM</b>	Commercial uses, public facilities, schools (other than Lee County School District), and recreational vehicle parks
<b>WOR</b>	Places of worship
<b>IND</b>	Industrial use
<b>STP</b>	Sewer treatment plant or water treatment plant
<b>ROW</b>	Public road right-of-way or roadw easement
<b>REC</b>	Public active recreational park
<b>PRE</b>	Public preserve lands for conservation and/or passive recreation

##### 3. *Buffer Type*

Table 5-406.B.3: Buffer Types (Per 100 Linear Feet), establishes the required composition and dimension of the different buffer types required by this subsection.

<sup>368</sup> See Sec. 33-351 of the transitional LDC.

TABLE 5-406.B.3: BUFFER TYPES (PER 100 LINEAR FEET) [1]						
Standard	Buffer Types					
	A	B	C	D	E	F
Minimum Width in Feet	Five	15	20	20	30	50
Minimum Number of Trees (per 100 linear feet)	Four	Five	10	Five [4]	10	15
Minimum Number of Shrubs (per 100 linear feet)	—	Hedge [3]	30	Hedge [3]	30	Hedge [3]
Wall Required [2]	—	—	Eight feet in height, solid fence	—	Eight feet in height, solid fence	—
<b>NOTES<sup>369</sup></b> [1] All landscape buffer designs should complement adjacent project buffers to help in establishing a continuous landscape theme within the Village. [2] A solid masonry or concrete wall, berm, or wall and berm combination shall be at least eight feet in height. All trees and shrubs required in the buffer shall be placed on the residential side of the wall (if applicable). The height of the wall shall be measured from the average elevation of the road or roads abutting the property, as measured along the centerline of the streets, at the points of intersection of the roads with the side lot lines (as extended) and the midpoint of the lot frontage. Walls shall be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements. [3] Hedges shall be planted in double staggered rows and be maintained to form a 36-inch high (F type buffers shall be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting. In situations where the elevation of the ROW is higher than the elevation of the adjacent property, the effective plant screen shall have an elevation of 36 inches as measured from the highest elevation within the buffer area resulting from the combination of the berm and/or plants. Clustering of shrubs that would not create a continuous visual screen, but would add interest to the landscape design, is allowed, subject to review by the Director. [4] Trees within the ROW buffer shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.						

4. *Buffer Type Required<sup>370</sup>*

Table 5-406.B.4: Buffer Type Required, identifies the buffer type required when a proposed use will abut an existing use or, in the absence of an existing use, vacant land in a zoning district.

TABLE 5-406.B.4: BUFFER TYPE REQUIRED										
Proposed Use	Abutting Permitted or Existing Use									
	SF-R	MF-R	COM	ROW <sup>[6]</sup>	IND	STP	AG	WOR	REC	PRE
SF-R	A	A	A	D <sup>[4]</sup>	—	—	—	—	B	F <sup>[5]</sup>
MF-R	B	A	B	D <sup>[3]</sup>	A	A	—	—	B	F <sup>[5]</sup>
C/F <sup>[1]</sup>	C/F <sup>[1]</sup>	A <sup>[2]</sup>	D <sup>[3]</sup>	A	—	A	A	A	F <sup>[5]</sup>	C/F <sup>[1]</sup>
WOR	B	B	A	D <sup>[3]</sup>	A	A	C/F	A	A	F <sup>[5]</sup>
IND	E	E	B	D	A	A	A	B	—	F <sup>[5]</sup>
STP	E	E	E	C	C/F	A	C/F	C	—	F <sup>[5]</sup>

<sup>369</sup> See Sec. 33-351 of the transitional LDC.

<sup>370</sup> See Sec. 33-351 of the transitional LDC.

**TABLE 5-406.B.4: BUFFER TYPE REQUIRED**

Proposed Use	Abutting Permitted or Existing Use									
	SF-R	MF-R	COM	ROW <sup>[6]</sup>	IND	STP	AG	WOR	REC	PRE
REC	C/F	A	A	D	—	—	—	A	F	F <sup>[5]</sup>
PRE	F	F	—	—	—	—	—	—	F	—
<b>NOTES</b> <p>[1] Commercial projects that are part of mixed-use developments are not required to provide buffers between uses within the project. They are required to provide buffers adjacent to development and adjacent lands on the perimeter of the project.</p> <p>[2] Type "A" buffers required between commercial uses shall be designed to allow for pedestrian, bicycle, and automobile connections through adequate spacing between required trees. Palms may be used where COM abuts COM on a 1:1 basis, if they are clustered as defined.</p> <p>[4] All Residential Planned Developments adjacent to I-75 are required to plant a buffer 40 feet in width that shall contain 15 trees, 50 shrubs, and 60 ground cover plants per 100 linear feet. If a berm is constructed, the 40-foot setback shall include a minimum of eight feet from the toe of the berm to the right-of-way to allow for both state and private property maintenance of the edge of the right-of-way and for maintenance of the berm.</p> <p>[5] The required buffer shall be 100 percent native.<sup>371</sup></p> <p>[6] Parking areas located along public rights-of-way shall be adequately screened from pedestrian and vehicular travel along the fronting road with a continuous wall, hedge, or combination, with a minimum height of three feet.<sup>372</sup></p>										

## 5-407. BUILDING PERIMETER PLANTING STANDARDS

### A. Purpose

Standards for plantings around commercial building perimeters help to provide integration of landscaping with the built environment, complement the building's architecture, and contribute to the Village's character and appearance.

### B. Applicability<sup>373</sup>

All new development in commercial zoning districts and commercial components of planned development districts and DRIs shall provide building perimeter plantings equal to ten percent of the proposed building gross ground level floor area, in accordance with this subsection.

### C. Building Perimeter Planting Standards<sup>374</sup>

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

<sup>371</sup> See Sec. 33-351 of the transitional LDC.

<sup>372</sup> See Sec. 33-114 of the transitional LDC.

<sup>373</sup> See Sec. 10-416 of the transitional LDC.

<sup>374</sup> See Sec. 10-416 of the transitional LDC.



#### D. Shopping Centers<sup>375</sup>

An enlarged perimeter planting area is required in the front of shopping centers and freestanding retail development uses that constitute a large development<sup>376</sup> (a project of ten acres or more in land area or two acres or more in impervious area). An area that is at least five percent of the size of the parking area shall be developed as green space within the front of shopping centers and other retail establishments and be an enlargement to the front building perimeter planting area. It is not a requirement that this area directly abut the front of the building. The enlarged perimeter planting areas shall consist of landscape areas, raised planters, or planter boxes that are a minimum of five feet wide. These enlarged perimeter planting areas shall include trees, shrubs, and ground cover plants with a minimum of four trees per 100 linear feet of building and 50 percent coverage of the landscape area at the time of planting. The trees placed around the building shall be applied to the general tree requirement. Trees may be installed in clusters and do not need to be located within a 100 linear foot segment. Clusters of trees at the corners of buildings or framing entrances are especially effective. Trees and shrubs shall comply with the size requirements of this subsection. Groundcover plants shall be a minimum one-gallon container size. Taller palms (16-to 20-foot clear trunk) shall be used when building height is greater than 35 feet. Turfgrass is discouraged and is limited to ten percent of the landscape area. Water management areas shall not be a part of this enlarged planting area.

#### E. Wall and Trellis<sup>377</sup>

In addition to required building perimeter plantings, buildings may incorporate live plant material growing immediately on the building, shrubs or vines trained to grow upright on wire or trellises next to blank walls, or window boxes, planter boxes, or hanging flowers.

### 5-408. OPEN SPACE AND STORMWATER MANAGEMENT AREAS

#### A. Purpose

Minimum standards for open space and the design of stormwater management areas enhance the appearance of development.

#### B. Applicability

All new development shall comply with the open space<sup>378</sup> and the stormwater management design standards of this subsection. Sufficient open space shall be provided for the use of the occupants of the development. Every effort must be made to locate required open space to protect archaeological sites.<sup>379</sup>

#### C. Open Space Standards<sup>380</sup>

Development subject to the requirements of this subsection shall comply with the open space standards in Table 5-408.C: Open Space Standards.

TABLE 5-408.C: OPEN SPACE STANDARDS		
Type of Development	Open Space as Percentage of Development Area [1]	
	Small Project [2]	Large Project [2]
<b>Residential</b>		
<b>Single-family or mobile home dwelling on a single lot where minimum lot size is 6,500 sq. ft.</b>	None	None
<b>Two-family dwelling on a single lot where minimum lot size is 7,500 sq. ft.</b>	None	None

<sup>375</sup> See Sec. 10-416 of the transitional LDC.

<sup>376</sup> See Sec. 10-1(b) of the transitional LDC (definitions).

<sup>377</sup> See Secs. 33-330 and 33-335 of the transitional LDC.

<sup>378</sup> See Sec. 10-415 of the transitional LDC.

<sup>379</sup> See Sec. 10-8(9) of the transitional LDC.

<sup>380</sup> See Sec. 10-415 of the transitional LDC.

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

#### D. Open Space Calculation<sup>381</sup>

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

1. Native and indigenous preservation areas, where such vegetation is onsite.
2. Outdoor active and passive public use areas such as plazas, atriums, courtyards and other similar space, up to a maximum of 25 percent of the required open space.
3. Buffers and vehicular use area landscaping.
4. Dry detention areas.
5. Existing or proposed bodies of water, including stormwater management areas and areas subject to saltwater inundation, up to a maximum of 25 percent of required open space.
6. Active and passive recreation areas, such as playgrounds, golf courses, nature trails, bikeways, pedestrian ways, tennis courts, swimming pools, and other similar open spaces, if no more than 20 percent of the recreational area credited as open space consists of impervious surface.
7. Archaeological sites that are designated as significant historic resources.

#### E. Open Space Designation Priorities

The priority for the designation of open space on a specific development site is encouraged to be as follows, in order of priority:

1. Preservation of native and indigenous vegetation onsite.
2. Open space of public interest where no such vegetation is onsite for preservation. See subsection G below for design elements.

#### F. Native and Indigenous Vegetation

1. Where indigenous and native vegetation is located onsite, every consideration shall be given to retaining as much of the existing plant material as possible. A minimum of 50 percent of the required open space shall be met with onsite preservation of indigenous and native vegetation. Indigenous and native vegetation preserve areas shall be a minimum of 20 feet from buildings. For indigenous plant communities subject to fire, such as pine flatwoods, palmetto prairie, and xeric scrub, a 30-foot setback is required for fire protection.<sup>382</sup>

<sup>381</sup> See Sec. 10-415(d) of the transitional LDC.

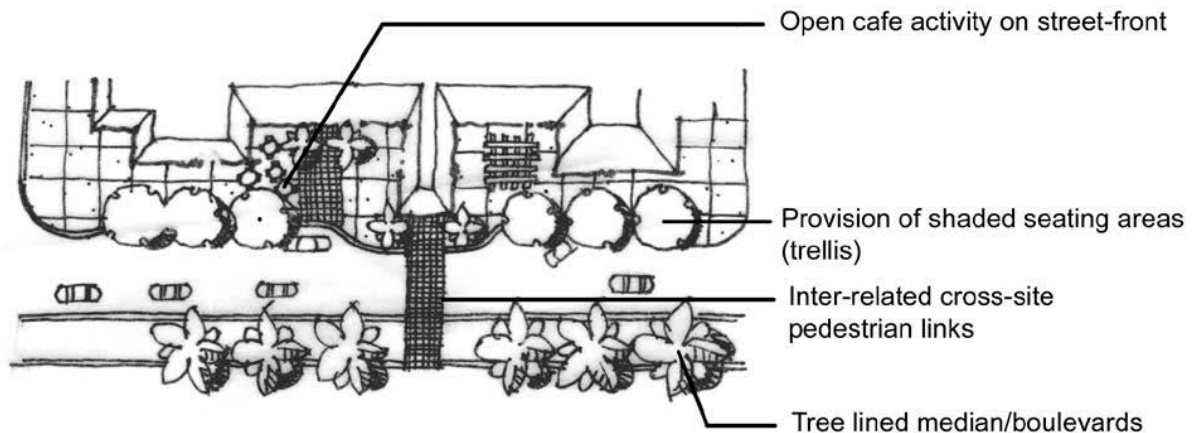
<sup>382</sup> See Sec. 10-415(b) of the transitional LDC.

2. As part of the development application, an indigenous vegetation management plan shall be submitted for the long-term maintenance of vegetation in indigenous open space areas. This plan shall address the following:<sup>383</sup>
  - A. The method and frequency of pruning and trimming.
  - B. The methods to remove and control all exotic and nuisance plants in perpetuity.
  - C. Debris removal.
  - D. Protected species conditions.
  - E. Drafts of educational materials (signage and brochures) to be provided to the residents about the purpose and function of these areas.
  - F. Monitoring reports, including photos that narratively document preserve area conditions; agreement that a monitoring report, including photos that narratively document preserve area conditions as well as document ecological restoration activity that has occurred in the preserve areas, will be provided after project construction with the application for a certificate of compliance; and agreement that if review of the monitoring reports reveals death or significant decline to preserve vegetation, then revision of the management plan and restoration will occur.

**G. Open Space of Public Interest<sup>384</sup>**

1. Places of public interest/open space are intended to provide for areas of public interest within commercial developments and shall be provided where possible. These areas shall be equipped with amenities such as seating areas, structures that provide shade, drinking fountains, and other amenities. For example, see Figure 5-408.G: Open Space of Public Interest.
2. Open-air restaurants and cafes are encouraged.
3. Landscaping elements such as plantings, fencing, and changes of paving material are encouraged to demarcate change in function of a public area and adjacent road. Where necessary, traffic calming devices shall be applied to slow down traffic.

**Figure 5-408.G: Open Space of Public Interest**



**H. Minimum Open Space Dimensions<sup>385</sup>**

1. The minimum average width of open space areas shall be ten feet.
2. The minimum area of open space shall be 180 square feet.
3. For projects less than ten acres in size, indigenous open space areas shall have a minimum average width of 20 feet and a minimum area of 400 square feet.

<sup>383</sup> See Sec. 10-415(b)(4) of the transitional LDC.

<sup>384</sup> See Sec. 33-113 of the transitional LDC.

<sup>385</sup> See Sec. 10-415(c) of the transitional LDC.

4. For projects ten acres or larger in size, indigenous open space areas shall have a minimum average width of 40 feet and a minimum area of 1,500 square feet.
5. Open space preservation areas shall be designed with adequate widths to preserve and allow the continued growth and viability of existing native trees.
6. Native tree preservation areas shall extend to the full drip line of slash pine, three-quarter drip line for all canopy trees, and six feet from the trunk of any native palm, or other protective means, such as retaining walls, shall be provided. Except for work related to approved ecological restoration activities, no filling, grading, or excavating is allowed in open space preservation areas.
7. Surface water management systems may overlap with native tree preservation areas only where it can be clearly demonstrated that the effects of water management system construction or operation will not cause death or harm to the preserved tree and indigenous plant community of protected species.

#### I. Stormwater Management Area Design

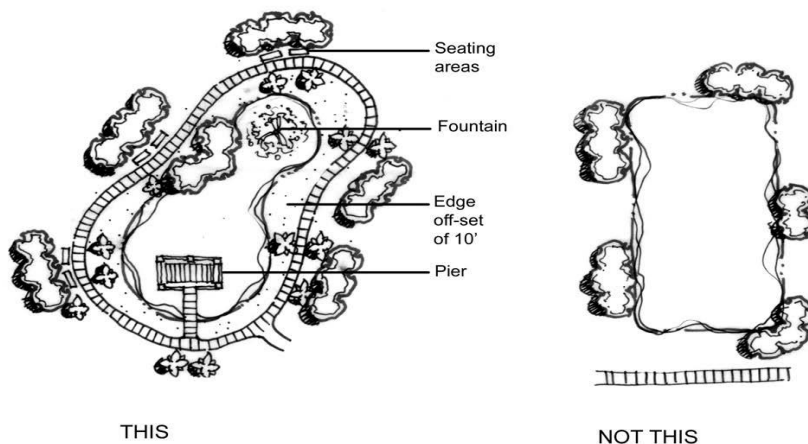
##### 1. Water Management Lakes

Water management lakes are to appear natural and landscaped with lakeside amenities to enhance their appeal to residents and visitors.<sup>386</sup>

##### 2. Stormwater Ponds

The shape of stormwater ponds shall be designed to appear natural by having a meandering shoreline. Stormwater pond configurations that are generally rectangular or triangular in shape are prohibited. See Figure 5-408.I: Example Stormwater Ponds.<sup>387</sup>

Figure 5-408.I: Example Stormwater Ponds



##### 3. Dry Detention Basins

All dry detention basins shall be planted with wetland type plant species (such as spartina), in minimum one-gallon containers, not more than 36 inches on center, throughout the extent of the basin.<sup>388</sup> For each 400 square feet of dry detention area or drainage swale planted with appropriate native herbaceous vegetation (minimum one-gallon container size planted three feet on center), the general tree requirement may be reduced by one ten-foot tree.<sup>389</sup>

<sup>386</sup> See Sec. 10-418 of the transitional LDC.

<sup>387</sup> See Sec. 33-111 of the transitional LDC.

<sup>388</sup> See Sec. 33-111 of the transitional LDC.

<sup>389</sup> See Sec. 10-418(4) of the transitional LDC.

**4. *Wet and Dry Detention Areas***

Wet and dry detention areas exceeding 20,000 square feet in cumulative area and located adjacent to a public right-of-way are considered park areas and an attractor for pedestrian activity. These areas shall incorporate into the overall design of the project at least two of the following elements:<sup>390</sup>

- A. A five-foot wide walkway with trees an average of 50 feet on center, and shaded benches a minimum of six feet in length located on average every 150 feet;
- B. A public access pier with a covered structure and seating;
- C. An intermittent shaded plaza/courtyard, a minimum of 200 square feet in area, with benches and/or picnic tables adjacent to the water body;
- D. A permanent fountain structure; or
- E. A continuous pedestrian way around the waterbody.

**5. *Planted Littoral Shelf (PLS)***<sup>391</sup>

The following features are considered sufficient to mimic the function of natural systems, improve water quality, and provide habitat for a variety of aquatic species, including wading birds and other waterfowl.

**A. *Size Requirements***

The PLS shoreline length shall be calculated at 25 percent of the total linear feet of the lake at control elevation.

**B. *Location Criteria***

- 1. The PLS shall be concentrated at one location of the lake, preferably adjacent to a preserve area, to maximize its habitat value and minimize maintenance efforts. The required PLS may be divided and placed in multiple locations, if the PLS area is smaller than 1,000 square feet. To the maximum extent practicable, the PLS shall be located away from residential lots to avoid maintenance and aesthetic conflicts with residential users.
- 2. The PLS may be located adjacent to control structures and pipe outlets or inlets to maximize water quality benefits and not impede flow.
- 3. If contained within a lake, the PLS shall function as a typical freshwater marsh in ponds with slopes from 6H:1V to not more than 4H: 1V.

**C. *Shelf Configuration***

- 1. The PLS shall be designed to include a minimum 20 foot wide littoral shelf extending waterward of the control elevation, at a depth of no greater than two feet below the control elevation.
- 2. A detailed cross section of the PLS shall be depicted on the approved development order or limited development order, as applicable.

**D. *Plant Selection***

- 1. Herbaceous plants shall be selected based on the expected water level fluctuations and maximum water depths in which the selected plants will survive. The PLS areas shall be planted with at least four different native herbaceous plant species.
- 2. The required number of herbaceous plants is calculated based on placement spaced two feet on center for the total area encompassed by the PLS. The PLS shall be planted with a minimum two-inch liner container of herbaceous plants.
- 3. The total number of plants for the PLS shall be calculated by taking the total linear feet of shoreline multiplied by 25 percent, then multiplied by the 20-foot wide shelf and divided by four to obtain the two-feet on-center spacing.

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<sup>390</sup> See Sec. 33-117 of the transitional LDC.

<sup>391</sup> See Sec. 10-418(2) of the transitional LDC.



4. Native wetland trees may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree (minimum ten-foot height with a two inch caliper, with a four-foot spread) may be substituted for 100 herbaceous plants. Trees shall meet the minimum standards set forth in this section.
  5. The design elevation of the PLS shall be determined based upon the ability of the PLS to function as a marsh community and the ability of selected plants to tolerate the expected range of water level fluctuations.
6. ***Bulkheads, Riprap Revetments, or Other Similar Hardened Shoreline Structures***  
Bulkheads, riprap revetments, or other similar hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline. A compensatory littoral zone equal to the linear footage of the shoreline structure shall be provided within the same lake and meet the following standards:<sup>392</sup>
  - A. A five-foot wide littoral shelf planted with herbaceous wetland plants that provides 50 percent coverage at time of planting. To calculate the littorals for this shelf design, the number of linear feet of shoreline structure shall be indicated, multiplied by five feet for the littoral shelf width, multiplied by 50 percent for the plant coverage at time of planting;
  - B. An 8:1 slope littoral shelf with herbaceous wetland plants that provide 50 percent coverage at time of planting; or
  - C. An equivalent littoral shelf design approved by the Director.
7. ***Restoration of Existing Approved Bank Slopes and Littoral Designs***<sup>393</sup>
  - A. Restoration of existing bank slopes that have eroded over time and no longer meet the minimum slope design standards applicable at the time the lakes were excavated will be strongly encouraged to use the slope protection measures identified above. Restoration activities will require review and approval through the limited development order process. As part of this review, the previously approved littoral plants and deep lake management plan requirements shall be included on the development or limited development order, as applicable. If the lake shoreline to be restored is either owned or controlled by a property owners association, CDD, or similar maintenance entity, the application for approval shall be filed by the association and encompass the entire lake shoreline in order to avoid slope restoration in a piecemeal fashion by individual lot owners.
  - B. The use of an appropriate geosynthetic turf reinforcement mat (TRM), a cellular confinement system, or similar shoreline stabilization technique that does not include hardened structures, such as those identified in subsection 6 above, is allowed. Use of hardened structures for slope restoration is discouraged, but may be approved by the Director, based on the following standards:
    1. The application for the hardened structure demonstrates it is the most appropriate and minimum stabilization technique necessary, as designed and sealed by a licensed professional engineer.
    2. The application also demonstrates compliance with subsection 5 above for compensatory littorals, as well as previously approved littoral and deep lake management plan requirements.
8. ***Lake Maintenance Plan***<sup>394</sup>  
A lake maintenance plan shall be submitted for the long-term maintenance of a lake and lake shoreline areas. The plan shall be included as part of the application for development order. Once approved, the lake maintenance plan shall be recorded in the public records of Lee County as part of the property owner's or homeowners' association documents. The lake maintenance plan shall include the following elements:

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<sup>392</sup> See Sec. 10-418(3) of the transitional LDC.

<sup>393</sup> See Sec. 10-418(5) & 10-329(f) of the transitional LDC.

<sup>394</sup> See Sec. 10-329(5) of the transitional LDC.

- A. Identification of the entity responsibility for the maintenance of the lake area, including the lake shoreline.
  - B. Identification of the methods to remove and control exotic and nuisance plants, in perpetuity.
  - C. Requirements that ensure littoral vegetation remains in a healthy and vigorous state, in perpetuity. (The use of trimming, mowing, and herbicides to remove littoral plants are prohibited.)
  - D. Demonstration about how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to routing roof drains away from lake shorelines.
  - E. Requirements that educational materials be provided to residents describing the purpose and function of the bank slope and littoral areas. The materials shall also explain the individual property owner's responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures.
9. *Excess Spoil Removal*<sup>395</sup>  
Removal of spoil shall only be accordance with Sec. 7-206.G.2.A, Approval of an Excess Spoil Removal Plan.

#### 5-409. LANDSCAPING OF PARKING AREAS, AND VEHICULAR ACCESS

##### A. Purpose<sup>396</sup>

The purpose of this subsection is to establish standards for the landscaping of parking areas to provide visual relief and cooling effects, and to channelize and define logical areas for pedestrian and vehicular circulation.

##### B. Applicability<sup>397</sup>

The standards of this subsection apply to:

- 1. New parking areas;
- 2. To the maximum extent practicable, existing nonconforming landscaping in parking areas that are enlarged or substantially modified (except for restriping of lots/drives); and
- 3. Landscaping in parking areas where the structure has been vacant for a period of one year or more and a request for an occupational license to resume business is made.

##### C. Standards

- 1. Development subject to the requirements of this section shall comply with the standards in Table 5-409.C: Landscaping Standards for Parking Areas. (See also Figure 5-409.C: Example of Parking Area Landscaping.)

TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS	
Landscape Elements	Standards
<b>Minimum Landscape Area (Percent) (on the parking area perimeter or within internal islands)</b>	Shall equal or exceed a minimum of 10 percent of the total paved surface area  Fountains, seating areas, and similar features within a vehicular use area are allowed, and the space occupied by such feature(s) is allowed to off-set the required landscape area.
<b>Minimum Landscape Area Dimension</b>	Ten feet by ten feet for projects less than ten acres 18 feet by 18 feet for projects ten acres or larger
<b>Minimum Number of Trees</b>	One canopy tree or a cluster of three sabal palms shall be planted or retained for every 250 square feet of required internal planting area.

<sup>395</sup> See Sec. 10-329(c)(4) of the transitional LDC.

<sup>396</sup> See Sec. 10-416(c) of the transitional LDC.

<sup>397</sup> See Sec. 10-416(c) of the transitional LDC.

<b>TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS</b>	
	<p>One tree per planting island and one tree per planting area.</p> <p>Canopy requirements shall be met with existing indigenous native trees whenever such trees are located within the vehicular use area (parking area).</p> <p>Trees for parking lots shall not interfere with the visibility and movement of vehicles or pedestrians, or cause pavement or other hard surfaces to heave.</p> <p>Material selection shall be designed to survive the effects of building or large paved areas in terms of heat, shade, wind, etc.</p>
<b>Maximum Number of Uninterrupted Parking Spaces between Landscape Areas</b>	<p>Average of 10 spaces, not to exceed 13 spaces where ten-foot wide landscape islands are used, unless optional divider medians are provided.</p> <p>20 parking spaces where 18-foot-wide landscape islands are used, unless optional divider medians are provided.</p>
<b>Optional Divider Medians</b>	<p>Minimum width of a divider median shall be 18 feet, with one tree every 40 linear feet planted singly or in clusters. Maximum tree spacing shall be 60 feet.</p>
<b>Terminal Islands</b>	<p>A minimum ten-foot-wide terminal island is required at the end of all parking rows.<sup>398</sup></p> <p>Curbing is strongly encouraged.</p>
<b>Landscape Area Coverage</b>	<p>Internal landscape areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, ground cover, shrubs or other approved landscaping materials. This shall be noted on the landscape plans.</p> <p>A maximum of ten percent can be sod.</p> <p>Sand, gravel, rock, shell, or pavement are not appropriate landscape materials.</p>

<sup>398</sup> See Sec. 33-114 of the transitional LDC.

**Figure 5-409.C: Example of Parking Area Landscaping**



2. Parking areas located along public rights-of-way shall be adequately screened from pedestrian and vehicular travel along the fronting road with a continuous wall, hedge, or combination, with a minimum height of three feet.<sup>399</sup>
3. Vertical trellis or other landscaping shall be incorporated in parking garage designs.<sup>400</sup>

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#### **5-410. SCREENING OF TRASH RECEPTACLES, STORAGE, SERVICE AREAS AND GARDEN CANTERS**

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

The purpose of this subsection is to establish standards for the screening of trash receptacles and storage and service areas, to obscure their view from the public realm.

##### **B. Standards**

###### **1. Shielding**

- A. All loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas shall be adequately shielded by a landscaped screen or solid fencing along at least three sides. Use of chain link fencing to meet this requirement is prohibited.<sup>401</sup>
- B. These areas shall be fully shielded from adjacent properties and road rights-of-way when viewed from ground level. The shielding shall extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded. Shielding material and design shall be consistent with design treatment of the primary façades of the building or development and the landscape plan.

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<sup>399</sup> See Sec. 33-114 of the transitional LDC.

<sup>400</sup> See Sec. 33-114 of the transitional LDC.

<sup>401</sup> See Secs. 10-610(2) and 10-261(c) of the transitional LDC.

- C. Garden centers located in shopping centers or associated building materials sales establishments or department stores etc., shall shield all materials (except plants) from adjacent properties and street rights-of-way from view at ground level.<sup>402</sup>
  - D. Roof top mechanical equipment shall be shielded from view at ground level by a parapet or similar architectural features.<sup>403</sup> See Sec. 5-707.C, Roof Top Mechanical Equipment and Other Utilities.
2. *Open Storage*<sup>404</sup>
- A. *Fencing and Screening.*  
All commercial or industrial outdoor storage shall be shielded behind a continuous visual screen at least eight feet in height when visible from a residential development or residential zoning district, or six feet in height when visible from any street right-of-way or street easement.
  - B. *Storage Area*  
Storage areas are not required to be paved. Grass or other ground cover may be used if it is kept in a sightly and dust-free manner.

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#### **5-411. LANDSCAPE INSTALLATION AND MAINTENANCE STANDARDS**

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

Requirements for landscaping installation ensure the survivability of landscaping.

##### **B. Applicability**

All development shall comply with the landscape installation and maintenance standards.

##### **C. Installation**

- 1. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material. Limerock located within planting areas shall be removed and replaced with native or growing quality soil before planting.
- 2. A plant's growth habits shall be considered in advance of conflicts that might be created (e.g. views, signage, overhead power lines, lighting, buildings, and circulation). Trees shall not be placed where they may interfere with site drainage, subsurface utilities, or overhead utility lines, or where they will require frequent pruning in order to avoid interference with overhead power lines. Light poles shall be located outside of all parking islands containing required trees. See Figure 5-411.C.2: Light Pole Placement in Parking Area.

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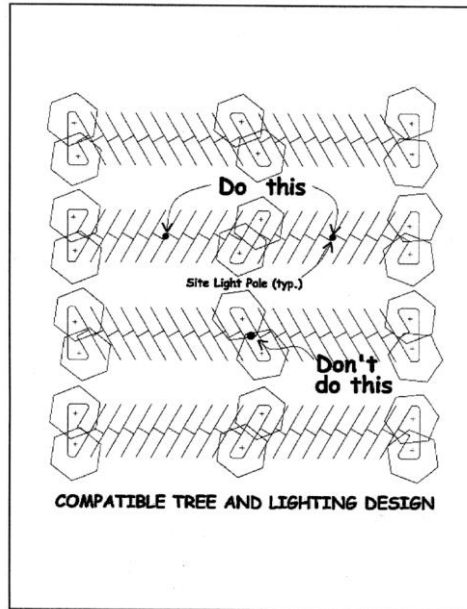
<sup>402</sup> See Sec 10-610 of the transitional LDC.

<sup>403</sup> See Sec. 10-610(c)(3) of the transitional LDC.

<sup>404</sup> See Sec. 34-3005(b)(1) of the transitional LDC.



Figure 5-411.C.2: Light Pole Placement in Parking Area



#### D. Installation of Landscape Materials

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

1. All landscape areas shall be mulched unless vegetative cover is already established.
2. Trees and shrubs used in a buffer shall be planted in a minimum width area equal to one-half the required width of the buffer. In no case shall the planting area be less than five feet in width.
3. All landscaped areas shall be provided protection from encroachment by any type of vehicle.
4. All required plants used in a buffer and landscaping areas shall be installed using Florida friendly principles. Florida friendly principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas.
5. Utility or drainage easements may overlap required buffers. No required trees or shrubs shall be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement, is submitted specifically stating that the entity has no objection to the landscaping and that the proposed landscaping will not interfere with the long-term maintenance of the infrastructure within the easement. No required landscaping shall be located in a road easement or right-of-way. To avoid conflicts with overhead utility lines, only trees less than 20 feet in height at maturity may be used directly adjacent to an overhead line. Variances or deviations from the requirements of this subsection are prohibited.
6. Where an accessway intersects a right-of-way or when a property abuts the intersection of two or more rights-of-way, a minimum safe sight distance triangular area shall be established. Within this area, vegetation shall be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the adjacent road. Landscaping shall be located in accordance with the roadside recovery area provisions of the FDOT Greenbook, where appropriate.
7. All trees and shrubs located within a landscape buffer shall be located not to block the view of signage.
8. If a wall or fence is proposed, but not required, then the required buffer plantings shall be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence.

#### E. Maintenance of Landscaping

The owner is responsible for maintaining the required landscaping in a healthy and vigorous condition at all times, in perpetuity. Tree and palm staking shall be removed within 12 months after installation.

All landscapes shall be kept free of refuse, debris, disease, pests, and weeds. There shall be ongoing maintenance to prohibit the establishment of prohibited invasive exotic species.

**F. Pruning**

1. Required vegetation shall only be pruned to promote healthy, uniform, natural growth of the vegetation and be in accordance with American National Standard for Tree Care Operations - Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices (Pruning) (A300, Part 1) by the American National Standard Institute, and Best Management Practices: Tree Pruning by the International Society of Arboriculture (ISA).
2. Trees shall not be severely pruned to permanently maintain growth at a reduced height or spread. Pruning shall not interfere with the design intent of the original installation. Severely pruned trees shall be replaced by the property owner. Replacement trees shall meet the tree size requirements of this section. A plant's growth habits shall be considered in advance of conflicts which might arise (i.e. views, signage, overhead power lines, lighting, circulation, sidewalks, buildings, and similar conflicts).

**G. Indigenous Vegetation Management Plan<sup>405</sup>**

An indigenous vegetation management plan and associated monitoring reports are required in accordance with Sec. 5-408.F, Native and Indigenous Vegetation, and shall be provided with the application of a development order or limited development order, as applicable, and at time of certificate of completion.

**H. Landscape Certificate of Compliance<sup>406</sup>**

The applicant's landscape architect shall inspect and certify that all open space areas, landscaping, and the irrigation system are in substantial compliance with the landscape and irrigation plans approved as part of the development order or limited development order, as applicable. A landscape plan highlighting any changes to the approved plans shall be included as a minor change to the development order with the landscape architect's certification. Any changes to an alternative landscape betterment plan (see Sec. 5-405.C.3, Alternative Landscape Betterment Plan) shall be approved by a minor change to the development order or limited development order, as applicable.

**I. Cultivated Tree Removal / Renovation<sup>407</sup>**

For properties with an approved landscape plan and subject to a development order or limited development order which proposes the removal of a tree or trees, the following restrictions apply due to extensive changes to mature landscaping having the potential to negatively impact a project's aesthetic appearance, buffering and community character:

1. Trees proposed for removal and replacement shall be documented to meet one of the conditions for removal in accordance with Sec. 2-505.D.3, Tree Removal Standards.
2. Replacement Trees shall be a specimen identified within Table E-1: Recommended Shade Trees and meet the size requirement of Sec. 5-405.C.2, Larger Trees.
3. No more than ten percent of the required trees within an existing approved Landscape Plan may be replaced within a one year period.
4. Replaced or removed trees shall not be located entirely within one contiguous area and shall be evenly dispersed throughout the project.
5. Shall comply with the process described within **Sec. 2-505.<>,"Cultivated Tree Removal/Renovation Procedure.**

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<sup>405</sup> See Sec. 10-415 of the transitional LDC (under open space).

<sup>406</sup> See Sec. 10-422 of the transitional LDC.

<sup>407</sup> This is a new standard

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## 5-412. SUPPLEMENTAL LANDSCAPE STANDARDS FOR SPECIFIC USES

### A. Purpose

Supplemental landscape standards for specific uses are established to ensure the compatibility and minimization of visual intrusion by intense activities and uses on less intense activities and uses, and to protect natural resources.

### B. Applicability

The standards of this subsection apply to the specific types of development identified below.

### C. Uses Requiring Additional Landscaping or Screening

#### 1. *Display, Sale, Rental, or Storage Facilities for Motor Vehicles, Boats, Recreational Vehicles, Trailers, Mobile Homes, or Equipment*<sup>408</sup>

##### A. *Right-Of-Way Buffer Landscaping*

1. Landscaping adjacent to rights-of-way external to the development project shall be located within a landscape buffer easement that is a minimum of 25 feet in width.
2. An undulating berm with a maximum slope of 3:1 shall be constructed along the entire length of the landscape buffer. The berm shall be constructed and maintained at a minimum average height of two feet. The berm shall be planted with ground cover (other than grass), shrubs, hedges, trees, and palms.
3. The required number of trees is five canopy trees per 100 linear feet. Three sabal palm trees may be clustered to meet one canopy tree requirement. Palms are limited to a maximum of 50 percent of the right-of-way tree requirement. Palms shall be clustered and planted in staggered heights, a minimum of three palms per cluster, spaced at a maximum of four feet on center, with a minimum of a four-foot difference in height between each tree.
4. All of the trees shall be a minimum of 12 feet in height at the time of installation. Trees shall have a minimum three inch caliper at 12 inches above the ground and a six-foot spread. At installation, shrubs shall be a minimum of three gallon, 24 inches in height at time of planting, and be maintained at a minimum of 36 inches in height within one year of planting. The shrubs shall be planted three feet on center.

##### B. *Landscaping Adjacent to All Other Property Lines*

Side property and rear property boundaries (other than those adjacent to rights-of-way) shall be planted with a single hedge row consistent with the minimum requirements of this section. The hedge shall be a minimum of 24 inches in height at planting, planted at three feet on center, and shall be maintained at a height of 36 inches within 12 months of planting.

#### 2. *Wireless Communications Facilities*<sup>409</sup>

##### A. *Wireless Communications Facilities Fence or Wall*

The developer of a wireless communication facility shall install a fence or wall not less than eight feet and not more than ten feet in height from finished grade, to enclose the base of the antenna-supporting structure and equipment enclosures associated with any wireless communication facility. Access to the antenna-supporting structure shall be controlled by a locked gate. The fence shall be constructed in accordance with Sec. 4-143, Wireless telecommunications. Not more than three strands of barbed wire, spaced six inches apart, shall be allowed above the fence.

##### B. *Wireless Communications Facilities Landscaping*

1. A landscaped buffer of at least ten feet in width shall be planted along the entire exterior perimeter of the fence or wall required by subsection A above. Where the proposed antenna-supporting structure will be located adjacent to a residential or public

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<sup>408</sup> See Sec. 34-1352 of the transitional LDC.

<sup>409</sup> See Sec. 34-1447(c)(4)(c) of the transitional LDC.

recreational use, or a lot in a residential zoning district, the landscaped buffer shall be at least 15 feet in width.

2. A buffer required by this subsection shall contain sabal palms planted ten feet on center, and a double hedge row of native shrubs. The hedge shall be maintained at a minimum height equivalent to the fence height. Except where the proposed antenna-supporting structure is located adjacent to a residential lot, public recreational use, or right-of-way, the landscaped buffer shall include native canopy trees at least six feet in height, planted ten feet on center, instead of sabal palms.
  3. Where these regulations require existing telecommunications facilities to comply with current landscape requirements, the Director may reduce or modify the requirements if it is determined the requirements are infeasible or impracticable under the circumstances, and the property owner/developer complies, to the maximum extent practicable.
3. *Minor Utilities*<sup>410</sup>
- A. Structures or equipment (excluding transmission poles) exceeding three feet in height or which individually or collectively on the same parcel exceed 27 cubic feet in volume shall be of neutral, non-glare color or finish, and shielded on all sides by shrubs at least 36 inches high at time of planting.
4. *Automobile Service Stations and Convenience Food and Beverage Store Selling Gas*<sup>411</sup>
- For purposes of this subdivision only, the term automobile service station includes convenience food and beverage stores that sell gas.
- A. *Automobile Service Station Buffering to Residential Property*<sup>412</sup>  
Automobile service station buffers adjacent to land in a residential district or residential development shall include an architecturally designed eight-foot high masonry wall or fence utilizing materials similar in color, module, and texture to those utilized for the building. Landscaping shall be planted on the side of the fence or wall adjacent to the residential district or residential development.
  - B. *Automobile Service Station Right-Of-Way Buffer*<sup>413</sup>
    1. Landscaping adjacent to rights-of-way external to the development project shall be located within a landscape buffer easement that is a minimum of 25 feet in width.
    2. A horizontal undulating berm with a maximum slope of 3:1 shall be constructed along the entire length of the landscape buffer. The berm shall be constructed and maintained at a minimum average height of three feet. The berm shall be planted with ground cover (other than grass), shrubs, hedges, trees, and palms.
    3. The required trees and palms shall be clustered in double rows with a minimum of three trees per cluster. Canopy trees shall be planted a maximum of 20 feet on center within a cluster. The use of palms within the right-of-way buffer shall be limited to landscaped areas adjacent to vehicular access points. Palms shall be planted in staggered heights to a minimum of three palms per cluster, spaced at a maximum of eight feet on center, with a minimum of a four foot difference in height between each tree. Exceptions will be made for *Roystonea spp.*, *Bismarka spp.*, and *Phoenix spp.* (not including *roebelenii*), which may be planted one palm per cluster. A maximum distance of 25 feet between all types of tree clusters shall be maintained.
    4. At installation, shrubs shall be a minimum of ten gallon, five feet in height with a three-foot spread, and planted four feet on center.

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<sup>410</sup> See Sec. 34-1616(b) of the transitional LDC.

<sup>411</sup> See Sec. 33-431 of the transitional LDC.

<sup>412</sup> See Sec. 33-437 of the transitional LDC.

<sup>413</sup> See Sec. 33-435 of the transitional LDC.

**5. *Development Abutting Natural Waterway***<sup>414</sup>

There shall be a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways as measured from the high water line or FEMA designated Floodway, whichever is further landward.

- A. In residential subdivisions, the buffer shall be located within a common area or tract, and outside of all private property boundaries.
- B. Existing native vegetation within the buffer area shall be retained. The natural waterway buffer shall include, at a minimum, six native canopy trees and 50 native shrubs per 100 linear feet, which may be met through credits from the existing native vegetation within the waterway buffer area at a 1:1 credit ratio. If existing native vegetation is not present to meet the buffer vegetation standards, a planting plan shall be submitted for review. All proposed plantings within the natural waterway buffer area shall be installed to mimic a natural system, and all plantings shall comply with the plant standards set forth in Sec. 5-403, Plant Palette and Material Standards. The use of heavy mechanical equipment such as bulldozers, front end loaders, hydraulic excavators, or similar equipment is prohibited, unless prior written approval is obtained from the Director.
- C. The natural waterway buffer shall be designed to incorporate the natural resources maintenance easement required in accordance with Sec. 7-206.F.1, Open Drainage Easements. Vegetation removal within the buffer is limited to:
  - 1. Routine removal of exotics and downed vegetative debris; and
  - 2. Limited removal to allow access of vehicles for maintenance of the waterway.
- D. Prior to removal of native vegetation, approval shall be obtained from the Director.

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**5-413. IRRIGATION STANDARDS**

**A. Purpose**<sup>415</sup>

The purpose of this subsection is to improve the survivability of landscaping through efficient irrigation systems.

**B. Applicability**<sup>416</sup>

All development with cultivated landscape areas shall include an automatic irrigation system that complies with the standards of this subsection. At time of development permitting, non-conforming irrigation shall be brought into compliance with this section to the greatest extent practicable. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices shall be installed.

**C. Design Standards**

- 1. All required irrigation systems shall be designed to eliminate the application of water to impervious areas, including roads, drives, and other vehicle areas.<sup>417</sup>
- 2. Required irrigation shall also be designed to avoid impacts on existing native vegetation.<sup>418</sup>
- 3. Systems shall include a controller set to conserve water. Devices such as rain switches, soil moisture sensors, and moisture detection devices shall be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall.<sup>419</sup>
- 4. Water shall be conserved by allowing differential operation schedules based on hydrozone.<sup>420</sup>
- 5. Soil, slope, and other site characteristics shall be considered in order to minimize water waste, including overspray or overflow to impervious surfaces.
- 6. Low trajectory spray heads and/or low volume water distributing or application devices shall be used.

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<sup>414</sup> See Sec. 10-416(d)(9)) of the transitional LDC.

<sup>415</sup> See Sec. 10-417 of the transitional LDC.

<sup>416</sup> See Sec. 10-417 of the transitional LDC.

<sup>417</sup> See Sec. 10-417 of the transitional LDC.

<sup>418</sup> See Sec. 10-417 of the transitional LDC.

<sup>419</sup> See Sec. 10-417 of the transitional LDC.

<sup>420</sup> See Miami-Dade Sec. 18.A4.D – Irrigation plans



7. Reuse water shall be used where approved systems are available.
8. The use of drought-tolerant site-specific and shade producing plants is encouraged to diminish irrigation demands
9. All required underground sleeves shall be shown on the development order site drainage plan.

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## **SECTION 5-5. FENCE AND WALL STANDARDS<sup>421</sup>**

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### **5-501. PURPOSE AND INTENT<sup>422</sup>**

The purpose and intent of this section is to establish standards for the location, height, and appearance of fences and walls in the Village to:

**A. Maintain Visual Harmony**

Maintain visual harmony within neighborhoods and throughout the Village;

**B. Protect Adjacent Lands from Unsightly Fences and Walls**

Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls; and

**C. Ensure Safety, Security, and Privacy of Lands**

Ensure the safety, security, and privacy of land.

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### **5-502. APPLICABILITY<sup>423</sup>**

The standards in this section shall apply to all construction, reconstruction, or replacement of all fences, walls, and entrance gates at least 25 inches in height in the Village.

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### **5-503. GENERAL LOCATION STANDARDS<sup>426</sup>**

- A. Fences or walls shall be located outside of the public right-of-way.
- B. Fences or walls are allowed on the property line between two or more lots held in private ownership.
- C. Fences or walls may be located within any required setbacks.
- D. Fences or walls may be located within required landscaping areas, subject to the approval of a landscaping plan.
- E. Fences or walls located within utility easements shall receive written authorization from the easement holder or the Village, as applicable. The Village shall not be responsible for damage to, or the repair or replacement of, fences or walls that are removed to access utility easements or facilities.
- F. Fences or walls shall not be located where they would block or divert a natural drainage flow onto or off of any land, or fail to accommodate on-site detention/retention facilities in accordance with SFWMD requirements. (Nothing in this subsection shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion).<sup>427</sup>
- G. Fences or walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.
- H. Fences or walls shall be prohibited in accordance with Sec. 10-303.S, Sight Triangle.

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<sup>421</sup> As discussed in the Annotated Outline of the Code Assessment, fence and wall standards are consolidated in this section, and carried forward with refinements to ensure they conform to the character and development form of the Village. The provisions include standards regulating the location, height, materials, appearance, construction, and maintenance of fences and walls, as well as specific provisions for gates and security measures. All development subject to the requirements of this section will have to comply with these standards.

<sup>422</sup> This is a new section.

<sup>423</sup> This modifies Sec. 34-1741 of the transitional LDC to reflect gatehouses are regulated as accessory structures rather than in this section.

<sup>426</sup> Except where noted by a footnote, this subsection includes new and basic standards about the location of fences or walls.

<sup>427</sup> This subsection carries forward Sec. 34-1743(b)(4) of the transitional LDC.

- I. Fences or walls shall not block access from a window or door.
- J. Fences or walls shall not be allowed in a location the Director determines will create or worsen a traffic hazard.

#### 5-504. HEIGHT STANDARDS

##### A. General

Unless otherwise stated in subsection B below, fences or walls shall comply with the standards in Table 5-504.A: Fence or Wall Height.

TABLE 5-504.A: FENCE OR WALL HEIGHT <sup>428</sup>		
Location on Lot	Maximum Height (Feet) <sup>[1], [2]</sup>	
	Residential Use or Residential Base Zoning District	All Other Zoning Districts
Front Yard	3 <sup>[3]</sup>	8
Side or Rear Yard	6	8
NOTES: [1] Any fence or wall taller than eight feet may be approved as part of a planned development (Sec. 2-501.D, Planned Development) [2] Any fence taller within 25 feet of a body of water shall use open mesh screening in those areas of the fence above three feet in height. [3] The fence or wall shall be limited to three feet in height within a required yard. A fence or wall is allowed to be four feet in height: (A) behind the required front yard for the purpose of enclosing the side and rear yard from the street; or (B) as a vertical picket fence in front of the residence, provided the space between vertical slats of the vertical picket fence is a minimum of one and one-half times the width and thickness of the vertical slats.		

##### B. Exceptions<sup>429</sup>

1. Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility is exempt from the standards of this section.
2. Fences up to six feet in height are allowed around community gardens.
3. Fences up to ten feet in height are allowed around major utilities, wireless communication towers, government facilities, and other public safety uses.

#### 5-505. MATERIALS

##### A. General<sup>430</sup>

Unless otherwise specified in Sec. 5-505.B, Prohibited Materials, fences or walls shall be constructed of conventional and traditional building materials, including but not limited to any one or more of the following materials:

1. Concrete block;
2. Brick;
3. Painted wood, pressure treated wood, or rot-resistant wood;
4. Decorative aluminum;
5. Iron or steel;
6. Chain link painted black or bronze;
7. Composite materials designed to appear as wood, metal, or masonry; or
8. Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in this subsection.

<sup>428</sup> This subsection carries forward height restrictions from Sec. 34-1744 of the transitional LDC.

<sup>429</sup> Subsections 1 through 3 are new.

<sup>430</sup> This section carries forward Sec. 34-1742(d) of the transitional LDC.

## **B. Prohibited Materials**

The following fence types or materials are prohibited:

1. Tires, mufflers, hubcaps, and similar materials.<sup>431</sup>
2. Fabric, plastic, metal, or vinyl sheets, nets, or slats as part of a fence or attached to a fence for the purpose of effecting privacy or screening.<sup>432</sup>
3. Barbed wire, spire tips, sharp objects, hog wire, game fence, horse wire, or other similar materials, or electrically charged fences except:<sup>433</sup>
  - A. Barbed wire or electrically charged fences may be used to control livestock on bona fide agricultural uses in the AG district.
  - B. The use of hog wire as permitted on land owned, for purposes of conservation, by the Village, Lee County, the state, or other governmental entities.

## **C. Perimeter Fences and Walls Abutting Street Right of Way**

Fences or walls shall be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. The Director may waive this requirement where an existing fence, wall, or continuous landscape hedge is already present on the adjoining parcel.<sup>434</sup>

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### **5-506. APPEARANCE**

Fences and walls on each property shall be of uniform materials, design, and color. Additions to existing fences or walls shall maintain uniformity of materials, design, and color with the existing fence or wall.<sup>435</sup>

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### **5-507. CONSTRUCTION<sup>436</sup>**

Fences or walls shall comply with the Florida Building Code, shall receive the proper permits prior to construction, and shall be constructed in accordance with the proposed finished grade elevation.

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### **5-508. GATES**

- A. All gates shall have hardware to secure the gate in a closed position.
- B. All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.

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### **5-509. MAINTENANCE<sup>437</sup>**

Fences or walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition, in perpetuity. Maintenance of fences or walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated or damaged fence and wall materials, including but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts. Fences and walls shall be maintained as to appear vertical to the unassisted eye.

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<sup>431</sup> This carries forward Sec. 34-1742(d) of the transitional LDC.

<sup>432</sup> This carries forward Sec. 34-1742(d) of the transitional LDC.

<sup>433</sup> This section reverses the general allowance for these fence types in Sec. 34-1742(f) of the transitional LDC while applying the exceptions within 100 feet of residential areas from the same section, universally. Security-motivated fences are addressed in Sec. 5.5.10 below.

<sup>434</sup> This subsection carries forward Sec 34-1742(e) of the transitional LDC.

<sup>435</sup> This subsection carries forward Sec 34-1742(b) of the transitional LDC.

<sup>436</sup> This is a new subsection.

<sup>437</sup> This section complements Sec. 6-115(c)(3) of the transitional LDC.

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**5-510. RESIDENTIAL PROJECT WALLS<sup>438</sup>**

For purposes of this subsection, a residential project fence is a wall or fence erected around a residential subdivision (but not individual lots) or a development of ten or more dwelling units. A residential project fence:

- A. May be up to eight feet in height around the perimeter of the project if the Director determines the fence does not interfere with vehicle visibility requirements at traffic access points.
- B. May include architectural features such as columns, cupolas, fountains, or parapets at a height not to exceed twice the fence or wall height, provided they are compatible with the project form and design and with adjacent development.
- C. Shall be landscaped on the exterior side (between the wall or fence and the adjacent property or street right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges, within a minimum plantable area that is at least seven and one-half feet wide located on the exterior side of the fence or wall.
  - 1. Hedges shall be planted and maintained to form a 36-inch-high continuous visual screen within one year after time of planting.
  - 2. Trees adjacent to a right-of-way shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. (The clustering of trees and use of palms adjacent to the right-of-way will add design flexibility and reduce conflicts.)
- D. Shall be designed to ensure that historic water flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with SFWMD requirements.
- E. Shall not be permitted until legally sufficient documents are recorded in the public records of Lee County providing for the maintenance of the project fence and landscaping.

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**SECTION 5-6. EXTERIOR LIGHTING STANDARDS<sup>439</sup>**

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**5-601. PURPOSE AND INTENT<sup>440</sup>**

The purpose and intent of this section is to regulate exterior lighting to:

- A. Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;
- B. Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
- C. Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;
- D. Conserve energy and resources to the greatest extent possible; and
- E. Provide security for persons and land.

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**5-602. APPLICABILITY<sup>441</sup>****A. General**

Unless exempted by subsection B below, the standards of this section apply to:

- 1. All new development;

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<sup>438</sup> See Sec. 34-1743(b)(3) of the transitional LDC.

<sup>439</sup> This section includes exterior lighting standards. It carries forward and refines the provisions from Sec. 34-625 of the transitional LDC (Outdoor Lighting Standards), as well as the standards specific to the Estero Planning Community at Sec. 33-116. Provisions regarding the lighting of signs have been moved to Section 5.9, Signage.

<sup>440</sup> This subsection revises the provisions of Sec. 34-625(a) of the transitional LDC.

<sup>441</sup> This subsection carries forward the provisions of Sec. 34-625(b) and (c) of the transitional LDC

2. Any individual expansion or alteration of a building if the expansion increases the build's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations); and
3. The replacement of any existing outdoor lighting fixture.<sup>442</sup>

#### **B. Exemptions**

The following types of lighting are exempted from the standards of this section:

1. Lighting exempt under state or federal law;
2. FAA-mandated lighting associated with a utility tower;
3. Lighting for public monuments and statuary;
4. Lighting solely for signage (see Chapter 6: Signage);
5. Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;
6. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;
7. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
8. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
9. Underwater lighting in swimming pools, fountains, and other water features;
10. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;<sup>443</sup>
11. Holiday or festive lighting, provided such lighting does not create unsafe glare on road rights-of-way; and
12. Outdoor lighting fixtures in use as of [redacted] [insert date of adoption of LDC] that do not comply with provisions of this section, so long as they are not replaced.

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#### **5-603. PHOTOMETRIC PLAN REQUIRED<sup>444</sup>**

Development applications subject to this section shall include a photometric plan that illustrates compliance with the standards of this section, including the angle of cut-off and other characteristics of the light emissions including references to the standards of this section. The photometric plan shall designate the number, location, height, and type of illuminating devices, fixtures, lamps, supports, reflectors and other devices, and include manufacturer's catalog cuts and drawings with pictures, sections, and proposed wattages for each fixture, as appropriate.

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#### **5-604. GENERAL STANDARDS**

##### **A. Hours of Illumination<sup>446</sup>**

1. All uses (except for those listed in paragraph 2 below) that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

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<sup>442</sup> This subsection carries forward the requirement of Sec. 34-625(b) of the transitional LDC that requires all new luminaries to comply with the requirements of this section. It does not carry forward the requirement for a formal development order (Type A limited development order) included in the transitional LDC.

<sup>443</sup> This exemption is carried forward from Sec. 34-625(c)(2) of the transitional LDC.

<sup>444</sup> This carries forward the photometric plan requirement included in Section 34-625(e) of the transitional LDC.

<sup>446</sup> This provision is new and establishes a cut-off time for most lighting but allows security and emergency lighting to continue all night.



2. The uses that are not subject to these restrictions are:
  - A. Residential dwelling uses (not included mixed-use sites that incorporate dwelling uses)
  - B. Recreational facilities, outdoor
  - C. Agriculture uses, including accessory agricultural uses

**B. Illumination Levels<sup>447</sup>**

1. Illumination requirements for specific uses are established in Table 5-605.B: Illumination Level Requirements. Except for the specific standards included in Table 5-605.B, the standards contained in the latest edition of the Illuminating Engineering Society of North America (IESNA) Handbook shall apply.

<b>TABLE 5-605.B: ILLUMINATION LEVEL REQUIREMENTS [1, 2, 3]</b>		
<b>Use/Task</b>	<b>Initial Actual Foot-candles (minimum)</b>	<b>Initial Uniformity</b>
<b>Parking, multi-family</b>		
Low vehicular/pedestrian activity	0.3	4:1
Medium vehicular/pedestrian activity	0.8	4:1
<b>Parking, industrial/commercial/ institutional, municipal</b>		
High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events	1.2	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.3	4:1
<b>Other</b>		
Non-residential walkways and bikeways	0.3	5:1
Canopy, drive-thru, fuel pumps, overhang	6.0	5:1
<b>NOTES:</b> [1] These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a certificate of compliance. The outdoor lighting shall be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor associated with the installed fixtures. [2] Average illumination shall not exceed the product of the initial actual foot-candles and the specific ratio. For example, for Low vehicular/pedestrian activity multi-family parking facilities, the maximum average illumination is 1.2 (0.3 x 4). [3] Where all-night safety or security lighting is to be provided, the lighting intensity levels shall provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in this section.		

2. Except for street lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that on property in the RSF district, a residential development in a planned development, or other residential development, the illumination does not exceed 0.0 foot-candles measured 10 feet onto the residential property from the property line. The maximum illumination shall not exceed 0.5 foot-candles at ground level at a lot line if the adjoining property is in any other zoning district, or includes any other type of development.

<sup>447</sup> This subsection carries forward the illumination standards in Sec. 34-625(d) of the transitional LDC. The provision regarding maximum illumination on adjoining properties is carried forward but revised to increase the standard for residential properties to 0.3 foot-candles to allow for measurement at the property line, instead of 10 feet within the property, for ease of measurement.

### C. Maximum Mounting Height<sup>448</sup>

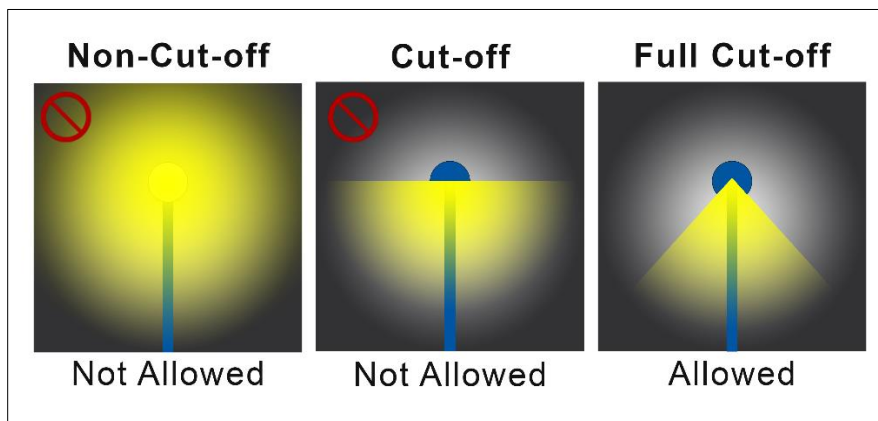
Except for street lighting, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5-605.C: Maximum Mounting Height for Exterior Lighting.

TABLE 5-605.C: MAXIMUM MOUNTING HEIGHT FOR EXTERIOR LIGHTING	
Zoning District	Maximum Mounting Height (feet)
Agricultural, Residential, and Special Purpose Districts	15
Commercial Districts	25
Within 100 feet of a Residential District or Residential Development	15

### D. Full Cut-Off and Fully Shielded Fixtures Required<sup>449</sup>

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward and fully shielded, consistent with Figure 5-605.D: Full Cut-Off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

Figure 5-605.D Full Cut-Off Fixtures



### E. Standards for LED Luminaries

All exterior luminaries that include LED light sources shall comply with the following Illuminating Engineering Society of North America (IES) standards:

1. The Correlated Color Temperature (CCT) shall not exceed 3,000 K;
2. Backlight (B) shall not exceed 1;
3. Uplight (U) shall be 0; and
4. Glare (G) shall not exceed 1.

## 5-605. STANDARDS FOR SPECIFIC USES AND SITE FEATURES

### A. Off-Street Parking Areas<sup>450</sup>

Decorative light poles and fixtures shall be used throughout all parking areas.

<sup>448</sup> This provision carries forward the height limits in Sec. 34-625(d)(4)(a) of the transitional LDC and expands them to address all light fixtures, not just those in parking lots, vehicular use areas, or near residentially zoned property.

<sup>449</sup> This modifies the requirements of Sec. 34-625(d)(3) of the transitional LDC by requiring that all exterior fixtures, including security lighting, be full cut-off fixtures; the transitional LDC allows sources with lower luminance to be unshielded. We believe this is a best practice that will ensure better quality exterior lighting with less glare or light leakage.

<sup>450</sup> This provision carries forward the decorative light requirement in Sec. 33-116(c) of the transitional LDC.

## **B. Sports or Performance Venues<sup>451</sup>**

1. Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
2. Lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses shall comply with the following standards:
  - A. Light poles shall be no more than 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be 40 feet in height;
  - B. Maximum illumination at the property line shall be 2.0 foot-candles except when abutting residential property when maximum illumination shall be 0.2 foot-candles;
  - C. Maximum illumination 10 feet onto any adjacent property with a residential use shall be 0 foot-candles; and
  - D. The lighting shall be extinguished no later than 10:00 p.m.

## **C. Pedestrian Area Lighting<sup>452</sup>**

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of parking areas, except for pedestrian bollard lamps, shall comply with the following standards:
  - A. Provide at least 1.0 foot-candles of illumination, but not exceed 1.8 foot-candles;
  - B. Have a maximum height of 15 feet; and
  - C. Be placed a maximum of 100 feet apart.
2. Any pedestrian bollard lamps shall be mounted no higher than four feet above grade, shall not exceed 900 lumens for any single lamp, and shall have a Coordinated Color Temperature (CCT) that does not exceed 3,000 K. (See Figure 5-606.C.2: Examples of Pedestrian Bollard Lamps.)

**Figure 5-606.C.2: Examples of Pedestrian Bollard Lamps**



## **D. Wall Pack Lights<sup>453</sup>**

Wall packs on the exterior of the building shall comply with the following standards:

1. Be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward;
2. Not exceed 1,600 lumens for any single fixture; and
3. The top of the fixture not exceed the height of the parapet, the roof, or 25 feet, whichever is lowest.

<sup>451</sup> This subsection is new.

<sup>452</sup> This subsection expands on the minimum illumination provisions for walkways and bikeways included in Sec. 34-625(d)(1), Table 1, of the transitional LDC.

<sup>453</sup> This provision is new but incorporates the building-mounted luminary height standard in Sec. 34-625(d)(4)(b) of the transitional LDC.

**E. Canopy<sup>454</sup>**

1. Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or all of the following:
  - A. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution;
  - B. A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution; or
  - C. Indirect lighting as long as all direct illumination is focused exclusively on the underside of the canopy and no bulb is visible.
2. The sides of a canopy shall not be illuminated.

**F. Decorative and Landscape Lighting<sup>455</sup>**

Outdoor light fixtures used for decorative effects shall comply with the following standards:

1. Decorative lighting intended to enhance the appearance of a building and/or landscaping shall be located, aimed, and shielded so that light is directed only on those features.
2. Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

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**5-606. STREET LIGHTS<sup>456</sup>**

- A. All street lights shall be located inside full cut-off fixtures with recessed bulbs and flat lenses mounted on non-corrosive poles served by underground wiring.<sup>457</sup>
- B. The light structure and light color of street lights in an individual subdivision or development shall be consistent throughout the subdivision or development and comply with the standards in Sec. 5-605.E, Standards for LED Luminaries.
- C. The maximum height of street lights shall be 15 feet in Residential districts and 25 feet elsewhere.
- D. Street light improvements shall be maintained and operated through a covenant that runs with the land in the form of deed restrictions, a property owners' or condominium association, or another legal mechanism, acceptable to the Village, which assures the beneficiaries of the service that the street lighting will be continually operated and maintained. The beneficiaries of the service shall in all cases be provided with a legal right to enforce the assurance that the lighting will be continually operated and maintained. The legal documents that provide for the continual maintenance and operation of the lighting shall be accepted and recorded with the public records of Lee County only after they are reviewed and approved by the Village Land Use Attorney for compliance with this section.

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**5-607. PROHIBITED LIGHTING<sup>458</sup>**

The following exterior lighting is prohibited:

- A. Light fixtures that imitate an official highway or traffic control light or sign;
- B. Light fixtures that outline buildings, awnings, roofs, windows, doors and other components, except for festive holiday lighting;
- C. Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Chapter 6: Signage;
- D. Searchlights, except when used by federal, state or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 2.0 foot candles;

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<sup>454</sup> This subsection carries forward and refines Sec. 34-625(d)(4)(c) of the transitional LDC.

<sup>455</sup> This subsection carries forward and refines the accent lighting standards in Sec. 34-625(d)(3)(f) of the transitional LDC.

<sup>456</sup> This section includes standards for street lighting and carries forward the legal requirements relating to ongoing maintenance of the lighting system contained in Sec. 10-296(d)(5)(b) of the transitional LDC.

<sup>457</sup> This standard is new; the existing LDC does not require full cut-off fixtures.

<sup>458</sup> This section is new.

- E. Lights that create a mix of colors unless specifically approved by the Director for a cause shown;  
and<sup>459</sup>
- F. Mercury vapor light fixtures or lamps.

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**5-608. ILLUMINATION MEASUREMENT<sup>460</sup>**

- A. Illumination measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public road right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.
- B. Illumination measurements shall be taken with a light meter that has been calibrated within two years of the date of the measurement.

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**SECTION 5-7. ARCHITECTURAL, FORM, AND DESIGN STANDARDS**

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**5-701. PURPOSE**

- A. The purpose of these architectural, form, and design standards is to complement, enhance and enrich the urban fabric of the Village by contributing to a sense of place, the economy, and the vitality of the Village.
- B. The goal for future land use in the comprehensive plan is to ensure development provides distinct urban form and aesthetic design, recognizing the influence that architecture has upon the sense of place. To implement this goal, development shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian, reduce building mass, recognize local character, and respond to site conditions. The purpose of this section is to provide standards to accomplish this goal by:
  - 1. Defining the architectural vernaculars for the Village.
  - 2. Establishing placemaking standards for all mixed-use development.
  - 3. Defining standards for the design of a site in the context of its surroundings.
  - 4. Establishing form standards for the design of a site so it is consistent and harmonious within the community identity by incorporating views, pedestrian orientation (including CPTED principles), climate responsiveness, complementary design transitions, and human scale elements.

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**5-702. APPLICABILITY**

**A. General**

Unless otherwise expressly stated to the contrary in this section, the following shall comply with the standards of this section:

- 1. All exterior façades of buildings shall be treated as primary façades and employ the architectural, site, and landscaping design elements outlined herein, including colors and materials, to provide a unified architectural theme.
- 2. All new, redevelopment, renovation, or change in use of commercial, light industrial, multi-family, institutional, religious, public, and mixed-use development or projects.

**A. Renovations and Redevelopment**

In the case of additions or renovations to, or redevelopment of, an existing building, where the cumulative increase in total floor building area exceeds 30 percent of the square footage of the existing building being enlarged or renovated, the provisions of this chapter shall apply.

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<sup>459</sup> This carries forward the restriction on colored lighting in Sec. 34-625(d)(2) of the transitional LDC.

<sup>460</sup> This carries forward the measurement standards of Sec. 34-625(d)(1) of the transitional LDC and adds provisions to assure the accuracy of the measurement.



Where there are inherent problems retrofitting existing buildings, the Director may waive some or all requirements if other equivalent enhancements are provided.<sup>461</sup>

**B. *Change of Use***

Where there are inherent problems retrofitting existing buildings when there is a change in use, the Director may waive some or all requirements if other equivalent enhancements are provided.<sup>462</sup>

3. Provisions apply at time of development order, limited development order, building permit, or zoning action, as applicable.<sup>463</sup>
4. Compliance with the standards set forth in this section shall be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required. This will not prevent simultaneous applications for a development order and building permit on the same parcel. However, the development order approval shall precede the building permit approval.

**B. Review<sup>466</sup>**

Compliance with the standards in this section shall be demonstrated on the pattern book, drawings, or site development plans submitted in conjunction with an application.

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## **5-703. ARCHITECTURAL STYLES AND CHARACTERISTICS**

**A. Primary Architectural Styles**

Mediterranean Revival and Florida Vernacular styles are designated as the Village's primary architectural styles. The application of these styles is dependent on the context of the intended development.

**1. *Mediterranean Revival***

The Mediterranean Revival architectural style includes these sub-styles within the Village as further described in Sec. 5-703.A.1.E: Mission Revival, Italian Renaissance Revival, Italian Countryside, Spanish Revival, and Spanish Colonial.

- A. The Mediterranean Revival style is highly articulated with varied massing and architectural features. Towers, balconies, loggias, porticos, chimneys, trellises, and exterior staircases are assembled to form picturesque buildings. The result is buildings that are rich in shade and shadow, with multiple building volumes and setbacks, and varied building heights.<sup>467</sup>
- B. Building composition is typically asymmetrical. Base, middle, and top are defined by moldings, changes in window pattern and size, and cornice lines. Arcades and loggias are also commonly used to reinforce the base, middle, and/or top of the building.<sup>468</sup>
- C. The Mediterranean Revival building is typified as ornate, asymmetrical, and eclectic. Columns, posts, wooden and masonry balustrades, and brackets are contributing elements of the style. It is common to have multiple building volumes and varied interior and exterior spaces.<sup>469</sup> Building massing tends to be irregular with a variety of shapes and heights; however, the appearance of solidary and permanence is critical.<sup>470</sup>

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<sup>461</sup> See Sec. 10-602, added per VOE request on 2/27.

<sup>462</sup> See Sec. 10-602, added per VOE request on 2/27.

<sup>463</sup> See Sec. 33-52 of the transitional LDC which requires design standards compliance for all DOs and LDOs & Sec. 33-226 which requires architectural design compliance for all commercial, industrial, public and mixed use buildings (multi-family has been added).

<sup>466</sup> See Sec. 33-52 of the transitional LDC.

<sup>467</sup> See Delray Beach Architectural Design Guidelines, adopted 12-08-2015.

<sup>468</sup> See Delray Beach Architectural Design Guidelines, adopted 12-08-2015.

<sup>469</sup> See Delray Beach Architectural Design Guidelines, adopted 12-08-2015.

<sup>470</sup> See Town of Jupiter Architectural Detail Pattern Book, amended 04-20-2004.

- D. Mediterranean Revival Style architecture includes the key characteristics identified in Table 5-703.A.1.D: Mediterranean Revival Style Characteristics. See also Figure 5-703.A.1.D: Mediterranean Revival Defining Elements.

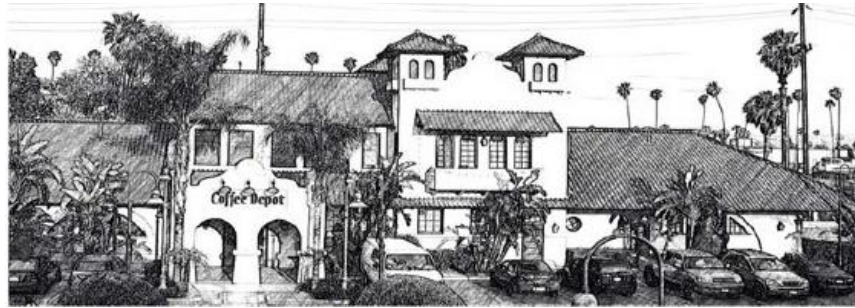
<b>TABLE 5-703.A.1.D: MEDITERRANEAN REVIVAL STYLE CHARACTERISTICS</b>	
<b>Roof shape</b>	Hipped, gabled, or a combination of both.
<b>Roof slope</b>	Roof slopes are shallow and are sloped between 3:12 and 6:12.
<b>Roofing materials</b>	Barrel tile, Spanish "S" tile, or flat concrete tile.
<b>Roof overhangs</b>	Vary from deep to having no overhang at all. When deep overhangs exist, they are supported by sizable wooden brackets. Roofs without overhangs are finished with a molded cornice.
<b>Exterior</b>	Walls are stucco and colored with richness, variety, and multiple methods of application. Window and door surrounds are minimal and are made of stucco or stone.
<b>Brackets, balconies, porches, shutters, and other elements</b>	Usually wood or iron.
<b>Openings, windows shape/structure</b>	Arched, vertical, and/or square proportions. Occasional round, oval, or ornamental window used as a façade accent. Windows have divided lights and are commonly double-hung, single-hung, or casement.
<b>Door position</b>	Recessed, casting deep shadows revealing the thickness and solidity of the structure.
<b>External spaces</b>	The attached porch, balconies, and courtyards are a common element. Loggias, a porch not attached but located within the volume of the building, are very common and may even serve as outside circulation between rooms.
<b>Ornamentation</b>	Columns, posts, wooden and masonry balustrades, brackets, arched openings, arcades, and towers are all very common elements.

**Figure 5-703.A.1.D: Mediterranean Revival Defining Elements**



- E. The Mediterranean Revival architectural style includes these sub-styles within the Village:

1. Mission Revival: The Mission Revival<sup>471</sup> style includes mission-shaped dormers and/or roof parapet; wide, overhanging eaves with exposed rafter beams; red-tiled roof; stucco walls; and arched windows or doors on the ground level.



2. Italian Renaissance Revival: The Italian Renaissance Revival<sup>472</sup> style includes low-pitched, hipped roofs, often with ceramic tiles; rooflines with wide, overhanging eaves with large, decorative brackets under the roofline; doors and windows are often framed with round arches, primarily on the first floor, sometimes in the form of an Italian loggia, or covered patio; the entryway will often be framed with classical columns with occasional pediments and façade is usually symmetrical.



3. Italian Countryside: The Italian Countryside<sup>473</sup> style includes two or three stories, rarely one story; low-pitched roof, decorative parapet, widely overhanging eaves; large, decorative brackets under an ornamental cornice; tall, narrow windows commonly arched or curved above; an occasional square cupola or tower (campanile); and elaborate wrap-

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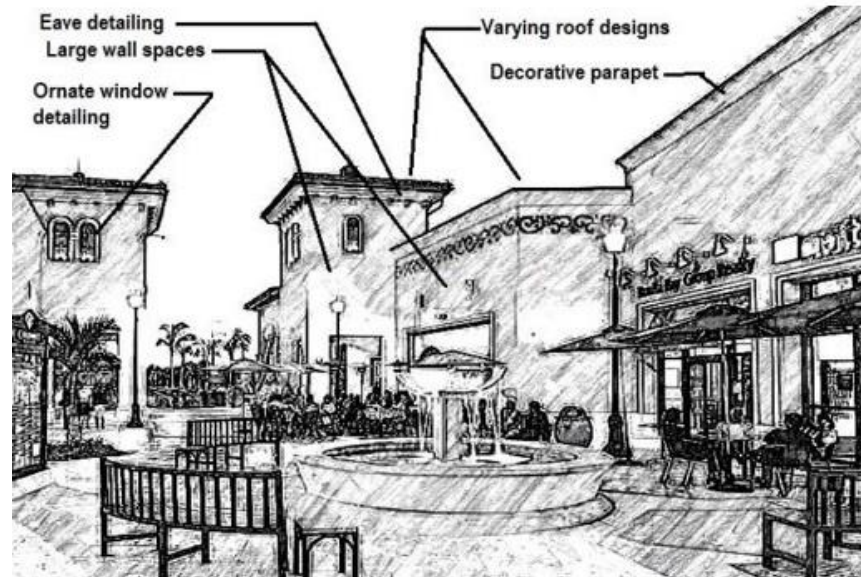
<sup>471</sup> See <https://architecturestyles.org/mission-revival/>, Tom Paradis.

<sup>472</sup> See <https://architecturestyles.org/italian-renaissance/>, Tom Paradis.

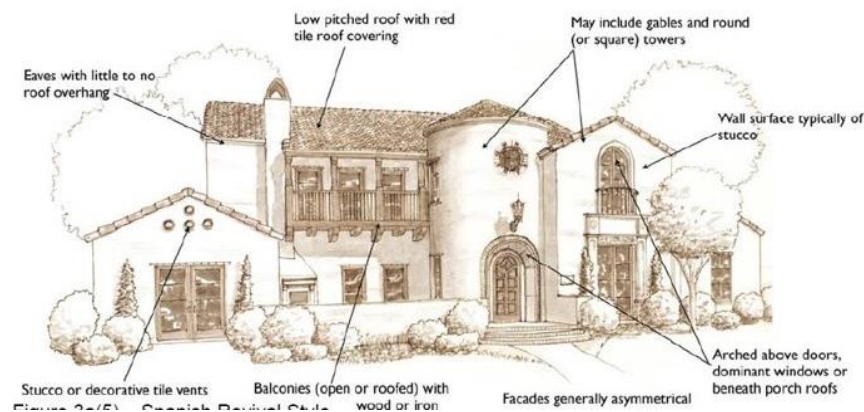
<sup>473</sup> See <https://architecturestyles.org/italianate/>, Tom Paradis.



around porch (or smaller entry porch) with decorative Italianate double columns.



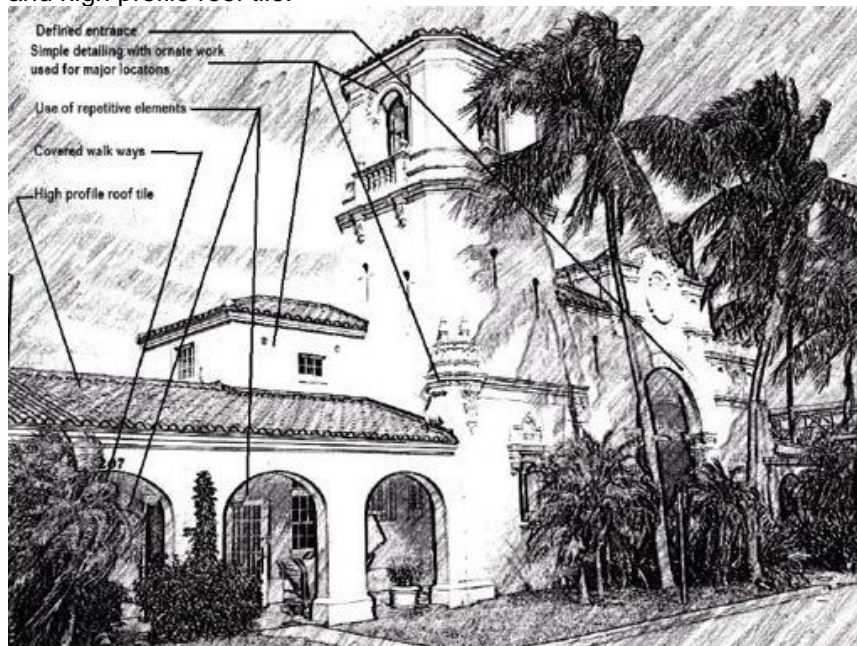
4. Spanish Revival: The Spanish Revival<sup>474</sup> style includes red clay barrel tile or Spanish tile; wrought iron work, including balconies; stucco exterior finishes; paneled doors; decorative vents and rondels; arcades; and low-pitched, usually gable roofs with little or no eave overhang. Detailing includes plaster and terra cotta highlighting of arches, columns, window surrounds, cornices, and parapets; and wrought iron grilles with façades that are generally asymmetrical.



5. Spanish Colonial: The Spanish Colonial style includes defined entrances; simple detailing with ornate work used for major locations; use of repetitive elements; covered walkways;

<sup>474</sup> See St. Augustine Architectural Guidelines for Historic Preservation, Fourth Edition, October 2011.

and high profile roof tile.



## 2. Florida Vernacular

The Florida Vernacular architectural style includes these sub-styles within the Village as further described in Sec. 5-703.A.2.D: Florida Plantation, Florida Key West or Cracker, and Historic Koreshan.

- A. The Florida Vernacular style of architecture is native to the region. It is most typically constructed with a wooden frame and finished with wood siding.<sup>475</sup> Stucco and fiber cement siding are also used.
- B. Florida Vernacular features porches as integral to the style and prominent on the front façades. Porches extend along a large percentage of the ground floor elevations, often wrapping the corners to continue at some length alongside façades.
- C. Florida Vernacular Style architecture includes the key characteristics identified in Table 5-703.A.2.C: Florida Vernacular Style Characteristics. See also Figure 5-703.A.2.C: Florida Vernacular Defining Elements.

TABLE 5-703.A.2.C: FLORIDA VERNACULAR STYLE CHARACTERISTICS	
<b>Roof shape</b>	Gabled
<b>Roof slope</b>	Between 6:12 and 12:12
<b>Roofing materials</b>	Standing seam or "V" crimp metal, asphalt shingles or wooden shakes.
<b>Roof overhangs</b>	Deep, between two and four feet, with exposed rafter tails. Fascias on the gabled ends are deeper than those exposed along the eaves.
<b>Exterior</b>	Horizontal wood lap-siding, vertical board and batten, or wood shingles. Siding typically exposes four to six inches to the weather, which is terminated with corner boards at building edges. Stucco finishes are also appropriate, though less common. Modern day building materials also include fiber cement siding. Brackets, balconies, porches, shutters, and other elements are usually wood or iron.

<sup>475</sup> See Delray Beach Architectural Design Guidelines adopted 12-08-2015, page 7.



<b>TABLE 5-703.A.2.C: FLORIDA VERNACULAR STYLE CHARACTERISTICS</b>	
<b>Openings, windows, and doors</b>	Vertically proportioned with wooden surrounds and sills. Horizontally proportioned openings are made of a grouping of vertical windows. Windows are usually double-hung with no light divisions in the top or bottom sash.
<b>External spaces</b>	Porch roofs are supported by posts positioned to create vertical or square openings between them. Porches are typically quite deep (at least eight feet), creating outdoor rooms. The porch roof may have a different slope than that of the primary building; however, detailing and overhang depths should be consistent.
<b>Base</b>	Frequently has a raised, continuous base. Historically, the raised base protected the building from potential flooding, provided a measure of privacy for residences, and concealed a crawl space that allowed for ventilation.

### 5-703.A.2.C: Florida Vernacular Defining Elements



- D. The Florida Vernacular architectural style includes these sub-styles within the Village:<sup>476</sup>
1. Florida Plantation: The Florida Plantation style includes the use of pediment and gable end for accents and columned entry.

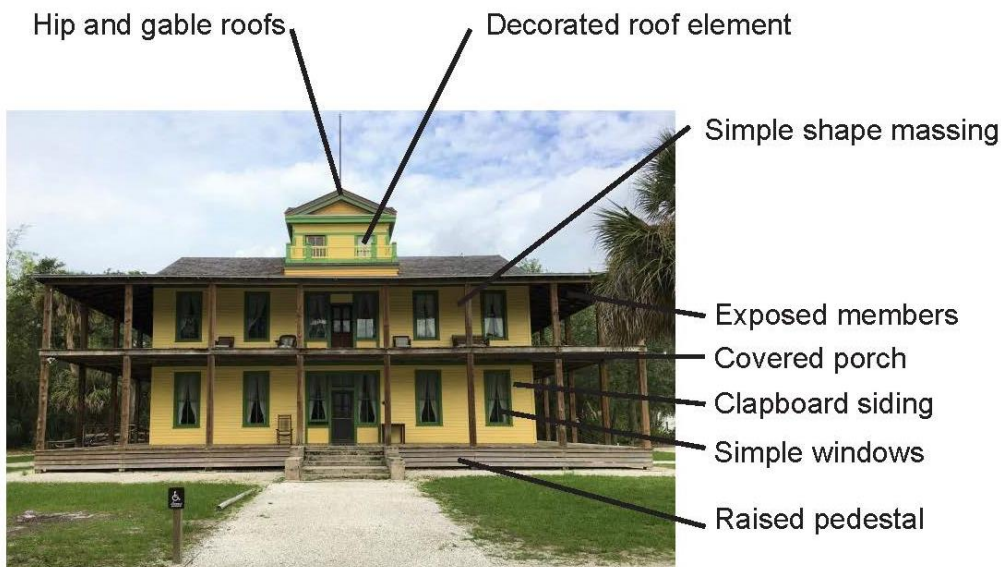


<sup>476</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prys.

2. Florida Key West or Cracker: The Florida Key West<sup>477</sup> or Cracker style includes a foundation of wood posts, limestone, brick or concrete piers; horizontal weatherboard or clapboard as the primary exterior material; a low-pitched gable roof, with wood shingles or pressed metal shingles; full façade wrap-around porch; louvered vents, doors, and window shutters; and centrally placed main entrance with transom light above.



3. Historic Koreshan: The Historic Koreshan style includes simple shape massing; hip and gable roofs; covered porches; exposed members; decorative roof elements; and clapboard siding.



## B. Alternative Styles

To provide for flexibility and stimulate creative project designs while fostering compatibility with surrounding developments, the following alternative architectural styles may be proposed and be determined appropriate in the Village in accordance with the criteria in this section.

1. Prairie: The Prairie<sup>478</sup> style includes low-pitched hipped or flat roof; broad overhanging eaves; strong horizontal lines; clerestory windows arranged in horizontal bands; wide use of natural materials, especially stone and wood with strong horizontal lines; and restrained ornamentation such as friezes around windows and doors, or as bands under the eaves.

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<sup>477</sup> See <https://web.archive.org/web/20060519110335/http://www.tndhomes.com/phd05.htm#cracker>, Erik Valle.

<sup>478</sup> See <https://www.antiquehomestyle.com/styles/prairie-school.htm> Prairie School Style - 1905 to 1920.





2. Iconic: Civic buildings and public gathering places require important sites to reinforce the community identity. Buildings that are used for civic purposes and that are adjacent to public gathering places require distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the community.<sup>479</sup> Such buildings may be evaluated to allow iconic architecture as an alternative style.
3. An applicant may propose Prairie or Iconic architecture as an alternative architectural style, subject to approval through the design review process as part of the review of the development application. Approval of a proposed alternative architectural style shall be based upon the following findings:<sup>480</sup>
  - A. The plan and architectural style for the proposed development is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality.
  - B. The plan and architectural style for the proposed development is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the existing and evolving Village environment to materially depreciate in appearance and value.
  - C. The plan and architectural style for the proposed development conforms with the standards of this LDC and other applicable ordinances, particularly with respect to the location and appearance of the buildings and structures proposed in the development.
  - D. The plan and architectural style for the proposed development is compatible with the existing and any proposed surrounding development, and is consistent with the comprehensive plan.

<sup>479</sup> Source: Congress for the New Urbanism: Principles to guide public policy, development practice, urban planning, and design, 2001.

<sup>480</sup> See Estero Ord. 15-01, page 13.

- E. The building is constructed with material that is sufficient and of such high technical quality to allow for continuing renovation and adaptive reuse well beyond the expiration of initial planned use or cost recovery.<sup>481</sup>
- F. The building is designed to share some of the design characteristics of neighboring buildings or public spaces where applicable.<sup>482</sup>

#### 5-704. HISTORIC PRESERVATION REGULATIONS

- A. A certificate of appropriateness shall be approved in accordance with Sec. 2-504, Historic Preservation Certificate of Appropriateness, prior to modification of any structures designated by the Village or Lee County prior to Village incorporation as historically significant to assist in the continued preservation of the structure and the appropriate, compatible, and sensitive development of new construction and additions to the structure.
- B. The certificate of appropriateness shall be decided based upon the criteria listed in the U.S. Secretary of the Interior's Standards for Rehabilitation, 36 CFR 67 (1983).

#### 5-705. SITE CONTEXTUAL STANDARDS

##### A. Purpose and Intent

- 1. The purpose of these site contextual standards is to ensure the site design of development supports an image that is attractive and consistent with the desired community identity. This is achieved by providing for architectural and site design treatments that will enhance the visual appearance of development in the Village, while providing for design flexibility.<sup>483</sup>
- 2. These site contextual standards are intended to stimulate creative project designs, while fostering compatibility with surrounding development, and create an integral distinct community image—one that will enhance, unify, and harmonize development throughout the Village.<sup>484</sup>

##### B. Views

- 1. To the maximum extent practicable, development shall be designed to maximize the preservation of natural features, trees, tree masses, and sites which have historical significance, scenic views, or similar assets.<sup>485</sup>
- 2. To the maximum extent practicable, buildings and open space on sites shall be located to maximize the potential for terminating vistas, so that views from vantage points of approaching roads are completed by an intentionally placed building, structure, or grand open space feature such as a fountain, gazebo, pergola, signature tree, or natural habitat.

##### C. Mixed-Use Development Design Standards

At the time of planned development, development order, or limited development order review, as appropriate, the plans for an integrated horizontal mixed-use development or a vertical mixed-use development shall demonstrate compliance with the following standards:

##### 1. Placemaking

- A. The placemaking standards in Table 5-705.C.1: Placemaking Standards, in a way that is context driven.

TABLE 5-705.C.1: PLACEMAKING STANDARDS	
Placemaking Amenity	Basic requirement for integrated horizontal or vertical mixed-use development sites
Mix of use ratio	No more than a maximum of 80 percent of the gross habitable floor area shall be dedicated to either a residential or nonresidential use to achieve a mix of residential and non-residential uses.(A clubhouse (with

<sup>481</sup> From Sec. 33-502, Village Center General Criteria, of the transitional LDC.

<sup>482</sup> From Sec. 33-502, Village Center General Criteria, of the transitional LDC.

<sup>483</sup> See Sec. 10-600 of the transitional LDC.

<sup>484</sup> See Sec. 33-100 of the transitional LDC.

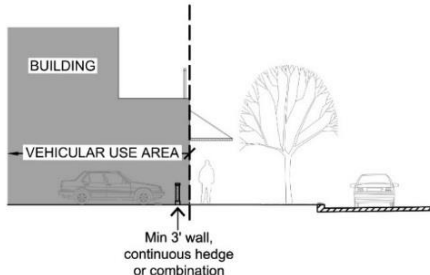
<sup>485</sup> See Sec. 10-252 of the transitional LDC.

<b>TABLE 5-705.C.1: PLACEMAKING STANDARDS</b>	
<b>Placemaking Amenity</b>	<b>Basic requirement for integrated horizontal or vertical mixed-use development sites</b>
	<p>dining and recreational opportunities) and maintenance facilities are not considered nonresidential for the purposes of this subsection.)</p> <p>Waiver: The Director may waive this ratio requirement if it is demonstrated that the proposed development site has a mix of residential and non-residential uses that can be reached within a ¼-mile walk of the subject site via continuous pedestrian facilities.</p>
<b>Housing choices</b>	<p>The development shall include a mix of at least two distinctly different housing types. Housing types include detached houses including two-family dwellings, apartment houses, cottages and side-yard houses, row houses, live-work buildings, courtyard buildings, or mixed-use buildings.<sup>486</sup> No more than 80 percent of dwelling units may be comprised of a single housing type.</p> <p>Waiver: The Director may waive this ratio requirement if it is demonstrated that the overall size of the mixed-use development is less than five acres and consequently cannot reasonably support two different types of housing types, and the project complies with the mix of use ratio above.</p>
<b>Gathering place</b>	<p>The site's open space shall include a gathering place, which shall be a minimum of ten percent of the project site.</p> <p>Gathering places include outdoor spaces such as plazas, parks, and farmers' markets; cultural venues such as theaters and museums; civic spaces that include meeting rooms; businesses such as restaurants, coffee shops, and fitness centers; places of worship, social institutions; and amenities adjoining sidewalks and trails such as benches, exercise stations, and gazebos. The gathering place shall be visible and easily accessible from a public road, and shall be clearly located and designed so that it can be used by both occupants and the public.<sup>487</sup> Accessibility to the public shall be provided through an access easement or other equivalent means. (Non-residential uses meant for use by residents of the project and only accessible to the public by rent, lease, or membership (uses such as meeting rooms, banquet halls, fitness centers, or golf courses) do not qualify as gathering space.)</p>
<b>Multi-modal and integrated Mobility</b>	<p>Development, to the maximum extent practicable, shall be served by an integrated system of sidewalks, roads, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, relationship to surrounding development and development patterns, and existing and planned community transportation systems.</p>
<b>Connectivity</b>	<p>The internal road circulation system shall be well connected and integrated, with an appropriate classification of roads, sidewalk on both sides of the road, and street trees. Where site conditions are appropriate, a block layout is encouraged. Cross-access between the development and those on adjoining parcels shall be established, where appropriate.</p> <p>Roads shall be designed to integrate with and connect to existing roads external to the site, and where appropriate, provide for future extension of the development's road network to provide the maximum number of interconnections and points of ingress and egress</p>

<sup>486</sup> See Village Center Ord. 2016-07.

<sup>487</sup> See Village Center Ord. 2016-07.



<b>TABLE 5-705.C.1: PLACEMAKING STANDARDS</b>	
<b>Placemaking Amenity</b>	<b>Basic requirement for integrated horizontal or vertical mixed-use development sites</b>
<b>Roads</b>	<p>Roads shall not end in dead ends, cul-de-sacs, hammerheads, or other forms that do not connect with other roads, except in instances where connections are not reasonably feasible.</p> <p>Where appropriate, alleys shall be designed to absorb parking and service loads.</p> <p>To the maximum extent practicable, the outer faces of blocks shall be pedestrian in nature with sidewalks a minimum of six feet wide on both sides of streets, street trees, and pedestrian level lighting.<sup>488</sup></p> <p>Traffic calming features shall be used, where appropriate, in the design of streets and driveways. Features may include roundabouts or rotaries, rumble strips, chicanes, speed tables, raised crosswalks, etc.<sup>489</sup></p>
<b>Parking</b>	 <p>A minimum of 50 percent of the off-street parking shall be placed to the side of buildings or behind the buildings, subject to the landscape requirements of Sec. 5-409, Landscaping of Parking Areas, and Vehicular Access.<sup>490</sup></p>
<b>Transit</b>	Where LeeTran provides or plans to provide service, the development shall include a transit stop or shelter in the project design, subject to LeeTran approval. Where LeeTran does not provide service, space shall be dedicated for a transit stop or shelter to be developed in the future.
<b>Community identity</b>	A gateway monument shall be provided at the primary vehicular entrance or entrances to the project.
<b>Community heritage</b>	<p>The development shall, to the maximum extent practicable:</p> <ol style="list-style-type: none"> <li>(1) Preserve an historic structure or landmark that is located on the site, and preserve any specimen trees; or</li> <li>(2) Include educational signage, a monument, or a statue that memorializes the Village's history or culture.<sup>491</sup></li> </ol> <p>Waiver: The Director may waive this requirement if it is demonstrated that the site has no existing features to preserve, or no potential to include a feature, that relates to the heritage of the Village.</p>
<b>Arts, culture and creativity</b>	The development shall include public art displayed in a prominent location, such as a plaza or civic space. <sup>492</sup>
<b>Environmental feature</b>	<p>The development shall include one of the following on the site:</p> <ol style="list-style-type: none"> <li>(1) Green infrastructure, such as rain gardens, roadside bioswales, etc.;</li> <li>(2) A nature trail that is accessible to the public; or</li> <li>(3) Environmental educational signage.<sup>493</sup></li> </ol>

<sup>488</sup> See Village Center Ord. 2016-07.

<sup>489</sup> See FLU 1.9.1.

<sup>490</sup> See FLU 1.9.1.

<sup>491</sup> See FLU 1.9.1.

<sup>492</sup> See FLU 1.9.1.

<sup>493</sup> See FLU 1.9.1.

TABLE 5-705.C.1: PLACEMAKING STANDARDS	
Placemaking Amenity	Basic requirement for integrated horizontal or vertical mixed-use development sites
	Waiver: The Director may waive this requirement if it is demonstrated that the site has no existing environmental features, nor the potential to include a feature that relates to green infrastructure or environmental protection.

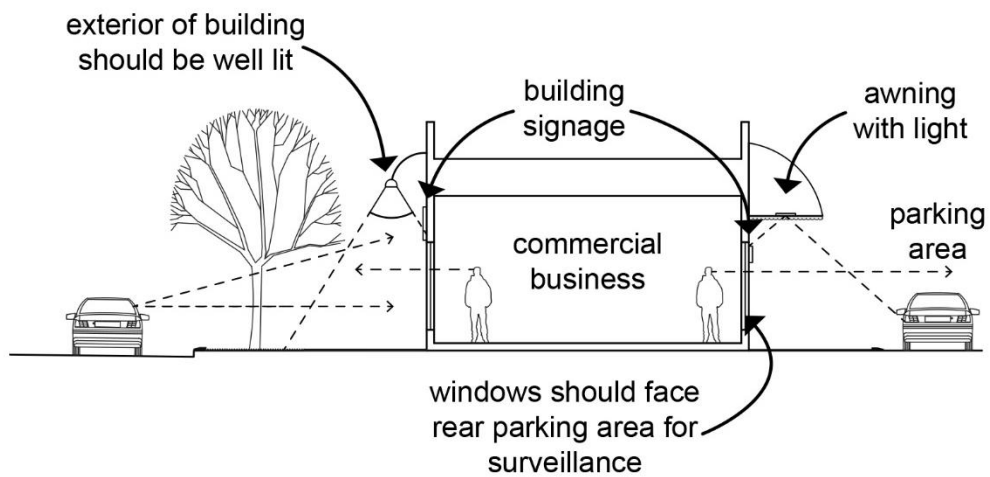
- B. The development shall establish connections to off-site placemaking amenities that can be reached with a ¼-mile walk of the subject site by continuous pedestrian facilities, or programmatic or physical connections in a way that establishes continuity between the places.

2. *Crime Prevention Through Environmental Design (CPTED)*

The CPTED standards in Table 5-705.C.1.B: CPTED Standards (illustrated in the following figures):

TABLE 5-705.C.1.B: CPTED STANDARDS	
Standard	Description
<b>Natural Surveillance</b>	To the maximum extent practicable, design and orient buildings, windows, entrances and exits, vehicular use areas (parking areas), walkways, landscape trees and shrubs, fences or walls, signage, and any other physical obstructions to allow visibility from public or common areas.
	To the maximum extent practicable, position balconies to overlook public or common areas.
	Where walls or landscaping are adjacent to the public right-of-way, minimize the creation of blind spots or hiding places that provide opportunities for concealment.
	Position lighting to provide visibility of common areas along public rights-of-way, parking lots, walkways, entrances, and exits.
<b>Natural Access Control</b>	Orient entrances in prominent locations for safe and convenient pedestrian access.
	Use distinctive pavement, lighting, and landscaping to clearly guide the public to and from entrances and exits.
	Place fences, walls, or landscaping in locations that discourage or prevent public access to non-monitored, dark, or private areas.
<b>Territorial Reinforcement</b>	Use distinctive fences, pavement treatment, signage, gateway treatment, and landscaping to indicate and define ownership of property and distinguish public and private spaces.

**Figure 5-705.C.1.B-1: CPTED Natural Surveillance Design Elements**



**Figure 5-705.C.1.B-2: CPTED: Natural Access Control**



Distinctive paver patterns and trees lining the path help clearly guide the public to and from the building entrance.

**Figure 5-705.C.1.B-3: CPTED: Territorial Reinforcement**



Pavers are distinct from the concrete public sidewalk, and distinctive landscaping and a gateway treatment define ownership and distinguish the private from the public realm.

### 3. *Climate Responsiveness*

The following climate responsiveness standards:

- A. The size, shape, and orientation of a lot and the siting of buildings shall be designed to provide development logically related to trees, topography, solar orientation, and natural features.<sup>494</sup>
- B. Building design and layout shall optimize solar orientation, to the maximum extent practicable. Larger roof overhangs shall provide shade. Porches and glazing adjustments shall provide for filtering sunlight.
- C. To the maximum extent practical, public open space, recreation areas, plazas, and courtyards shall be located to take advantage of solar orientation, provide protection from prevailing wind, and to take advantage of summer shade and winter sunshine.
- D. Along roads, awnings or arcades shall protect pedestrians from natural elements. Awnings and similar overhangs may encroach in rights-of-way as long as a minimum six-foot width of clear sidewalk is maintained and a minimum clear distance of nine feet above the sidewalk is maintained.
- E. The building design and construction shall be cognizant of southwest Florida's unique climate and be ecologically sensitive in use of materials, particularly recyclables, and be respectful of energy demands.<sup>495</sup>

### 4. *Tier Applicability*

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

<sup>494</sup> See Sec. 10-252 of the transitional LDC.

<sup>495</sup> From Sec. 33-502, Village Center General Criteria, of the transitional LDC.

## 5-706. BUILDING DESIGN STANDARDS

### A. Purpose and Intent

The purpose of the building design standards is to supplement other development standards in the LDC with specific building design standards. The intent is to:

1. Stimulate creative project designs;
2. Create and maintain a positive ambiance and strong community image and identity in the Village by enhancing the visual appearance of development; and
3. Provide for design flexibility.<sup>496</sup>

### B. Complementary Design Transitions

Development shall be designed to relate to adjacent structures in a complementary manner. Transitions from adjoining development to the subject site shall be provided by incorporating:

1. Building massing that relates to the existing adjacent building heights that are in compliance with the requirements of the LDC.
2. Patterns of roof structures, colors, cornices, and other architectural elements that relate to adjacent buildings that are in compliance with the requirements of the LDC. See Figure 5-706.C: Building Transition.

**Figure 5-706.C: Building Transition**

**Do this:**



**Not this:**



### C. Building Entries and Façades

1. The main entrance of the structure shall be oriented toward the public right-of-way on which the structure fronts. On a corner lot or site, the main entrance may be oriented to either the road or the corner.
2. For compliance with building design standards, exterior façades of out-parcel buildings shall be treated as primary façades and employ architectural, site, and landscaping design elements that are common to the theme used in the main development on site, including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main buildings on site, enhance visual impact of the buildings and to provide for safe and convenient vehicular and pedestrian access and movement on site.<sup>497</sup>
3. For compliance with building design standards, all sides of a building are subject to architectural design elements.
4. Overhead doors facing a public right-of-way are prohibited,<sup>498</sup> with the exception that overhead doors may face an alley.
5. Blank wall areas shall be interrupted with an opening or relief work including one or more of the following:<sup>499</sup>

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<sup>496</sup> See Secs. 10-600 and 33-100 of the transitional LDC.

<sup>497</sup> See Sec. 33-337 of the transitional LDC.

<sup>498</sup> See Sec. 33-1285/Page Park of the transitional LDC.

<sup>499</sup> See Sec. 33-330 of the transitional LDC.



- A. Recessed or clearly defined entryways (a minimum of six feet applies to recessing of entryways);<sup>500</sup>
  - B. Varying rooflines, pitches, and shapes;
  - C. Dormers, balconies, and staircases;
  - D. Transparent window or door areas or display windows that provide visibility into the building interior. (No reflective or darkly tinted glass may be used at ground level);
  - E. Overhangs, awnings, and marquees;
  - F. Building ornamentation and varying building materials, colors, decorative tiles, edifice detail such as trellises, false windows, or recessed panels reminiscent of window, door, or colonnade openings and wall murals;
  - G. Shrubs or vines trained to grow upright on wire or trellises next to blank walls;
  - H. Architectural features such as cornices, articulated roof parapets, porticos, towers, or other details that alter the building height;
  - I. Application of a contrasting base that is a minimum one-foot high and extends along the entire front of the building and at least ten feet along the sides of the building.
- 6. *Horizontal Plane Offsets***<sup>501</sup>
- A. For buildings with a gross ground floor area up to 10,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least eight inches to change the horizontal plane at the following maximum intervals: every 40 linear feet for façades facing streets or providing primary entrances, and every 75 linear feet for all other façades.
  - B. For buildings with a gross ground floor area between 10,000 and 35,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least 16 inches to change the horizontal plane at the following maximum intervals: every 75 linear feet for façades facing roads or providing primary entrances, and every 100 linear feet for all other façades.
  - C. For buildings with a gross ground floor area over 35,000 square feet, horizontal wall planes shall be interrupted with an offset dimension of at least two feet to change the horizontal plane at the following maximum intervals: every 100 linear feet for façades facing roads or providing primary entrances, and every 150 linear feet for all other façades.
- D. *Exterior Building Color***<sup>502</sup>
- 1. Exterior building colors shall be neutral, warm earth tones or subdued pastels. White or gray are prohibited as a predominant color. Where applicable, brightly colored trims, cornices, or columns may be used to create a special effect or setting. However, these contrasts shall create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.
  - 2. Brighter colors can be utilized to create focal points of interest in locations including on doors, windows and architectural details.
  - 3. Buildings shall not exceed three colors on one architectural detail in composite.
  - 4. Contrasting accent colors of any wall, awning, or other feature shall be limited to no more than ten percent of the total area for any single façade.
- E. *Exterior Building Materials***<sup>503</sup>
- 1. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well-designed and integrated into a comprehensive design style for the project. The following exterior building materials cannot be used on more than ten percent of the building façade area:
    - A. Corrugated or reflective metal panels;

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<sup>500</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysi.

<sup>501</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysi.

<sup>502</sup> See Sec. 33-334 of the transitional LDC.

<sup>503</sup> See Sec. 10-620 of the transitional LDC.

- B. Tile (prohibition does not apply to roofs);
  - C. Smooth, scored, or rib-faced concrete block;
  - D. Any translucent material, other than glass; or
  - E. Any combination of the above.
2. Building trim and accent areas, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.<sup>504</sup>

**F. Roof Treatments<sup>505</sup>**

- 1. Variations in roof lines shall be used to reduce the massing of buildings and to add visual interest. Roof features and materials shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features.
- 2. The roof edge and/or parapet shall have a vertical change from the dominant roof condition, in two locations. At least one such change shall be located on a primary façade.
- 3. Roofs shall be designed to also meet three or more of the following requirements:
  - A. Parapets used to conceal roof top equipment and flat roofs.
  - B. Three or more roof slope planes per primary façade.
  - C. Sloping roofs, which do not exceed the average height of the supporting walls, that have an average slope equal to or greater than 4V:12H but not greater than 12V:12H.
  - D. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs shall have a minimum of two changes).
  - E. Three-dimensional cornice treatment which are a minimum of ten inches in height with a minimum of three reliefs.
- 4. The following roof types and materials are prohibited:
  - A. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard;
  - B. Mansard roofs, except roofs with a minimum vertical distance of eight feet and an angle between 45 and 70 degrees from horizontal; and
  - C. Asphalt shingles, unless utilized in Old Florida style architecture.

**G. Windows**

- 1. Windows shall not appear to be false or applied.<sup>506</sup>
- 2. Along roads, 60 percent of the nonresidential ground floor façade shall be designed with windows to provide some visual interest for pedestrians and to support the crime prevention principle of eyes on the street.

**H. Awnings**

- 1. Awnings and similar overhangs may encroach in rights-of-way as long as a minimum six-foot width of clear sidewalk is maintained and a minimum clear distance of nine feet above the sidewalk is maintained.
- 2. The design, materials, and color of the awnings shall complement the architecture of the building and not obscure its features.
- 3. Materials shall be durable and weather resistant. Plastic or shiny materials are prohibited. Fabric awnings shall not turn corners and shall be associated with a window, group of windows, or other openings. Fabric awnings shall not exceed 14 inches beyond a window or door in the horizontal direction and three feet in the vertical direction. Fabric awnings are prohibited as roof structures.<sup>507</sup>
- 4. Awnings shall be consistent with the visual scale of the building.

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<sup>504</sup> See Sec. 10-620(e) of the transitional LDC.

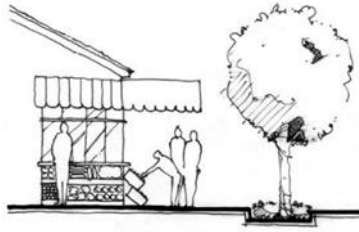
<sup>505</sup> See Sec. 10-620 of the transitional LDC.

<sup>506</sup> See Sec. 33-331 of the transitional LDC.

<sup>507</sup> See Estero Land Development Code Revision Presented to DRB – April 2017 by Bill Prysi

5. Awnings shall be placed at the top of openings. The awning shape shall correspond with the shape at the top of the opening. Flat canopies are discouraged except in circumstances where it is accompanied by a valance. See Figure 5-706.I.5: Awning Placement.<sup>508</sup>

**Figure 5-706.I.5: Awning Placement**



**I. Columns, Posts, and Piers**

1. Aesthetic details are encouraged to be created using columns, posts, piers, or pillars, where appropriate.<sup>509</sup>
2. Columns may be either round or square.
3. All columns shall include a capital and a base.
4. Column, post, and pier materials shall be durable and weather resistant, and limited to the following:
  - A. Wood or wood alternatives;
  - B. Stone or faux stone materials;
  - C. Stucco;
  - D. Precast; or
  - E. Any combination of the above.<sup>510</sup>

**J. Lighting<sup>511</sup>**

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

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**5-707. SUPPLEMENTAL DESIGN STANDARDS FOR SPECIFIC USES**

**A. Purpose**

Supplemental design standards for specific uses are implemented to ensure compatibility and minimization of visual intrusion by intense land uses on the Village's less intense land uses.

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<sup>508</sup> See Sec. 33-332 of the transitional LDC.

<sup>509</sup> See Sec. 33-333 of the transitional LDC.

<sup>510</sup> See Estero Land Development Code Revisions Presented to DRB – April 2017 by Bill Prysi.

<sup>511</sup> See Sec. 33-1256/ Page Park of the transitional LDC.

**B. Parking Garages<sup>512</sup>**

1. Sixty (60) percent of the primary façade of a parking garage shall incorporate the following:
  - A. Transparent windows, with clear or lightly tinted glass, where pedestrian-oriented businesses are located along the façade of the parking structure;
  - B. Display windows;
  - C. Decorative metal grille-work or similar detailing, which provides texture and partially or fully covers the parking structure openings; or
  - D. Vertical trellis or other landscaping or pedestrian plaza area.
2. Where a proposed parking garage is located on a parcel adjacent to or abutting an existing taller residential development, all exposed parking spaces on the top level of the garage shall provide additional design treatments to obscure view of the spaces from residential use. Design treatments may include, but are not limited to, a combination of landscaped trellises, opaque covers, and permanent landscaping. In addition, surfaces of exposed parking aisles and drives shall be comprised of specialty pavers or colored stamped concrete having a nonreflective matte surface.

**C. Roof Top Mechanical Equipment and Other Utilities**

Roof top mechanical equipment shall be shielded from view at ground level by parapet or similar architectural features.

**D. Automobile Service Station and Convenience Food and Beverage Stores<sup>513</sup>**

1. The high levels of traffic, glare, and intensity of activity associated with automobile service stations and convenience food and beverage stores are incompatible with surrounding uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, all automobile service stations and convenience food and beverage stores shall comply with the following standards.
  - A. Minimum lot frontage: 150 feet of frontage on a vehicular right-of-way.
  - B. Minimum lot depth: 180 feet.
  - C. Minimum lot or parcel area: 30,000 square feet.
  - D. There shall be a minimum distance of 500 feet between the nearest points on any lot or parcel of land to be occupied by automobile service stations, and any lot or parcel for such use already occupied by an automobile service station, or for which a building permit has been issued, unless waived by the Director in accordance with subsection 11 below.
2. All automobile service station and convenience food and beverage store structures shall comply with the following minimum setbacks.
  - A. Front yard: 50 feet.
  - B. Side yard: 40 feet.
  - C. Rear yard: 40 feet.
3. Landscaping buffers shall comply with Sec. 5-412.C.4, Automobile Service Stations and Convenience Food and Beverage Store Selling Gas.
4. An eight-foot high enclosed trash area shall be integrated within the design of the service station or convenience food and beverage store.
5. Motor vehicle fuel storage tanks shall be located below grade.
6. *Canopies*
  - A. Flat roof canopies are prohibited.
  - B. Canopies shall be consistent with the architectural design and features of the principal structure.
  - C. Canopy lighting shall comply with Sec. 5-606.E, Canopy.

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<sup>512</sup> See Sec. 10-602 of the transitional LDC.

<sup>513</sup> See Sec. 34-1353 & Secs. 33-430 to 441 of the transitional LDC.

**7. Colors on Buildings and Canopies**

The color of all structures on site shall be of soft earth tones or pastels. Canopies shall be of one color, consistent with the predominant color of the principal structure, if a canopy is utilized in building design. Color accent banding on fuel pump canopy structures and all other structures is prohibited.

8. Outside display or storage of products is prohibited.
9. Each automobile service station shall provide the necessary infrastructure and pre-wiring to provide the capability for generator service in case of emergencies.
10. No automobile service station shall have an entrance or exit for vehicles within 200 feet, along the same side of a street, as a school, public playground, child care center, church, hospital, or public library.
11. The Director may grant a waiver of part or all of the minimum separation requirements set forth in subsection 1.D above if it is demonstrated by the applicant that the site proposed for development is separated from another automobile service station by natural or manmade boundaries, structures, or other features that offset or limit the necessity for such minimum distance requirements. The Director's decision to waive part or all of the distance requirements shall be based, in part, upon whether or not the nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing automobile service station lessens the impact of the proposed automobile service station. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, or a minimum of a four-lane arterial or collector right-of-way.

**E. Fast Food Restaurants and Car Washes<sup>514</sup>**

1. All stand-alone or accessory fast-food restaurants and car washes shall comply with the following standards.
  - A. Minimum lot frontage: 150 feet of frontage on a vehicular right-of-way.
  - B. Minimum lot depth: 150 feet.
  - C. Minimum lot or parcel area: 25,000 square feet.
2. All structures shall comply with the following minimum setbacks.
  - A. Front yard: 50 feet.
  - B. Side yard: 15 feet.
  - C. Rear yard: 20 feet.
3. *Canopies*
  - A. Flat-roof canopies are prohibited. Canopies shall be consistent with the architectural design and features of the principal structure.
  - B. Canopy lighting shall comply with the requirements of Sec. 5-606.E, Canopy.
  - C. Canopies shall be of one color, consistent with the predominant color of the principal structure.
4. *Accent Banding*

Color accent banding on all structures, including canopies, is prohibited.

**F. Big Box Commercial<sup>515</sup>**

**1. Applicability<sup>516</sup>**

Big box commercial means a single-use retailer with gross ground floor area of more than 50,000 square feet, or a multi-use development, with gross ground floor area of more than 100,000 square feet, excluding outparcel development.

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<sup>514</sup> See Sec. 34-1353 of the transitional LDC.

<sup>515</sup> See Sec. 33-455 through Sec. 33-477 of the transitional LDC.

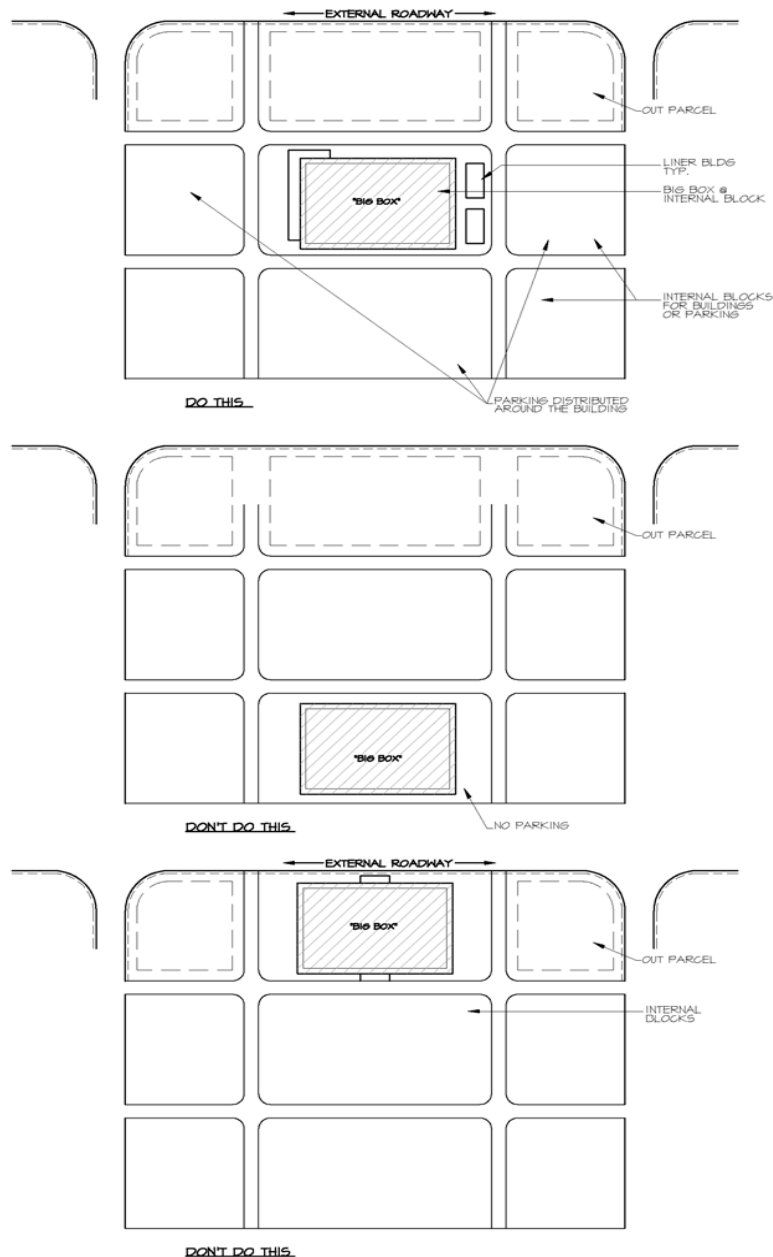
<sup>516</sup> See Sec. 33-56 of the transitional LDC.



2. *Location*<sup>517</sup>

- A. Big box commercial is prohibited adjacent to residentially developed property or a zoning district that allows residential uses.
- B. To the extent possible, big box commercial buildings shall be placed in a location that will satisfy functional needs while providing and being aesthetically pleasing for the community, the site, and the developer/retailer. See Figure 5-707.F.2: Big Box Placement Example.

**Figure 5-707.F.2: Big Box Placement Example**

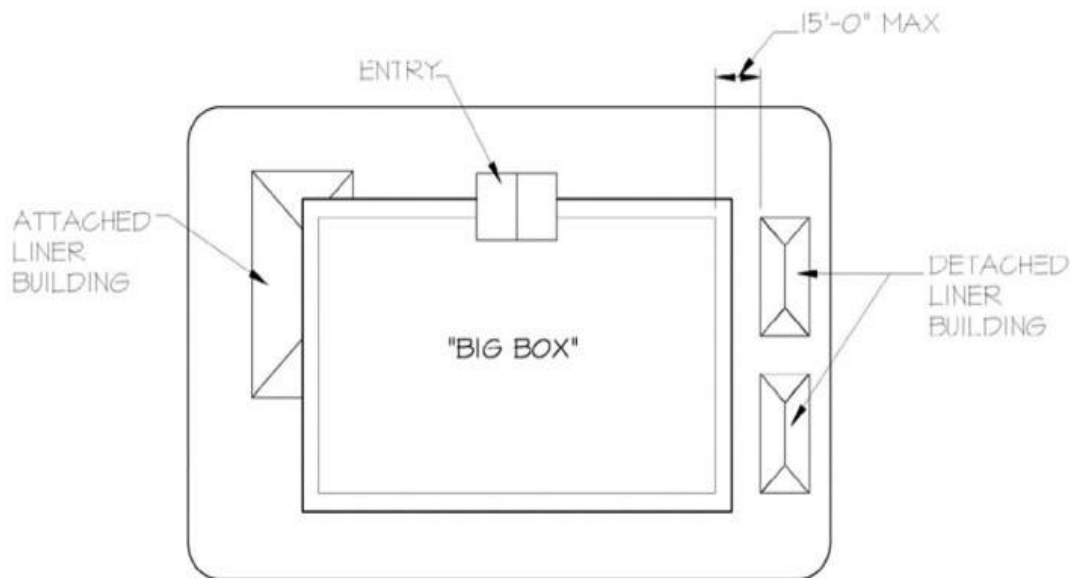


<sup>517</sup> See Sec. 33-458 of the transitional LDC.

3. *Big Box Commercial Liner Buildings*<sup>518</sup>

- A. Big box commercial buildings shall provide liner buildings along all primary façades and on a minimum of two sides of the building. See Figure 5-707.F.3: Liner Building Example.

**Figure 5-707.F.3: Liner Building Example**



- B. The purpose of liner buildings is to break the big box commercial building down into smaller massing elements and conceal any blank walls or façades of the large retail structure while creating scale and architectural character.
- C. Liner buildings may be placed on any side of the building, but shall be placed along all walls of big box commercial buildings that face public rights-of-way (see Figure 5-707.F.3: Liner Building Example). Liner buildings shall be utilized on a minimum of two sides of each building larger than 50,000 square feet.
- D. Liner buildings shall cover a minimum of 40 percent of the primary building façade.
- E. The roof height of a liner structure shall be at least five feet lower or higher than the roof of the related big box commercial building.
- F. A liner building shall be designed to be complementary to the approved design standards for the project and shall include along its façade a minimum of 15 percent and a maximum of 75 percent glazing.
- G. Liner buildings may be used by a separate tenant or may be integrated for use by the associated big box user.

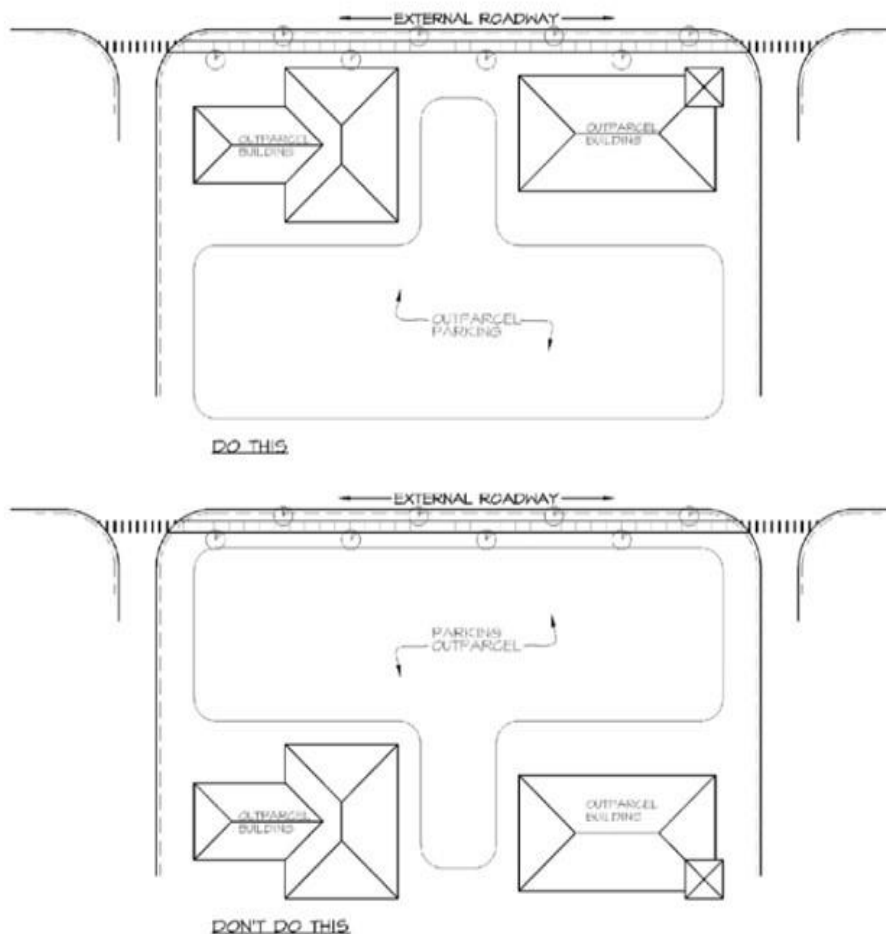
4. *Big Box Commercial Outparcels*<sup>519</sup>

- A. Outparcels shall be placed to frame commercial road corridors creating grand boulevards.
- B. Projects that exceed 50,000 square feet of retail floor area shall provide a berm or an out parcel pad along collector and arterial roads, with the majority of the parking located behind the building or berm. The berm shall be an average of four feet high and 30 feet wide for 75 percent of the public right-of-way that does not possess an out parcel pad. The berm shall have a minimum of ten trees per 100 linear feet, with a double hedge row. All plantings shall meet standard sizes as required in Section 5-4, Landscape Standards.
- C. Outparcels may be developed along internal access drive locations provided the majority of the parking is not placed along arterial or collector roadways. See Figure 5-707.F: Outparcel Placement Example.

<sup>518</sup> See Sec. 33-458 of the transitional LDC.

<sup>519</sup> See Sec. 33-459 of the transitional LDC.

**Figure 5-707.F.4: Outparcel Placement Example**



**5. Big Box Commercial Access<sup>520</sup>**

- A. To the maximum extent practicable, access to, from, and within the big box commercial project shall be designed to create:
  1. A safe and memorable environment for vehicular and pedestrian access to and from the site;
  2. A minimal number of curb cuts on the major arterial roads by providing shared access to adjacent properties; and
  3. Convenient, safe, and attractive access around the project for vehicular and pedestrian movement.
- B. Internal access drives/roads to the property shall be developed at minimum intervals of 250 feet and maximum intervals of 1,400 feet in length, creating internal blocks for parking and buildings.
- C. Internal access shall be developed to encourage and support roads with sidewalks and trees, with an average tree separation of 30 feet and a 15-foot wide planting strip with a combination of plants and grass along the road/parking/building edge. The planting in these areas shall not contain more than 30 percent grass.
- D. Internal lanes shall be no less than ten feet in width for each lane.

<sup>520</sup> See Sec-33-460 of the transitional LDC.

- E. Street and sidewalk accesses shall be provided up to adjacent properties for future connectivity where not prohibited. The developer may provide an easement agreement in-lieu of the physical interconnection when no development is planned on an adjacent parcel.
  - F. Landscaped pedestrian sidewalks shall be provided along the sides of large buildings with adjacent parking lots.
  - G. All roads shall terminate at other roads, future roads, or a parking area. Cul-de-sacs or dead-end roads are to be avoided, to the maximum extent practicable.
  - H. After 700 linear feet of roadway, five degrees (in plan) deflection or a landscaped median strip (minimum ten feet by 18 feet) shall be designed into the road for traffic calming purposes.
  - I. On-street parking is encouraged on internal access roads where a “main street” type of development is desired. For the purposes of this subsection, “main street development” is defined as development where sidewalks and buildings or public spaces (excluding parking lots) are planned for the majority of both sides of the road.
  - J. Internal road medians are encouraged. Median widths shall be a minimum of six feet and a maximum of 15 feet in width.
  - K. Sidewalks (minimum five feet wide) shall be constructed on at least one side of all internal road or vehicular access areas (exclusive of parking lanes). In the alternative, walkways may be developed through the landscaped median areas, to facilitate access from the sidewalks along the rights-of way, provided the medians are increased by five feet to accommodate the walkway.
  - L. Sidewalks along buildings shall be a minimum of eight feet in width, excluding landscaping.
  - M. Each building shall be interconnected via a pedestrian pathway.
  - N. Development shall be coordinated with LeeTran where transit access is to be provided to the area.
6. *Big Box Commercial Parking*<sup>521</sup>
- A. The site shall be developed to create attractive parking areas that provide convenient and safe multi-modal movement of vehicular, public transportation, bicycles, and pedestrian traffic.
  - B. Parking areas shall be developed into parking pods that do not exceed 120 parking spaces, have a maximum of four entry/exit points, and are separated by a continuous double row hedge and large canopy trees at 30 feet on center.
  - C. Parking areas shall provide landscaped islands in accordance with Sec. 5-409, Landscaping of Parking Areas, and Vehicular Access.
  - D. Parking shall be distributed on three sides of the big box retail building and away from loading areas. Peak and employee parking areas shall be located on the sides of the building.<sup>522</sup>
  - E. All parking areas shall be interconnected.
  - F. As an alternative to the parking pod set forth in this subsection, parking areas shall have a Type “D” buffer separating every four rows of parking, provided the big box building is screened by an out parcel buffer.
  - G. The number of parking spaces developed as part of the big box development may not exceed the number of spaces required by Sec. 5-205.B.1, Minimum Number of Off-Street Parking Spaces, unless the increase complies with one of the following:
    - 1. Up to a 20 percent increase in parking spaces may be granted by the Director if:
      - (a) Parking pods are used for all parking on the project site; or
      - (b) All landscaping trees are increased to a minimum of 14 feet, 65-gallon, with a six-foot spread with a four-inch caliper at the time of planting.

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<sup>521</sup>See Sec. 33-461 of the transitional LDC.

<sup>522</sup> Some communities also include a requirement that a minimum percentage of parking be located on the side or rear of a big box development. For example, 30 or 50 percent.

2. A parking space increase over 20 percent may be granted by the Director if the number of required trees is increased by 25 percent.
7. *Big Box Commercial Open Space*<sup>523</sup>
  - A. To the extent possible, big box commercial development shall be designed to manage open space for public benefit through combining a portion of the required open space into a usable component of the retail center.
  - B. A minimum of ten percent of the required open space shall be aggregated together into a usable format called "open space squares." Retail is encouraged to develop around these squares, when possible.
  - C. Open space squares shall be a minimum of 30 feet and a maximum of 65 feet wide.
  - D. Open space squares shall be integrated into the site plan as either a passive or active space.
  - E. Open space squares may be interconnected to form a series of usable spaces for the project.
  - F. Open space squares shall be counted towards open space requirements.
8. *Big Box Commercial Service and Loading Areas*<sup>524</sup>
  - A. To the maximum extent practicable, loading areas shall be designed to diminish both the visual and noise pollution that these facilities can create.
  - B. Loading areas shall either be located out of view from all public roads, or adequately screened.
  - C. When a loading area is facing a public right-of-way, a ten-foot high architecturally screened wall shall be provided on a four-foot berm located within a 25-foot landscaped buffer. Berm and wall breaks are required every 200 feet in order to diminish the height and length of the wall and berm.
9. *Big Box Commercial Shopping Cart Storage*<sup>525</sup>
  - A. To the extent possible, shopping cart storage shall be concealed from public view.
  - B. Storage of carts shall be behind a wall or landscaped area with 80 percent opaqueness at planting.
  - C. Temporary cart storage in the parking area shall be between two landscaped islands with a double row hedge and two trees.
10. *Big Box Commercial Building Design*<sup>526</sup>
  - A. To the extent possible, big box projects shall be designed to create buildings that respect the area in which they are located and create a place that is attractive and flexible over time.
  - B. *Unified Massing, Details, and Material*

All buildings within the big box project shall be developed with similar design treatment to create unity among the elements and buildings. This may include, but is not limited to, exterior materials, roof pitches and treatments, colors, proportions, ornamentation, and trim in accord with the design standards for the development.
  - C. If the primary entry does not face a public right-of-way, then additional design elements shall be added to create the appearance of a public entry. See Figure 5-707.F.10.C: Entry Placement Diagram.

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<sup>523</sup> See Sec. 33-462 of the transitional LDC.

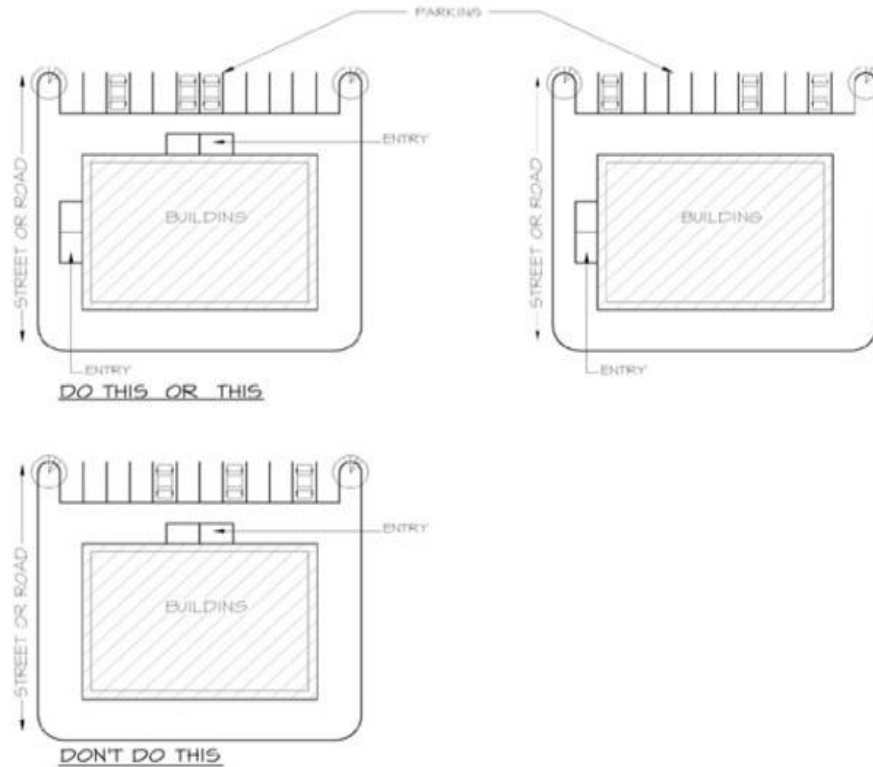
<sup>524</sup> See Sec. 33-463 of the transitional LDC.

<sup>525</sup> See Sec. 33-464 of the transitional LDC.

<sup>526</sup> See Sec. 33-472 of the transitional LDC.



**Figure 5-707.F.10.C: Entry Placement Diagram**



**11. Big Box Commercial Building Façade<sup>527</sup>**

- A. The treatment of the front façade shall be continued, in its major features, around all sides of the building. Features shall be carried for a minimum of 15 percent of the nonprimary façade and be attached to the primary façade.
- B. Individual or individual looking exterior façades shall be faced with no more than four cladding materials. These cladding materials shall be combined on the façade in a horizontal manner only (i.e., base of building: one material; middle area: another material; and the top portion: a third type of material).
- C. Metal sided buildings are not permitted except as an accent material that does not exceed ten percent of the building façade.
- D. The ground floor of all building façades facing a public right-of-way shall be detailed and glazed as storefronts.
- E. Storefronts shall have glazed areas equal to at least 15 percent and not more than 75 percent of the ground level portion of the façade when facing a public right-of-way.
- F. Primary and secondary colors on the exterior of buildings shall be restricted to a minimum of two inches for their shortest dimension. See Figure 5-707.F.11.G: Primary and Secondary Accent Colors Diagram.
- G. Outdoor sales areas shall be designed with similar details, colors, and materials used in the primary façades of the building to which the outdoor sales area is attached.

<sup>527</sup> See Sec. 33-473 of the transitional LDC.

**Figure 5-707.F.11.G: Primary and Secondary Accent Colors Diagram**



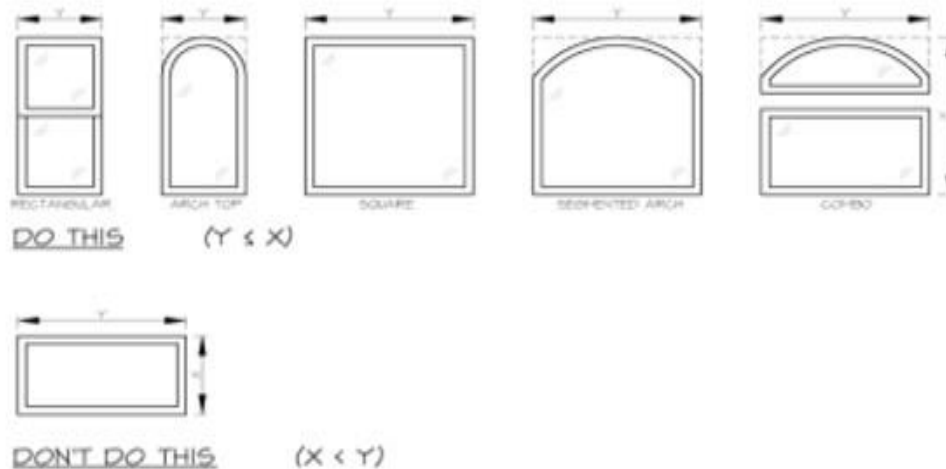
## 12. Big Box Commercial Windows, Doors, and Other Openings<sup>528</sup>

### A. Openings

Windows, doors, arcades and other openings in the façade shall be squared or vertical in proportion. Arched windows may be approved by the Director as a window or door type if they are square or vertical in their overall proportions. See Figure 5-707.F.12.A: Window Proportions.

<sup>528</sup> See Sec. 33-474 of the transitional LDC.

**Figure 5-707.F.12.A: Window Proportions**



**B. Windows and Doors**

1. "Non-motorized" sliding glass doors and sliding windows are prohibited at ground level.
2. Glass may only be clear or lightly tinted.
3. Shutters shall be sized and shaped to match the opening to which they are attached.

**C. Awnings**

1. Awnings shall not have a bottom soffit panel or be backlit.
2. Awnings shall be sized to match the window or door openings to which they correspond, and shall not extend more than two feet on either side of the opening.
3. Awnings shall not be used at the corner of buildings to transition from one façade to the next.

**13. Big Box Commercial Roofs<sup>529</sup>**

**A. Pitched Roof**

All roofs shall be pitched between 30 degrees and 8:12 (unless flat). Ancillary roof structures may be flat or pitched between 30 degrees and 12:12.

**B. Flat Roof**

Flat roofs shall have a full parapet at the perimeter of the roof. The parapet shall not be less than 24 inches or exceed 15 feet in height. The height will be measured from the deck of the flat roof to the highest point of the parapet, with the exception of non-habitable architectural elements.

**C. Roof Changes**

Roof changes shall occur at a minimum of one per 15,000 square feet, with a minimum of three for any building.

**14. Big Box Commercial Walls and Fences<sup>530</sup>**

- A. Walls and fences shall be designed to be complementary to the main façade elements of the building.
- B. Fences, when not associated within a landscaped double row hedge, shall be solid.
- C. Wall runs shall not exceed 100 feet in length without a horizontal change of three feet.

<sup>529</sup> See Sec. 33-475 of the transitional LDC.

<sup>530</sup> See Sec. 33-476 of the transitional LDC.

**15. *Big Box Commercial Service Areas***<sup>531</sup>

Service function areas, including rooftop or ground equipment and dumpster areas shall be fully screened, and out of public view from ground level.

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**SECTION 5-8. GREEN BUILDING STANDARDS**<sup>532</sup>

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**5-801. PURPOSE AND INTENT**

The purpose of this section is to ensure development in the Village includes a minimum degree of green building features as a means of protecting and conserving resources and reducing greenhouse gas emissions by:

- A. Conserving energy;
- B. Promoting the use of alternative energy;
- C. Conserving water resources;
- D. Protecting water quality;
- E. Supporting walkable urbanism;
- F. Supporting a variety of mobility options;
- G. Promoting a healthy landscape;
- H. Supporting urban agriculture;
- I. Encouraging innovative, environmentally friendly building practices;
- J. Reducing landfill waste; and
- K. Promoting healthy and active lifestyles.

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**5-802. APPLICABILITY**

- A. Unless exempted in accordance with subsection B below, the standards of this section shall apply to all new development.
- B. The following are exempt from the standards of this section:
  - 1. Residential development that contains fewer than six dwelling units;
  - 2. Nonresidential development with a gross floor area of less than 8,000 square feet;
  - 3. Buildings that have achieved requirements necessary to receive certification from the U.S. Green Building Council at the LEED® gold level or above, or an equivalent level of development performance under an alternative rating system such as the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code, as determined by the Director; and
  - 4. Remodels, alterations, or expansions of an existing building.

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<sup>531</sup> See Sec. 33-477 of the transitional LDC.

<sup>532</sup> This new section establishes minimum requirements for green building practices for new development (see discussion in Assessment). In order to provide the applicant options and some flexibility in complying with the requirements of this section, a point system is established, and the applicant is required to receive a certain number of points, depending on the proposed use and size of the development. The provisions allow the applicant to choose how they will gain the required number of points by choosing from a menu list of green building feature options (see Table 5-804.B: Green Building Point System). The intent is to base the points awarded for different types of green building features based on their difficulty and expense to include in a development. We see this draft as a starting point for community discussion on these provisions, and welcome any suggestions for revisions and input from all members of the community. It is also important to note that the menu option is set up so that it can be easily amended over time, as new green building technologies emerge and community values change.

## 5-803. GREEN BUILDING STANDARDS

### A. Minimum Amount of Points Required

Development subject to the standards of this section shall achieve the following minimum number of points from the menu of options shown in Table 5-804.B: Green Building Point System.

1. *Minimum Requirements for Residential Development*
  - A. 6 to 29 units: 3 points.
  - B. 30 or more units: 4 points.
2. *Minimum Requirements for Nonresidential Development*
  - A. 8,000 to 25,000 square feet: 3 points.
  - B. More than 25,000 square feet: 4 points.

### B. Green Building Point System

Development subject to the standards of this section shall use Table 5-804.B: Green Building Point System, to determine compliance with this section.

TABLE 5-804.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
<b>Location of Development and Redevelopment/Adaptive Reuse</b>	
Development in the Town Center-PD or TMU-PD	1.00
Adaptive reuse of a designated historic building	1.00
<b>Energy Conservation</b>	
Meet ASHRAE <sup>533</sup> standards for lighting	0.75
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent	1.00
Home energy rating system (HERS) index greater than 90 and less than or equal to 95	0.50
HERS index greater than 85 and less than or equal to 90	0.75
HERS index greater than 75 and less than or equal to 85	1.00
HERS index less than or equal to 75	1.50
Stated water heater efficiency between 0.675 to 0.82	0.75
Stated water heater efficiency of 0.82 or more	1.25
Air conditioner with stated efficiency greater than 14 SEER is included as standard	0.75
Air conditioner with stated efficiency greater than 16 SEER is included as standard	1.25
Install a "cool roof" on a minimum of 50 percent of the rooftops in the development or subdivision; the "cool roof" shall cover the entire roof of the dwelling or nonresidential building	1.50
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure	0.50
Use central air conditioners that are Energy Star qualified	0.50
Use only solar or tank-less water heating systems throughout the structure	0.50
<b>Alternative Energy</b>	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	2.00
Generate or acquire a minimum of 25 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	1.00
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	1.00

<sup>533</sup> American Society of Heating, Refrigerating and Air-Conditioning Engineers



<b>TABLE 5-804.B: GREEN BUILDING POINT SYSTEM</b>	
<b>Development Feature</b>	<b>Points Earned</b>
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	0.50
Pre-wire a minimum of 25 percent of residential dwelling units in the development for solar panels	0.25
Install solar panels on a minimum of 50 percent of dwelling units contained in single-family, two family, townhouse, or multi-family dwellings	1.50
Install solar panels on a minimum of 75 percent of dwelling units contained in single-family, two-family, townhouse, or multi-family dwellings	2.00
Install solar panels on primary structure, and at least 50 percent of buildings in a nonresidential development	1.50
Install solar panels on primary structure, and at least 75 percent of buildings in a nonresidential development	2.00
Install solar panels on 100 percent of buildings in a nonresidential development	2.50
<b>LEED Certification or Equivalent</b>	
Construct the principal building(s) to meet or exceed LEED® Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	1.50
Construct the principal building(s) to meet or exceed LEED® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	2.50
<b>Passive Solar</b>	
Orient a minimum of 75 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	2.00
Orient a minimum of 50 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	1.50
Orient a minimum of 25 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of east-west for maximum passive solar exposure	0.75
Orient at least 50 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.50
Orient at least 25 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.00
<b>Water Conservation and Water Quality</b>	
Design all areas required to be landscaped as an integrated system to meet on-site stormwater quality requirements for the development through incorporation of low impact development design principles and use of best management practices for on-site storm-water management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped conveyances must discharge to pervious areas.	2.50
Use low-impact development techniques, including but not limited to grass buffers and swales or bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems) to meet half of stormwater management requirements	1.00
Install a green/vegetated roof on the primary structure, or on at least 50 percent of primary buildings in a multi-building complex; green/vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by Section 5-4, Landscape Standards	1.50
All showerheads and handheld showers achieve 2.0 GPM or less	0.50

**TABLE 5-804.B: GREEN BUILDING POINT SYSTEM**

<b>Development Feature</b>	<b>Points Earned</b>
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50
All toilets are 1.28 GPF or less	0.50
All toilets have dual activated flushing	1.00
Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two residential units	0.50
<b>Vegetation</b>	
Remove all lawn or turf in favor of ground cover consisting of plant material or mulch	1.00
Limit turf grass to 30 percent of the landscaped area	0.50
<b>Urban Agriculture</b>	
Provide a fenced, centrally located community garden space for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit	1.00
Provide a minimum of one on-site composting station for every 25 units	0.25
<b>Building Materials</b>	
Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	1.50
Source a minimum of 40 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	2.50
<b>Universal Design</b>	
<p>Provide the following universal design features in 33 percent of the residential units in the development:</p> <ul style="list-style-type: none"> <li>• A no-step entry on an accessible route to the unit;</li> <li>• First floor kitchen, bathroom, and a bedroom;</li> <li>• The following elements to allow maneuvering space: <ul style="list-style-type: none"> <li>• A 32-inch clear opening at doorways;</li> <li>• A 36-inch clear passage;</li> <li>• 42-inch wide hallways; and</li> <li>• 30-inch x 48-inch clear space next to bathroom sink, tub/shower and toilet;</li> </ul> </li> <li>• Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and</li> <li>• Reachable outlets and switches.</li> <li>• Grab bars in first floor bathroom(s) by commode and in shower(s);</li> <li>• Handicap accessible shower in first floor bathroom(s); and</li> <li>• Raised toilet seats in first floor bathroom(s).</li> </ul>	1.00
<p>Provide the following universal design features in 66 percent of the residential units in the development:</p> <ul style="list-style-type: none"> <li>• A no-step entry on an accessible route to the unit;</li> <li>• First floor kitchen, bathroom, and a bedroom;</li> <li>• The following elements to allow maneuvering space: <ul style="list-style-type: none"> <li>• A 32-inch clear opening at doorways;</li> <li>• A 36-inch clear passage;</li> <li>• 42-inch wide hallways; and</li> <li>• 30-inch x 48-inch clear space next to bathroom sink, tub/shower and toilet;</li> </ul> </li> <li>• Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and</li> <li>• Reachable outlets and switches.</li> <li>• Grab bars in first floor bathroom(s) by commode and in shower(s);</li> <li>• Handicap accessible shower in first floor bathroom(s); and</li> <li>• Raised toilet seats in first floor bathroom(s).</li> </ul>	2.00

TABLE 5-804.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
<b>Transportation</b>	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.50
Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building	1.00
Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building	1.50
<b>NOTES:</b> [1] Standard for the Design of High-Performance Green Buildings, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2014, as amended, or other appropriate ASHRAE standards, as amended. [2] Energy Standard for Buildings Except Low-Rise Residential, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2016, as amended, or other appropriate ASHRAE standards, as amended.	

### C. Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this section at the time of submittal of a development application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

### 5-804. FAILURE TO INSTALL OR MAINTAIN GREEN BUILDING ELEMENTS FOR COMPLIANCE

Failure to install or maintain approved green building elements that are to be provided to comply with this section is a violation of this LDC, and may result in revocation of the development approval or permit.

## SECTION 5-9. PLAT STANDARDS<sup>534</sup>

### 5-901. PURPOSE AND INTENT<sup>535</sup>

- A. The purpose of this section is to provide for the proper and orderly subdivision and recording of plats in compliance with the site development and dimensional standards in this LDC, and applicable state law.

### 5-902. APPLICABILITY

- A. The standards of this section apply to all development in the Village, unless exempted in accordance with subsection B below. All development subject to the requirements of this section shall receive approval of a plat prior to the sale, conveyance, or transfer of land.
- B. The following are exempt from the standards of this section.<sup>536</sup>
  - 1. A division of land that was accomplished in accordance with a development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements are made, or that a security for the performance of the improvements has been posted and is current.

<sup>534</sup> This section builds on the existing provisions from 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.

<sup>535</sup> This is a new section that states the purpose of the plat standards.

<sup>536</sup> This is carried forward from Sec. 10-215 of the transitional LDC.

2. The division of land for the conveyance of land to a federal, state, Lee County, the Village, or a public utility.
3. The division of land by judicial decree.
4. A division of land approved in accordance with Sec. 2-502.B, Limited Development Order provided the division does not result in the creation of three or more<sup>537</sup> lots out of a parent parcel that existed on January 28, 1983.<sup>538</sup>

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#### **5-903. PLAT STANDARDS<sup>539</sup>**

- A. All land subject to this section shall be subdivided, and have a plat of the entire parcel of land that complies with Ch. 177 pt. I, Fla. Stat., Platting, and the Administrative Manual.<sup>540</sup> The subdivision plat shall be recorded in the official records of Lee County, prior to the approval of a building permit. Review copies of the plat shall be submitted with a development order or limited development order application, as applicable.
- B. The initial plat submittal shall include a boundary survey of the lands to be platted, in accordance with Sec. 177.041, Fla. Stat.
- C. Plats are not required for an initial lot split granted as part of a Type E Limited Development Order (see Sec. 2-502.B, Limited Development Order) However, if, subsequent to an initial lot split, an additional lot split is requested, and that lot split results in the creation of more than four lots out of the original parent parcel as the parent parcel existed on January 28, 1983, then a plat in accordance with subsection A above is required.
- D. A building permit may be issued for model buildings and sales centers prior to recording of the plat, if evidence of unified control is provided and any certificate of occupancy issued for the development is only for model buildings or sales use, until the plat is recorded.
- E. Where a division of land will result in the creation of three or more<sup>541</sup> lots out of a parent parcel that existed on January 28, 1983, where the lots did not previously require a plat:
  1. The plat required as a result of the additional lot split shall include all lots that were part of the parent parcel as it existed on January 28, 1983. However, if all parcels are not under common ownership with the parcel subject to the additional lot split, the applicant shall provide proof that the applicant made a bona fide, good faith effort to request, by certified mail, return receipt requested, that the property owners of lots not under common ownership be included in the plat, and those property owners refused to consent to the plat, or the current property owner failed to respond to the applicant's request after a reasonable time for a response.
  2. Where a property owners' association covering portions of the parent parcel has been formed to provide for the maintenance of common infrastructure, the owners of the lot to be created shall provide documentation consenting to become a member of the association.
  3. All platted parcels, including residual parcels, shall conform to the minimum regulations and requirements of this LDC for the zoning district in which the parcel is located.

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#### **5-904. LOT STANDARDS<sup>542</sup>**

##### **A. General**

The dimensions and area of a lot shall comply with the minimum requirements of the zoning district in which it is located in accordance with Chapter 3: Zoning Districts.

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<sup>537</sup> This is updated from "more than four" to reflect state law changes.

<sup>538</sup> Although there are no recent examples of a plat preceding this date, staff requests carrying the standard forward.

<sup>539</sup> This is carried forward from Sec 10-211, 10-212, and 10-213 of the transitional LDC. Although plats are recorded at the County, the standards are required by the Village. References to the County in this section are converted to the Village.

<sup>540</sup> As part of a procedures manual or an administrative manual, the Village will include as "Technical Requirements for Plat Approval" the full text of Lee County Administrative Code 13-19 as it existed at the time of incorporation or as it has been interpreted to date. 13-19 may then be modified to fit the evolving needs of the Village without the burden of amending the LDC.

<sup>541</sup> This is updated from "more than four" to reflect state law changes.

<sup>542</sup> This carries forward Sec. 10-254 of the transitional LDC.

**B. Double Frontage Lots**

Double frontage lots shall be permitted only where necessary to separate a development from an arterial or collector street or to overcome a disadvantage of topography and orientation.

**C. Lot Lines**

Side lot lines shall be, as nearly as practical, at right angles to straight street lines and radial to curve street lines. Side lot lines and rear lot lines shall, where practical, consist of a straight line segment (this provision shall not apply to new platted lots). The Director may waive or modify this standard upon a showing of good cause, including, but not limited to, the following factors:

1. Unusual size or shape;
2. The size of lots;
3. Existing ownership and development patterns;
4. The location of existing structures on the lot(s); and
5. Natural or man-made site features.

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**5-905. MONUMENTS**

**A. Permanent Reference Monuments (PRMs)**

1. Permanent reference monuments (PRMs) shall be placed as required by Ch. 177, Fla. Stat., and approved by a licensed, registered state professional land surveyor, on the boundary of all development.
2. PRMs<sup>543</sup> shall be set in the ground so that the top is flush or no more than one-half foot below the existing ground. Subsurface PRMs shall be exposed for inspection when a plat is submitted for review. If development of the subdivision occurs after a plat is reviewed, the PRMs shall be raised or lowered to be flush or no more than one-half foot below the finished ground. Subsurface PRMs shall be exposed for inspection at the time of final inspection of the development.

**B. Permanent Control Points (PCPs)**

Permanent control points (PCPs) shall be installed in accordance with Ch. 177, Fla. Stat. When a plat is recorded prior to construction of the subdivision improvements, the PCPs shall be set following completion of construction. The surveyor shall certify that the PCPs are set, shall record the certification in the official record books of Lee County, and shall provide proof of recordation to the Village.<sup>544</sup>

**C. Monuments**

Monuments shall be installed in accordance with Sec. 177.091(9), Fla. Stat.

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**5-906. LOT RECOMBINATION<sup>545</sup>**

The Director may approve the combination or recombination of platted lots of record created through a plat recorded in the official records of Lee County, provided the density established through the original plat is not increased and the resulting lots comply with all applicable requirements of this LDC.

**A. Application**

The application for a lot recombination shall be made in writing on the form provided by the Director. The application shall include:

1. A copy of the plat book and page, if applicable;
2. Copies of the most recent deeds for all of the affected lots;
3. Copies of the deeds establishing that the lots are lots of record, if the lots are unplatted;

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<sup>543</sup> “Monuments” are replaced with “PRMs” to differentiate from non-PRM monuments, below.

<sup>544</sup> This provision is revised to add proof of recordation. The Village can access Lee County records remotely, so the burden is minimal.

<sup>545</sup> This carries forward Sec. 10-217 of the transitional LDC.



4. A statement signed by the applicant, under oath, stating the applicant is the owner or the authorized representative of the owner of the property and has authority to process the application on behalf of the owner;
5. An area location map;
6. A survey sketch showing the existing and proposed lot lines and the existing and proposed legal descriptions of the affected lots; and
7. A written explanation of the reasons for the request.

**B. Relocation of Easements**

All easements that are affected by a proposed lot recombination shall be vacated and relocated, if applicable, in accordance with state law.

**C. Not a Division**

The combination of two or more lots of record into one lot is not a “division,” and is not subject to the approval process described in this section. However, any easements that are affected by a lot combination shall be vacated and relocated, if applicable, in accordance with the state law.

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**5-907. STREET NAMES<sup>546</sup>**

Street names shall not be used which will duplicate or be confused with the names of existing streets. New streets that are an extension of or in alignment with existing streets shall bear the same name as the existing streets. All courts and circles shall have one name only. All proposed street names shall be approved in writing by Lee County E911 Addressing and the Director and be indicated on the plat, if any, and on the site plan.

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**SECTION 5-10. UTILITIES<sup>547</sup>**

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**5-1001. GENERAL STANDARDS<sup>548</sup>**

- A. Development shall be designed to provide sufficient potable water and sanitary sewage services to prevent potential hazards to the health, safety and welfare of the public, in accordance with the requirements of this section
- B. Where a development is not required to connect a potable water system operated by a potable water utility in accordance with Sec. 5-1002, Potable Water Systems, or is not required to connect to a sanitary sewer service operated by a sewer utility in accordance with Sec. 5-1003, Sewer Systems, the water and sewage systems proposed to serve that development must be of sufficient capacity for the intended initial uses, and provisions must be made for expansion, increased capacity and extensions for any future uses through appropriate and binding legal commitments, including the commitment to connect to a central system at such time as it is created or extended to the development in accordance with this section.
- C. Public water systems and public sewage systems shall be designed and constructed in accordance with Village, state, and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the Uniform Fire Code (Sec. 6-551 et seq., Code of Ordinances), which is incorporated herein by reference. Public water systems and public sewage systems shall also be designed to the standard specifications and other requirements of the franchised utility provider which will provide service.<sup>549</sup>

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<sup>546</sup> This carries forward Sec. 10-255 of the transitional LDC.

<sup>547</sup> This section carries forward and refines the provisions of the existing Utilities ordinances in Chapter 10, Article III, Division 4 of the transitional LDC, Sec. 10-351 et seq.

<sup>548</sup> We will be adding definitions in Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement for the following terms used in this section: “Certificated Service Area,” “Franchised Service Area,” and “Investor-owned Utility.” The terms used in this section “Permanent Control Point,” “Service Area,” “Sewage System,” and “Potable Water System” are defined in the transitional LDC and will be carried forward in the definitions.

<sup>549</sup> The referenced Uniform Fire Code is included in the transitional LDC and will remain. By its terms, the Uniform Fire Code only applies to unincorporated Lee County. Sec. 6-551. The Village should consider updating the text of the code accordingly to apply to the Village.

- D. A public sewage system, which shall be designed by a Florida licensed engineer, shall be designed, constructed, and maintained so it does not adversely affect the water quality of any existing stream, lake, or underground aquifer.
- E. No development order or limited development order, as appropriate, shall be issued for any development until provisions for sanitary sewage disposal and potable water service are made that satisfy the requirements of this section and the Florida Department of Health (FDOH) and the Florida Department of Environmental Protection (DEP), as applicable.
- F. Sewage systems and potable water systems shall comply with the following general location and installation standards:
  - 1. All treatment facilities shall be located and constructed to minimize noise, odor, and other effects and impacts on the public health, safety, and welfare.
  - 2. All aboveground or partially aboveground facilities (active or passive) shall be set back at least 100 feet from any perimeter property line.
  - 3. Belowground disposal facilities (drainfields, mound drainfields, injection wells, etc.) shall be set back at least 50 feet from the nearest residential lot.
  - 4. The location of all facilities shall be in accordance with all applicable Village, state, and federal regulations.

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## **5-1002. POTABLE WATER SYSTEMS**

### **A. Connections Required**

- 1. The following types of developments, when located within the boundaries of a certificated or franchised service area of any potable water utility, or within the County utilities' future water service areas as delineated on Map 6 in the Lee Plan, shall connect to that respective potable water system:
  - A. Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development that contains fewer than ten dwelling units in any phase or combination of phases located more than one-quarter mile from a point of connection;
  - B. Any commercial or industrial development that exceeds 30,000 square feet of gross floor area or that will use more than 5,000 gallons per day of water;
  - C. Any commercial or industrial development that will use more than 1,000 gallons per day of water that is located within 50 feet of a connection point, as measured from the property line;
  - D. Any commercial or industrial subdivision consisting of more than five lots located less than one-quarter mile from a point of connection; and
  - E. Any residential, commercial, or industrial development of any size where central water lines are or will be located in a public right-of-way or easement adjacent to any portion of the property and are made available for connection within 90 days of the issuance of the development order or limited development order, as appropriate.
- 2. The provisions of this subsection become effective for each investor-owned utility upon the execution of an agreement with the Village demonstrating the availability of an equitable program of rebatable agreements.

### **B. Private Systems**

If the proposed development is not required to connect to a potable water system in accordance with subsection A above:

- 1. A development order, limited development order, or plat, as appropriate, may be issued upon satisfactory documentation that the development will itself provide water service in accordance with the regulations of the FDOH, the FDEP, and the SFWMD.
- 2. It is agreed that the private system approved under paragraph 1 above shall be removed or abated, and connection to the public potable water system shall be made within 90 days from the date the public utility provides written notice to the property owner that potable water service is installed in a public right-of-way or easement adjacent to any portion of the property at the boundary of the development, is available for connection, and that connection is mandatory. An

appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance; and

3. The private water system shall comply with Ch. 64E-8, F.A.C.

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#### **5-1003. SEWER SYSTEMS**

##### **A. Connections Required**

1. The following types of developments, when located within the boundaries of the certificated or franchised service area of any sewer utility, or within the County utilities' future sewer service areas as delineated on Map 7 in the Lee Plan, shall connect to that respective sewer system:
  - A. Any residential development that exceeds 2.5 dwelling units per gross acre, except for a development that contains fewer than ten dwelling units in any phase or combination of phases located more than one-quarter mile from a point of connection;
  - B. Any commercial or industrial development that exceeds 30,000 square feet of gross floor area or that will generate more than 5,000 gallons per day of sewage;
  - C. Any commercial or industrial development that will generate more than 1,000 gallons per day of sewage that is located within 50 feet of a connection point, as measured from the property line;
  - D. Any commercial or industrial subdivision consisting of more than five lots located less than one-quarter mile from a point of connection; and
  - E. Any residential, commercial, or industrial development of any size where central sewer lines are or will be located in a public right-of-way or easement adjacent to any portion of the property and made available for connection within 90 days of the issuance of the development order or limited development order, as appropriate.
2. The provisions of this subsection become effective for each investor-owned utility upon the execution of an agreement with the Village demonstrating the availability of an equitable program of rebatable agreements.

##### **B. Private Systems**

If the proposed development is not required to connect to a sewer system in accordance with subsection A above:

1. A development order, limited development order, or plat, as appropriate, may be issued upon satisfactory documentation that the development will itself provide sanitary sewer service in accordance with the requirements of the FDEP, or on-site sewage disposal in accordance with the requirements of the FDOH.
2. It is agreed that the private system approved under paragraph 1 above shall be removed or abated and connection to the utility shall be within 90 days from the date the utility provides written notice to the property owner that sanitary sewer service is installed in a public right-of-way or easement adjacent to any portion of the property at the boundary of the development, is available for connection, and that connection is mandatory. An appropriate bond or equivalent security may, at the utility's option, be tendered to the affected utility to ensure compliance.
3. The private sewage disposal system shall comply with Ch. 64E-6, F.A.C.

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#### **5-1004. REUSE WATER SYSTEMS<sup>550</sup>**

- A. Wherever technically feasible, the irrigation of grassed or landscaped areas shall be provided for through the use of a second water distribution system supplying treated wastewater effluent or reuse water. This reuse water system shall be separate and distinct from the potable water distribution system and shall be constructed and operated in accordance with the rules of FDEP and Ch. 62-610, F.A.C.

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<sup>550</sup> This subsection carries forward Sec. 103-354 of the transitional LDC with several changes. The subsection listing how reuse water could be utilized in the transitional LDC states "Additional permissible uses of reuse water include fountains and other

## **B. Use of Reuse Water**

1. A proposed development shall be designed to maximize the use of reuse water if the following conditions are met:
  - A. The proposed development is located in the franchised or certified service area of a sanitary sewer utility, or within the Village's or County's future sanitary sewer service area;
  - B. The sanitary sewer utility is able to supply reuse water;
  - C. The reuse water supplied by the sanitary sewer utility is of a quality and quantity commensurate with the irrigation needs of the proposed development; and
  - D. The nearest property line of the development is located within one-quarter mile of the reuse distribution system.
2. Any proposed development which is planned to rely on a private on-site wastewater treatment facility and whose design average daily flow is 100,000 gallons per day or more, shall be designed to maximize the use of reuse water from the on-site wastewater plant.
3. Reuse water may also be utilized for all uses permitted under state law.

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## **5-1005. EASEMENTS**

### **A. General standards**

1. *Water Distribution and Sewer Collection Lines*
  - A. Water distribution and sewage collection lines shall not be installed under the paved traveled way of any arterial or collector street unless it is necessary that the lines cross under the street. Unless otherwise permitted by the Village, water distribution and sewage collection lines that cross under arterial or collector streets shall be installed perpendicular to the street and shall comply with the requirements of the Lee County Administrative Code for utility construction activities in either County-owned or County-maintained or Village-owned or Village-maintained street and drainage rights-of-way and easements. Water distribution lines and sewage collection lines shall not be installed in street rights-of-way or roadway easements unless the installation does not interfere with the ultimate cross section of the roadway and drainage within the right-of-way. Water distribution lines shall be located to accommodate future expansion of arterial and collector streets. For all new local streets or accessways in proposed developments, a minimum ten-foot-wide utility easement shall be provided on both sides of those streets or accessways; actual width shall be determined on a case-by-case basis so as to be accommodated within the utility easements.
  - B. Water distribution lines shall be installed at the edge of the street right-of-way or street easement or outside of the right-of-way if the water distribution line will conflict with the ultimate cross section of the street.
  - C. Sewage collection lines may be installed under the traveled way of local streets. Sewage collection lines shall be installed at the edge of street rights-of-way for arterial or collector streets or outside of the right-of-way if the sewage collection lines will conflict with the ultimate cross section of arterial or collector streets.
2. Utility easements shall be shown on the approved development order or limited development order, as appropriate, and power lines, telephone lines, television lines, and gas lines shall be installed within the easements. Water distribution lines and sewage collection lines shall be installed within the right-of-way or within the easements as noted in subsection 1 above.

### **B. Extension of Existing Utilities**

The extension of existing utilities shall be in accordance with the prevailing conditions as they exist, provided no conflict is created after consideration is given to the ultimate cross section of the roadway and drainage within the right-of-way as determined by the Director. For new developments, where no

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landscape water features, fire suppression, toilet flushing (only) in structures containing no dwelling units." Subsection (C) revises the language to allow reuse water to be utilized for all uses allowed under state law. In addition, the transitional LDC refers to the reuse water rules in Chapter 17-610 of the FAC. However, there is no rule at that citation — the correct reference appears to be Chapter 62-610, which is the reference included in this draft.

physical or design conflict would be created, and where it is not prohibited by the regulations of FDOT, the Lee County Department of Transportation, FDEP, or FDOH, potable water mains shall be located on the north and west sides of the right-of-way or roadway, and sanitary sewer gravity or pressure lines, force mains, and reuse water distribution mains shall be on the side opposite that in which potable water is installed. An illustrative cross-section is included in Appendix D, Section I, Utility Placement in Local Roads. If it is determined after consultation with the Director that a conflict with the ultimate cross section is created by the utility, then the proposed utility extensions shall be offset to an easement that is not within the right-of-way when the proposed extension is to be constructed.

**1. Easements**

**A. Easements along rear lot line**

When a utility company requests a utility easement along rear lot lines, the easement shall be 16 feet in width and shall be centered on the rear lot line through any block where lots are back to back, or eight feet in width where the adjacent land is vacant or subdivided, or ten feet in width and adjacent to the rear lot line when the adjacent property is a street right-of-way or street.

**B. Easements along side lot line**

When a utility company requests a utility easement along a side lot line, the easement shall be a minimum of 12 feet in width and shall be centered on the lot line.

**C. Easements along drainage easement**

When a utility company requests a utility easement along a side or rear lot line and there is to be a drainage easement along that lot line, the utility easement shall be provided adjacent to, and in addition to, the drainage easement.

**2. Reduction or waiver of requirements**

The width of the utility easements otherwise specified in this section may be reduced, or the requirement for the utility easements may be eliminated, or the number and location of the utility easements may be reduced or modified, if all of the applicable utility companies state, in writing, that the easement may be eliminated or reduced in width. This reduction or waiver of the utility easement requirements may only be addressed at time of approval of a development order, limited development order or plat, as applicable.

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**5-1006. MAINTENANCE AND OPERATION**

- A.** Where the developer provides a public water or sewage system, the treatment plants, lines, and all other appurtenances shall be maintained and operated through a covenant which runs with the land, in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the service that the plant will be continually operated and maintained. Such operation and maintenance shall be in accordance with the rules and regulations of FDEP.
- B.** Regardless of the method chosen to provide for the continual maintenance and operation of the plant, the beneficiaries of the service shall be provided with a legal right to enforce this assurance that the plant shall be continually operated and maintained.

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**5-1007. INSPECTION**

- A.** The Director shall periodically inspect all construction of water and sewage systems, including systems not to be dedicated to the public.
- B.** The Director shall immediately call to the attention of the developer and the developer's engineer any failure of work or material.
- C.** The Village Council, at the recommendation of the Director, may suspend work that is not in conformity with approved plans and specifications, and shall require inspections, as necessary.
- D.** After required improvements have been installed, the developer's engineer shall be required to submit certification, including as-built drawings, to the Village that the improvements have been constructed substantially according to approved plans and specifications.



- E. Approval of completed water and sewage system improvements shall be given in writing by the franchiser to the Director.

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**5-1008. PIPING MATERIALS**

Approved utility piping materials for use in rights-of-way are identified in Appendix E: Piping Materials.

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**SECTION 5-11. FIRE SAFETY<sup>551</sup>**

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**5-1101. GENERAL STANDARDS<sup>552</sup>**

All development shall include an adequate fire protection system. Fire protection systems and public water systems shall be designed by a Florida Registered Engineer and constructed in accordance with Village, state, and federal standards, including the domestic requirements established by the appropriate state agency and the fire protection requirements established by the Florida Prevention Fire Code.

**5-1102. APPLICABILITY AND INTERPRETATION**

- A. The provisions of this section apply to all development within the Village.
- B. Formal interpretations on water supplies and fire department access shall be made by the Director in consultation with the appropriate Fire Marshal.

**5-1103. MINIMUM STANDARDS FOR ALL DEVELOPMENTS**

**A. Fire Department Access**

Suitable Fire Department access shall be provided to all structures in accordance with the provisions contained in Chapter 18.2, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition). Exceptions to this requirement may be permitted where, in the opinion of the Director, in consultation with the appropriate Fire Marshal, a modified Fire Department access is required due to size, construction, location, or occupancy of a building

**B. Fire Flows**

Fire flows for all development shall be determined according to these standards before the issuance of a development order or limited development order, or plat, as appropriate.

1. The Engineer, Contractor, or Installer of water supply systems in new development shall demonstrate, by actual test, that the capacity of the water supply system will meet fire protection design requirements as set forth in Chapter 18.4, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition).
2. A fire flow of the existing public water system shall be made before the issuance of a development order, limited development order, or plat, as appropriate, for all developments in or within one-quarter mile of an existing public water system.
3. Fire flow tests shall be witnessed by the Fire Department and other authorities having jurisdiction.
4. A minimum flow in all cases shall be 1,000 gallons per minute with a 20 pounds per square inch residual.
5. Development not capable of delivering the required fire flow shall provide automatic sprinkler systems in accordance with all current state and local codes. Alternatively, the Director, in consultation with the appropriate Fire Marshall, may allow developments not capable of delivering the required fire flow to provide an additional source of water for fire protection in accordance with Sec. 5-1104 below.

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<sup>551</sup> This section carries forward and refines the provisions of the existing Fire Safety ordinances in Chapter 10, Article III, Division 5 of the transitional LDC, Sec. 10-381 et seq.

<sup>552</sup> The first sentence carries forward Sec. 10-8(11) of the transitional LDC.

#### 6. *Reductions in Fire Flow Requirements*

Fire flow requirements may be reduced if the building is protected by an automatic sprinkler system installed in accordance with all state and Village codes.

- A. The fire flow requirement may be reduced in accordance with Sections 18.4.5.1 and 18.4.5.2, Florida Fire Prevention Code (NFPA 1, FIRE CODE, FLORIDA current edition) for one- and two-family dwellings and buildings other than one- and two-family dwellings, respectively.
- B. The fire flow requirement for one- and two-family dwelling units may be reduced by 25 percent when the units are separated by a minimum of 30 feet.

#### C. **Water Main Installation**

Water main installation shall be provided in accordance with the following standards:

1. Water mains for one- and two-story residential buildings consisting of between one and six dwelling units per building shall be no less than eight inches in diameter, and constructed in an external loop connected to intersecting water mains at a maximum distance of 1,500 feet.
2. Water mains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height shall be no less than ten inches in diameter, and shall be constructed in an external loop system with intersecting water mains installed every 2,000 feet.
3. Water mains for all industrial areas and all hazardous storage areas shall be no less than 12 inches in diameter and constructed in an external loop system with intersecting water mains installed every 2,000 feet. Fire hydrants shall be installed on intersecting water mains.
4. The maximum allowed dead-end water line shall be no longer than one-half the distance required between intersecting water mains.
5. Any water main along an arterial street or considered by the utility company to be a main transmission line shall be sized to accommodate future growth, but in no case be less than specified in this section. A letter of approval from the utility company will be acceptable evidence of conformance with this requirement.
6. The applicant may submit a request to the Director for a deviation in accordance with Sec. 2-506.C.2, Administrative Deviation, for alternatives to line sizing, dead-end and intersecting water main criteria if they embody sound engineering practices and are demonstrated by the applicant's professional engineer.

#### D. **Fire Hydrant Design and Spacing**

The design and maximum spacing of fire hydrants shall be in accordance with the following standards.

1. Fire hydrants are required for all development provided with a public water system.
2. Fire hydrants shall be installed so that the 4½-inch streamer connection is no less than 18 inches and no more than 24 inches above finished grade.
3. Fire hydrants shall be located within ten feet of the curb line of fire lanes, streets, or private roads when installed along such accessways.
4. Fire hydrant spacing shall be determined using the last available hydrant on the public water system as the PCP.
5. Fire hydrant spacing for all development shall be measured along the centerline of the road. For the purposes of this subsection, the term "road" includes all road frontage, including roadways, drives, streets, avenues, or any other road designation. Also included shall be any private drive designated as required Fire Department access. Fire hydrants shall be spaced at no greater than the distances indicated in Table 5-1103.D: Fire Hydrant Spacing Standards.

<b>TABLE 5-1103.D: FIRE HYDRANT SPACING STANDARDS [1, 2, 3]</b>			
<b>Use</b>	<b>Size</b>	<b>Special Notes or Regulations</b>	<b>Fire Hydrant Spacing</b>
Residential	1-2 du/building		800 feet apart
	3-6 du/building	(a) and (c)	600 feet apart
	7+ du/building	(c)	400 feet apart
Commercial	Any	(c)	400 feet apart

Industrial	Any	(b) and (c)	300 feet apart
<b>NOTES</b> [1] For multifamily buildings taller than two stories, the maximum fire hydrant spacing shall be 400 feet apart. [2] For all hazardous storage areas, the maximum fire hydrant spacing shall be provided in accordance with the industrial standard. [3] On-site fire hydrants shall be provided so that in no case will there be a fire hydrant located more than 400 feet from all portions of the ground floor of any building. This shall be in addition to any other hydrant spacing requirement.			

#### 5-1104. DEVELOPMENT NOT PROVIDED WITH PUBLIC WATER SYSTEM

- A. Development not provided with a public water system shall have a fire protection system designed by a Florida registered engineer in accordance with NFPA pamphlet #1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, as modified by this section.
- B. Water for fire protection shall be made available on the fireground at a rate not less than the required fire flow.
- C. When bodies of surface water are available, drafting points consisting of a dry hydrant assembly, with eight-inch pipe and Fire Department connections, shall be provided unless the Fire Chief of the applicable fire district indicates, in writing, that the district will not accept a dry hydrant assembly for its use. In that event, an alternate means of fire protection in accordance with NFPA pamphlet #1142 shall be provided. A dry hydrant permit shall be approved by the Director in consultation with the appropriate Fire Marshal, and shall be obtained prior to installation of a dry hydrant.
- D. Drafting points shall be spaced at the same intervals of length as required for fire hydrant spacing.
- E. Extreme care shall be taken to ensure that the water supply required by this section will be available year-round. Means of maintaining the water supply shall be provided prior to issuance of a development order, limited development order, or plat, as appropriate. Means of maintenance shall include the supply of water, the means of storage of the water, and the associated piping arrangements necessary to deliver the water to the Fire Department.

### SECTION 5-12. REFUSE AND SOLID WASTE DISPOSAL FACILITIES<sup>553</sup>

- 5-1201.** All new construction except construction of a single-family residence dwelling shall provide sufficient on-site space for the placement of garbage containers or receptacles and for recyclable materials collection containers. At minimum, each development shall provide an area reserved for refuse and solid waste disposal in accordance with the standards in Table 5-12: Refuse and Solid Waste Disposal Facility Requirements.

TABLE 5-12: REFUSE AND SOLID WASTE DISPOSAL FACILITY REQUIREMENTS		
Building Size (sf) (for commercial/industrial uses) or Dwelling Units (for multifamily developments)	Garbage Collection (min. sf)	Recyclable Collection (min. sf)
Up to 5,000 sf	60	24
More than 5,000 up to 10,000 sf	80	48
More than 10,000 up to 25,000 sf, or between 5 and 25 dwelling units	120	96
More than 25,000 sf, or more than 25 dwelling units	216 sf for first 25,000 sf or 25 dwelling units, plus 8 sf for each additional 1,000 sf or dwelling unit	

<sup>553</sup> This carries forward Sec. 10-261 of the transitional LDC.

- 5-1202.** A minimum overhead clearance of 22 feet is required. A 12-foot wide unobstructed access opening shall be provided to accommodate all storage areas/containers.
- 5-1203.** All storage areas/containers shall be shielded on three sides in accordance with Sec. 5-410, Screening of Trash Receptacles, Storage, Service Areas and Garden Canisters.
- 5-1204.** Developments using a compactor for garbage collection shall provide sufficient space for the compactor (including receiver) in addition to the space required for recyclable collection.
- 5-1205.** Container space shall not be located within or encroach into the required perimeter landscape buffer (see Sec. 5-406, Perimeter Buffers). Concrete wall enclosures shall not be located within a public utility or drainage easement.

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## **SECTION 5-13. RESIDENTIAL IMPACT STANDARDS**

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### **5-1301. PURPOSE**

The purpose of these residential impact standards is to ensure that residential uses are not adversely impacted by noise, parking, and other impacts from nearby commercial activity.

### **5-1302. APPLICABILITY**

#### **A. General**

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

1. Contains residential uses;
2. Is located within 300 feet of land containing residential uses; or
3. Is located within 300 feet of land within the RSF, RM-2, MH, or MV zoning districts, or land zoned to a planned development district that includes or permits residential uses.

#### **B. Exemptions**

The following activities are exempt from the standards of this section:

1. The routine maintenance, repair, or replacement of building components, mechanical equipment, or appliances.
2. The installation of ancillary features such as fences, landscaping, landscape features, lawn furniture, apparatus, or building components that do not increase the intensity of the use on a site.

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### **5-1303. STANDARDS**

The following standards apply to development subject to this section:

#### **A. Off-Street Parking, Access, and Connectivity**

1. Notwithstanding the limitations in Sec. 5-202.B, Existing Development, all development shall provide the off-street parking required for the uses on the site in accordance with Sec. 5-205, Off-Street Parking Standards, and Table 5-205.B.1: Minimum Number of Off-Street Parking Spaces.
2. Off-street parking areas shall be placed to minimize impact on adjacent residential properties.
3. Access points shall be arranged to and avoid conflict with traffic in residential areas.
4. Parking lots that abut residential uses shall be screened from view by a perimeter buffer in accordance with Sec. 5-406, Perimeter Buffers, to mitigate their impact.
5. Pedestrian connections to public sidewalks and nearby residential areas are encouraged.

#### **B. Perimeter Buffers**

Based on the project design and surrounding development patterns, the PZDB may require development to provide additional landscaping and screening in addition to the requirements of Sec. 5-406, Perimeter Buffers if needed to adequately screen the development from nearby residential uses.



**C. Noise**

1. Development shall be designed to ensure that noise levels will not exceed the limits established in the County Noise Ordinance, Ordinance No. 82-32, as amended by Ordinance No. 83-22, and as subsequently amended.
2. Businesses with external noise generators such as outdoor live entertainment, drive-through facilities, and vehicle and boat rental and sales shall direct the noise sources away from nearby residences. The noise generated by these noise generators shall not be plainly audible more than 25 feet onto adjacent lands that contain residential uses or are zoned for residential use.

**D. Other Hazardous or Adverse Impacts**

Development shall develop a mitigation plan to minimize or eliminate potential hazardous or adverse impacts to nearby residential uses or lands zoned for residential uses. The Village reserves the right to require additional mitigation when it finds the identified impacts are not adequately addressed.

**E. Operational Standards**

Hours and days of operations of development subject to this section may be limited to minimize detrimental impacts to nearby lands that contain residential uses or are zoned for residential use.

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## **SECTION 5-14. CLEARING, GRADING, AND FILLING OF LAND STANDARDS<sup>554</sup>**

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**5-1401. GENERAL**

No land may be cleared, graded, excavated or filled, or otherwise altered, except in conformity with the regulations contained in this LDC and other Village ordinances.

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**5-1402. SITE GRADING AND SURFACE WATER MANAGEMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS**

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**A. Site Grading During Construction Activities**

The building site shall be graded and maintained during construction to:

1. Prevent erosion of soil onto adjacent or abutting properties and road rights-of-way or improved drainage conveyances;
2. Control surface water runoff to ensure that no surface water in excess of the preconstruction discharge flows onto developed adjacent or abutting properties; and
3. Maintain the flow capacity and function of existing drainage conveyances on or abutting the site including adjacent road rights-of-way / easements or improved drainage conveyances

**B. Final Site Grading**

1. Final grading of a lot shall:
  - A. Control and direct surface water runoff to ensure that surface water discharge is directed into an existing surface water management system or other offsite drainage conveyance; and
  - B. Preserve or relocate existing drainage conveyances necessary to maintain preconstruction flow capacity and function.
2. Final site grading plan features shall be maintained in perpetuity by the property owner. A property owner may not alter or modify the lot grading in a manner that will prevent continued drainage of the site in accordance with the lot grading plan in effect at the time the certificate of occupancy was issued.

**C. Lot Grading Plan**

1. A grading and drainage plan demonstrating compliance with the performance standards outlined in subsections A and B above shall be submitted with the application for building permit approval.
2. Prior to issuance of a certificate of occupancy, the building site shall be graded in accordance with the grading and drainage plan and a final inspection shall be approved by the Village.

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<sup>554</sup> This section is carried forward from Sec. 34-3104 of the transitional LDC.

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# CHAPTER 7

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## NATURAL RESOURCES

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### COMMENTARY

**Chapter 7: Natural Resources**, consolidates natural resource standards for the protection of the environment.

- **Section 7.1, Wildlife and Habitat Protection**, consolidates protections for various protected species, water wells and their wellfields, wetlands, trees, mangroves, aquifers, and surface waters.
- **Section 7.2, Flood Hazard Reduction Standards**, carries forward the standards from Village Ordinance 2015-16, which established the flood hazard reduction standards to minimize public and private losses due to flooding through regulation of development in the floodplain.
- **Section 7.3, Marine Facilities, Structures, and Equipment Standards**, carries forward and refines existing standards from Chapter 26 of the transitional LDC and conforms them to the organization and format of this LDC.
- **Section 7.4, Hurricane Preparedness**, carries forward and updates existing standards from Chapter 2, Article XI of the transitional LDC and conforms them to the organization and format of this LDC.

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

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## CHAPTER 7. NATURAL RESOURCES<sup>618</sup>

### SECTION 7-1. NATURAL RESOURCES GENERAL STANDARDS

#### 7-101. PURPOSE AND APPLICABILITY

Chapter 7: Natural Resources includes specific standards and regulations grouped by subject that require development to protect natural, historic, and scenic resources, including air, surface, and subsurface waters, and preserve their ecological integrity. These standards are initially reviewed as a part of certain applications to the Village.

### SECTION 7-2. ENVIRONMENTAL AND NATURAL RESOURCE STANDARDS

#### 7-201. WILDLIFE AND HABITAT PROTECTION<sup>619</sup>

##### A. Southern Bald Eagle<sup>620</sup>

##### 1. *Purpose and Intent*

The purpose of this subsection is to maintain a stable or increasing population of the southern bald eagle by protecting southern bald eagle critical nesting habitat. This is intended to be accomplished with incentives and proper habitat management through a management plan for land subject to imminent development.

##### 2. *Applicability*

The requirements of this subsection apply to lands within 660 feet of an active southern bald nest.

##### 3. *Southern Bald Eagle Standards Are Supplemental*

This subsection does not replace the Federal Endangered Species Act, the Federal Migratory Bird Treaty Act, the Federal Bald and Golden Eagle Protection Act, the Florida Endangered Species Act, or the permitting requirements of FWC's Bald Eagle Permitting Framework, which is incorporated in FWC Rule 68A-16.002, F.A.C. Instead, it is intended to supplement those laws to ensure protection of southern bald eagle critical nesting habitat.

##### 4. *Public Acquisition of Rights and Interest in Critical Eagle Nesting Habitat Lands*

The Village may acquire rights and interests in land designated as southern bald eagle critical nesting habitat. When a developer or property owner cannot accommodate southern bald eagle critical nesting habitat through reasonable site planning or proper access, the Village may acquire an interest through:

1. Receiving donations for acquisition of southern bald eagle critical nesting habitat lands;
2. Purchase or conveyance by dedication of a perpetual conservation easement for southern bald eagle critical nesting habitat lands;
3. Outright purchase or lease of southern bald eagle critical nesting habitat lands; or
4. Implementation by the Village Council of any combination of these or other actions to acquire rights and interests that balance the public and private interests.

<sup>618</sup> The provisions established in this chapter are consolidated as proposed in the Code Assessment, including all natural resource provisions not directly related to landscaping. The specific changes include changes in both language and scope reflective of the shift from the countywide transitional LDC to a Village-specific revised LDC. While organization and language have been improved, it is not the intent to change the natural resource protection system already in effect.

<sup>619</sup> This carries forward Ch.14 Art. II of the transitional LDC, excluding provisions that were only applicable to other parts of Lee County. Division 5, Beach and Dune Management, is excluded in its entirety.

<sup>620</sup> This carries forward Ch. 14 Art. II Division 3, Southern Bald Eagle, from the transitional LDC. Sec. 14-116, Eagle Technical Advisory Committee, is omitted in its entirety. It is instead suggested the Village confirm the County committee is willing to share its expertise as needed.



**5. Notification Procedure**

The Director will notify the FWC and the United States Fish and Wildlife Service (USFWS) upon receipt of a development application for land located within 660 feet of a southern bald eagle nest. The notice shall include any available information gathered by the Village or Lee County regarding the behavior of the eagles that are occupying the nest.

**6. Mechanisms for the Protection of Southern Bald Eagle Critical Nesting Habitat**

**A. Construction of Single- or Two-family Dwellings (Including Accessory Structures)**

Appropriate conditions limiting or prohibiting development during the nesting season may be attached to any development approval or permit approved under this LDC for single-family or two-family development, where such conditions are deemed necessary to prevent a loss of southern bald eagle critical nesting habitat. Such conditions may include but are not limited to defining the dates, equipment, and hours of operation for exterior construction to avoid disturbing a nesting eagle, eggs, or nestlings; provisions for habitat enhancement; or other provisions to protect the viability of the nest.

**B. Agricultural Activities**

Any person intending to conduct new agricultural activities on lands subject to this subsection shall consult with the Director prior to submitting any development application. If any improvements are proposed to occur within 330 feet of the critical nesting habitat, a bald eagle management plan consistent with the FWC Bald Eagle Management Plan shall be prepared, and mitigation and other design elements implemented to protect the habitat. Any proposal for improvements within 330 feet shall indicate that crop planting or harvesting will not occur during nesting season to avoid impacts to the critical nesting habitat.

**C. All Other Development**

1. Any person intending to develop land that is subject to the requirements of this subsection is encouraged to consult with the Director as early in the planning and design process as possible, to ensure there is protection and enhancement of the critical nesting habitat. A bald eagle management plan that protects critical nesting habitat shall be prepared and submitted with any development application. The Director may determine the form and content of the management plan to ensure and enhance the protection of critical nesting habitat.
2. Prior to consideration by the Village Council, all eagle management plans shall be reviewed by the Director and sent to the PZDB for review and comment.
3. No construction (structures or site work) shall occur within 660 feet of the critical nesting habitat during the nesting season, unless this provision is modified in an approved bald eagle management plan.
4. In determining whether the proposed development, management plan, and proposed conservation measures protect the southern bald eagle critical nesting habitat in accordance with this subsection, the Village Council shall consider the intensity of the proposed and existing development, the quality of the critical nesting habitat, the behavior of the specific nesting eagles, the extent of measures proposed in the management plan, and their consistency with the guidelines promulgated by FWC and the USFWS for the management plan. The Village Council may request technical assistance from the FWC or the USFWS, if appropriate. All these factors shall form the basis for the Village Council's decision on whether the proposed development and management plan protects the southern bald eagle critical nesting habitat and shall be approved, approved with conditions, or disapproved.
5. All development within critical nesting habitat and buffer areas shall comply with an approved development order and the bald eagle management plan.
6. A new or amended management plan will be required if subsequent development or a change in use is proposed that is inconsistent with an approved development order and management plan, or if a new or revised management plan is required in accordance with a condition included in the approved management plan.
7. An approved management plan will remain effective notwithstanding the abandonment of a nest unless the abandonment occurs prior to the use of any incentives (see Sec. 7-

201.A.8, Compensation Incentives for Protection of Critical Nesting Habitat) and the property owner relinquishes the incentives by amending the development order or taking other appropriate action.

**7. *Compensation Incentives for Protection of Critical Nesting Habitat***<sup>621</sup>

If the Village Council elects not to acquire a critical nesting habitat, the Council may permit all or some of the following special compensation benefits as incentives to the developer or property owner to protect critical nesting habitat in exchange for the property owner's agreement to institute mechanisms for protection or enhancement of the critical nesting habitat on the property:

- A. For a buffer area of 330 feet in radius or an approximate equivalent acreage, the property owner shall be allowed to transfer density from within the buffer area to designated upland areas within the subject property at the same density permitted for the property as determined through the planned development process. For a buffer area or portion thereof composed of wetlands, an internal transfer of one development right per five acres applies.
- B. For a buffer area of 660 feet in radius or an approximate equivalent acreage, in addition to the benefit set forth in subsection (A), above, the eagle preserve may offset any indigenous preserve or open space requirement at a ratio of 1.5:1 (1.5 acre of indigenous preserve or open space area is offset by each acre of eagle preserve);<sup>622</sup>
- C. The buffer areas shall be designated as critical nesting habitat and conveyed to the Village by either warranty deed or dedication of a perpetual conservation easement as a condition of receiving the incentives in this subsection.

**8. *Violations and Penalties***

- A. Any person who violates this subsection is in violation of this LDC and may be punished as provided by Ordinance 2015-14. The person will also be responsible for costs and expenses involved in the case. Each day a violation continues will be considered a separate offense.
- B. Any person who violates this subsection may be required to restore the southern bald eagle critical nesting habitat to its original undisturbed condition. If restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which will be placed as a lien upon the land where the violation occurs.
- C. Any violation of this subsection is a public nuisance and may be restrained by injunction by any interested party.
- D. The Village will notify the FWC of wildlife complaints or potential FWC rule violations. The Village will coordinate with FWC in enforcement activities.

**B. *Manatee Protection***<sup>623</sup>

**1. *Purpose and Intent***

The purpose of this subsection is to provide increased protection for the West Indian Manatee in the Village and Lee County.

**2. *Approval of Manatee Protection Plan***<sup>624</sup>

The *Lee County Manatee Protection Plan* (Manatee Protection Plan), dated June 17, 2004, approved by the Lee County Board of County Commissioners on June 29, 2004, and as amended and in effect on December 31, 2014, is incorporated herein by reference. Incorporation of the *Manatee Protection Plan* by reference includes any subsequent amendments or designated replacement plan approved by the Village Council.

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<sup>621</sup> These incentives existed in the transitional LDC, however we have not been able to determine if they have been used on land that became the Village prior to incorporation.

<sup>622</sup> This provision excludes the clause, "provided however, that such incentive has not already been applied in accordance with section 10-415(b)(3) or section 10-474(e)" which cites outdated provisions

<sup>623</sup> "Caloosahatchee River System" is removed from the section heading since the Village is not within the "major watersheds" for the Caloosahatchee, as mapped by Lee County.

<sup>624</sup> This provision is changed to account for Village incorporation and future administration by the Village.

### 3. *Applicability*

#### A. *General*

The standards of this subsection, including the *Manatee Protection Plan*, apply to all lands that are public navigable waters, creeks, bayous, canals, and channels, whether natural or manmade, and appurtenant adjacent lands within the Village.

#### B. *Manatee Protection Plan Provisions Prior to December 31, 2014*

To the extent provisions of the *Manatee Protection Plan* written prior to December 31, 2014 include areas outside the jurisdiction of the Village, those provisions shall be considered nonbinding guidance.

### 4. *Standards*

In reviewing a development application subject to the requirements of this subsection, the review body or person shall ensure the development proposal complies with the policies and requirements of the *Manatee Protection Plan*.

## C. **Habitat Protection for Additional Listed Species**<sup>625</sup>

### 1. *Purpose and Intent*<sup>626</sup>

The purpose of this subsection is to provide standards, guidelines, and requirements to protect listed animal and plant species identified in Appendix H: Protected Species List, by safeguarding the habitat in which these species are found from the impacts associated with land development.

### 2. *Development Application Requirements*

The following requirements shall be followed:

- A. Except as set forth in subsection D below, a survey shall accompany all planned development applications and all development order or limited development order applications, as applicable, where the Florida Land Use, Cover and Forms Classification System<sup>627</sup> codes for the property indicate a possible presence of a species listed in Appendix H: Protected Species List:
  - 1. The survey shall be prepared using survey methods which are set forth in the Administrative Manual, except that an alternative method may be approved by the Director.
  - 2. The survey shall include the presence of listed species in the Village (sightings, signs, tracks, trails, nests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.
  - 3. A map and narrative shall describe the methodology, as applied, and the findings. The mapped information shall be at the same scale as the development order or limited development order, whichever is applicable, and include an aerial map at a scale of one inch is less than or equal to 400 feet.
- B. Approved species surveys are valid for five years from the date of approval. If the subject parcel has habitat that is significantly altered, the Director shall determine whether a partial or complete re-survey is required.
- C. A management plan shall be submitted with all planned development applications. A management plan shall be required for all development orders or limited development orders, whichever is applicable, if listed species are found on the property, except as set forth in subsection D below. The management plan shall meet the requirements of Sec. 7-201.C.3, Management Plan, and is subject to final approval by the Director. If the master concept plan

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<sup>625</sup> This carries forward Ch. 10 Art. III, Division 8, Protection of Habitat, of the transitional LDC. It relocates the provisions near provisions addressing similar concerns from Ch. 14. Art II, Article II Wildlife and Habitat Protection, of the transitional LDC. Sec. 10-476, Variance Procedures and Appeals, of the transitional LDC is omitted in its entirety as it is redundant.

<sup>626</sup> This carries forward Sec. 10-471 of the transitional LDC.

<sup>627</sup> All references to the Florida Land Use Cover and Forms Classification System are maintained, but the shorthand is revised from FLUCCS to FLUCFCS, relying on the expertise of Johnson engineering for customary use of the term. Since the 1999 FLUCFCS was developed, the FDOT no longer makes additions to the base handbook, however it is still the source used most frequently by Florida communities.

on land approved as a planned development is vacated, a species survey and management plan will be required, unless the Director determines that prior surveys and management plans are adequate.

- D. Surveys and management plans are not required for:
1. Projects less than ten acres in land area and less than two acres in impervious area;<sup>628</sup> or
  2. Lands approved as a planned development (PD) prior to September 1, 1989 that are developed.

### 3. *Management Plan*

#### A. *Components of Plan*

The management plan required under this subsection shall include:

1. A one inch equals 200 feet aerial map and a map at the scale of the development order, limited development order, or plat, whichever is applicable, and drawings that include the following:
  - (a) Habitat classifications depicted using the Florida Land Use, Cover and Forms Classification System;
  - (b) The location of individuals, nest sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate; and
  - (c) Areas to be preserved, including habitat and buffers;
2. Recommended management activities; and
3. An action plan with specific implementation activities, schedules, and assignment of responsibilities.

#### B. *Occupied Habitat Buffer Areas Established*

Occupied habitat buffer areas shall be established for occupied habitat and shall extend at a distance appropriate for the listed species as set forth in Appendix H: Protected Species List,<sup>629</sup> except where off-site mitigation is permitted in accordance with Sec. 7-201.C.4, Off-Site Mitigation. If the FWC<sup>630</sup> has established the size and dimensions of an occupied habitat buffer area, those boundaries will supersede the distances shown in Appendix H: Protected Species List.

#### C. *Development and Occupied Habitat Areas*

The occupied habitat buffer area shall remain free of development, except for development that will not degrade species existing on the site. Occupied habitat buffer areas may be impacted by development if off-site mitigation is utilized in accordance with Sec. 7-201.C.4, Off-Site Mitigation. These buffer areas shall be identified on all associated applications, as applicable. Buffer areas shall not be divided by lot lines unless the Director determines that the division of these buffer areas by lot lines is consistent with the protected species management plan. A conservation easement or similar property interest shall be granted to the Village for the preserved property as a condition of the development order, limited development order, or final plat approval, whichever is applicable, unless the Director determines it is not logistically or economically feasible for the Village to maintain the easement. Encroachments into occupied habitat and habitat buffer are permissible only after the incentives set forth in Sec. 7-201.C.3.E, Occupied Habitat Buffer Area Incentives, are exhausted or off-site mitigation is permitted in accordance with Sec. 7-201.C.4, Off-Site Mitigation.

#### D. *Conservation Easements*

If adjacent parcels include conservation easements or other public interest in the land, diligent effort shall be made to connect the easements.

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<sup>628</sup> Replaced “small developments” from the transitional LDC with its existing section-specific definition.

<sup>629</sup> A protected species list for Lee County as a whole is included in Appendix H of the transitional LDC. It is carried forward in this draft as an appendix.

<sup>630</sup> This replaces Florida Game Commission with the new name for the commission.



E. *Occupied Habitat Buffer Area Incentives*<sup>631</sup>

The Village allows specific development incentives for the preservation of occupied habitat areas under this subsection. This incentive system applies only to those areas where other incentives have not been utilized and that are not preserved in accordance with Sec. 7-201.C.4, Off-Site Mitigation.<sup>632</sup> Occupied habitat buffer area incentives include the following:

1. Allowing required occupied habitat buffer areas to be used to address any applicable minimum open space standards at a ratio of one unit habitat and habitat buffer to one and one half unit required open space. In no event shall this credit be interpreted to reduce any required occupied habitat buffer area.
2. Single-family developments consisting solely of conventional single-family dwellings on lots 6,500 square feet in area or greater that do not have an open space requirement shall be exempt from Section 5-4, Landscape Standards, except for the minimum buffer requirements, so long as the applicant preserves occupied habitat buffer areas consisting of no less than ten percent of the development area.<sup>633</sup>
3. To the extent that occupied habitat buffer areas exceed applicable minimum open space requirements after the use of the above-described ratio in subsection 1, above, or as in subsection 2, above, exceeds ten percent of the development area, the Village shall allow encroachment into the occupied habitat.<sup>634</sup>

F. *Consideration of State Guidelines for Listed Species*<sup>635</sup>

In cases where FWC has guidelines for a listed species, those guidelines shall be considered in the preparation of the management plan.

G. *When Determination Made Without State Expertise*<sup>636</sup>

If the FWC fails to review any plan in conjunction with the Village's allotted time schedules, determinations may be made without the benefit of FWC expertise.

H. *Responsibility for Implementation of Management Plan and Monitoring Report Review*

Management plan implementation is the responsibility of the development owner and operator. A monitoring report on the condition of the habitat and management techniques applied to the habitat shall be submitted to the Director for review annually for five consecutive years, beginning with the date that the development order, limited development order, or plat, whichever is applicable, is approved.

I. *Management Plan Finalization*

The management plan shall be finalized prior to issuance of the development order.

4. *Off-Site Mitigation*

- A. On-site mitigation is preferred. If the Director determines On-site mitigation is not possible, off-site mitigation is permitted in-lieu of the preservation of occupied habitat buffer areas as required in Sec. 7-201.C.3.B, Occupied Habitat Buffer Areas Established, to the extent it is consistent with the requirements of the USFWS and the FWC rules and guidelines.<sup>637</sup>
- B. The applicant shall obtain and submit appropriate permits for off-site mitigation before a development order may be issued.
- C. A permanent management commitment for the relocation recipient site which is compatible with long-term protected species viability shall be ensured by either filing conservation easements for the site(s) in accordance with Sec. 704.06, Fla. Stat., or other formal

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<sup>631</sup> This carries forward Sec 10-474 (e) of the transitional LDC with a more descriptive heading.

<sup>632</sup> This is carried forward from Sec. 10-474 (E) of the transitional LDC.

<sup>633</sup> This carries forward Sec. 10-474(e)(2) of the transitional LDC.

<sup>634</sup> This carries forward Sec. 10-474(e)(3) of the transitional LDC.

<sup>635</sup> This carries forward Sec. 10-474(f) of the transitional LDC, replacing "game commission" with "state" in the heading and "FWC" in the paragraph text.

<sup>636</sup> This carries forward Sec. 10-474(g) replacing "game commission" with "state" in the heading and "FWC" in the paragraph text.

<sup>637</sup> This replaces the game commission with FWC.

commitments that are approved by the Village Land Use Attorney and enforceable by the Village.

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## **7-202. WELLFIELD PROTECTION<sup>638</sup>**

### **A. Purpose<sup>639</sup>**

#### **1. General**

The purpose of this subsection is to assist in protecting potable water supply by:

- A. Prohibiting or regulating abandoned wells and certain land uses and wellfields activities involving hazardous substances, toxic substances, and sanitary hazards within certain defined protection zones around the public utility potable water supply; and
- B. Providing standards for the regulation of activities that may allow the entrance of brackish water into identified protection zones surrounding existing wellfields, and prohibiting or regulating hazardous substances, toxic substances, and sanitary hazards within identified protection zones surrounding such wellfields, protecting existing public potable water supply wells from contamination.

#### **2. Intent**

The subsection is intended to supplement the rules and regulations promulgated by the state and federal government concerning groundwater supplies, wellheads, public drinking water, potable water, monitoring, sanitary hazards, and similar public water supply provisions.

### **B. Applicability<sup>640</sup>**

#### **1. Unless exempted by subsection C below, this subsection applies to:**

- A. All abandoned wells and certain public utility potable water supply wellfields .
- B. All areas surrounding a wellfield designated as wellfield protection zones on the Wellfield Protection Zone Map, which is incorporated herein as Appendix I: Wellfield Protection Zone Map.
- C. All storage facilities for petroleum products not regulated by Sec. 376.317, Fla. Stat., or Ch. 62-761 and Ch. 62-762, F.A.C.
- D. Sanitary hazards.

#### **2. This section only applies to a residential or commercial land use or activity when:**

- A. The aggregate sum of all quantities of any one regulated substance on a given parcel or in a certain building exceeds 110 gallons if the substance is a liquid, or 1,110 pounds if the substance is a solid; or
- B. No single substance exceeds the limits referenced in subsection A above, but the aggregate sum of all regulated substances present on a given parcel or in a given building exceeds 110 gallons if the substances are liquids, or 1,110 pounds if the substances are solids.

#### **3. Where regulated substances are dissolved in or mixed with nonregulated substances, only the actual quantity of the regulated substance present will be used to determine applicability. Where a regulated substance is a liquid, the total volume of the regulated substance present in a solution or mixture of the substance with other substances will be determined by volume percent composition of the regulated substances.**

#### **4. This subsection applies to all existing activities regulated under this subsection within Village jurisdiction and relates back to September 1, 1989. Existing activities include all activities that were approved by the Village Council or by Lee County before December 31, 2014,<sup>641</sup> under a valid building permit or occupational license.**

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<sup>638</sup> This subsection carries forward Ch. 14, Art. III, Wellfield Protection, from the transitional LDC.

<sup>639</sup> This carries forward Sec. 14-202, Purpose and Intent of Article, of the transitional LDC. A provision limiting applicable wellfields to those permitted to pump a minimum of 1,000,000 gallons per day is moved to the applicability section.

<sup>640</sup> This carries forward Sec. 14-201, Statutory Authority; Extent of Article, and Sec. 14-208, Applicability of Article, from the transitional LDC.

<sup>641</sup> This is the date of Village Incorporation

## **C. Exemptions**

### **1. General Exemption**

Certain existing or proposed public and quasi-public land uses and activities may be declared exempt from the provisions of this subsection by the Village Council. This exemption will be granted only upon a finding made by the Council in a public meeting that the existing or proposed land use or activity serves an overriding public need and that it would be economically impractical or scientifically impossible for the land use or activity to comply with the requirements of this subsection or be relocated to an area outside of the protection zones established by this subsection. As a basis for granting the exemption, the Council may impose conditions on the proposed land use or activity that are designed to ensure compliance with the provisions of this subsection, to the greatest extent possible.

### **2. Special Exemptions**

The following activities or uses are exempt from the provisions of Sec. 7-202.F, Prohibited and Regulated Activities Within Protection Zones:

#### **A. Application of Pesticides**

The application of regulated substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities, provided that:

1. Application of the substance is in strict conformity with the use requirements set forth in the EPA registry for that substance, and as indicated on the containers in which the substances are sold;
2. The application is in strict conformity with the requirements set forth in Ch. 482 and Ch. 487, Fla. Stat.; and Ch. 5E-2 and Ch. 5E-9, F.A.C.;
3. The application of the pesticides, herbicides, fungicides, and rodenticides is flagged in the records of the certified operator supervising the use. The certified operator shall provide written notice to the applicators under the operator's supervision, indicating that they are working at a site located in Protection Zone 1, 2, 3, or 4 and that particular care is required. Records shall be kept of the date and amount of regulated substances applied at each location. These records shall be made available for inspection at reasonable times by the Director; and
4. All nonresidential applicators applying regulated substances obtain a single operating permit covering all application operations using regulated materials, and comply with the requirements set forth in this subsection.

#### **B. Continuous Transit**

The transportation of any regulated substance provided that:

1. The transporting motor vehicle is in continuous transit; or
2. The transport of regulated substances through existing permanent pipelines within Protection Zones 1, 2, and 3 is in accordance with the applicable regulations. In Protection Zone 4, transport activity is exempt, provided that permitted uses and activities are not changed and that leak detection and monitoring procedures are employed.

#### **C. Vehicular and Lawn Maintenance Fuel and Lubricant Use**

The use of any regulated substance solely as lubricant or as fuel in a vehicle or in equipment used for lawn maintenance, mobile construction, or mining. (No operating permit is required.)

#### **D. Emergency services and public utilities**

Except for the maintenance and refueling of vehicles, existing fire, police, emergency medical services, county emergency management center facilities, and public utilities are exempt from the provisions of Sec. 7-202.F.1, Protection Zone 1 Regulated, provided they obtain an operating permit. (No operating permit is required in Protection Zones 3 and 4.)

#### **E. Retail Sales Activities**

Retail sales establishments that store and handle regulated substances for resale in their original unopened containers are exempt from the prohibition in Sec. 7-202.F.1, Protection

Zone 1 Regulated, provided those establishments obtain an operating permit. (No operating permit is required in Protection Zones 3 and 4.)

**F. Office Uses**

Office uses, except for the storage, handling, or use of regulated substances.

**G. Construction Activities**

The construction, repair, or maintenance of a facility or improvement within a Protection Zone provided that all contractors, subcontractors, laborers, suppliers and their employees who are using, handling, storing, or producing regulated substances use the applicable best management practices set forth in Sec. 7-202.I, Best Management Practices for the Construction Industry. No operating permit is required.

**3. Administrative Exemption**

A. Any person affected by this subsection may petition the Director for an exemption from the prohibitions and monitoring requirements. The petition shall set forth competent and substantial evidence indicating:

1. Special or unusual circumstances exist that support a waiver of the prohibition or monitoring requirements; and
2. The technology that will be employed to isolate the facility or activity from the potable water supply in the event of a spill.

B. The grant of an exemption may include conditions and safeguards necessary to protect the wellfield governed by this subsection.

**D. Wellfield Protection Zones Defined**

Four types of Protection Zones are established in this subsection using scientific criteria relating to the physical characteristics of the water supply aquifer and the transport gradients caused by either natural forces or induced pumpage of the wellfields (see Sec. 7-202.H, Criteria for Establishing Protection Zones). The transport times associated with the protection zones are designed to allow adequate time to carry out mitigating procedures to prevent wellfield contamination in the event of spillage of any regulated substance.

**1. Protection Zone 1 Defined**

Protection Zone 1, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the water table aquifer six-month travel time zone demarcation.

**2. Protection Zone 2 Defined**

Protection Zone 2, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric union of the largest of the following three travel time zones:<sup>645</sup>

- A. Water table aquifer one-year travel time zone demarcation.
- B. Lower Tamiami aquifer one-year travel time zone demarcation.
- C. Sandstone aquifer one-year travel time zone demarcation.

**3. Protection Zone 3 Defined**

Protection Zone 3, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric union of the largest of the following three travel time zones:

- A. Water table aquifer one-year travel time zone demarcation and the water table aquifer five-year travel time zone demarcation.
- B. Lower Tamiami aquifer one-year travel time zone demarcation and the Lower Tamiami five-year travel time zone demarcation.



- C. Sandstone aquifer one-year travel time zone demarcation and the Sandstone aquifer five-year travel time zone demarcation.

**4. *Protection Zone 4 Defined***

Protection Zone 4, which is identified in Appendix I: Wellfield Protection Zone Map, consists of all land situated between the well and the planar geometric unit of the largest of the following three travel time zones:

- A. Water table aquifer five-year travel time zone demarcation and the water table aquifer ten-year travel time zone demarcation.
- B. Lower Tamiami aquifer five-year travel time zone demarcation and the Lower Tamiami ten-year travel time zone demarcation.
- C. Sandstone aquifer five-year travel time zone demarcation and the Sandstone ten-year travel time zone demarcation.

**E. Regulated Hazardous or Toxic Substances and Sanitary Hazards**

Regulated substances include, but are not limited to, those deleterious substances and contaminants that have one or more of the following characteristics:

- 1. Substances, including degradation and interaction products, which because of quality, concentration or physical or chemical characteristics (including ignitability, corrosivity, reactivity and toxicity), infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic relevant to a particular material, may cause significant harm to human health or the environment, including surface water and groundwater, plants or animals;
- 2. Substances identified as hazardous under 40 CFR part 261, subpart D (List of Hazardous Wastes), 40 CFR 261, Appendix VIII (Hazardous Constituents) and 40 CFR 302 (Designation, Reportable Quantities, and Notification);
- 3. Exhibit characteristics of ignitability, corrosivity, reactivity, or toxicity, as identified in 40 CFR 261.20-261.24 (Characteristics of Hazardous Waste);
- 4. Are priority toxic pollutants listed in 40 CFR 129 (Toxic Pollutant Effluent Standards);
- 5. Contain a degradation product which is toxic, including petroleum-based products;
- 6. Are restricted-use pesticides, as that term is used in Ch. 487, Fla. Stat., Pesticide Regulation and Safety, and listed in Chs. 5E-2, Pesticides, and 5E-9, Licensed Pesticide Applicators and Dealers, F.A.C.;
- 7. Contain brackish or saline water that contains total dissolved solids in excess of 1,000 parts per million and chlorides in excess of 500 parts per million;
- 8. Are raw or partially treated sewage; or
- 9. Sanitary hazards.

**F. Prohibited and Regulated Activities Within Protection Zones**

**1. *Protection Zone 1 Regulated***

**A. *Prohibitions***

Except as provided in Sec. 7-202.C, Exemptions, the following land uses or activities are prohibited in Protection Zone 1:

- 1. The use, handling, production, or storage of regulated substances associated with land uses or activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
- 2. Wastewater effluent disposal, except for public access reuse of reclaimed water and land application under the conditions set forth and defined in Ch. 62-610, part III, F.A.C. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.
- 3. Liquid waste disposal.
- 4. Solid waste disposal.
- 5. Earth mining within a 500-foot radius of an existing wellhead.

**B. Regulations**

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in quantities greater than those set forth in Sec. 7-202.B, Applicability, are prohibited within Protection Zone 1, unless an operating permit for the prohibited activity, issued on or before September 1, 1989,<sup>646</sup> remains viable.
2. The owners of any sanitary sewer, force main, gravity sewer, or lateral shall notify the Village of any break in the sewer lines within 24 hours of discovery. The purpose of this requirement is to allow the Village to monitor repairs to the line and any necessary cleanup activities.
3. Stormwater or surface water discharges within this protection zone shall conform to existing SFWMD and DEP rules.

**2. Protection Zone 2 Regulated**

**A. Prohibitions**

Except as provided in Sec. 7-202.C, Exemptions, the following land uses or activities are prohibited in Protection Zone 2:

1. The use, handling, production, or storage of regulated substances associated with activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
2. Wastewater effluent disposal, except public access reuse of reclaimed water and land application under the conditions set forth and defined in Ch. 62-610, part III, F.A.C., may be permitted. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.
3. Liquid waste disposal.
4. Solid waste disposal.
5. Earth mining within a 500-foot radius of an existing wellhead.

**B. Regulations**

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in quantities greater than those set forth in Sec. 7-202.B, Applicability, are prohibited within Protection Zone 2 unless an operating permit for the prohibited activity, issued on or before September 1, 1989,<sup>647</sup> remains viable or, an administrative exemption is granted under Sec. 7-202.C, Exemptions, to allow issuance of an operating permit.
2. Stormwater or surface water discharge within this protection zone shall conform to existing SFWMD and FDEP rules.

**3. Protection Zone 3 Regulated**

**A. Prohibitions**

Except as provided in this subsection, the following land uses or activities are prohibited in Protection Zone 3:

1. The use, handling, production, or storage of regulated substances associated with activities regulated by this subsection in quantities greater than those set forth in Sec. 7-202.B, Applicability.
2. Wastewater effluent disposal, except that public access reuse of reclaimed water and land application under the conditions set forth in Ch. 62-610, part III, F.A.C., may be permitted. Where public access reuse is permitted, the chloride content shall be no greater than 500 milligrams per liter.
3. Liquid waste disposal.

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<sup>646</sup> Date carried forward from transitional LDC.

<sup>647</sup> Date carried forward from transitional LDC.

4. Solid waste disposal.

**B. Regulations**

1. Except as provided in Sec. 7-202.C, Exemptions, all land uses or activities involving the use, handling, production, or storage of regulated substances occurring within Protection Zone 3 shall be conducted in accordance with a valid operating permit.
2. All operating permits shall be renewed annually.
3. Stormwater or surface water discharged within this protection zone shall conform to existing SFWMD and FDEP rules.

**4. Protection Zone 4 Regulated**

**A. Prohibitions**

Except as provided in Sec. 7-202.C, Exemptions, all activity involving the use, handling, production, or storage of a regulated substance in quantities greater than those set forth in Sec. 7-202.B, Applicability, is prohibited in Protection Zone 4, unless a valid operating permit is obtained.

**B. Regulations**

1. Except as provided in Sec. 7-202.C, Exemptions, land uses or activities involving the use, handling, production, or storage of regulated substances in Protection Zone 4, shall be conducted in accordance with a valid operating permit.
2. All operating permits shall be renewed annually.
3. Stormwater or surface water discharged within this protection zone shall conform to existing SFWMD and FDEP rules.

**G. Abandoned Wells**

Abandoned wells on property lying within the ten-year travel time zone of a well regulated by this subsection shall be physically plugged in accordance with the provisions of Lee County Ordinance No. 06-09, Section 9.3.4.

**H. Criteria for Establishing Protection Zones**

1. The Wellfield Protection Zone maps (see Appendix I: Wellfield Protection Zone Map) have been developed based on steady state groundwater flow and transient contaminant transport to wells or wellfields regulated by this subsection that considers all, but not exclusively, the following factors:
  - A. Mathematical solution considers three-dimensional flow of a homogeneous, incompressible fluid through a nonhomogeneous, anisotropic aquifer.
  - B. Confined and unconfined aquifer flow conditions are applied as appropriate in layered aquifers calibrated to the county's hydrogeologic conditions for steady state, regional flow.
  - C. Area-specific values of hydrogeologic parameters including both horizontal and vertical hydraulic conductivity are used.
  - D. Aquifer-specific values of contaminant transport parameters, including longitudinal and transverse dispersivity coefficients, and effective porosity are used.
  - E. Recharge from rainfall is assigned to be zero to establish consecutive calculations of the protection zones.
  - F. Conservative contaminants that do not decay and do not absorb to the porous medium are assumed.
  - G. Wellfield locations, and well locations within wellfields, are specified.
  - H. Wellfield pumping rates are assigned as the greater of the average annual rate permitted by SFWMD or the maximum historical average annual rate, but not more than the present estimated capacity.
  - I. Pumpage is distributed among individual wells in a wellfield by prorating total pumpage based on the present estimated capacity of each well.
  - J. Identification of travel time contours is determined by determining distances where contamination would have been six months, one year, five and ten years in the past if

- theoretical contamination appeared in wells at the present. The travel time zones incorporate the influence of both the wellfield zone of influence due to pumping and the regional groundwater flow gradient.
2. The protection zones indicated on the Wellfield Protection Zone Maps are the planar geometric union of the largest of the travel time protection zones determined as follows:
    - A. Water table (surficial) aquifer system, as follows:
      1. Water table, six-months: The land situated between an existing public water supply well and the six-month travel time contour.
      2. Water table, one-year: The land area situated between the well and the one-year travel time contour.
      3. Water table, five-year: The land area situated between the well and the five-year travel time contour.
      4. Water table, ten-year: The land area situated between the well and the ten-year travel time contour.
    - B. Lower Tamiami (surficial) aquifer system, as follows:
      1. Lower Tamiami, one-year: The land area situated between an existing public water supply well and the one-year travel time contour.
      2. Lower Tamiami, five-year: The land area situated between the well and the five-year travel time contour.
      3. Lower Tamiami, ten-year: The land area situated between the well and the ten-year travel time contour.
    - C. Sandstone (intermediate) aquifer system, as follows:
      1. Sandstone, one-year: The land area situated between an existing public water supply well and the one-year travel time contour.
      2. Sandstone, five-year: The land area situated between the well and the five-year travel time contour.
      3. Sandstone, ten-year: The land area situated between the well and the ten-year travel time contour.
    - D. Mid-Hawthorne (intermediate) aquifer system, referenced as Mid-Hawthorne, ten-year: The land situated between existing public water supply wells and the ten-year travel time contour.
    - E. Lower Hawthorne (Floridan) aquifer system, referenced as Lower Hawthorne ten-year: The land situated between existing or proposed water supply wells and the ten-year travel time contour.
  3. The aquifers referenced in this subsection are identical to those listed in the report titled "Supporting Documentation for the Update of the Lee County Wellfield Protection Zones," dated January 2009 and "Supporting Documentation for the 2011 Update of the Lee County Wellfield Protection Zones," dated October 2011 by RMA GeoLogic Consultants, Inc.

**I. Best Management Practices for the Construction Industry**

1. The general contractor or, if none, the property owner, shall be responsible for ensuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any regulated substances. For example, handling regulated substances in the proximity of water bodies or wetlands may be improper.
2. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment.
  - A. Any storage containers of 55 gallons, or 440 pounds, or more, containing regulated substances, shall have constructed below them an impervious containment system constructed of material of sufficient thickness, density, and composition that will prevent the discharge to the land, groundwaters, or surface waters of any pollutant which may emanate from the storage tanks.



- B. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.
3. Each contractor shall be required to be familiar with the manufacturer's safety data sheet supplied with each material containing a regulated substance and to be familiar with procedures required to contain and clean up any releases of the regulated substance. Any tools or equipment necessary to accomplish such containment and cleanup shall be available in case of a release.
4. Upon completion of construction, all unused and waste-regulated substances and containment systems shall be removed from the construction site by the responsible contractor and disposed of in a proper manner as prescribed by law.

**J. Cease to Dewater Notice**

If, as a result of monitoring, investigation, or analysis, the Village determines that groundwater resources have been adversely affected by dewatering activity, the Village may issue a cease to dewater notice. The notice may be issued to all persons involved in any dewatering activity. The existence of a permit does not prohibit the issuance of this notice.

**K. Aquifer Storage and Recovery Wells**

The installation of a water supply well is prohibited within 2,640 feet of an existing or permitted aquifer storage and recovery well, unless confinement exists between the production zone of the water well and the storage/production zone of the aquifer storage and recovery well.

**L. Penalty for Violation of Chapter – Additional Remedies<sup>648</sup>**

The violator of any provision of this Sec. 7-202, Wellfield Protection, will be subject to the following penalties upon conviction:

1. Criminal penalties that are available under law.
2. Civil penalties, as instituted by the Village Council in any court or before any administrative board of competent jurisdiction, in order to prevent, restrain, correct or abate any violation of Sec. 7-202, Wellfield Protection, or of any order or regulation made in connection with its administration or enforcement, and the court or administrative board will adjudge such relief by way of injunction, or any other remedy allowed by law, or otherwise, to include mandatory injunction, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the regulations adopted under this subsection and any orders and rulings made.

**M. Retroactive Application to Existing Activities<sup>649</sup>**

The requirements and provisions of this subsection apply to all existing activities regulated under this subsection within the Village, and relate back to September 1, 1989. Existing activities include all activities that were approved by the Village under a valid building permit or occupational license, or by Lee County prior to Village incorporation.

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**7-203. WETLANDS PROTECTION<sup>650</sup>**

**A. Purpose**

The purpose of this section is to incorporate state-approved wetland regulations.

**B. Applicability**

The provisions of this section apply to all development in the Village.

**C. Permits Required**

An environmental resource permit (ERP) is required prior to any development that will impact wetlands. The ERP is issued by either the Florida Department of Environmental Protection (FDEP) or the South Florida Water Management District (SFWMD) in accordance with Ch. 373, Fla. Stat. and Ch. 62, F.A.C.

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<sup>648</sup> This subsection carries forward Sec. 14-204 of the transitional LDC.

<sup>649</sup> This subsection carries forward Sec. 14-206 of the transitional LDC.

<sup>650</sup> This carries forward Ch. 14 Art. IV, of the transitional LDC.

**D. Incorporation of State Permits into Local Permits**

The Village shall incorporate the terms and conditions of all state authorizations relating to wetlands, including ERPs, into any applicable development permit.

**E. Compliance Enforcement**

1. The Village may enforce the provisions of any state authorization relating to wetlands, including ERPs, issued and incorporated into an applicable development permit.
2. The Village may prosecute violations of state wetland regulations and ERP applicable conditions or requirements incorporated into local permits in accordance with Ordinance 2015-14.

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**7-204. MANGROVE PROTECTION<sup>652</sup>**

**A. Purpose and Intent<sup>653</sup>**

1. The purpose of this subsection is to establish restoration standards and enforcement procedures for violations of FDEP mangrove protection rules, and to supplement and enhance FDEP enforcement efforts.
2. The intent of this subsection is to discourage the illegal alteration of mangrove trees by improving enforcement of FDEP mangrove protection regulations and to ensure that adequate restoration is provided within the Village. It is not the intent of this subsection to diminish any mangrove protection requirements set forth in Sec. 7-203, Wetlands Protection.

**B. Applicability**

This subsection applies to all development in the Village.

**C. State Permit Required<sup>654</sup>**

No person or development activity shall directly or indirectly alter any mangrove tree without first obtaining a permit, where applicable, from the FDEP in accordance with the requirements of Sec. 403.9327, General Permit for Mangrove Trimming, Fla. Stat., and Sec. 403.9328, Individual Permit to Trim or Alter Mangroves, Fla. Stat.

**D. Mangrove Identification<sup>655</sup>**

Figure 7-204.D: Mangrove Identification, demonstrates how to identify different types of mangroves.

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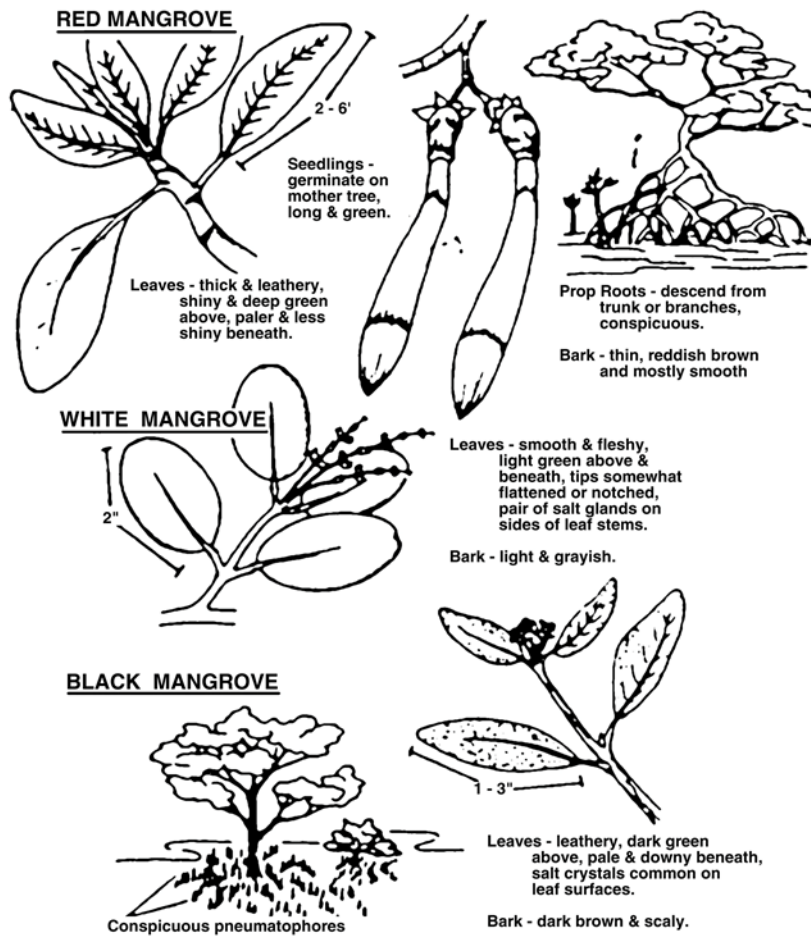
<sup>652</sup> This subsection carries forward Ch. 14, Art VI, of the transitional LDC, with no substantive changes.

<sup>653</sup> This carries forward Sec. 14-451 of the transitional LDC.

<sup>654</sup> This carries forward Sec. 14-455 of the transitional LDC. It clarifies in the title that the permit required is a state permit and replaces reference to Ch. 17-321, F.A.C. (An old DER standard) with Sec. 403.9327, Fla. Stat., General Permit for Mangrove Trimming and Sec. 403.9328, Fla. Stat., Individual Permit to Trim or Alter Mangroves (The two statutes listed on the DEP current form <https://floridadep.gov/sites/default/files/trimapp.pdf>).

<sup>655</sup> This provision carries forward the image from Sec 14-452 of the transitional LDC

Figure 7-204.D: Mangrove Identification



#### E. Restoration Standards<sup>656</sup>

1. When any person violates FDEP mangrove protection requirements, the Director and the violator shall reach agreement on a restoration plan, or if they cannot agree, then, as a part of an appropriate enforcement order, a restoration plan shall be ordered in accordance with the standards in subsection 2 below. The restoration plan shall set forth replacement of the same mangrove species or any species approved by consent of the Director and violator, or by the terms of an enforcement order, as appropriate.<sup>657</sup>
2. The restoration plan shall include the following minimum planting standards:
  - A. For each mangrove altered in violation of this subsection, three replacement mangroves shall be planted. If the number of altered mangroves cannot be determined, then the required number of replacement stock shall be computed according to the total area where all mangroves were unlawfully altered. The replacement stock shall be container grown mangroves no less than one year old and 24 inches in height. Replacement mangroves shall be planted at a minimum density of three feet on center. Higher density plantings may be required at the discretion of the Director based upon density and diameter of the mangroves on the site prior to the violation. If the density of mangroves cannot be determined where the violation occurred, then an assumption shall be made that the density was the same as on adjacent properties. The Director may allow a deviation from the above specified ratio. When

<sup>656</sup> This provision carries forward Sec. 14-454 of the transitional LDC

<sup>657</sup> In the transitional LDC, this section was conditioned on agreement with the "administrator and the violator" or "upon conviction by the court, hearing examiner, or the code enforcement board".

- such deviation is sought, the total of heights and diameter shall equal or exceed that specified in the above standards.
- B. Mangrove alteration violations due to filling, excavation, drainage, and/or clearing shall be restored to natural ground elevation and soil conditions prior to commencement of replanting.
  - C. Replacement stock shall not be located on any property line or in any underground utility, drainage, or government<sup>658</sup> easement.
  - D. If the species of mangrove on property where mangroves were altered cannot be identified, then a presumption shall be made that the mangroves illegally altered were of a similar species and distribution as those found on adjacent properties.
  - E. Replacement plantings shall have a minimum of 80 percent survival at the end of five years, with success monitored and evaluated on an annual basis, in accordance with subsection 3 below.
  - F. The restoration plan shall include a maintenance provision of no less than five years for the control of invasive exotic vegetation.
  - G. Within 90 days of completion of the restoration, a written report shall be submitted to the Director. The report shall include the date of completion, copies of the nursery receipts, a drawing showing the locations of the plantings, and color photographs of the planting areas taken from fixed reference points.
3. Annual monitoring and maintenance of the restored area shall include the following:
- A. Removal of all exotic and nuisance vegetation in the area without disturbing the existing wetland vegetation.
  - B. Replacement of dead mangroves that were planted in order to assure at least 90 percent coverage at the end of the five-year period. Replacement mangroves shall be nursery grown and of the same species and at least the same height as those originally planted.
  - C. Submittal of a monitoring report to the Director on an annual basis for five years following the completion of the restoration describing the conditions of the mitigated site. The monitoring report shall include mortality estimates; causes for mortality (if known); growth, invasive and exotic vegetation control measures taken; and any other factors which would indicate the functional health of the planted mangroves.
  - D. Failure to submit the report in a timely manner shall constitute a violation of this subsection and this LDC.

#### **F. Enforcement**

Violations to Sec. 7-204, Mangrove Protection shall be subject to the following provisions in addition to general code enforcement:

1. Any equitable, legal, or leasehold owner of property who knew, or should have known, that illegal or improper trimming and/or removal of mangroves was occurring on property on which that individual has any equitable, legal, or leasehold interest, and who permitted that activity to occur without notifying the Director of the person, organization, society, association, corporation, or any agency or representative thereof, shall be equally subject to any civil or criminal penalty available. When imposing a sentence, the court, hearing examiner, code enforcement board or any other appropriate body may, in mitigation, consider the successful replacement of mangroves illegally removed, and the restoration of the subject area when deemed by the court, the hearing examiner, the code enforcement board, or any other appropriate body that the action taken by the violator has eliminated or significantly decreased the ability of the mangrove system to recover or perform those functions for which it is being protected.<sup>659</sup>
2. In any enforcement action under Sec. 7-204, Mangrove Protection, each mangrove, so altered, will constitute a separate violation.<sup>660</sup>

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<sup>658</sup> "County easement" is broadened to the more general "government easement" rather than replacing county with Village.

<sup>659</sup> This section carries forward Sec. 14-453(c) of the transitional LDC.

<sup>660</sup> This section carries forward Sec. 14-453(d) of the transitional LDC.



## **7-205. CLEAN WATER PROVISION<sup>661</sup>**

### **A. Purpose and Intent**

1. The purpose of this subsection is to provide regulations with respect to discharges into the Village of Estero Municipal Separate Storm Sewer System (MS4) and other receiving waters. In order to comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit, the Village shall establish regulations that will prohibit illicit discharges into the MS4 and other receiving waters and provide sufficient means to monitor and enforce local discharge regulations.
2. It is the intent of this subsection to prohibit any illicit, inappropriate, or harmful discharges into the MS4 or waters within the Village.

### **B. Applicability**

This subsection applies to all development in the Village.

### **C. Prohibition**

Unless exempted in accordance with subsection D below, there shall be no discharges into the Village MS4 except uncontaminated stormwater runoff.

### **D. Exemptions**

The following discharges into the Village MS4 are specifically exempt from the requirements of this subsection, unless identified as a source of pollutants:

1. Waterline flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising groundwaters and discharges associated with Village declared emergencies;
5. Uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005(20)) to separate storm sewers;
6. Uncontaminated pumped groundwater;
7. Discharges from potable water sources;
8. Fountain drains;
9. Air conditioning condensate;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharge;
18. Street wash waters; and
19. Discharges or flows from emergency firefighting activities.

### **E. Industrial Activity<sup>662</sup>**

#### **1. Industrial Activity Classification**

- A. For purposes of this subsection, all industrial activity falls into one of two major categories:

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<sup>661</sup> This section carries forward Ch. 14 Art. VII of the transitional LDC. It assumes the successful initiation of a Village-specific MS4.

<sup>662</sup> A and B are carried forward from Sec. 14-476(a) of the transitional LDC. Secs. C and D are carried forward from Sec. 14-475 of the transitional LDC. These definitions contain subsections that are separately referenced in the regulation itself. All other definitions from Sec. 14-475 are included in Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement in the main definitions section.

1. *Construction-Related Activity*  
Construction-related activity, which includes sites of new development or significant redevelopment falling within the industrial activity categories in Secs. 7-205.E.1.D.9 and 10, below.
  2. *On-going Industrial Activity*  
On-going industrial activity, which includes sites that encompass uses or activities that are identified in industrial activity categories in Secs. 7-205.E.1.D.1 through 8, and 11, below.
- B. Industrial activity development means those functions associated with an industrial site as defined in paragraph C below.
- C. An Industrial site is a site directly related to manufacturing, processing, or raw materials storage. This term includes, but is not limited to, industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling (including the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product) sites; refuse sites; sites used for the application or disposal of processed wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials (including tank farms) and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.
- D. In accordance with NPDES standards found in 40 CFR 122.26, the term "industrial site" also includes facilities engaging in the following categories of "industrial" activity:
1. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N;
  2. Facilities classified as Standard Industrial Classifications (SIC) 20, 21, 22, 23, 24, 25, 26, 27, 28, 285, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 4221, 4222, 4223, 4224 and 4225;
  3. Facilities classified as SIC 10 through 14 (mineral industry) including active or inactive mining operations (inactive mining operations are mining sites not being actively mined that have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation or possessing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim) and ore and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operation;
  4. Hazardous waste treatment storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Resource Conservation and Recovery Act (RCRA);
  5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those facilities that are subject to regulation under subtitle D of RCRA;
  6. Steam electric power generating facilities;
  7. Transportation facilities classified as SIC 40, 41, 42, 43, 44, 45, and 5171 that have vehicle maintenance shops or equipment cleaning operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment clearing operations, or which are otherwise identified under Sec. 122.26(b)(14)(i)-(vii) or (ix)-(xi), F.A.C., are associated with industrial activity;
  8. Treatment works treating domestic sewage or any other sewage, sludge, or wastewater treatment device or system, used in storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge

that are located within the confines of the facility, with a design flow of 1.0 millions of gallons per day (mgd) or more, or required to have an approved pre-treatment program under 40 CFR part 403. Not included are farm lands, domestic gardens, lands used for sludge management where sludge is beneficially reused (and not physically located in the confines of the facility), or areas that are in compliance with Sec. 405 of the Federal Clean Water Act;

9. Any construction activity including clearing, grading, and excavation activities, except for operations resulting in the disturbance of less than one acre of total land area that are not part of a larger common plan of development or sale;
10. Any construction activity including clearing, grading, and excavation activities resulting in disturbance of less than one acre where the property is part of a larger development that obtained approval after October 1, 1992,<sup>663</sup> and was required to obtain an NPDES permit; and
11. Facilities involved in the recycling of materials including metal scrap yards, battery reclaimers, salvage yards, and automobile junk yards, including but not limited to those classified as SIC 5015 and 5093.

## **2. Construction Site Runoff**

- A. Compliance with this subsection applies to all construction associated with an industrial activity category (see Sec. 7-205.E.1, Industrial Activity Classification), that is not complete prior to July 1, 2003.<sup>664</sup>
- B. All development approvals or permits for development of more than one acre, including development orders (Sec. 2-502.A, Development Order), limited development orders (Sec. 2-502.B, Limited Development Order), and building permits, shall address stormwater quality issues, including construction runoff, as follows:
  1. Submit a Stormwater Pollution Prevention Plan (SWP3) for construction meeting the criteria set forth in Sec. 7-205.F, Stormwater Pollution Prevention Plan (SWP3) Criteria, prior to development order or limited development order approval, as applicable. If a development order or limited development order is not required, then the SWP3 shall be submitted prior to issuance of a building permit or tree removal/vegetation permit (Sec. 2-505.D, Tree Removal/Vegetation Permit), whichever occurs first. At the discretion of the Director, an affidavit or certification from a Florida licensed professional engineer shall be submitted prior to the start of construction activity, attesting that the SWP3 for construction has been prepared in accordance with Sec. 7-205.F, Stormwater Pollution Prevention Plan (SWP3) Criteria, and will be on site and available for review during all phases of construction;
  2. Maintain a copy of the SWP3 on site, at all times, for review by the Village; and
  3. File a notice of intent (NOI) with Village and FDEP, in accordance with the direction of FDEP Document No. 62-621, at least 48 hours prior to start of construction.

## **3. Industrial Site Runoff**

Development that would cause industrial site runoff is not permitted.

## **F. Stormwater Pollution Prevention Plan (SWP3) Criteria**

For purposes of this subsection, all SWP3s shall:

1. Comply with the requirements of 40 CFR 122.26;
2. Use best management practices for sediment and erosion control as outlined in the Florida Stormwater Sedimentation Control Inspector's Manual or a similar quality guidance manual;
3. Be prepared by a Florida licensed professional engineer in accordance with FDEP Document No. 62-621; and
4. Remain on site and be available for review during all phases of construction and, if required, during on-going operations activity.

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<sup>663</sup> This date is carried forward from transitional LDC.

<sup>664</sup> This date is carried forward from transitional LDC.

## G. Monitoring

The Director<sup>665</sup> may require high risk runoff facilities to provide annual monitoring reports as a condition of development order or limited development order approval, whichever is applicable, or continued operation. Data collected by the facility to satisfy monitoring requirements for a NPDES or state discharge permit may be used to satisfy this requirement. At a minimum, the monitoring report shall include quantitative data on the following constituents:

1. Any pollutants limited in an existing NPDES permit for the facility;
2. Oil and grease;
3. Chemical oxygen demand (COD);
4. pH;
5. Biochemical oxygen demand, five-day (BOD5);
6. Total suspended solids (TSS);
7. Total phosphorus;
8. Total Kjeldahl nitrogen (TKN);
9. Nitrate plus nitrite nitrogen; and
10. Dry information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

## H. Enforcement

### 1. *Responsibility*

The Director may coordinate the enforcement of this subsection with the SFWMD, FDEP, and EPA.

### 2. *Procedure.*

In addition to any of the methods or procedures set forth in Ordinance 2015-14, the following enforcement actions are available to the Village. The choice of procedure rests with the discretion of the Village, based on the nature of the violation, the number of previous violations, and the magnitude of the violation and its threat to the public health, safety, and welfare.

#### A. *Specific Additional Cause for Stop Work Order.*

The Director has the authority to issue a stop work order to ameliorate, minimize, or prevent irreparable harm if discharges from the site do not meet the minimum surface water quality standards set forth in FAC Rule 62-302.

#### B. *Referral to Appropriate State or Federal Agency*

The Village may coordinate enforcement of this subsection with the county, SFWMD, FDEP, and EPA, in accordance with applicable Village, county, state and federal regulations. Pursuit of a remedy allowed under Village regulations shall not prevent the state or the EPA or any other federal agency from pursuing additional action against a violator.

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## 7-206. SURFACE WATER MANAGEMENT<sup>666</sup>

### A. General Provisions<sup>667</sup>

#### 1. *Purpose and Intent*<sup>668</sup>

The purpose and intent of this section is to that development be designed in accordance with applicable Village and SFWMD runoff, retention, and attenuation requirements and all other state and local drainage laws and regulations. Development shall be designed to avoid flooding or

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<sup>665</sup> Sec. 14-478 of the transitional LDC directs the County Department of Community Development to act at the request of the County Natural Resources Division. The actor has been changed to the Director.

<sup>666</sup> This subsection carries forward Art III. Division 3 of the transitional LDC.

<sup>667</sup> This provision carries forward Sec. 10-321 of the transitional LDC; it excludes Sec. 10-321(d), Street Crown Elevation for Subdivisions Abutting Caloosahatchee River, and Sec. 10-321(f) Six Mile Cypress Watershed in their entirety, since they do not apply in the Village.

<sup>668</sup> This subsection carries forward Sec. 10-8(8) of the transitional LDC with minor revisions.



erosion damage to adjacent property and the Village drainage system and to avoid the creation of stagnant pools that encourage mosquito breeding. Development shall provide a method of continual maintenance, in accordance with this section, and shall ensure proper stormwater management to reduce the potential impacts of flooding.

**2. *Stormwater System Required***

- A. A stormwater management system shall be provided for the adequate control of stormwater runoff that originates within a development or that flows onto or across the development from adjacent lands.
- B. All stormwater management systems shall be designed in accordance with SFWMD requirements, and provide for the attenuation/retention of stormwater from the site.
- C. For new private and public developments within the Village, the allowable discharge shall be based upon the comparison of pre-development hydrology calculations and the previously regionally accepted value of 0.06 or 0.09 cfs/acre, depending on the watershed. At the time of development order submittal, new development projects shall provide pre- and post-development hydrology calculations, and the post development discharge shall be limited to the pre-development levels or the 0.06 cfs/acre, whichever is less.
- D. For purposes of stormwater management calculations, the assumed water table shall be established by the design engineer in accordance with sound engineering practices. Detailed stormwater management calculations shall be provided with all development order and limited development order applications unless specifically waived by the Director.
- E. The Director shall review the proposed stormwater management system on all applications for development orders or limited development orders, whichever is applicable, for compliance with this subsection, and will require substantiation of all calculations and assumptions involved in the design of the stormwater management system.

**3. *Surface Water Management Policies*<sup>669</sup>**

- A. All development shall be designed to comply with the policies included in INF-1.1 of the comprehensive plan or the Village's adopted Stormwater Master Plan, whichever is more stringent.<sup>670</sup>
- B. New residential and commercial structures shall be designed so that the elevation of the first floor (habitable for residential structures) is at the applicable Base Flood Elevation (BFE), as defined on the effective FEMA Flood Insurance Rate Map, plus one foot or the 100 year, three day design stage elevation plus one foot, whichever is greater.

**4. *Crown Elevation of Local Subdivision Streets***

Except as provided in 4, below, minimum elevation of the crown of local subdivision streets interior to a project shall be 4.34 feet NAVD 88.<sup>671</sup> In order to accommodate differences in elevation between interior streets and exterior roads, when such exterior roads exist below the minimum elevation, elevation variations along the interior roads necessary to provide a sloped lowering of the interior roads to meet the existing exterior road elevations may be permitted in accordance with applicable generally accepted engineering standards, if approved by the Director.

**5. *Caution to Plan Adequate Elevation and Drainage Facilities***

Many areas of the Village will require street crown elevations far exceeding the minimums identified in this section, and subdivision designers are cautioned to plan both adequate elevation and drainage facilities to prevent any flooding that could endanger health or property.

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<sup>669</sup> This provision replaces the heading used in Sec. 10-321 (b), "Development outside future urban areas to comply with policies of [the] Lee Plan; surface water management plans within urban areas", to better reflect the policies of the Village comprehensive plan.

<sup>670</sup> This replaces Lee County Policies 61.2.1, 61.2.2 and 61.2.3. with the relevant policy from the comprehensive plan.

<sup>671</sup> Conversion from feet above mean sea level to NAVD 88 value calculated by staff for improved specificity.

**6. Site Grading**

Site grading for all development shall be performed in accordance with the plans approved under the development order or limited development order, whichever is applicable, and shall conform to all performance standards in this LDC.

**B. Roadside Swales<sup>672</sup>**

1. Roadside swales within road rights-of-way shall have side and back slopes no steeper than three to one. Roadside swales within road rights-of-way maintained by the Village shall have side and back slopes no steeper than four to one. The Director may authorize deviations from these standards.
2. Roadside swales within road rights-of-way maintained by the Village shall have side and back slopes no steeper than four to one. The Director may authorize deviations from these standards.
3. Normal swale sections shall be a minimum of 12 inches deep and a maximum of 36 inches below the outside edge of the street pavement.
4. Runoff may be accumulated and carried in the swales in the right-of-way.
5. Where flow velocities in excess of two feet per second are anticipated, curb and gutter or other erosion control measures shall be provided.

**C. Open Channels and Outfall Ditches<sup>673</sup>**

With the exception of roadside swales and major drainageways, open drainageways within 100 feet of school sites shall be discouraged and will only be permitted with approval by the Village Council. Drainage plans shall provide that stormwater be collected in properly designed systems of underground pipes, inlets, and other appurtenances, and be conveyed to an ultimate positive outfall. Where permitted, open drainageways shall retain natural characteristics and be designed and protected so that they do not present a hazard to life and safety. Protection against scour and erosion shall be provided, as required by the Director.

**D. Inlet Spacing<sup>674</sup>**

Drainage inlets for roads with closed drainage systems shall be designed in accordance with FDOT and the Lee County Department of Transportation guidelines. Inlets shall have the capacity to handle the design flow. When an existing swale is enclosed, inlets or manholes shall be provided at a maximum 200-foot spacing for any pipes 24 inches and smaller.

**E. Dedication of Drainage System and Maintenance Covenant<sup>675</sup>**

1. All necessary drainage easements and structures shall be dedicated to the appropriate entity or association at no expense to the Village. Dedication for drainage ditches shall include a berm (shoulder) width suitable for maintenance operations. The berm shall be cleared of trees, shrubs, and other obstructions and shall have adequate vehicular access. Suitable maintenance areas for the other drainage structures shall be located in drainage easements or rights-of-way. Dedications shall appear in the recorded plat, or by deed.
2. The stormwater management system shall not be dedicated or accepted by the Village. This system shall be maintained through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association, or such other legal mechanisms as will assure the beneficiaries of the stormwater management system that the drainage will be continually maintained. Regardless of the method chosen to provide for the continual maintenance of the stormwater management system, the beneficiaries shall be provided with a legal right to enforce the assurance that the drainage will be continually maintained. The legal documents which provide for the continual maintenance of the stormwater management system shall be accepted only after they are received and approved by the Village Attorney for compliance with this subsection.

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<sup>672</sup> This carries forward Sec. 10-322 of the transitional LDC.

<sup>673</sup> This carries forward Sec. 10-324 of the transitional LDC.

<sup>674</sup> This carries forward Sec. 10-326 of the transitional LDC.

<sup>675</sup> This carries forward Sec. 10-327 of the transitional LDC.

## **F. Drainage Easements<sup>676</sup>**

### **1. Open Drainage Easements**

Where a proposed development is traversed by or abuts a watercourse, drainageway, canal, lake, pond, or stream,<sup>677</sup> or where such a facility is proposed as part of a plan, the developer shall provide a drainage easement or right-of-way that conforms substantially with the limits of the watercourse, drainageway, canal, lake, pond, or stream.<sup>678</sup> Additionally, on one side of the watercourse, drainageway, canal, lake, pond, or stream,<sup>679</sup> the developer shall provide a 20-foot wide easement for maintenance purposes, unless a lesser width is approved by the Director. For canals, lakes or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer shall provide a 20-foot-wide easement or right-of-way on both sides of the canal, lakes, or flow-way for maintenance purposes, unless a lesser width is approved by the Director. This easement or right-of-way shall be kept clear by the property owners and have satisfactory vehicle access. No portion of the required maintenance easement area may be located within the limits of a platted single-family residential lot. Residential docks/facilities may be located within the maintenance easements subject to Section 7-4, Marine Facilities, Structures, and Equipment Standards.

### **2. Closed Drainage Easements**

The width of closed drainage easements shall be based upon sound engineering principles including but not limited to, depth of cut, size of drainage pipe, and proximity of structures. Closed drainage easements shall be a minimum of 15 feet in width for pipes that are 48 inches or less in diameter. The easement width for multiple pipes or for pipes greater than 48 inches in diameter is 25 feet or more.

## **G. Excavations<sup>680</sup>**

### **1. Applicability**

This subsection provides the permitting and development order or limited development order requirements for all excavations except:

- A. The removal of surplus material generated from the construction of roads, sewer lines, storm sewers, water mains, or other utilities;
- B. Moving materials for purposes of surface water drainage (swales, ditches, or dry retention) or landscaping, provided the excavated materials are not removed from the premises and no blasting is proposed;
- C. The temporary removal of topsoil from a lot for landscaping purposes; or
- D. The removal of excess spoil material resulting from the excavation of a building foundation or swimming pool in conjunction with a valid building permit.

### **2. Excavation Types and Required Approvals**

Excavations are generally constructed either for stormwater retention, or as a development site amenity. A development order is required for these activities.

#### **A. Approval of an Excess Spoil Removal Plan**

##### **1. Applicability**

The Director may authorize the removal of excavated excess spoil material in all zoning districts, with the exception of the EC district, for agricultural, residential, and commercial projects provided that:

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<sup>676</sup> This carries forward Sec. 10-328 of the transitional LDC.

<sup>677</sup> In the transitional LDC this series of lists includes "IDD easement" for the Iona Drainage District, which is not relevant to the Village.

<sup>678</sup> See above footnote re: IDD

<sup>679</sup> See above footnote re: IDD

<sup>680</sup> This carries forward Sec. 10-329 of the transitional LDC.; excluding Sec. 10-329(d)(7), Test Borings which serves as a cross reference to standards in Sec. 12-110(a)(18), a mining and resource extraction section not contemplated for inclusion in this draft.

- (a) A development order for the project is approved;
  - (b) No blasting is proposed; and
  - (c) The excess material to be removed results from the minimum excavation required to:
    - i. Comply with SFWMD permit requirements; or
    - ii. Provide a viable agricultural or recreational amenity that does not exceed eight feet below the dry season water table (DSWT) elevation.
2. *Excess Spoil Removal Plan*
- (a) A request for approval to remove excavated material to an off-site location shall include an "excess spoil removal plan" submitted with the development order application. The application shall contain sufficient information for the Director to determine whether off-site hauling may be approved administratively or if a public hearing will be required.
  - (b) The excess spoil removal plan shall include:
    - i. The approximate location, shape, and dimensions of the area to be excavated relative to all property lines, easements, rights-of-way, and existing and proposed structures;
    - ii. The proposed slopes, maximum and average depth, and controlled water depth of the proposed excavation;
    - iii. The estimated quantity of excavated material that will be hauled off-site;
    - iv. The proposed truck traffic volume in trips per day;
    - v. The duration of the off-site hauling;
    - vi. The destination of the removed excavated material;
    - vii. The proposed haul routes;
    - viii. The proposed method to control dust, mud, and debris along the proposed haul route;
    - ix. Identification of the proposed lake maintenance entity together with the submittal of documents creating the entity and establishing its obligations;
    - x. Evidence that the "destination property" has received or is in the process of receiving a development order, indicating where and how the materials will be stored, stockpiled, leveled, contoured, and stabilized; and
    - xi. Any other information deemed reasonably necessary by the Director.
3. *Minimum Requirements for Approval*
- (a) Prior to commencement of off-site hauling:
    - i. Areas within the project proposed for development shall be cleared and filled to within one foot of final design grade; or
    - ii. The amount of fill required to meet that requirement shall be stockpiled and stabilized on-site for future use.
  - (b) If the material will be moved to a contiguous property, the receiving parcel shall also have a development order indicating how the material will be distributed and stabilized.
  - (c) If the material will be moved to property that is not contiguous, the applicant shall show that the path of the hauling route will not adversely affect existing development such as residences, playgrounds, schools, etc.
  - (d) The estimated period of hauling may not exceed one year from issuance of the development order.



4. *Director May Impose Conditions*

The Director may impose any additional conditions of approval as the Director deems necessary to ensure compliance with the requirements of the excess spoil removal plan.

B. *Approval to Dewater*

Where dewatering is proposed as part of a development project (of any size), except as provided in 3 below, the following shall be included in the development order application:

1. *General Submittal Requirements*

- (a) The dewatering method and procedure to be used to complete the excavation.
- (b) The estimated volumes of water to be extracted, impounded, or diverted per hour and per day for the duration of the dewatering.
- (c) A map specifically depicting the location of all dewatering pumps and withdrawal points.
- (d) A plan/map showing the disposition of the dewatered effluent, whether on or off the development site. The map shall depict the size and location of the proposed holding ponds or trenches as well as the calculations used to determine the size of the proposed holding ponds and trenches. A soils report shall be included that documents the ability of the sub-surface soils, in the subject location, to percolate the dewatered effluent. If an off-site location is proposed, the application shall include permission from each property owner whose property will be traversed or used to accomplish the dewatering as proposed. This permission/consent shall be in writing, signed by the property owner, and acknowledged before a notary. Consents signed by an agent of the property owner will not satisfy this requirement.
- (e) A copy of the SFWMD water use permit (WUP) application, staff report/recommendation, and WUP permit approval.

2. *Additional Submittal Requirements for Dewatering Sensitive Areas*

If dewatering is proposed to facilitate development of a site known or believed to be subject to dewatering sensitive conditions (examples include but are not limited to: wetlands, existing wells, groundwater contamination, and karst-induced subsidence), or located in the vicinity of an area subject to dewatering sensitive conditions, then the following additional information may be required by the Director.

- (a) Engineering estimates of the monthly water balance for the projected highest, lowest, and average rainfall sequence for the operational life of the excavation. This estimate shall account for all sources of water input to the water recirculation facilities and processing steps, and all water outputs and losses from the system. The submittal shall also include a detailed explanation of the computation methods and assumptions used to derive the estimate.
- (b) If the excavation will extend below the normal wet season groundwater elevation, engineering estimates demonstrating that the proposed dewatering will not adversely impact adjacent wetlands and the groundwater resource aquifer supply shall be submitted.
- (c) A proposed groundwater level monitoring plan that specifies the location of all wells comprising the monitoring well network. The proposed water level monitoring plan and process shall be sufficient to document changes that are a result of the proposed dewatering with respect to groundwater levels and groundwater flow directions on and/or off the subject project site.

3. *Underground Utility Installation Exemption*

Dewatering for underground utility installations are exempt from the requirements of this section.

3. *Standards*

All new excavations for water retention and detention are subject to the following standards:

A. *Setbacks for Water Retention or Detention Activities*

1. No excavations will be allowed:

- (a) Within 25 feet of an existing or proposed street right-of-way line or easement for a local road unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation.
    - (b) Within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial road unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation. The setback may be reduced to a minimum of 25 feet if the developer provides for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director.
    - (c) Within 50 feet of any private property line under separate ownership unless an administrative deviation is approved in accordance with Sec. 2-506.C.2, Administrative Deviation. The setback for an excavation from a private property line shall be a minimum of 25 feet. This setback does not apply to lots developed concurrently with the excavation for water retention when part of a development order.
  2. In all cases, the most restrictive setback shall apply.
  3. Excavation setbacks are measured from the mean high water (MHW) or the waterbody control elevation line.
- B. *Setbacks for Buildings, Accessory Buildings, Equipment, and Other Structures*

The required development order shall include setbacks for all accessory buildings or structures and comply with the setback requirements of the applicable zoning district.
- C. *Maximum Controlled Water Depth*

Excavations for water retention or detention permitted under this subsection shall not penetrate through impervious soil or rock layer that prohibits intermingling of various watery strata. Controlled water depth for water retention or detention excavations exceeding 12 feet shall comply with the following standards:

  1. Excavation depth may exceed 12 feet, to a maximum of 20 feet, if the water depth does not penetrate any impervious soil or rock layer. For all lakes deeper than 12 feet, a "Deep Lake Management Plan" shall be submitted and approved prior to approval of a development order. The Deep Lake Management Plan shall address long-term management strategies for lakes greater than 12 feet in depth that include, at a minimum, the following:
    - (a) Installation of a destratification system in any lake that exceeds 12 feet in depth. Documentation that the proposed destratification system is adequately sized and designed shall be submitted prior to approval and shall be installed prior to issuance of a certificate of compliance for the development order.
    - (b) The planting of native shade trees, meeting the specifications of Appendix F: Recommended Plant Lists, around the lake perimeter, calculated at one tree per 100 feet of lake shoreline measured at control elevation. The tree planting is in addition to other required trees and shall be coordinated with lake littoral plant requirements. The planting locations proposed to meet the wetland herbaceous plant requirements set forth in Sec. 5-408.I.5, Planted Littoral Shelf (PLS), and other additional trees, shall be graphically identified as part of the deep lake management plan. All required plantings shall be grouped or clustered together around the lake perimeter.
    - (c) The recordation by the property owner of covenants, in a form acceptable to the Village Attorney, providing that the lake management techniques, including operation of the destratification system specified in the deep lake management plan will be maintained for the life of the lake.
  2. Submittal of a post-construction bathymetric survey, sealed by a professional surveyor and mapper, prior to certificate of compliance, for all lakes regardless of their depth. Spot elevations shall be provided to create a contour map on four-foot intervals depicting the entire lake profile including bank slopes.
  3. If the excavation exceeds the maximum controlled water depth of 20 feet, the developer will be liable for a fine of \$2.00 per cubic yard (in-situ measure) for each cubic yard of

material excavated beyond the maximum controlled water depth. This penalty may not exceed those in Ch. 162, Fla. Stat.

**D. *Bank Slopes***

Excavation bank slopes for new projects shall comply with the following standards. The design of shorelines for retention and detention areas shall be sinuous rather than straight (See Sec. 5-408.1.5, Planted Littoral Shelf (PLS)). The banks of excavations permitted under this subsection shall be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table. The slopes shall not be greater than two horizontal to one vertical thereafter, except where geologic conditions would permit a stable slope at steeper than a two to one ratio. Excavation bank slopes shall comply with the shoreline configuration, slope requirements, and planting requirements for mimicking natural systems specified in this subsection. Placement of backfill to create lake bank slopes is prohibited unless, prior to the issuance of a certificate of compliance, the applicant provides signed and sealed test reports from a geotechnical engineer certifying that the embankment was placed and compacted to its full thickness to obtain a minimum of 95 percent of the maximum dry density (modified Proctor) for embankments that will support structures, and 90 percent of maximum dry density (modified Proctor) for other embankments in accordance with ASTM D1557.

**E. *Lake Maintenance Plan***

A lake maintenance plan shall be submitted for the long-term maintenance of the lake and lake shoreline areas. The plan shall be included as part of the application for development order and, once approved, shall be recorded in the public records as part of the property owners' association documents. The lake maintenance plan shall include the following elements:

1. Identification of the entity responsibility for the maintenance of the lake area including the lake shoreline.
2. Identification of the methods to remove and control exotic and nuisance plants, in perpetuity.
3. Requirements that ensure littoral vegetation remains in a healthy and vigorous state, in perpetuity. (The use of trimming, mowing, and herbicides to remove littoral plants is prohibited.)
4. Demonstration as to how surface water runoff quantities and flow velocities will be controlled to prevent bank erosion, including but not limited to routing roof drains away from lake shorelines.
5. Requirements that educational materials be provided to residents describing the purpose and function of the bank slope and littoral areas. The materials shall also explain the individual property owner's responsibilities with respect to compliance with bank slope and littoral area management plans. Educational materials may take the form of signs and brochures.

**F. *Fencing***

The Director may require that a four-foot fence be placed around excavations for water retention when located less than 100 feet from any property under separate ownership.

**G. *Excavation or Fill Material***

All large projects where off-site removal is proposed shall provide soil displacement – cut/fill – calculations and plans certified by a registered engineer that provides the following information:

1. The volume of material proposed to be excavated for water retention/detention purposes, with plans showing the areas and cross sections associated with the excavation(s);
2. The volume of the excavated material to be used on-site, with plans showing the areas and cross sections associated with the on-site materials;
3. The volume of material (if any) to be removed from or imported to the premises; and
4. If the applicant proposes to remove from or import material to the premises, a map indicating the proposed access route to the nearest collector or arterial road.

H. *Larger Measures Prohibited*<sup>681</sup>

If the Director determines the water retention and detention measures do not qualify for administrative approval, the retention or detention is prohibited.

4. *Violations*

- A. Where removal of excess spoil activities are commenced prior to approval of a development order required by this subsection, a stop work order shall be issued and all excavation and excess spoil removal activities shall cease until an application to conduct the activities is submitted and approved in accordance with this LDC.
- B. An application to remove excess spoil after removal activities have commenced in violation of this subsection will be charged an application fee equal to four times the established fee for the type approval or permit required.
- C. Submittal of the application and payment of the application fee does not protect the applicant from additional enforcement remedies described in this LDC. Any of these forms of relief may be sought or maintained by the Village until the violation is abated.
- D. SFWMD shall receive a copy of any notice of violation issued by the Village with respect to dewatering activity.

H. **Outfall into Village Right-Of-Way (ROW)**<sup>682</sup>

Approval for discharge into a Village, county, state, or federally maintained road right-of-way, watercourse, drainage way canal, lake, pond, or stream shall be part of a development order or limited development order. In addition to the application materials typically required, the application shall also include the following:

- 1. Demonstration of all the existing and historic drainage from the site;
- 2. The existing and proposed quantity of stormwater runoff; and
- 3. A site evaluation that includes information about existing road drainage sufficient to determine if there are any impacts to existing Village drainage facilities all the way to the outfall.

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## **SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS**<sup>684</sup>

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### **7-301. ADMINISTRATION**

A. **General**<sup>685</sup>

1. *Scope*

This section applies to all development that is wholly within or partially within any flood hazard area or special flood hazard area (see Sec. 7-303, Definitions), including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

2. *Purpose and Intent*

The purpose and intent of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard

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<sup>681</sup> This section replaces Sec. 10-329(d)(9) of the transitional LDC which would require an MEPD or General Mining Permit approval for larger measures – a type of development in the county not being carried forward.

<sup>682</sup> This carries forward Sec. 10-330 of the transitional LDC.

<sup>684</sup> This Flood Hazard Section was crafted using Ordinance 2015-16. It follows the structure of that ordinance, only making basic revisions to fit the style of the draft LDC.

<sup>685</sup> This subsection carries forward Division 1 Subdivision I of Ordinance 2015-16



the public health, safety, and general welfare, and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

**3. *Coordination with Florida Building Code***

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

**4. *Warning***

The degree of flood protection required by this section and the Florida Building Code, as amended by the Village of Estero, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR Secs. 59 and 60, may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

**5. *Disclaimer of Liability***

This section will not create liability on the part of the Village of Estero or by any officer or employee of the Village for any flood damage that results from reliance on this section or any administrative decision lawfully made under it.

**B. *Applicability*<sup>686</sup>**

**1. *General***

- A. Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.
- B. This section applies to all flood hazard areas within the Village of Estero, as established in subsection C below.
- C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas, effective August 28, 2008, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and will serve as the minimum basis for

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<sup>686</sup> This subsection carries forward Division 1 Subdivision II of Ordinance 2015-16. There are no "Reserved" sections in this draft LDC, and reserved sections are omitted from material originating in Ordinance 2015-16

establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Village Hall.

**2. *Submission of Additional Data to Establish Flood Hazard Area***

To establish flood hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and Construction Documents, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- A. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as a flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
- B. Are above the closest applicable base flood elevation, the area will be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**3. *Other Laws***

The provisions of this section will not be deemed to nullify any provisions of local, state, or federal law.

**4. *Abrogation and Greater Restrictions***

This section supersedes any regulations in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing regulations including but not limited to land development regulations, zoning resolutions, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other regulations, the more restrictive will govern. This section will not impair any deed restriction, covenant, or easement, but any land that is subject to such interests will also be governed by this section.

**C. *Duties and Powers of the Floodplain Administrator*<sup>687</sup>**

**1. *Designation***

The Village Manager is designated as the Floodplain Administrator and may delegate another person to serve in this capacity. The Floodplain Administrator may delegate performance of certain duties to other employees.

**2. *General***

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator will have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures will not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.

**3. *Applications and Permits***

The Floodplain Administrator, in coordination with other pertinent offices of the community, will:

- A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
- C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination will have the opportunity to appeal the interpretation;
- D. Provide available flood elevation and flood hazard information;

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<sup>687</sup> This subsection carries forward Division 1 Subdivision III of Ordinance 2015-16

- E. Determine whether additional flood hazard data will be obtained from other sources or will be developed by an applicant;
- F. Review applications to determine whether proposed development will be reasonably safe from flooding;
- G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- H. Coordinate to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

**4. *Substantial Improvement and Substantial Damage Determinations***

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures such that the value or size of the buildings increases by at least 50 percent, calculated over the preceding five years, the Floodplain Administrator shall:

- A. Estimate the market value using the Building Cost Value in the property appraiser's records unless a qualified independent appraisal of just the structure is submitted, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure will be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and previous permits issued for repair of flood-related damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

**5. *Modifications of the Strict Application of the Requirements of the Florida Building Code***

The Floodplain Administrator will review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance in accordance with Sec. 7-301.G, Variances and Appeals.

**6. *Notices and Orders***

The Floodplain Administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

**7. *Inspections***

The Floodplain Administrator will make the required inspections as specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**8. *Other Duties of the Floodplain Administrator***

The Floodplain Administrator will have other duties, including but not limited to:

- A. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage in accordance with Sec. 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;

- B. Requiring that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;
- D. Reviewing required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;
- E. Notifying FEMA when the corporate boundaries of the Village are modified; and
- F. Advising applicants for new buildings and structures, including substantial improvements, which are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

**9. *Floodplain Management Records***

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken in accordance with this section and the flood resistant construction requirements of the Florida Building Code. These records are available for public inspection at the Village Hall.

**D. *Permits***<sup>688</sup>

**1. *Permits Required***

Any owner or owner's authorized agent also referred to as "applicant" who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

**2. *Floodplain Development Permits or Approvals***

Floodplain development permits or approvals will be issued in accordance with this section for any development activities not subject to the requirements of the Florida Building Code including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code***

In accordance with the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or approvals will

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<sup>688</sup> This subsection carries forward Division 1 Subdivision IV of Ordinance 2015-16



be required for buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section.

**4. *Application for a Permit or Approval***

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Village. The information provided shall:

- A. Identify and describe the development to be covered by the permit or approval.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan or construction documents as specified in Sec. 7-301.E, Site Plans and Construction Documents.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant or the applicant's authorized agent.
- G. Give such other data and information as required by the Floodplain Administrator.

**5. *Validity of Permit or Approval***

The issuance of a floodplain development permit or approval in accordance with this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other Village regulations. The issuance of permits based on submitted applications, construction documents, and information will not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

**6. *Suspension or Revocation***

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of this section or any other section, regulation, or requirement of the Village.

**7. *Other Permits Required***

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- A. SFWMD; Sec. 373.036, Fla. Stat.
- B. Florida Department of Health for onsite sewage treatment and disposal systems; Sec. 381.0065, Fla. Stat. and Ch. 64E-6, F.A.C.
- C. FDEP for activities subject to the Joint Coastal Permit; Sec. 161.055, Fla. Stat.
- D. FDEP for activities that affect wetlands and alter surface water flows. in conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water Act.
- E. Federal permits and approvals.

**E. *Site Plans and Construction Documents***<sup>689</sup>

**1. *Information for Development in Flood Hazard Areas***

- A. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and include, as applicable to the proposed development:
  - 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  - 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.

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<sup>689</sup> This subsection carries forward Division 1 Subdivision V of Ordinance 2015-16

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 7-301.E.2.A.
  4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
  5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  6. If the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
  7. Extent of any proposed alteration of mangrove stands, provided such alteration is approved by FDEP.
  8. Existing and proposed alignment of any proposed alteration of a watercourse
  9. Estimated labor and material costs.
  - B. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.
2. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)*
- Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
- A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
  - B. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
  - C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
    1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    2. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
  - D. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
3. *Additional Analyses and Certifications*
- As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 7-301.E.4, Submission of

Additional Data, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

- B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.
- D. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

**4. *Submission of Additional Data***

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

**F. Inspections<sup>690</sup>**

**1. *General***

Development for which a floodplain development permit or approval is required will be subject to inspection.

**2. *Development Other than Buildings or Structures***

The Floodplain Administrator will inspect all development to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

**3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code***

The Floodplain Administrator will inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

**4. *Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection***

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- A. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- B. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 7-301.E.2, Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

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<sup>690</sup> This subsection carries forward Division 1 Subdivision VI of Ordinance 2015-16

**5. *Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final Inspection***

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 7-301.F.4, Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection.

**6. *Manufactured Homes***

The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

**G. *Variances and Appeals***<sup>691</sup>

**1. *General***

The PZDB<sup>692</sup> shall hear and decide on requests for appeals and requests for variances from the strict application of this section. This section does not apply to Sec. 3109 of the Florida Building Code, Building.

**2. *Appeals***

The PZDB<sup>693</sup> shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by state law.

**3. *Limitations on Authority to Grant Variances***

The PZDB<sup>694</sup> will base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Sec. 7-301.G.7, Considerations for Issuance of Variances, the conditions of issuance set forth in Sec. 7-301.G.8, Conditions for Issuance of Variances, and the comments and recommendations of the Building Official. The PZDB<sup>695</sup> has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

**4. *Restrictions in Floodways***

A variance will not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 7-301.E.3, Additional Analyses and Certifications.

**5. *Historic Buildings***

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement, and rehabilitation will be subject to the requirements of the Florida Building Code.

**6. *Functionally Dependent Uses***

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance

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<sup>691</sup> This subsection carries forward Division 1 Subdivision VII of Ordinance 2015-16

<sup>692</sup> PZDB here replaces "Board of Adjustment" from Ordinance 2015-16.

<sup>693</sup> PZDB here replaces "Board of Adjustment" from Ordinance 2015-16.

<sup>694</sup> PZDB here replaces "Board of Adjustment" from Ordinance 2015-16.

<sup>695</sup> PZDB here replaces "Board of Adjustment" from Ordinance 2015-16.



meets the requirements of Sec. 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**7. *Considerations for Issuance of Variances***

In reviewing requests for variances, the PZDB<sup>696</sup> will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- D. The importance of the services provided by the proposed development to the community;
- E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- F. The compatibility of the proposed development with existing and anticipated development;
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable expected at the site; and
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**8. *Conditions for Issuance of Variances***

Variances may be issued only upon:

- A. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
- B. Determination by the PZDB<sup>697</sup> that:
  - 1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and regulations; and
  - 3. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- C. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

**H. *Violations***

Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that

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<sup>696</sup> PZDB here replaces "Board of Adjustment" from Ordinance 2015-16. Appropriate?

<sup>697</sup>: PZDB here replaces "Board of Adjustment" from Ordinance 2015-16. Appropriate?

does not fully comply with this section, will be deemed a violation of this LDC. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

**1. Authority**

For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**2. Unlawful Continuance**

Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

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**7-302. FLOOD RESISTANT DEVELOPMENT<sup>698</sup>**

**A. Buildings and Structures Exempt from Florida Building Code<sup>699</sup>**

In accordance with Sec. 7-301.D.3, Buildings, Structures, and Facilities Exempt from the Florida Building Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 7-302.G, Other Development.

**B. Subdivisions**

**1. Minimum Requirements**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**2. Standards for Subdivision and Other Development Proposals**

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. Where the subdivision is greater than 50 lots or five acres and base flood elevations are not included on the FIRM, base flood elevations determined in accordance with Sec. 7-301.E.2.A; and
- B. Compliance with the site improvement and utilities requirements of Sec. 7-302.C, Site Improvements, Utilities and Limitations.

**C. Site Improvements, Utilities and Limitations**

**1. Minimum Requirements**

All proposed new development will be reviewed to determine that:

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<sup>698</sup> This subsection carries forward Div. 3 of Ordinance 2015-16

<sup>699</sup> This carries forward Division 3 Subdivision 1 of Sec. 6-480 of Ordinance 2015-16. Subdivision 1 is entitled "Buildings and Structures." Sec 6-480, the only section in the subdivision, is entitled "Design and construction of buildings, structures and facilities exempt from the Florida Building Code." To conform to style, the title of Sec. 6-480 has been removed and the title of this subsection (A) renamed to be more descriptive.

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**2. *Sanitary Sewage Facilities***

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**3. *Water Supply Facilities***

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Ch. 62-532.500, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the systems.

**4. *Limitations on Sites in Regulatory Floodways***

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, may be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**5. *Limitations on Placement of Fill***

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

**6. *Limitations on Sites in Coastal High Hazard Areas (Zone V)***

In coastal high hazard areas, alteration of sand dunes and mangrove stands will be permitted only if such alteration is approved by the FDEP and only if the engineering analysis required by Sec. 7-301.E.3.D demonstrates that the proposed alteration will not increase the potential for flood damage.

**D. *Manufactured Homes***

**1. *General***

- A. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed in accordance with Sec. 320.8249, Fla. Stat., and shall comply with the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.
- B. The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Sec. 7-302.D.3, Anchoring, and the elevation standards of Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable, are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that Village of Estero Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded manufactured home or recreational vehicle development.

**2. *Foundations***

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. Foundations for manufactured homes subject to Sec. 7-302.D.6.B are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- B. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this section.

**3. Anchoring**

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**4. Elevation**

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable.

**5. General Elevation Requirement**

Unless subject to the requirements of Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the top or the lowest floor is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

**6. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions**

Manufactured homes that are not subject to Sec. 7-302.D.5, General Elevation Requirement, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- A. Top or the lowest floor of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

**7. Enclosures**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for such enclosed areas, as applicable to the flood hazard area.

**8. Utility Equipment**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

**E. Recreational Vehicles and Park Trailers**

**1. Temporary Placement**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- A. Be on the site for fewer than 180 consecutive days; or



- B. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

**2. *Permanent Placement***

Recreational vehicles and park trailers that do not meet the limitations in Sec. 7-302.E.1, Temporary Placement, shall meet the requirements of Sec. 7-302.D, Manufactured Homes.

**F. Tanks**

**1. *Underground Tanks***

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**2. *Above-Ground Tanks, Not Elevated***

Above-ground tanks that do not meet the elevation requirements of Sec. 7-302.F.3, Above Ground Tanks, Elevated, shall:

- A. Be permitted only in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.<sup>700</sup>
- B. Not be permitted in coastal high hazard areas (Zone V).

**3. *Above Ground Tanks, Elevated***

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**4. *Tank Inlets and Vents***

Tank inlets, fill openings, outlets, and vents shall be:

- A. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**G. Other Development**

**1. *General Requirements for Other Developments***

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways, if located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- D. Be constructed of flood damage-resistant materials; and
- E. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of the Building Code for wet locations.

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<sup>700</sup> This text that ends this provision, “including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris,” is taken from the current Ordinance 2015-16, Sec. 6-501(1).

**2. *Accessory Structures***

Accessory structures are not required to meet the elevation requirements if they meet all of the following requirements, in addition to those set forth in Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways:

- A. The structure is securely anchored to resist flotation, collapse, and lateral movement;
- B. The building is a minimal investment and the total size of the building does not exceed 1,000 square feet in floor area;
- C. The structure is used exclusively for uninhabitable parking or storage purposes;
- D. All electrical or heating equipment is elevated above the base flood elevation or otherwise protected from intrusion of floodwaters; and
- E. For accessory structures located in coastal high-hazard areas (V zones), breakaway walls are used below the lowest floor.

**3. *Fences in Regulated Floodways***

Fences in regulated floodways that have the potential to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.

**4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways***

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.

**5. *Roads and Watercourse Crossings in Regulated Floodways***

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional Analyses and Certifications.

**6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V)***

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures, provided the concrete slabs are designed and constructed to be:

- A. Structurally independent of the foundation system of the building or structure;
- B. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- C. Have a maximum slab thickness of not more than four inches.

**7. *Decks and Patios in Coastal High Hazard Areas (Zone V)***

In addition to the requirements of the Florida Building Code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

- A. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- B. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure, or to adjacent buildings and structures.
- C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no

harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

- D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**8. *Other Development in Coastal High Hazard Areas (Zone V)***

In coastal high hazard areas, development activities other than buildings and structures may be permitted only if it is also authorized by the appropriate federal, state, or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C., as filled systems or mound systems.

**9. *Nonstructural Fill in Coastal High Hazard Areas (Zone V)***

In coastal high hazard areas:

- A. Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.
- B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

**10. *Critical Facilities***

Critical facilities shall be located outside the limits of the special flood hazard area where feasible. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the base flood elevation, plus two feet, or the 500-year (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures shall be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities, to the maximum extent practicable. Critical facilities shall be designed to remain operable during such an event.

**11. *Standards for Areas in the B, C, and X Zones***

All new buildings not located in the areas of special flood hazard established in Sec. 7-301.B.1.C, shall have the lowest floor elevation (including basement) constructed at least 12 inches above the crown of the nearest local street, unless the Building Official determines there are extenuating circumstances that would preclude meeting that elevation.

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**7-303. DEFINITIONS<sup>701</sup>**

**A. General**

**1. *Terms Defined in the Florida Building Code***

Where terms are not defined in this section and are defined in the Florida Building Code, such terms will have the meanings ascribed to them in that code.

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<sup>701</sup> This subsection carries forward Division 2 of Ordinance 2015-16

## 2. *Terms Not Defined*

Where terms are not defined in this section or the Florida Building Code, such terms will have ordinarily accepted meanings such as the context implies.

### B. Definitions

Unless otherwise expressly stated, the following words and terms, for the purposes of this section only, have the meanings shown in this subsection.

#### **Alteration of a Watercourse**

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

#### **Appeal**

A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

#### **ASCE 24**

A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

#### **Base Flood**

A flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

#### **Base Flood Elevation**

The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

#### **Basement**

The portion of a building having its floor subgrade (below ground level) on all sides.

#### **Coastal High Hazard Area**

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V.

#### **Conditional Letter of Map Revision (CLOMR)**

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

#### **Critical Facility**

One or more of the following:

- (1) Structures or facilities that commercially produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials that are defined as extremely hazardous substances by the EPA under Sec. 302 of the Emergency Planning and Community Right-to-Know Act, Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 USC;
- (2) Nursing homes, hospitals, and social service homes;
- (3) Structures used as law enforcement stations, fire stations, governmental vehicle and equipment storage facilities, and emergency operations centers that are needed for emergency response activities before, during, and after a flood incident; and



- (4) Public or private utility facilities that are vital to maintaining and restoring normal services to flooded areas before, during, and after a flood incident.

#### **Design Flood**

The flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year;  
or
- (2) Area designated as a flood hazard area on the FIRM or otherwise legally designated.

#### **Design Flood Elevation**

The elevation of the "design flood," including wave height, relative to the datum specified on the FIRM. In areas designated as Zone AO, the design flood elevation will be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the FIRM. In areas designated as Zone AO where the depth number is not specified on the map, the depth number will be taken as being equal to two feet.

#### **Development**

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.

#### **Encroachment**

The placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

#### **Existing Building and Existing Structure**

Any buildings and structures for which the "start of construction" commenced before September 19, 1984.

#### **Existing Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 19, 1984.

#### **Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

#### **Federal Emergency Management Agency (FEMA)**

The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

#### **Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

#### **Flood Damage-Resistant Materials**

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

#### **Flood Hazard Area**

The greater of the following two areas:

- (1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the FIRM or otherwise legally designated.

**Flood Insurance Rate Map (FIRM)**

The official map of the Village on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the Village.

**Flood Insurance Study (FIS)**

The official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

**Floodplain Administrator**

The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager). The Village Manager serves as the Floodplain Manager in accordance with this section.

**Floodplain Development Permit or Approval**

An official document or certificate issued by the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

**Floodway**

The channel of a river or other riverine watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floodway Encroachment Analysis**

An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code**

The family of codes adopted by the Florida Building Commission, including the Florida Building Code, Building; the Florida Building Code, Residential; the Florida Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building Code, Plumbing; the Florida Building Code, Fuel Gas.

**Functionally Dependent Use**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic Structure**

Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11: Historic Buildings

**Letter of Map Amendment (LOMA)**

An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

**Letter of Map Change (LOMC)**

An official determination issued by FEMA that amends or revises the FIRM or FIS. The LOMCs include:

**Letter of Map Revision (LOMR)**

A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

### **Letter of Map Revision Based on Fill (LOMR-F)**

A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill shall have been permitted and placed in accordance with this section.

### **Light-Duty Truck**

As defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

### **Lowest Floor**

The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

### **Manufactured Home**

A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

### **Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

### **Market Value**

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

### **New Construction**

For the purposes of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 19, 1984, and includes any subsequent improvements to such structures.

### **New Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 19, 1984.

### **Park Trailer**

A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

### **Permanent Construction**

Does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

### **Recreational Vehicle**

A vehicle, including a park trailer, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### **Repetitive Loss**

Flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

### **Special Flood Hazard Area**

An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, AI-A30, AE, A99, AH, VI-V30, VE or V. Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

### **Substantial Damage**

Damage sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

### **Substantial Improvement**

Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of the building or structure subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

### **Variance**

A grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.



### **Watercourse**

A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

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## **SECTION 7-4. MARINE FACILITIES, STRUCTURES, AND EQUIPMENT STANDARDS<sup>703</sup>**

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### **7-401. GENERAL**

#### **A. State and Federal Permits**

Permits issued in accordance with this section or development orders for work in the Village do not eliminate the need to obtain all applicable state and federal agency permits.

#### **B. Permits Required**

1. A permit is required prior to starting any work applicable to the conditions and standards in Sec. 7-402, Dock and Shorelines Structure Standards, and Sec. 7-403, Marine Sanitation Standards.
2. Work relating to industrial, commercial, or multi-family projects may require a development order (Sec 2-502.A, Development Order) or limited development order (Sec 2-502.B, Limited Development Order), as applicable. All development order applications will be reviewed for compliance with this section.
3. In reviewing applications for permits and/or development orders, the Director may require:
  - A. Construction drawings sealed by a qualified professional engineer or registered architect;
  - B. A boundary or record survey, including labeled delineation of riparian lines, sealed by a professional surveyor and mapper (PSM) identifying the property boundary or riparian extensions into the waterbody in relation to construction or work. The survey submitted to meet this criteria shall be certified to the Village; and
  - C. A post-construction as-built survey, sealed by a PSM and certified to the Village, prior to issuance of a certificate of completion for any permit approved that is required to comply with the standards of this section.
4. The Director may conduct on-site inspections to determine if the proposed work or structure complies with the applicable standards of this section.
5. A permit is required to repair or replace an existing structure. (The Director has the authority to exempt minor repairs.)
6. The Director may authorize minor design alterations necessary to comply with the Americans with Disabilities Act.
7. Permit approvals granted in accordance with this section shall be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights or boundaries of the subject property or adjacent property, and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.
8. Issuance of a permit for new construction, reconfiguration, or the repair of an existing structure that changes the configuration in a manner not consistent with the terms and conditions of the Manatee Protection Plan is prohibited.

#### **C. Variances<sup>704</sup>**

Variances from the requirements of this section may be requested in accordance with Sec. 2-506.A, Zoning Variance, only upon finding the following standards are met:

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<sup>703</sup> This carries forward Ch. 26, Marine Facilities, Structures, and Equipment, of the transitional LDC.

<sup>704</sup> This carries forward Sec. 26-46 from the transitional LDC, excluding a cross reference to "historic resources" which is addressed in Sec. 5-704, Historic Preservation Regulations.

1. The granting of a variance will not threaten or create an undue burden upon the health, safety, and welfare of abutting property owners or the general public;
2. The requested variance is necessary to relieve an unreasonable burden placed upon the applicant by applying the regulations in question to the applicant's property; and
3. The variance requested is consistent with the comprehensive plan and the Manatee Protection Plan.

**D. Exemption from Setback Requirement**

Any structure permitted under this subsection shall not be subject to the 25-foot setback requirements from a canal or other waterbody set out in the dimensional tables in Chapter 3: Zoning Districts.

**E. Nonconforming Structures**

Any nonconforming structure repaired, replaced, or altered in accordance with Chapter 9: Nonconformities, shall not increase the size or intensity of nonconformance with the Manatee Protection Plan and Sec. 7-402.E.2.C.

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**7-402. DOCK AND SHORELINES STRUCTURE STANDARDS<sup>705</sup>**

**A. Docking Facilities and Boat Ramps<sup>706</sup>**

Dock facilities are permitted in accordance with the following standards:

**1. Number of Slips**

- A. No more than one private single-family watercraft mooring dock with two slips is permitted in natural waterbodies.
- B. A shared property line dock may be permitted for up to four slips with a joint use agreement in accordance with Sec. 7-402.A.8, Joint Use Agreements.<sup>707</sup>
- C. Handrails shall be required to prohibit the mooring of watercraft in any area not designated as a watercraft slip. Handrails shall be permanently maintained.

**2. Length of Docks**

No private single-family dock, including mooring area, may be permitted or constructed in a natural or artificial waterbody to exceed the least of any of the following lengths as measured from the mean high water line:

- A. Two hundred (200) feet;
- B. Twenty-five (25) percent of the navigable channel width. In artificial waterbodies, the navigable channel is measured from mean high waterline to mean high waterline. Watercraft mooring areas that are waterward of the dock will be deemed ten feet in width; or
- C. Up to 300 feet, at the discretion of the Director, provided the following findings are made:
  1. The proposed dock is approved by all applicable state and federal agencies;
  2. The increased length will not result in a hazard to navigation;
  3. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and
  4. The increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

**3. Maximum Dimensions**

- A. Private single-family dock facilities in natural waterbodies shall comply with Table 7-402.A.3.A: Private Single-Family Docking Facilities Maximum Dimensional Standards.

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<sup>705</sup> This carries forward Ch. 26, Art. II of the transitional LDC, excluding Sec. 26-81 Beach/Dune Walkovers.

<sup>706</sup> This carries forward Sec. 26-71 of the transitional LDC.

<sup>707</sup> The cross reference in the transitional LDC points to Sec. 26-71(g), Interest in Land to Support Residential Dock/Facility Approval. We assume this is an inadvertent error and changed the reference to point to the equivalent of Sec. 26-71(h), Joint Use Agreements.

**TABLE 7-402.A.3.A: PRIVATE SINGLE-FAMILY DOCKING FACILITIES MAXIMUM DIMENSIONAL STANDARDS**

Access Walkway	4 feet in width
Terminal Platform	160 square feet in area
Finger Piers	3 feet in width

The diagram illustrates a docking facility layout. A vertical 'Access Walkway' (hatched) extends from a horizontal 'Property Line' (dashed) into the water. At the top of the walkway is a rectangular 'Terminal Platform' (hatched). A 'Finger Pier' (hatched) branches off to the right from the walkway. Two vertical dashed lines represent the 'Riparian Line' on either side of the facility. A horizontal dashed line represents the 'Mean High Water Line'. The facility is situated between the riparian lines and the mean high water line.

- B. The Director may permit a dock of greater dimensions than subsection A above, if:
  - 1. The primary access to the property is by watercraft;
  - 2. No reasonable alternative access exists; and
  - 3. The increase in the dock dimensions is the minimum necessary to meet the needs of the property owner.

- C. Single-family dwelling boat ramps shall have a maximum width of 15 feet.

#### 4. *Setbacks*

- A. All multi-slip dock facilities, except boat davits, in or adjacent to natural waterbodies, shall be set back a minimum of 25 feet from all adjoining side lot lines.
- B. All private single-family docking facilities in natural waterbodies shall be set back from all adjoining side lot and side riparian lines, as follows:
  - 1. Marginal docks shall be set back a minimum of ten feet.
  - 2. All other docks shall be set back a minimum of 25 feet.
  - 3. Boat lifts and mooring pilings shall be set back a minimum of ten feet.
- C. Side setback requirements may be reduced if:
  - 1. Adjoining property owners execute and record a written agreement agreeing to a setback less than that required, or to a zero setback; and
  - 2. Placement of the dock in accordance with the setback agreement will not increase environmental impacts.
- D. The Director may permit deviation from the setbacks required by this subsection, in accordance with Sec. 2-506.C.2, Administrative Deviation, if the facility is located as close to the required setback as possible, and:
  - 1. The width of the subject parcel is not wide enough to permit construction of a single-family dock facility, perpendicular to the shoreline at the midpoint of the shoreline property line, without a deviation; or

2. Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources, or will not cause greater damage than will occur if the deviation is not granted.
  - E. The Director's decision in subsection D above, may be appealed in accordance with Sec. 2-506.D, Appeal of Administrative Official Decision.
  - F. All boat ramps shall be set back a minimum of ten feet from all adjoining side lot and side riparian lines.
5. *Location*
- A. Docking structures in natural or artificial waterbodies that create a hazard to navigation are prohibited.
  - B. Boat ramps located in a manner that will result in a change in the mean high water line are prohibited.
  - C. Docks located at the end of a canal may require a survey sealed by a PSM depicting the riparian area. The dock shall be designed to allow for adequate ingress/egress and mooring within the subject property's riparian area.
6. *Minimum Water Depths*
- A. *Single-Family Dock Facilities*  
There shall be a minimum depth of three feet at mean low water for all watercraft slips on private single-family dock facilities in natural waterbodies.
  - B. *Water Depths Adjacent to and Within a Multi-Slip Dock Facility*  
For multi-slip dock facilities there shall be a minimum depth of one foot clearance between the deepest draft of a vessel (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g. seagrasses) at mean low water, with a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways.
7. *Interest in Land to Support Residential Dock Facility Approval*
- In order to obtain a permit for a residential dock and related facilities, the property owner or applicant shall have a recorded right to access the water, and comply with the following standards:
- A. Own a lot with a deed describing the residential lot with at least one boundary being the waterway along which the dock facility is proposed. The lot described shall be a buildable lot with sufficient area to comply with the dimensional standards of the zoning district in which it is located.<sup>708</sup>
  - B. Have a recorded easement granting access to the waterbody for purposes of constructing and using a dock facility meeting the following standards:
    1. The easement shall be over land contiguous to the residential lot such that an extension of the side lot lines will allow access to the water beyond the rear lot line;
    2. The easement shall be for the benefit of a residential lot that is a buildable lot under the minimum lot area standards for the applicable zoning district; and
    3. The easement shall be necessary to gain access to the waterbody over and through any waterway buffer and maintenance areas required for development approval under this LDC.

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<sup>708</sup> A cross reference to Sec. 34-1173 of the transitional LDC (the 1993 submerged land exemption) has been replaced with the actual language referenced.



### **8. Joint Use Agreements**

Adjacent property owners seeking approval for a shared dock facility shall submit a draft joint use agreement. The agreement shall be approved by the Village Attorney and the Director<sup>709</sup> prior to permit issuance, and shall:<sup>710</sup>

- A. Identify each party by name, including mailing address. The parties shall be the owners of the property abutting each other that will benefit from the dock facility.
- B. Identify the physical location of the subject parcels, including STRAP numbers, a legal description, and an accompanying sketch.
- C. Identify the specific location of the docking facilities including: the name of the waterbody, the dimensions of the facilities, and the dimensions of the land that will be used in conjunction with the facilities.
- D. Provide, as an attachment to the agreement, a detailed sketch of the facility identifying the various docking facilities, subject property boundaries, and the upland area intended to be encumbered by the normal use of these facilities. This sketch shall be consistent with the statements made to comply with subsection C above.
- E. Specifically identify those areas that will be the subject of access easements to provide access, including ingress and egress to the docking facilities from each of the benefitted parcels. Depending on the facilities and parties involved, these easements may be reciprocal in nature. The easements shall be specifically granted to each party named in the agreement and shall run with the land (i.e. be part of the title to the primary residential parcel) in perpetuity. A grant of dock easement rights to parcels that do not abut the docking facility parcel is prohibited.
- F. Provide, as an attachment, a sketch prepared by a registered PSM, based on the legal description and identifying the access easements granted.
- G. Indicate who will be responsible for the cost of construction and maintaining the facilities. This can be accomplished by including cost sharing provisions.
- H. Indicate that the parties understand and agree to abide by all applicable federal, state, and local regulations pertaining to the construction, maintenance, and use of the facilities.
- I. Be submitted as a draft to the Director and the Village Attorney prior to recording, for approval.
- J. Be recorded in the public records of Lee County at the applicant's cost. A copy of the recorded agreement or a document identifying the recording information shall be submitted to the Village prior to permit issuance.

### **B. Dock Boxes<sup>711</sup>**

Dock boxes on private single family dock facilities shall not exceed three feet in height and 100 cubic feet in area. Dock boxes do not require building or marine facility permits.

### **C. Fishing Piers, Observation Decks, or Kayak/Canoe Structures<sup>712</sup>**

Fishing piers, observation decks, or kayak/canoe structures may be permitted in areas where water depth is insufficient for watercraft mooring. Kayak/canoe structures are for use with non-motorized watercraft. Fishing piers, observation decks, and kayak/canoe structures shall comply with the following standards.

#### **1. Design**

The design and construction shall:

- A. Prohibit watercraft mooring;

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<sup>709</sup> This two-part approval replicates the requirement for submittal to Environmental Services and the County Attorney in Sec. 26-71(5) of the transitional LDC.

<sup>710</sup> We have included these permit requirements as they list specific legal obligations.

<sup>711</sup> This carries forward Sec. 26-72 of the transitional LDC.

<sup>712</sup> This carries forward Sec. 26-73 of the transitional LDC.

- B. Provide access walkways and terminal platforms at five feet above mean high water; except that the terminal end of a kayak/canoe structure used for launching kayaks/canoes may be constructed lower than five feet above mean high water;
- C. Provide fixed handrails, including intermediate rails, installed around the perimeter of the structure, except for the terminal end of a kayak/canoe structure;
- D. Include a "no boat mooring" sign placed facing the water on the terminal platform of the structure; and
- E. Be set back from all adjoining side lot and riparian lines no less than 25 feet on natural water bodies. In manmade waterbodies, no setback is required.

**2. Dimensions**

The design and construction shall:

- A. Provide access walkways that do not exceed a total of four feet in width in natural water bodies.
- B. Extend toward and into the water a maximum of 200 feet from the mean high waterline.
- C. Have a maximum area of 260 square feet for the terminal platform for fishing piers or observation decks;
- D. Have a maximum area of 160 square feet for the terminal platform for kayak/canoe structures; and
- E. Extend toward and into the water from the mean high waterline a maximum of 25 percent of the navigable channel width.

**D. Boathouses<sup>713</sup>**

The following requirements apply to all boathouses associated with private single-family dwellings, except where specifically superseded by other provisions of this section:

**1. Location**

- A. All boathouses shall be constructed adjacent to or over a waterway. The entirety of a boathouse constructed over land shall be located within 25 feet of the mean high water line.
- B. Boathouses over submerged bottoms containing areas of dense seagrasses or shellfish beds are prohibited.
- C. Boathouses, boat lifts, and davits designed with mooring inside the structure shall not extend beyond 25 percent of the width of a navigable channel.

**2. Setbacks**

- A. The minimum setbacks for boathouses shall be 25 feet for natural waterbodies and ten feet for artificial waterbodies. The setback shall be measured from side lot lines and riparian lot lines to the nearest point of the structural beam of the boathouse roof.
- B. When a boathouse is constructed on or adjacent to two or more adjoining lots under common ownership and control, the setbacks shall be measured from the exterior property lines.

**3. Design Criteria**

**A. Maximum Area**

The maximum roofed area of a boathouse shall be 500 square feet.

**B. Height**

The maximum height of a boathouse shall be 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse.

**C. Permitted Uses**

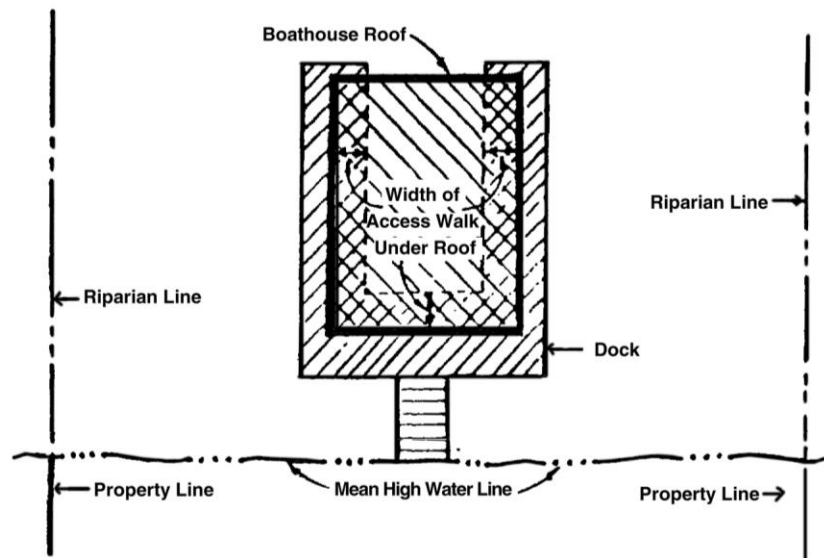
- 1. Use of a boathouse for living or fueling facilities is prohibited.

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<sup>713</sup> This carries forward Sec. 26-74 of the transitional LDC.

2. Up to 25 percent of the total roofed area of a boathouse may be used for storage of items that relate directly to the use and maintenance of watercraft. Items that do not relate directly to the use and maintenance of watercraft shall not be stored in a boathouse.
- D. *Decking*
- Access walkways not exceeding four feet in width are permitted in the area under the roof of a boathouse located over water. Additional decking in the area under the roof of a boathouse is prohibited. Decking on top of the boathouse is prohibited.
- E. *Enclosure*
1. Boathouses located over a waterbody or adjacent to a natural waterbody shall be open-sided. Safety rails 42 inches high or less are permitted.
  2. Boathouses located adjacent to an artificial waterbody shall meet the following requirements:
    - (a) The boathouse shall be open-sided if the proposed side setback is between ten and 25 feet.
    - (b) The boathouse may be open-sided or enclosed with wood lattice, chain-link, or other fencing materials if the side setback is 25 feet or more.
- F. *Wind Load Standards*
- All boathouses shall comply with the building code wind load standards. (See Building Code.) See Figure 7-402.D.3.F: Boathouse Plan.

**Figure 7-402.D.3.F: Boathouse Plan**



**E. Seawalls, Retaining Walls, and Riprap Revetment<sup>714</sup>**

**1. Seawalls on Artificial Waterbodies and Retaining Walls**

- A. Seawalls may be permitted in an artificial canal with a minimum of 50 percent of the bank having seawalls, or for a linear distance of less than 300 feet where both adjoining properties have seawalls. A new or replacement seawall shall be installed in line with the existing seawall alignment or adjoining seawalls, and placed no greater than one foot waterward of an existing seawall. Until the backfill area is stabilized, silt fence or sod shall be placed immediately landward of the seawall cap to minimize erosion into the water.
- B. Riprap rock or other similar approved material shall be placed waterward along 50 percent of the linear length of a new or replacement seawall. This riprap is not required where it would interfere with designated watercraft tie-up areas. The rock shall be placed a minimum of three

<sup>714</sup> This carries forward Sec. 26-75 of the transitional LDC.

feet in height above the bottom, waterward of the seawall, or up to the mean high water line. The rock shall be a minimum average size of 12 inches in diameter.

**2. Seawalls on Natural Waterbodies<sup>715</sup>**

- A. New or expanded seawalls are not allowed along natural waterbodies.
- B. Other hardened structures, including but not limited to groins, fencing, and other similar structures, may be permitted along natural waterbodies.
- C. Lawfully existing seawalls along natural waterbodies may be maintained or repaired and may be replaced with the same type structure, built to the same dimensions and in the same location as the previously existing structure.

**3. Retaining Walls**

Retaining walls shall be setback a minimum of five feet from the mean high water line or landward of any wetland vegetation.

**4. Riprap Revetment**

- A. Riprap shall be located and placed so as not to damage or interfere with the growth of wetland vegetation.
- B. Material used for riprap shall be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap shall be clean and free of debris and shall be deemed not harmful to the environment and public safety.
- C. Mangroves or other approved wetland vegetation shall be planted three feet on center in accordance with Sec. 7-402.F, Turbidity, for added shoreline stabilization and ecological benefit within the riprap. Other wetland mitigation techniques may be considered in-lieu of vegetation planting. No vegetation planting is required for riprap revetments constructed in artificial upland canals with a minimum of 50 percent of the bank having seawalls, or for a linear distance of less than 300 feet where both adjoining properties have seawalls.

**F. Turbidity<sup>716</sup>**

All structures shall be placed to provide the least possible impact to aquatic or wetland vegetation. During work that will generate turbidity, turbidity screens shall be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

**G. Protection of Vegetation<sup>717</sup>**

**1. Permit Conditions**

Conditions for the protection of shoreline vegetation may be placed on permits issued in accordance with this section. The conditions may include the method of designating and protecting mangroves to remain after construction, and replacement planting for mangroves removed due to construction.

**2. Mangrove Replacement and Plantings**

- A. For each mangrove removed due to construction, three mangroves shall be replanted at an alternate location on the subject property. If planting on the subject property is not appropriate, alternative forms of mitigation, such as payment into a mitigation bank, may be allowed.
- B. Mangrove plantings shall be container grown, no less than one year old, eight inches in height, and have a guaranteed 80 percent survivability rate for at least a five-year period. Mangrove plantings shall be planted three feet on center. Mangrove replanting is required if the 80 percent survivability rate is not attained before the expiration of the five-year period.

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<sup>715</sup> The transitional LDC bases this subsection on guidance from Lee Plan Objective 105.1 and Policy 105.1.3 regulating hardened structures along the natural shoreline. These policies do not exist in the most recent Lee Plan and language specifically addressing treatment of natural water bodies is not necessarily set out in the Village comprehensive plan..

<sup>716</sup> This carries forward Sec. 26-77(a) of the transitional LDC.

<sup>717</sup> This carries forward Sec. 26-77(b) of the transitional LDC.



**3. Mangrove Removal**

- A. Mangrove removal in conjunction with construction of riprap revetments, seawalls, or retaining walls along natural waterbodies is prohibited.
- B. Mangrove removal necessary for access walkway construction is limited to the minimum extent necessary to gain access to the dock facility. To the greatest extent possible, the access shall be located to:
  - 1. Use existing natural openings;
  - 2. Use areas infested with invasive exotic vegetation;
  - 3. Avoid larger mangroves; and
  - 4. Provide a maximum width of four feet and a maximum height of eight feet above the level of the walkway base.

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**7-403. MARINE SANITATION STANDARDS**

**A. Purpose<sup>719</sup>**

The purpose of this subsection is to protect the water quality and the health of the citizens of the Village from pollution resulting from sewage and other waste or discharges from marine-related activities.

**B. Discharge of Waste Material Prohibited**

It is unlawful for any person to discharge or permit or control or command to discharge any raw sewage, garbage, trash, or other waste material into the waters of the Village.

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**SECTION 7-5. HURRICANE PREPAREDNESS<sup>720</sup>**

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**7-501. PURPOSE AND INTENT**

The purpose of this section is to address the impacts created by residential development on hurricane shelter availability and evacuation capability in the Village. These requirements are intended to mitigate the growing hurricane shelter deficit, along with related effects on evacuation times and infrastructure, caused by permitting residential development without addressing the incremental impact on the Village's hurricane preparedness program.

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**7-502. APPLICABILITY**

- A. The hurricane preparedness standards of this section apply to new residential development on land in Category 1, 2, or 3<sup>721</sup> storm surge areas that is required to obtain a development order (Sec. 2-502.A, Development Order) or limited development order (Sec. 2-502.B, Limited Development Order).
- B. For purposes of this section, residential development includes but is not limited to, all assisted living facilities, dwelling units, housing units, mobile homes, recreational vehicle developments<sup>722</sup>, hotels and motels, nursing homes,<sup>723</sup> hospitals,<sup>724</sup> and social service homes.<sup>725</sup>

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<sup>719</sup> This carries forward Sec. 26-111 of the transitional LDC.

<sup>720</sup> This section carries forward Article XI, Hurricane Preparedness, of the transitional LDC, conforming it to the new draft LDC, with no intended substantive change.

<sup>721</sup> Retaining the convention from the transitional LDC, hurricane categories are shown as numerals, rather than written out, throughout this section.

<sup>722</sup> Recreational Vehicle Developments was qualified in the transitional LDC by the following in parentheses "(including recreational vehicles qualifying as permanent residences under this LDC)." This qualification has been removed as have all references to recreational vehicles as permanent residences throughout this LDC.

<sup>723</sup> This replaces Health Care Facilities Groups I & II.

<sup>724</sup> This replaces Health Care Facilities Group IV.

<sup>725</sup> This replaces Social Services Facilities Groups III and IV.

### 7-503. AUTHORITY

- A. The Director shall decide the type and degree of acceptable hurricane preparedness mitigation for a proposed development subject to the requirements of this section, based upon the type and intensity of development, its location, and the incremental effect on the hurricane preparedness program it creates. The mitigation requested by the Village shall have a reasonable relationship to the incremental impact of the development. Calculation of impacts according to Sec. 7-505.A, Shelter Impacts, constitutes sufficient evidence of reasonable relationship.
- B. The Director shall deny acceptance of an applicant's proposed mitigation if the proposal is inappropriate for the location involved or would result in the creation of an unacceptable shelter facility (e.g. on-site shelter without appropriate shutters).
- C. The option chosen by the developer to mitigate shelter and evacuation impacts shall be approved prior to the issuance of a development order (Sec 2-502.A, Development Order) or limited development order (Sec 2-502.B, Limited Development Order), as appropriate. The payment-in-lieu established by this section shall be satisfied prior to the issuance of a building permit.

### 7-504. DETERMINATION OF IMPACTS<sup>726</sup>

#### A. Shelter Impacts

Shelter impacts are largely related to building issues (i.e., availability of actual appropriate shelter space). Impact on hurricane shelter availability is calculated as follows:

##### 1. Residential Units

The following formula shall be used for dwelling units, housing units, mobile homes, recreational vehicle developments (including recreational vehicles qualifying as permanent residences under this LDC), nursing homes, hospitals, and social service homes.

A.  $U \times P = N$

B.  $N \times Ssr = Sp(r)$

##### 2. Hotel or Motel Units

The following formula shall be used for all hotels and motels.

A.  $Hu \times O = R$

B.  $R \times Ssr = Sp(hu)$

##### 3. Total Units

The following formula shall be used to calculate total shelter impacts for a development.

A.  $Sp(r) + Sp(hu) = Sp(t)$

B.  $Sp(t) \times Rfa = Sq(t)$

##### 4. Formula Key

The terms in Table 7-504.A: Shelter Impacts Formula Key, shall be used in the formulas in subsections 1, 2, and 3 above.

TABLE 7-504.A: SHELTER IMPACTS FORMULA KEY	
Formula Term	Term Meaning
Hu	Number of hotel or motel units
N	Number of residents in development
O	Number of people per unit
P	Persons per household [1]
R	Residents in residence
Rfa	Required square feet of shelter floor area per space [2]
Sp(r)	Shelter spaces needed by development's residential units
Sp(hu)	Shelter spaces needed by development's hotel or motel units

<sup>726</sup> This carries forward Sec. 2-484 of the transitional LDC, with clarification where necessary

TABLE 7-504.A: SHELTER IMPACTS FORMULA KEY	
Formula Term	Term Meaning
Sp(t)	Total shelter spaces needed by all units
Ssr	Shelter seeking rate [3]
Sq(t)	Total square feet of shelter floor area required for the development
U	Number of residential units [4]
<p>NOTES:</p> <p>[1] For Developments of Regional Impact, use the value set forth below that represents the closest year to the established buildout date:</p> <p>Year 2000: 2.25 Year 2005: 2.21 Year 2010: 2.17 Year 2015: 2.13 Year 2020: 2.09</p> <p>The Director may use an alternative person per household (P) figure for non-development of regional impact projects. Any alternative figure used shall be supported by valid evidence, acceptable to the Director and derived from an established and professionally acceptable source. The applicant requesting the alternative figure is responsible for providing sufficient evidence to substantiate the alternative figure.</p> <p>[2] 20 square feet per space</p> <p>[3] 0.21</p> <p>[4] In nursing homes, hospitals, and social service homes, each four beds will be counted as one residential unit.</p>	

## B. Evacuation Impacts

Evacuation impacts are largely related to the transportation infrastructure necessary to accommodate timely and efficient evacuation. Impacts on the evacuation time and infrastructure are calculated as in 1. and 2., below.

### 1. Evacuating Vehicles for All Residential Units

$$EV(t) = U \times V$$

### 2. Formula Key

The terms in Table 7-504.B: Evacuation Impacts Formula Key, shall be used in the formula in subsection 1 above.

TABLE 7-504.B: EVACUATION IMPACTS FORMULA KEY	
Formula Term	Term Meaning
EV(t)	Number of evacuating vehicles for all residential units[1]
U	The number of residential units
V	The number of vehicles per occupied unit [2]
<p>Notes:</p> <p>[1] For this formula residential units includes single-family residential, multi family, hotels or motels, etc.</p> <p>[2] 1.1</p>	

## 7-505. MITIGATION

### A. Shelter Impacts

Except for those developments listed in subsection 5 below, one or a combination of the following options may be used to address the impacts on the hurricane shelter program. The Director shall determine the acceptability and appropriateness of the mitigation proposed.

#### 1. Land Donation

If a donation of land is proposed, it shall meet the following requirements:

- A. The land shall be located outside the coastal high hazard area.

- B. The land shall be capable of being used to reduce hurricane shelter impacts in the Village.
- C. The Village shall receive marketable fee title to the land. Land donated shall not be encumbered by a restriction that it be used solely for hurricane shelter purposes.
- D. The value of the land donated shall be determined as of the earliest date the requirement to provide hurricane preparedness mitigation becomes applicable based upon formal Village action (i.e., rezoning, platting, development order approval, etc.).

**2. *Donate Use of Private Structure***

If a donation of the use of a private structure is proposed, it shall comply with the following requirements:

- A. The structure shall be located outside the coastal high hazard area.
- B. The structure shall be constructed and capable of use as a primary public hurricane shelter. Specifically, the structure and all required equipment and supplies shall be:
  - 1. Elevated to the anticipated land fall of a Category 3 hurricane's flood level;
  - 2. Constructed to withstand winds of at least 150 miles per hour according to the Florida Building Code;
  - 3. Constructed with a minimum of exterior glass, with all glazed openings provided with impact protection in accordance with the Florida Building Code;
  - 4. Equipped with emergency power and potable water supplies;
  - 5. Provided with adequate ventilation, sanitary facilities, and first aid equipment; and
  - 6. The structure and all restrooms and support facilities shall comply with all regulations regarding accessibility for persons with disabilities.
- C. For purposes of compliance with this subsection, the cost of providing or donating a structure for use as a primary hurricane shelter shall be determined as the incremental cost difference attributable to bringing the structure up to primary public shelter standards from the original primary proposed use.

**3. *Payment In-Lieu of Donation of Land or Use of a Private Structure***

If payment in-lieu is proposed, it shall be calculated using the following formula:

**A. *Step One: Calculate Costs for Shelter Improvements***

The following formula determines cost for increased wind speed standards and elevation

- 1. Shelter Improvement Costs =  $Sq(t) \times \$6.66$
- 2. Note: \$6.66 is derived from adding \$1.34 per square foot of shelter space for increased essential facility wind speed standards to \$5.32 per square foot of shelter space for increase for elevation above storm surge for a Category 3 hurricane.

**B. *Step Two: Emergency Power Costs***

- 1. Emergency Power Costs =  $LPC \times SF \times PD \times \$200.00 \div 1000$
- 2.  $5 \times 20 \times 1$  (representing one person)  $\times \$200.00 \div 1000 = \$20.00$  per person

**C. *Step Three: Total Costs (not including shuttering)***

Total costs (not including shuttering) =  $(Sq(t) \times \$6.66) + (\$20.00 \times N)$

**D. *Formula Key***

The terms in Table 7-505.A.3: Payment-In-Lieu Formula Key, shall be used in the formulas in subsections A, B, and C above.

TABLE 7-505.A.3: PAYMENT-IN-LIEU FORMULA KEY	
Formula Term	Term Meaning
LPC	Number of watts per square foot for load and power consumption of typical uses.
PD	Number of people in dwelling unit. Use "1" for calculating per-person
SF	20 square feet, the minimum hurricane shelter space area per person.



TABLE 7-505.A.3: PAYMENT-IN-LIEU FORMULA KEY	
Formula Term	Term Meaning
Sq(t)	Total square feet of shelter floor area required for the development, as calculated in Sec. 7.4.3.(B).

#### 4. On-Site Shelter

Provision of an on-site shelter shall comply with the following requirements:

- A. The on-site shelter shall be located outside the coastal high hazard area unless it is constructed in accordance with the standards in Sec. 7-505.A.5.B, Facilities Requiring Special Care, for the uses referred to therein.
- B. The shelter space shall, at a minimum, equal the hurricane shelter space demand the proposed development is anticipated to create.
- C. The structure and all required equipment and supplies shall be:
  1. Elevated to the anticipated flood levels of a Category 3 hurricane;
  2. Constructed to withstand winds of at least 150 miles per hour according to the Florida Building Code;
  3. Constructed with a minimum of exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code;
  4. Equipped with emergency power and potable water supplies;
  5. Provided with adequate ventilation, sanitary facilities, and first aid equipment; and
  6. The structure, and all restrooms and support facilities, shall comply with all regulations regarding accessibility for persons with disabilities.
- D. For purposes of compliance with this subsection, the cost of providing a structure for use as an on-site hurricane shelter will be determined as the incremental cost difference attributable to bringing the structure up to public shelter standards from the original or primary use.
- E. The developer shall arrange for the annual training for the on-site shelter manager. Training shall be conducted by the American Red Cross and approved by the Director.

#### 5. Facilities Requiring Special Care<sup>729</sup>

- A. This subsection applies to assisted living facilities, nursing homes,<sup>730</sup> continuing care retirement communities,<sup>731</sup> hospitals,<sup>732</sup> and social service homes.<sup>733</sup>
- B. The facilities subject to this subsection shall be located outside the coastal high hazard area unless designed to address shelter and evacuation impacts on-site as follows:
  - (a) Be elevated to the anticipated storm surge from a land falling Category 5 storm.
  - (b) Be constructed to withstand winds of 200 mph, in accordance with the Florida Building Code;
  - (c) Be constructed with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code;
  - (d) Be equipped with emergency power and potable water supplies to last up to five days; and
  - (e) Be protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

<sup>729</sup> This shortens the heading “Health care facilities—Group I (nursing and personal care facilities), Group II (skilled nursing care facilities and hospices, Group IV (hospitals), assisted living facilities, continuing care facilities, and Social Services Groups III and IV”.

<sup>730</sup> This replaces Health Care Facilities Groups I & II.

<sup>731</sup> Continuing care retirement communities is a new addition not discussed here in the transitional LDC.

<sup>732</sup> This replaces Health Care Facilities Group IV.

<sup>733</sup> This replaces Social Services Facilities Groups III and IV.

2. The developer or operator of the facility shall conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by the Director.
  3. The developer or operator of the facility shall submit a post storm recovery plan including post storm evacuation plan for review and approval by the Director.
- C. Facilities located within Lee County Evacuation Zones A, B, or C as maintained by the Lee County Emergency Operations Center<sup>734</sup> shall construct sufficient hurricane shelter space for its residents meeting the construction standards set forth in Sec. 7-505.A.4, On-Site Shelter. This requirement may not be satisfied by a payment in-lieu of constructing the shelter.

## **B. Evacuation Impacts**

One or a combination of the following options may be used to address the impacts on hurricane evacuation routes with respect to evacuation timing and infrastructure precipitated by a proposed residential development. The acceptability and appropriateness of the type of mitigation proposed shall be determined by the Director, with assistance from the Lee County Department of Transportation (LCDOT).

### **1. Roadway Elevation or Improvements**

The acceptability and appropriateness of any proposed mitigation option shall be determined by the Director based on the residential development's vulnerability conditions. Mitigation under this option may include one or more of the following:

- A. Construction of roads in the development or subdivision that are built to meet the same elevation as the nearest segment of a designated evacuation route. Determination as to the applicable route or segment shall be made by the Director in consultation with LDOT.
- B. Construction of the main access or spine road in the development or subdivision to an elevation meeting the one in ten- to the one in 25-year storm event. The Director shall determine the applicable storm event standard.
- C. Improvement of an offsite road to be used by the subdivision or development for evacuation purposes. The road segment and standard for the road improvement shall be determined by the Director in consultation with LDOT.

### **2. Evacuation Efficiency Improvements**

This mitigation strategy involves the provision of funds to improve the ability to provide information to evacuees during actual evacuation situations or to improve the existing warning and notification system. Funds provided under this option may be used for items such as:

- A. Communications equipment to convey real-time conditions to the public on the roads.
- B. Information systems along major arterial evacuation routes to convey emergency information.

### **3. Vertical Evacuation**

The viability of a vertical evaluation mitigation option shall be based upon the following:

- A. The structure shall be elevated above the anticipated Category 3 land falling hurricane storm surge and shall be able to withstand wind speeds of at least 150 miles per hour.
- B. The structure shall be located outside the coastal high hazard area.

## **C. Mitigation Options That Will Address Both Shelter and Evacuation Impacts**

One or a combination of the following options will constitute full mitigation of both shelter and hurricane evacuation impacts for residential development, with the exception of those residential developments listed in Sec. 7-505.A.5.B, Facilities Requiring Special Care.

### **1. Safe Room**

Construction of a room, within a residential building, that is designed to withstand a hurricane and is capable of accommodating the occupants of the dwelling. Viability of this mitigation option shall be determined by the Director based upon the following:

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<sup>734</sup> Evacuation zones are maintained by Lee County. Categories A, B, and C are analogous to the older "Category 2 or 3 landfalling storm surge areas" referenced in the transitional LDC.

- A. The room selected for this purpose shall be built to current FEMA safe room standards.
- B. The residential unit where the safe room is constructed shall be located outside the coastal high hazard area.

**2. *Elevation Above Hurricane Flooding Levels***

Construction of residential units above the Category 3 land falling storm surge level. This option is available only for construction located outside the coastal high hazard area and does not subject the construction to standards in excess of those applicable in the Village building code.

**D. Appropriate Spending<sup>735</sup>**

All funds collected in accordance with this section are required to be spent to provide hurricane mitigation options for the development paying the funds, in an amount proportionate to the funds paid.

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<sup>735</sup> This is a new heading for existing Sec. 2-485(e) of the transitional LDC, which has no heading.

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# CHAPTER 10

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## DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

### COMMENTARY

**Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement**, contains the rules governing construction and interpretations, rules of measurement, and the definitions used in the LDC.

- **Section 10-1, General Rules for Construction**, addresses the meanings and intent of words and commonly used phrases, clarifies that the text is the controlling factor when a diagram, table, or chart differs from the text, discusses how time is to be calculated, and includes provisions authorizing the delegation of authority from the Director.
- **Section 10-2, General Rules for Interpretation**, sets out the rules governing the interpretation of zoning district boundaries and the rules governing the Director's determination and interpretation of unlisted uses.
- **Section 10-3 Rules of Measurement**, establishes rules for measuring bulk and dimensional requirements like height, width, setbacks, lot area, and other measurements that are required to interpret standards.
- **Section 10-4, Definitions**, includes the definitions used in the LDC.

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



## SECTION 10-4. DEFINITIONS<sup>930</sup>

The following words, terms, and phrases, when used in this LDC, shall have the meaning ascribed to them in this section.

### **Abandoned Nest<sup>931</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that is intact or partially intact but has been inactive through five or more consecutive nesting seasons.

### **Abandoned Well<sup>932</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a well that does not have a properly functioning valve, the use of which has been permanently discontinued, that does not meet current well construction standards, that is discharging water containing greater than 500 milligrams per liter of chlorides into a drinking water aquifer, that is in such a state of disrepair that it cannot be used for its intended purpose without having an adverse impact upon an aquifer which serves as a source of drinking water or which is likely to be such a source in the future, or that does not have proper flow control on or below the land surface (see Sec. 373.203(1), Fla. Stat.).

### **Abandonment<sup>933</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, the permanent cessation of the use of a communications facility; provided that this term shall not include cessation of all use of a facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be "abandonment" of a facility in public rights-of-way. It may also mean the discontinued use of obsolete technology in favor of new technology, which would require the removal of the discontinued, abandoned technology.

### **Abutting Property<sup>934</sup>**

Unless specifically stated otherwise in this LDC, a property having a boundary line, or point or portion thereof, in common, with no intervening street right-of-way or easement, or any other easement over 25 feet in width.

### **Access Point<sup>935</sup>**

An accessway or driveway that provides vehicle access to a single parcel of land.

### **Access Road<sup>936</sup>**

A road that runs generally parallel to an arterial or collector road and is the primary access to properties that abut the arterial or collector road. An access road is intended only to provide access to parcels existing when it is constructed and does not provide frontage for newly created parcels as would a local road. See also Frontage Road.

### **Access, Vehicular<sup>937</sup>**

The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement.

### **Access Walkway<sup>938</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the portion of a structure that allows access to a docking facility or terminal platform.

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<sup>930</sup> Highlighted definitions were provided for review in Module 1

<sup>931</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>932</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>933</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>934</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>935</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>936</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>937</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>938</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

**Accessway<sup>939</sup>**

Land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial, and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure.

**Accessory Use or Structure**

A use or structure that is:

- (1) Clearly incidental to and customarily found in connection with and located on the same parcel as is the principal use to which it is related; and or
- (2) Designed for the comfort, convenience or necessity of occupants of the principal use served.

**Active Nest<sup>940</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that shows or showed evidence of breeding by southern bald eagles, such as an adult attending the nest or in incubating position, a clutch of eggs, or a brood of nestlings, at any time during the current or most recent nesting season.

**ADA Accessibility Guidelines<sup>941</sup>**

Document that contains scoping and technical requirements for accessibility to site, facilities, buildings and elements by individuals with disabilities. These guidelines are intended to apply to the design, construction, expansion, and alteration of sites, facilities, buildings, and elements to the extent required under the Americans with Disabilities Act of 1990 (ADA) and subsequent amendments.

**Adjacent<sup>942</sup>**

A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

**Advertising Message<sup>943</sup>**

Copy on a sign describing commodities, products or services being offered to the public.

**Aggrieved Person or Party<sup>944</sup>**

Any person who has a legally recognizable interest which is or which may be adversely affected by an action of or an action requested of the Village Council, or any other person or Board that has been delegated authority under this LDC by the Village Council.

**Agriculture<sup>945</sup>**

Farming, horticulture, pasturage, animal husbandry, citrus and other fruit groves, nurseries, dairy farms, commercial fisheries, frog or poultry hatcheries, and similar uses.

**Alcoholic Beverage<sup>946</sup>**

Distilled spirits and all beverages, other than medicine, intended for human consumption and containing one-half of one percent or more alcohol by volume.

**Alter and Alteration<sup>947</sup>**

Any change in size, shape, character or use of a building or structure.

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<sup>939</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>940</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>941</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>942</sup> This is a new definition.

<sup>943</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>944</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>945</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>946</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>947</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Alternate Nest<sup>948</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that is intact or partially intact and has been used by bald eagles at any time during the past five nesting seasons, but was not used during the current or most recent nesting season. An inactive nest is considered to be an alternate nest until it has been inactive for five consecutive nesting seasons, at which time it becomes an abandoned nest.

**Amateur Radio Antenna<sup>949</sup>**

An antenna, including any mounting device, tower, or antenna-supporting structure, designed and constructed for amateur radio services.

**Amateur Radio Services<sup>950</sup>**

A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

**Ambient Light<sup>951</sup>**

Light not emanating from the site, such as moonlight.

**Amusement Arcades<sup>952</sup>**

An indoor commercial establishment which provides, as the principal “use,” amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are “accessory uses” which either do not involve more than fifteen percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

**Amusement Centers<sup>953</sup>**

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

**Ancillary Appurtenances<sup>954</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, equipment associated with a wireless communications facility including, but not limited to: Antennas, antenna concealment screening, attaching devices, transmission lines, and other equipment associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

**Animal Clinic<sup>955</sup>**

An establishment providing for the diagnosis and treatment of ailments of animals other than humans, and which may include facilities for overnight care.

**Animal Shelter<sup>956</sup>**

A facility used to house and care for stray, homeless, abandoned, or neglected household and domestic animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

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<sup>948</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>949</sup> This definition is carried forward from Sec. 34-1175.

<sup>950</sup> This definition is carried forward from Sec. 34-1175.

<sup>951</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>952</sup> This modernizes the listed use “Coin-operated amusement establishments that primarily provide coin-operated amusement devices; coin-operated includes coins, tokens or other similar devices” from the transitional LDC.

<sup>953</sup> This modernizes the listed use “Coin-operated amusement establishments that primarily provide coin-operated amusement devices; coin-operated includes coins, tokens or other similar devices” from the transitional LDC.

<sup>954</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>955</sup> This carries forward the definition of animal clinic from Sec. 34-2 of the transitional LDC.

<sup>956</sup> This is a new definition.

**Antenna<sup>957</sup>**

Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to, all radio, television, microwave, and satellite dish antennas.

**Antenna Concealment Screening<sup>958</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, panels, covers, or other methods that screen the visibility of antennas.

**Antenna, Dish<sup>959</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a parabolic, spherical, or elliptical antenna intended to receive wireless communications.

**Antenna, Flush-Mounted<sup>960</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a dual-polarization antenna that is attached flush to an antenna-supporting structure, without the use of sidearms or other extension devices.

**Antenna, Panel<sup>961</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a directional antenna, with more than one panel per sector, designed to transmit and/or receive signals in a directional pattern that is less than 360 degrees.

**Antenna, Roof-Mounted<sup>962</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an antenna mounted on the roof of a building, that extends above the roofline by 20 feet or less. An antenna, mounted on the roof of a building, that extends more than 20 feet above the roofline is an antenna-supporting structure.

**Antenna, Surface-Mounted<sup>963</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an antenna that is attached to the surface or façade of a building or structure other than an antenna-supporting structure including, without limitation, billboards, utility poles and water towers.

**Antenna, Whip<sup>964</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a cylindrical, omni-directional antenna designed to transmit and/or receive signals in a 360-degree pattern.

**Antenna-Supporting Structure<sup>965</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a vertically projecting structure, including any foundation, designed and primarily used to support one or more antennas or which constitutes an antenna itself. Antenna-supporting structures include roof-mounted antennas that extend above a roofline by more than 20 feet. For purposes of this division, a utility pole not exceeding 40 feet in height will not be construed to be an antenna-supporting structure.

**Antenna-Supporting Structure, Broadcast<sup>966</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an antenna-supporting structure, including replacements, which contains antennas that transmit signals for broadcast radio and television communications.

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<sup>957</sup> This is a new definition.

<sup>958</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>959</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>960</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>961</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>962</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

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<sup>966</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

**Antenna-Supporting Structure, Guyed<sup>967</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a style of antenna-supporting structure supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

**Antenna-Supporting Structure, Lattice<sup>968</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a style of stand-alone antenna-supporting structure, not supported by guy wires, which consists of vertical and horizontal supports with multiple legs and cross-bracing.

**Antenna-Supporting Structure, Monopole<sup>969</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a style of stand-alone antenna-supporting structure that is composed of a single shaft attached to a foundation with external antennas. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices.

**Antenna-Supporting Structure, Replacement<sup>970</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an antenna-supporting structure intended to replace an antenna-supporting structure in existence at the time of application.

**Applicable Codes<sup>971</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction or property or injury to persons, and the regulations and design standards contained Sec. 4-143, Wireless telecommunications. For all other sections, all codes with the force of law in the Village of Estero.

**Applicant<sup>972</sup>**

Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity, or their duly authorized representative, conducting activities under this LDC.

**Application for a Development Order<sup>973</sup>**

The submission of the documents as required to the Director for review.

**Approved Discharge Device<sup>974</sup>**

A device which is currently listed by the United States Coast Guard as an approved marine sanitation device.

**Approved Road<sup>975</sup>**

For purposes of Sec. 8-102, Road Impact Fees, only, an arterial road, collector road, freeway, or expressway, including sidewalks bordering such roads and access roads, that if constructed in whole or in part by a nongovernmental entity, or the right-of-way of which is dedicated to the Village or some other government approved by the Village, that may entitle the person constructing the road or dedicating the right-of-way to a road impact fee credit equal to all or a portion of the value of the land dedicated or the cost of construction. Approved roads do not include site-related improvements.

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<sup>967</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>968</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>969</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>970</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>971</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>972</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>973</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>974</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>975</sup> This definition is carried forward from Sec. 2-264(a) of the transitional LDC, modified by removing the reference to different classes of roads.



**Aquatic Centers (Indoor)<sup>976</sup>**

A complex with facilities for water sports, including swimming pools.

**Aquatic Centers (Outdoor)<sup>977</sup>**

An outdoor complex with facilities for water sports, including swimming pools, and that may include water slides.

**Aquifer<sup>978</sup>**

A geologic formation, group of formations, or a part of a formation, containing sufficient saturated permeable material to yield useful quantities of ground water to wells, springs, or surface water. (See Rule 62-520.200(2), F.A.C.)<sup>979</sup> (See Sec. 7-202, Wellfield Protection).

**Architect<sup>980</sup>**

A professional architect duly registered and licensed by the state of Florida.

**Areas of Special Concern (ASC)<sup>981</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, those areas as identified and described in the Manatee Protection Plan.

**Art Gallery<sup>982</sup>**

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

**Articulation<sup>983</sup>**

Shapes and surfaces having joints or segments that subdivide the area or elements; the joints or members add scale and rhythm to an otherwise plain surface.

**Artificial Light or Artificial Lighting<sup>984</sup>**

Light emanating from any man-made device.

**Assisted Living Facility<sup>985</sup>**

A use licensed under Ch. 58A-5, F.A.C, that may be a building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, that undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. For purposes of this definition only, the term "personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services that the department may define by rule. "Personal services" shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

**ASTM<sup>986</sup>**

American Society of Testing Materials.

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<sup>976</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>977</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>978</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>979</sup> The "See \_\_\_" portion of this carried forward definition called to three locations: Rule 40E-3.201(3) F.A.C. which is no longer current, the Lee County Well Code, and Sec. 62-520.200(2) F.A.C. It is replaced with a single cross reference for clarity and consistency to the F.A.C. section.

<sup>980</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>981</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>982</sup> This is a new definition.

<sup>983</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>984</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>985</sup> This carries forward the definition of assisted living facility from Sec. 34-2 of the transitional LDC.

<sup>986</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

**Athletic Field<sup>987</sup>**

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

**Automotive Service Station<sup>988</sup>**

An establishment primarily engaged in the retail sale of motor fuel or lubricants, but which may also include facilities for washing, polishing, waxing, greasing, tire repair (with no recapping or vulcanizing) and other minor incidental repairs, and emergency road service, including towing and emergency repairs and services; provided, however, such establishment is not primarily engaged in work or services listed as "Vehicle and boat repair and maintenance."

**Available Space<sup>989</sup>**

For the purpose of Sec. 4-143, Wireless telecommunications, the space on an antenna-supporting structure or other structure to which antennas are both structurally and electromagnetically able to be attached.

**Average Lighting<sup>990</sup>**

The sum of the calculated illuminance points on the photometric plan divided by the total number of calculated illuminance points within the site boundary. Sub-area averages, such as canopies, fuel pumps, telephone, drive thru, ATM, and the like, shall only include points within that sub-area. Illuminance levels will be computed over developed portions of each site and specified adjacent land and do not include enclosed building pad areas. Time-averaged or other alternative methods of computing illuminance levels are not be permitted.

**Awning<sup>991</sup>**

A roof-like cover, made of cloth, canvas or other similar material, that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. See also Canopy and Marquee.

**Back-lighting<sup>992</sup>**

Illumination of an awning, canopy, or building roof, fascia, façade or through similar area by any type of lighting source from behind the fascia, façade or roof in order to be seen through those structures.

**Bait and Tackle Shop<sup>993</sup>**

An establishment primarily engaged in the sale of materials and equipment needed for fishing. The establishment may also sell convenience food products, drinks, sandwiches, and other packaged foods for daily use.

**Balloon Test<sup>994</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an event in which the applicant arranges to fly, or raise upon a temporary mast, for four consecutive days, a brightly colored balloon not less than three feet in diameter, at the maximum height and at the location of the proposed antenna-supporting structure.

**Bank or Financial Institution<sup>995</sup>**

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

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<sup>987</sup> This is a new definition.

<sup>988</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>989</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>990</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>991</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>992</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>993</sup> This is a new definition.

<sup>994</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>995</sup> This is a new definition.

**Banner<sup>996</sup>**

Any sign, other than an official flag, made of cloth, paper or fabric of any kind and suspended by one or more strings or ropes, which is used to attract attention, whether or not imprinted with words or characters. See Pennant.

**Bar<sup>997</sup>**

An establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages.

**Base Station<sup>998</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a primary sending and receiving site in a wireless communication network. A wireless communication facility may support base stations for more than one provider.

**Bed and Breakfast<sup>1000</sup>**

An owner-occupied conventional single-family residence that accommodates lodgers.

**Beer<sup>1001</sup>**

A beverage as defined in Ch. 563, Fla. Stat.

**Best Management Practices (BMPs)<sup>1002</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, methods and practices used to control and manage stormwater runoff that have been determined most appropriate by state and federal agencies such as FDEP and EPA.

**Bicycle Lane or Bike Lane<sup>1003</sup>**

The portion of a roadway designated by signing and pavement markings for the preferential or exclusive use of bicyclists.

**Big Box Commercial/Large Retail/Large Footprint<sup>1004</sup>**

A single use retailer of more than 50,000 square feet of building footprint, or a multi-use development, with more than 100,000 square feet of building area, excluding out parcel development.

**Bike Share Station<sup>1005</sup>**

A public or quasi-public bicycle system, or bike-share scheme, that is a service to people who decide to participate (typically for a fee), in which bicycles are made available for shared use to individuals on a very short term basis at a bike share station. For many bike share systems, smartphone mapping applications show nearby stations with available bikes and open bike docks.

**Bikeway<sup>1006</sup>**

Various types of facilities that are designed and constructed to accommodate bicycle travel.

**Billboard<sup>1007</sup>**

Outdoor advertising signs erected or maintained upon which advertising messages may be displayed and which advertise firms and organizations that, along with their goods, products or services, are

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<sup>996</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>997</sup> This carries forward the definition of bar or cocktail lounge, from Sec. 34-2 of the transitional LDC.

<sup>998</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1000</sup> This carries forward the definition of bed and breakfast from Sec. 34-2 of the transitional LDC, with modification for clarity.

<sup>1001</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1002</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1003</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1004</sup> This definition is carried forward from Sec. 33-56 and 33-455 of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1005</sup> This is a new definition.

<sup>1006</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1007</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

not located on the same premises as the sign, and whose surface is sold, rented, owned or leased for the display of advertising material.

**Billboard, Double-Tier<sup>1008</sup>**

Two billboards that are stacked one above the other so that one is higher than the other and both are visible in the same direction.

**Bingo Halls<sup>1009</sup>**

An establishment for the operation of bingo games operating in compliance with state law.

**Block<sup>1010</sup>**

A group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.

**Boat**

A vehicle or vessel designed for operation as a watercraft propelled by sail or one or more electric or internal combustion engines. For the purposes of the Manatee Protection Plan, non-mechanically powered canoes and kayaks are not covered by this definition. (See also Vessel or Watercraft.)<sup>1012</sup>

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, boat specifically includes every description of vessel, watercraft or other artificial contrivance used, or capable of use as a means of transportation, as a mode of habitation, or as a place of business or professional or social association on waters of the Village, including but not limited to:<sup>1013</sup>

- (1) Foreign and domestic watercraft engaged in commerce;
- (2) Passenger or other cargo-carrying watercraft;
- (3) Privately owned recreational watercraft;
- (4) Airboats and seaplanes; and
- (5) Houseboats or other floating homes.

**Boat Facility<sup>1014</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a public or private structure or operation where boats are moored or launched, including commercial, and boat ramps.

**Boathouse<sup>1017</sup>**

A roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.

**Boat Ramp<sup>1018</sup>**

A structure, man-made or altered natural feature, or an inclined and stabilized surface extending into the water from the shore, which facilitates the launching and landing of boats into a waterbody or from which trailered watercraft can be launched and retrieved.

**Bollard<sup>1019</sup>**

A short post, often used for pedestrian-scale lighting or to control access to bicycle or pedestrian facilities.

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<sup>1008</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1009</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1010</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1012</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1013</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1014</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1017</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1018</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1019</sup> This is a new definition.

**Bonus Density<sup>1020</sup>**

An increase in the density of development that can be carried out on a parcel of land over and above the standard density range permitted by the comprehensive plan for the land use category in which it is located.

**Brackish Water<sup>1021</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, water with total dissolved solids greater than 1,000 parts per million.

**Breakaway Walls<sup>1022</sup>**

Any type of walls, whether solid or open-lattice, and whether constructed of concrete, masonry, wood, or insect screening, which are not part of the structural support of the building and which are designed and constructed to collapse under specific lateral loading forces without causing damage to the elevated portion of the buildings or the supporting foundation system on which they are used.

**Brewpubs or Micro-Brewery, -Winery, or -Distillery<sup>1023</sup>**

An establishment which produces ales, beers, meads, wines, liquor or and similar beverages on site, and serves and sales those beverages on-site. The establishment may not brew, make, or distill more than 15,000 barrels of beverages (in total) annually.

**Broadcast Facility<sup>1024</sup>**

For the purpose of Sec. 4-143, Wireless telecommunications, a wireless communications facility used for the transmission and reception of commercial radio or television signals.

**Broadcast Studio, Commercial Radio, and Television<sup>1025</sup>**

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

**Buffer<sup>1026</sup>**

Land or methods to separate properties or uses that may have potential adverse impacts upon one another or on a natural areas.

**Buffer Area<sup>1027</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, an area designated in accordance with that section that shall remain predominantly in its natural state to protect eagles, nest trees, or other critical eagle nesting habitat. Buffer areas may be irregularly shaped, and range in any distance up to 660 feet from a nest, or larger if offered voluntarily.

**Building<sup>1028</sup>**

A structure, either temporary or permanent, with a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition includes tents, awnings, cabanas or vehicles situated on private property and serving the function of a building, but does not include screened enclosures not having a roof impervious to weather.

**Building, Conventional<sup>1029</sup>**

- (1) A building, built upon the site and upon its own permanent foundation, constructed of basic materials such as masonry or minimally prefabricated components such as roof

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<sup>1020</sup> This definition is carried forward FORM Ordinance 2017-03.

<sup>1021</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1022</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1023</sup> This is a new definition.

<sup>1024</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1025</sup> This is a new definition.

<sup>1026</sup> This is a new definition.

<sup>1027</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1028</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1029</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.



- trusses, wall panels and bathroom/kitchen modules, and conformable to the locally adopted building, electrical, plumbing and other related codes; or
- (2) A building manufactured off the site in conformance with Ch. 553, Fla. Stat. (or Ch. 9B-1, F.A.C.), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate.

**Building, Heating/Air Conditioning, Plumbing, or Electrical Contractors Office or Storage Yard Contractor's Office<sup>1030</sup>**

A building, yard, or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of materials, supplies, and equipment inside the building.

**Building, Principal<sup>1031</sup>**

A building in which is conducted the main or primary use of the premises on which the building is situated.

**Building, Shell<sup>1032</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any commercial or industrial building, or portion of a building, constructed to consist exclusively of exterior walls and unfinished interior units with rough staged utilities so as to preclude occupancy. This definition does not include agricultural or residential buildings.

**Building Face or Wall<sup>1033</sup>**

See Façade.

**Building Official<sup>1034</sup>**

The Director of Community Development or a designated representative.

**Building Permit<sup>1035</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an official document or certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure. In the case of a change in use or occupancy of an existing building or structure, the term specifically includes certificates of occupancy and occupancy permits, as those permits are defined or required by Village ordinance.

**Bulb<sup>1036</sup>**

The source of electric light. To be distinguished from the whole assembly (See luminaire).

**Bulletin Board<sup>1037</sup>**

A sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements of events or activities occurring at the institution or similar messages. It shall not be interpreted to include movie theaters or other similar commercial activities.

**Cabana<sup>1039</sup>**

A structure that shall be used for recreational purposes only, and may not be used by unit owners, their guests, or invitees for occupancy as a rooming unit, housing unit, accessory apartment, guest

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<sup>1030</sup> This is a new definition that takes a modern approach to "contractors and builders" from Sec. 34-622 of the transitional LDC.

<sup>1031</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1032</sup> This definition is carried forward from Sec. 2-264(a) of the transitional LDC, modified by removing the reference to different classes of roads.

<sup>1033</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1034</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1035</sup> This carries forward the definitions in Sec. 2-264(b) and 2-344 of the transitional LDC but eliminates sections that address the meaning of the term with regards to a municipality that is subordinate to the County.

<sup>1036</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1037</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1039</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

unit, or dwelling unit as those terms are defined by this Code. Overnight sleeping is prohibited in a cabana. Stoves, with either a cook top range or an oven, are prohibited. Lease of the cabana structure for use by someone other than the unit owner is prohibited.

**Candela or CD<sup>1040</sup>**

Fundamental photometric quantity, luminous intensity, as defined in The International System of Units (SI).

**Canopy<sup>1041</sup>**

Raised, protective cover such as, but not limited to, awnings, marquees, overhangs, porte cochere, and drive-throughs.

**Capillarity and Capillary Action<sup>1042</sup>**

The action by which a fluid, such as water, is drawn up (or depressed) in small interstices or tubes as a result of surface tension.

**Capital improvements<sup>1043</sup>**

For purposes of Sec. 8-102, Road Impact Fees, only, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any non-site-related road construction project, including but not limited to:

- (1) Constructing new through lanes;
- (2) Constructing new turn lanes;
- (3) Constructing new frontage or access roads;
- (4) Constructing new bridges;
- (5) Constructing new drainage facilities in conjunction with roadway construction;
- (6) Purchasing and installing traffic signalization (including both new installations and upgrading signalization);
- (7) Constructing curbs, medians, sidewalks, bicycle paths shoulders, or other customary or required improvements made in conjunction with roadway construction;
- (8) Relocating utilities to accommodate new roadway construction;
- (9) Constructing on-street and off-street parking when such parking is intended for and designed to protect or enhance the vehicular capacity of the existing network of approved roads; and
- (10) Alternative roadway capacity improvements that accommodate vehicle trips by providing alternative travel modes and by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull-out lanes along arterial and collector roads.

For purposes of Sec. 8-103, Park Impact Fees, only, land acquisition, site improvements, including landscape plantings and the removal of exotic vegetation, off-site improvements associated with a new or expanded community park, buildings, and equipment. Capital improvements include bikeways along the road network that are designed and used primarily for active recreation. Capital improvements do not include maintenance and operations.

**Carport<sup>1044</sup>**

A freestanding or attached structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

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<sup>1040</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1041</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1042</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1043</sup> This carries forward the definitions in Sec. 2-264(b) and 2-344 of the transitional LDC and incorporates Ordinance 2020-02, but eliminates sections that address the meaning of the term with regards to a municipality that is subordinate to the County.

<sup>1044</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Catering Establishment<sup>1045</sup>**

An establishment that specializes in the preparation of food or beverages for social occasions, such as weddings, banquets, parties, or other gatherings, with or without banquet facilities, for these private pre-arranged occasions that are not open to impromptu attendance by the general public, excluding adult entertainment.

**Cemeteries and mausoleums<sup>1046</sup>**

An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments and mausoleums.

**Certificate of Concurrency<sup>1047</sup>**

The certification issued by the Director in accordance with Sec. 8-203, Certificate of Concurrency. This certification means that the Director has determined that there is or will be (if certain conditions are met) sufficient public facilities to serve the development for which a development permit is requested without violating the minimum concurrency standards set forth in the comprehensive plan.

**Certificated Service Area<sup>1048</sup>**

For the purposes of Section 5-10, Utilities, the geographic area within which a potable water utility and/or sanitary sewer utility has been authorized to provide service in accordance with Ch. 367, Fla. Stat.

**Change of Occupancy<sup>1049</sup>**

Discontinuance of an existing use and the substitution of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

**Cinemas or Theaters<sup>1050</sup>**

An enclosed facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

**Circuit Court<sup>1052</sup>**

Circuit court of the 20th Judicial Circuit in and for Lee County.

**Clerk of the Circuit Court or County Clerk<sup>1053</sup>**

Clerk of the Circuit Court of the 20th Judicial Circuit in and for Lee County.

**Closure<sup>1054</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, the termination of any regulated or prohibited nonresidential land use or activity covered by that subsection.

**Clubs, Lodges, or Community-Oriented Associations<sup>1055</sup>**

An establishment providing facilities for social or recreational purposes including those organized chiefly to promote friendship and welfare among its members and not operated for profit, excluding adult entertainment.

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<sup>1045</sup> This is a new definition.

<sup>1046</sup> This carries forward the definition of cemetery in Sec. 34-2 of the transitional LDC.

<sup>1047</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1048</sup> This is a new definition.

<sup>1049</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1050</sup> This is a new definition.

<sup>1052</sup> This definition is carried forward from Sec. 1-2(c) of the transitional LDC.

<sup>1053</sup> This definition is carried forward from Sec. 1-2(c) of the transitional LDC.

<sup>1054</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1055</sup> This is a new definition consolidating and replacing the varieties of clubs in Sec. 34-2 of the transitional LDC.

**Clubhouse (as accessory to a residential development, golf, or tennis facility)<sup>1056</sup>**

A building or room used for social or recreational activities by occupants of a residential development, or members of a club (e.g., golf course clubhouse), or occupants of a residential or other development.

**Coastal High Hazard Area<sup>1057</sup>**

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, the area of the hurricane vulnerability zone defined as the land falling category 1 storm surge zone as delineated by the Southwest Florida Regional Planning Council.

**Code of Ordinances<sup>1058</sup>**

The Village of Estero, Florida, Code of Ordinances.

**Colleges or Universities<sup>1059</sup>**

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, that is accredited by a national association of colleges and universities.

**Collocated or Collocation<sup>1060</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, the addition or replacement of an antenna on an existing structure that has been previously approved for the placement of antenna. The term collocated includes the ground, platform or roof installation of equipment enclosures and ancillary accessories associated with the location and operation of the antenna.

**Colonial<sup>1061</sup>**

An alternative architectural style that includes a symmetrical façade, but may have side porches or sunrooms on either or both sides; rectangular mass; a medium pitch, side-gable roof with narrow eaves (hipped roofs and dormers are occasionally seen); multi-pane, double-hung windows with correctly proportioned shutters, and bay windows. Brick or wood clapboard is the most common siding, but shingle can be used; and entrance centered and accented with columns, pilasters, pediment, or may be hooded to create a covered porch.

**Column/Pillar<sup>1062</sup>**

A freestanding vertical support that generates unique features through the composition of the base, shaft and capital arrangement of column parts.

**Combined Antenna<sup>1063</sup>**

For the purpose of Sec. 4-143, Wireless telecommunications, an antenna designed and utilized to provide services by more than one provider.

**Communications Facility<sup>1064</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, any permanent or temporary plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathways placed or maintained, or to be placed or maintained, upon, under, over, or along any public rights-of-way of the county and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications

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<sup>1056</sup> This is a new definition.

<sup>1057</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1058</sup> This is a new definition.

<sup>1059</sup> This is a new definition.

<sup>1060</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1061</sup> This is a new definition. See <https://www.antiquehomestyle.com/styles/colonial-revival.htm> Colonial Revival Style 1880-1960.

<sup>1062</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1063</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1064</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

services. This includes any facility that may be used to provide communications services. Multiple cables, conduits, strands, or fibers located within the same conduit shall be considered one communications facility.

**Communications Facility Provider<sup>1065</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a person who is engaged, directly or indirectly, in the business of leasing, licensing, subleasing, subletting or hiring, to one or more communications service providers, all or a portion of the tangible personal property used in a communications facility, including, but not limited to, towers, poles, tower space, antennas, transmitters, and transmission lines placed or maintained upon, under, over, or along any public rights-of-way of the county. Provisions of this article that apply only to communications facility providers shall not apply to communications services providers, even if the communication services provider also operates, licenses, leases, subleases, or sublets communications facilities.

**Communications Services<sup>1066</sup>**

See Sec. 202.11(1), Fla. Stat.

**Communications Services Provider<sup>1067</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, any person, including a municipality or county, providing communications services through the placement or maintenance of a communications facility in public rights-of-way. The definition also includes any person, including a municipality or county that places or maintains a communications facility in public rights-of-way but does not provide communications services.

**Community Development Department<sup>1069</sup>**

The Community Development Department is responsible for the planning functions of the Village, and for administering this LDC.

**Community Garden<sup>1070</sup>**

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**Community Residential Home<sup>1071</sup>**

A dwelling unit licensed to serve residents who are clients of the Department of Elder Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

**Compatible<sup>1072</sup>**

In describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

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<sup>1065</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1066</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1067</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1069</sup> This is a new definition.

<sup>1070</sup> This is a new definition.

<sup>1071</sup> This carries forward the definition of community residential home from Sec. 34-2 of the transitional LDC.

<sup>1072</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.



### **Complete Application**

An application for development approval submitted in accordance with this Ordinance that is determined complete or sufficient for review by Village staff.

### **Composting, Small-Scale<sup>1073</sup>**

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

### **Comprehensive Plan<sup>1074</sup>**

The document, and its amendments, adopted by the Village Council in accordance with Ch. 163, Fla. Stat., for the orderly and balanced future economic, social, physical, environmental and fiscal development of the Village.

### **Comprehensive Plan Amendment<sup>1075</sup>**

See Ch. 163, Fla. Stat.

### **Condominium<sup>1076</sup>**

A form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit or part thereof an undivided share in common elements.

### **Connection<sup>1077</sup>**

Driveway, street, access road, or other means of providing access to or from the public highway system. Two one-way driveways separated by no more than 50 feet shall be considered one connection.

### **Conservation Easement<sup>1078</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a right or interest in real property retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses; and prohibiting or limiting the activities described in Sec. 704.06 Fla. Stat., as such provisions now exist.

### **Construction Site<sup>1079</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, a site where the land surface has been disturbed to accommodate development or redevelopment, as defined in that section. The act of soil disturbance is considered industrial activity.

### **Consultant<sup>1080</sup>**

An architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer to prepare documents required for a development permit.

### **Contaminant<sup>1082</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, any physical, chemical, biological or radiological substance or matter in the water (see Sec. 403.852(9), Fla. Stat.).

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<sup>1073</sup> This is a new definition.

<sup>1074</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1075</sup> This is a new definition.

<sup>1076</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1077</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1078</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1079</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1080</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1082</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC

**Contamination<sup>1083</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, the presence of any harmful or deleterious substances in the water supply.

**Continuous Transit<sup>1084</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, nonstop movement of a mobile vehicle except for stops required by traffic laws.

**Contiguous<sup>1085</sup>**

See Abutting.

**Continuing Care Retirement Community<sup>1086</sup>**

An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

**Contractor's Office<sup>1087</sup>**

A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a building, heating/air conditioning, plumbing, or electrical contractor's storage yard.

**Controlled Water Depth<sup>1089</sup>**

Vertical distance measured from the waterbody control elevation to the deepest point of the proposed waterbody.

**Convenience Store<sup>1090</sup>**

A store that specializes in the sale of convenience products and other commodities intended primarily to serve the day-to-day needs of residents in the immediate neighborhood or the traveling public, and which is typically or generally open to the public beyond the normal sales hours of other retail stores. Convenience stores may allow gas sales when the use is specifically included in the use table for the relevant zoning district and on appropriate development orders.

**Convention Center or Exhibit Hall<sup>1091</sup>**

A facility designed to accommodate 2,500 or more persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

**Conversion<sup>1092</sup>**

Changing of use or density.

**Copy (Permanent and Temporary)<sup>1093</sup>**

The wording on a sign surface, either in permanent or removable letter form.

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<sup>1083</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1084</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1085</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1086</sup> This is a new definition.

<sup>1089</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1089</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1091</sup> This is a new definition

<sup>1091</sup> This is a new definition

<sup>1092</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1093</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Copy Area<sup>1094</sup>**

The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement or decoration on a façade or wall sign.

**Counseling, nonresidential<sup>1096</sup>**

Establishments primarily engaged in providing counseling, guidance, training, and rehabilitation services to individuals or families, but which do not provide resident facilities, such as adoption services, child guidance agencies, disaster services, family location services, family (marriage) counseling services, helping hand services (e.g., Big Brother, Big Sister, etc.), job counseling and training, offender rehabilitation agencies and counseling, public welfare centers (offices), referral services for personal and social problems, skills training centers, traveler's aid centers, and vocational rehabilitation agencies.

**County<sup>1097</sup>**

Lee County, Florida.

**County Highway System<sup>1098</sup>**

All existing roads maintained by the Lee County Department of Transportation.

**Critical Nesting Habitat (or Bald Eagle Critical Nesting Habitat )<sup>1099</sup>**

Habitat which, if lost, could result in the elimination of nesting southern bald eagles from the area. Critical eagle nesting habitat typically provides functions for the southern bald eagle during the nesting portion of that species' life cycle. This area includes eagle nest trees and their immediate environs and may include other areas or features such as perch trees, flight paths, and alternate nests within the buffer area. (See Sec. 7-201.A, Southern Bald Eagle.)

**Cul-de-sac<sup>1100</sup>**

Dead-end local street closed at one end by a circular turn-around.

**Cultural Facilities, Noncommercial<sup>1101</sup>**

Facilities of historic, educational, or cultural interest, including animal or reptile exhibits, art galleries, aquariums, botanical or zoological gardens, historical sites, museums, planetaria, and zoos

**Current Assessed Value<sup>1102</sup>**

Value of a building as shown in the most recent property tax records of Lee County. The property owner, at cost, has the option of providing an independent appraisal to the County. The appraiser will be selected by Lee County. If this method is used, the determination will be binding on the property owner and Lee County, and at the option of the County property appraiser may be used as the official record for the valuation of the property or building.

**Day Care Center<sup>1103</sup>**

A facility or establishment that provides basic services such as, but not limited to, a protective setting, social or leisure time activities, self-care training or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require services, not including overnight care; or a facility or establishment that provides care, protection, and supervision for six or more children unrelated to the operator and that receives a payment, fee, or grant for the children receiving care, whether or not operated for profit, including preschools and nursery schools This

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<sup>1094</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1096</sup> This carries forward, consolidates, and renames social services groups I and II from Sec. 34-622 of the transitional LDC.

<sup>1097</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1098</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1099</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1100</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1101</sup> This carries forward the definition of noncommercial cultural facilities from Sec. 34-622 of the transitional LDC.

<sup>1102</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1103</sup> This consolidates the definitions for "Day care center, adult" and "Day care center, child" which have similar permissions from Sec. 34-2 of the transitional LDC. The numbers are directly from 429.901 and 402.302, Fla. Stat.

definition does not include public or nonpublic schools that are in compliance with the Compulsory School Attendance Law, Ch. 232., Fla. Stat.

***De Minimus Transportation Impact***<sup>1104</sup>

An impact created by a use that would not affect more than one percent of the maximum volume at the adopted level of service of the affected road facility as determined by the Director. No impact will be considered *de minimus* if the impact would exceed the adopted level of service standard of an affected designated hurricane evacuation route.

**Dead-End Street**<sup>1105</sup>

Street having only one end open for vehicular access and closed at the other end.

**Decorative Pavers or Pavers**<sup>1106</sup>

Pre-formed paving blocks that are installed on the ground to form patterns while at the same time facilitating pedestrian and vehicular travel.

**Degradation**<sup>1107</sup>

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, any adverse or negative modification (from the perspective of the subject species) of the hydrological, biological, or climatic characteristics supporting the species or of plants and animals co-occurring with and significantly affecting the ecology of the species.

**DEP**<sup>1108</sup>

Florida Department of Environmental Protection. See also FDEP.

**Department Store**<sup>1109</sup>

A general merchandising store offering a variety of unrelated goods and services that may include clothing, housewares, body products, and specialty items.

**Developer**<sup>1110</sup>

Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing development.

**Development and to Develop**<sup>1111</sup>

The construction of new buildings or other structures on a lot, the relocation of existing buildings, or the use of a tract of land for new uses. To develop means to create a development. However for the purposes of Sec. 7-204, Mangrove Protection, only, any improvement to land including but not limited to building construction; road and driveway construction or widening; utility installation; dock and shoreline activities; and the installation of swimming pools, irrigation systems, fences, or other accessory structures.<sup>1112</sup> For the purpose of Section 7-3, Flood Hazard Reduction Standards, only, any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. For purposes of a development order, it includes improvements to land and subdivisions.<sup>1113</sup>

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<sup>1104</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1105</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1106</sup> This definition is carried forward from Sec. 33-1205/Page Park of the transitional LDC.

<sup>1107</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1108</sup> This definition is carried forward from Sec. 14-72, 14-203, etc. of the transitional LDC.

<sup>1109</sup> This is a new definition.

<sup>1110</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1111</sup> The main definition is carried forward from Sec. 34-2 of the transitional LDC. Technical definitions carried forward from natural resource sections differ slightly. Is it Ok to use just one of the additional definitions for all of Chapter 7?

<sup>1112</sup> This definition is carried forward from Sec. 14-452 of the transitional LDC.

<sup>1113</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

**Development Area<sup>1114</sup>**

Total horizontal area of the development property less any area within any existing public road right-of-way or easement.

**Development Order<sup>1115</sup>**

As described in Sec. 163.3164(15), Fla. Stat., and subject to amendment, any order granting, denying, or granting with conditions an application for a development permit.

**Development Perimeter<sup>1116</sup>**

The exterior lot or property lines of the original (parent) tract of any development consisting of subdivided parcels or lots.

**Development Permit**

As described in Sec. 163.3164(16), Fla. Stat., and subject to amendment, any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. For the purposes of this LDC it includes but is not limited to: Developments of Regional Impact (DRIs), amendments to the Zoning District Map (Rezoning), planned developments, special exceptions, development orders/limited development orders, zoning variances, flood hazard variances, administrative deviations, any other deviations, a certificate of concurrency compliance, a certificate of concurrency exemption, a concurrency variance certificate, right-of-way permits, commercial building repainting permits, driveway/right-of-way permits, sign permits, temporary use permits, and tree removal permits.<sup>1117</sup>

For the purposes of Section 8-2, Concurrency Management, only, a building permit, subdivision approval, development order, limited development order, or other official action of the Village having the effect of permitting the development of land. This definition conforms to that set forth in Sec. 163.3164(16), Fla. Stat., except that it does not include amendments to the Zoning District Map, special exceptions, and variances, which, by themselves, do not permit the development of land.<sup>1118</sup>

**Dewater<sup>1119</sup>**

The use of pumps or other equipment to temporarily withdraw water to a lower surface water level, an aquifer water level, or a groundwater level to accommodate development activities.

**Direct Light<sup>1120</sup>**

Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Director<sup>1121</sup>**

The Director and person in charge of the Village's Community Development Department.

**Directory<sup>1122</sup>**

A sign which gives the name, address, or occupation of persons or businesses located on the premises.

**Discharge<sup>1123</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, any material, solid or liquid, that is conveyed, placed or otherwise enters the municipal separate storm sewer system. It includes, without qualification, the discharge of a pollutant.

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<sup>1114</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1115</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1116</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1117</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1118</sup> This definition is carried forward from sec. 2-45 of the transitional LDC.

<sup>1119</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1120</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1121</sup> This is a new definition.

<sup>1122</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1123</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.



**Ditch<sup>1124</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a manmade trench or canal that was built for a non-navigational purpose. (See 33 CFR 329.24 for definition of navigable waterways).

**Docking facility<sup>1125</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a water-oriented structure designed primarily for the launching, retrieval, storage or mooring of watercraft.

**Driveway<sup>1126</sup>**

A type of access point which provides vehicle access from a road to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the road in a forward or backward motion.

**Drug Store<sup>1127</sup>**

An establishment where the principal use is the dispensing of prescription and patent medicines and drugs and related products, but where nonmedical products such as greeting cards, magazines, cosmetics, and photographic supplies may also be sold.

**Dryclean and Laundry Services<sup>1129</sup>**

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes are done off-site.

**Dry Retention<sup>1130</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a stormwater storage area with a bottom elevation at least one foot above the control elevation of the area. For all other purposes, a stormwater storage area with a bottom elevation above control elevation.

**Dwelling, Live-work<sup>1131</sup>**

A dwelling unit comprised of a living unit and work unit. The work unit is an area that is designed or equipped exclusively or principally for the conduct of commercial activities and is to be regularly used for such commercial activities by one or more occupants of the living unit.

**Dwelling, Mobile Home<sup>1132</sup>**

A building, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Ch. 15C-1, F.A.C., with the distinct possibility of being relocated at a later date.

**Dwelling, Multiple-family<sup>1133</sup>**

A group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwellings, other than caretaker's quarters, which are included in a building that also contains allowed commercial uses will also be deemed to be multiple-family dwellings. A group of two or more dwelling units in a single conventional building that does not meet the definition of two-family attached dwelling is also considered a multiple-family dwelling.

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<sup>1124</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1125</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1126</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1127</sup> This carries forward the definition of drug store from Sec. 34-2 of the transitional LDC.

<sup>1129</sup> This is a new definition.

<sup>1130</sup> This definition is carried forward Sec. 14-203 of the transitional LDC.

<sup>1131</sup> This carries forward the definition of "live-work unit" from Sec. 34-2 of the transitional LDC.

<sup>1132</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1133</sup> This carries forward the definition of "multiple family building" from Sec. 34-2 of the transitional LDC while correcting for the difference between a building and a single unit or dwelling.

**Dwelling, Single-family Residence<sup>1134</sup>**

A single, freestanding, conventional building designed for one detached dwelling unit on a single lot, which is used for occupancy by one family.

**Dwelling, Townhouse<sup>1135</sup>**

A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

**Dwelling, Two-family attached<sup>1136</sup>**

A single, freestanding, conventional building on a single lot designed for two dwelling units attached by a common wall or roof.

**Dwelling Unit<sup>1137</sup>**

A room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. The term “dwelling unit” does not include rooms in hotels, motels, or institutional facilities.

**Easement<sup>1138</sup>**

A grant of a right to use land for specified purposes. It is a nonpossessory interest in land granted for limited use purposes. Where the term “easement” is preceded by the term “street” or any other adjective, the preceding term describes the easement's purpose.

**Egress and Ingress<sup>1139</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, interpreting the Manatee Protection Plan, a continuous pathway of deep water that vessels would most likely travel between a facility and a marked channel.

**Electric Vehicle (EV) Level 1, 2, or 3 Charging Station<sup>1140</sup>**

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

**Electronic Changing Message Center<sup>1141</sup>**

A sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank.

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<sup>1134</sup> This carries forward the definition of single-family residence from Sec. 34-2 of the transitional LDC.

<sup>1135</sup> This carries forward the definition of townhome from Sec. 34-2 of the transitional LDC.

<sup>1136</sup> This consolidates the definitions for two-family attached dwellings from Sec. 34-2 of the transitional LDC. The two uses are consistently treated together and frequently combined in codes.

<sup>1137</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1138</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1139</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1140</sup> This is a new definition.

<sup>1141</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Emergency Operations Centers<sup>1142</sup>**

A facility used for organizing and coordinating emergency response activities in a disaster situation such as a hurricane or major flood.

**EMS, Fire, or Sheriff's Stations<sup>1143</sup>**

A facility used for medical, fire, or law enforcement equipment and personnel. This does not include a freestanding emergency room facility.

**Engineer<sup>1144</sup>**

A professional engineer duly registered and licensed by the state of Florida.

**Enlargement and to Enlarge<sup>1145</sup>**

An addition to the floor area or volume of an existing building, or an increase in that portion of a tract of land occupied by an existing use.

**Entrance Gate<sup>1146</sup>**

Mechanized control device which is located near the point of access to a development which serves to regulate the ingress of vehicles to the interior of the development for the purpose of security and privacy.

**Environmental Quality<sup>1147</sup>**

The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural and social sciences, the arts and technology, and the quantitative guidelines of federal, state and county governments.

**Environmentally Sensitive Land<sup>1148</sup>**

Lands or waters, the development or alteration of which creates or has the potential to create a harm to the public interest due to their value as sources of biological productivity, species diversity, or lands that contributes to the hydrologic integrity of significant natural systems, or contributes substantially to recharge of the Floridan Aquifer. Environmentally sensitive lands are also lands that are indispensable components of various hydrologic regimes, and consequently irreplaceable and critical habitat for native species of flora and fauna, or as objects of scenic splendor and natural beauty. Among these types of land are those designated wetlands.

**EPA<sup>1149</sup>**

The United States Environmental Protection Agency.

**Equipment Enclosure<sup>1150</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, an enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals and support of a wireless communications facility, but not used primarily to store unrelated equipment or used as habitable space.

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<sup>1142</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1143</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1144</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1145</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1146</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1147</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1148</sup> This definition integrates the definition of environmentally sensitive land in Sec. 34-2 of the transitional LDC, and Ordinance 2017-03.

<sup>1149</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1150</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

**Equivalent Residential Connections<sup>1151</sup>**

The total number of meter equivalents using the methodology of the state public service commission. This term is synonymous with the term “equivalent residential units” used by the state public service commission.

**Erect<sup>1152</sup>**

Build, construct, attach, hang, place, suspend, or affix, and shall include the painting of wall signs.

**ERP<sup>1153</sup>**

Environmental Resource Permit.

**Excavation<sup>1154</sup>**

Stripping, grading, or removal by any process of natural minerals or deposits, including but not limited to peat, sand, rock, shell, soil, fill dirt, or other extractive materials, from their natural state and location.

**Excavation, Depth<sup>1155</sup>**

Vertical distance measured from the lowest existing natural grade along the bank of the proposed excavation to the deepest point of the proposed excavation.

**Excess Spoil<sup>1156</sup>**

Excavated material that will be removed from the premises including “surplus material” as well as material excavated to provide a viable agricultural or recreational amenity.

**Expansion of the Capacity of a Road<sup>1157</sup>**

For purposes of Sec. 8-102, Road Impact Fees, only, all road and intersection capacity enhancements, including but not limited to extensions, widening, intersection improvements, and upgrading signalization.

**Exterior Lighting<sup>1158</sup>**

Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside or act to draw attention are considered exterior lighting.

**Exterior Property Line<sup>1159</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the side lot line or riparian property line separating two or more lots or parcels under common ownership from the adjoining lots or parcels under separate ownership.

**Expressway<sup>1160</sup>**

An arterial highway, usually divided, designed for the safe and relatively unimpeded movement of large volumes of through traffic, with full or partial control of access and grade separations at most intersections.

**FAA<sup>1161</sup>**

Federal Aviation Administration.

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<sup>1151</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1152</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1153</sup> This definition is carried forward from Sec. 14-292 of the transitional LDC.

<sup>1154</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1155</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1156</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1157</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

<sup>1158</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1159</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1160</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1161</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

**F.A.C.<sup>1162</sup>**

The Florida Administrative Code.

**Façade**

The vertical exterior surfaces of a building.<sup>1163</sup>

For the purposes of Chapter 6: Signage, only, the face of a building most nearly parallel with the right-of-way line under consideration. Façade includes the area of the building between principal front building corners from the ground to the roofline.<sup>1164</sup>

**Façade, Primary<sup>1165</sup>**

Any face of a building that has frontage on a public street. Buildings on corner lots will have two or more primary façades according to the number of public streets fronted.

**Face of Sign (Sign Face)<sup>1166</sup>**

The entire area of a sign on which copy could be placed.

**Family<sup>1167</sup>**

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of four or more people who are not related by blood, marriage, or adoption will not be deemed to constitute a family. The term “family” does not include a fraternity, sorority, club, or institutional group.

**Farmers’ Market (as a temporary use)<sup>1168</sup>**

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers’ market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers’ market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

**FCC<sup>1169</sup>**

Federal Communications Commission

**FDEP<sup>1170</sup>**

Alternative abbreviation for the Florida Department of Environmental Protection. See also DEP.

**FDOT<sup>1171</sup>**

Florida Department of Transportation

**Feepayer<sup>1172</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, a person commencing a land development activity that will generate or attract traffic, and who is applying to the Village for the issuance of a building permit, mobile home move-on permit, or recreational vehicle development order for a type of land development activity specified in Sec. 8-102.B.1, Schedule, or Sec. 8-103.C.1, Schedule, regardless of whether the person owns the land to be developed.

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<sup>1162</sup> This definition is carried forward from Sec. 1-2(c) of the transitional LDC.

<sup>1163</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1164</sup> This definition is carried forward from Sec. 302-(b) of the transitional LDC.

<sup>1165</sup> This is a new definition.

<sup>1166</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1167</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC with revisions.

<sup>1168</sup> This is a new definition.

<sup>1169</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1170</sup> This definition is carried forward from Sec. 14-292 of the transitional LDC.

<sup>1171</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1172</sup> This definition is carried forward from Secs. 2-264 and 2-344 of the transitional LDC.



**FEMA**

Federal Emergency Management Agency

**FGFWFC<sup>1174</sup>**

The Florida Game and Fresh Water Fish Commission, which has been superseded by the FWC. References to the FGFWFC are interpreted as references to the FWC.

**Finger Pier<sup>1175</sup>**

A dock landing that branches from an access walkway or terminal platform to form a watercraft slip and provide direct access to watercraft moored in the slip. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards.)

**Fixture<sup>1176</sup>**

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Flash<sup>1177</sup>**

An entry or exit mode in an Electronic Changing Message Center with any single frame that repeats two or more times consecutively without change.

**Fla. Stat.<sup>1178</sup>**

The latest edition or supplement of the Florida Statutes.

**Fledgling<sup>1179</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a young southern bald eagle that is capable of flight and has left the nest, usually at 10-12 weeks of age. Fledglings may return to the nest for several weeks to be fed or to roost.

**Flight Path<sup>1180</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, the route within the buffer area most frequently traveled by eagles directly to and from their nest, perch trees, and important foraging areas.

**Florida Greenbook<sup>1181</sup>**

The Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways (commonly referred to as the Florida Greenbook).

**Florida Key West or Cracker<sup>1182</sup>**

A sub-style of Florida Vernacular architecture that is characterized by a foundation of wood posts, limestone, brick or concrete piers; horizontal weatherboard or clapboard as the primary exterior material; a low-pitched gable roof, with wood shingles or pressed metal shingles; full façade wrap around porch; louvered vents, doors, and window shutters and centrally placed main entrance with transom light above.

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<sup>1174</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1175</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1176</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1177</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1178</sup> This definition reflects the convention of using "Fla. Stat." for Florida Statutes, replacing "F.S." from Sec. 1-2(c) of the transitional LDC.

<sup>1179</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1180</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1181</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1182</sup> This is a new definition.

**Florida Plantation<sup>1183</sup>**

A sub-style of Florida Vernacular architecture that is characterized by the use of pediment and gable end for accents and columned entry.

**Florida Vernacular<sup>1184</sup>**

A primary architectural style of the Village that is characterized by wooden frame construction and finished with wood siding; however stucco and fiber cement siding are also used; porches are integral to the style and prominent on the front façades; gabled roofs with a slope between 6:12 and 12:12 with deep two and four feet overhangs; vertically proportioned and aligned openings; and simple classic detail and trim.

**Florist and Gift Shop<sup>1185</sup>**

An establishment primarily engaged in selling flower arrangements, plants, cards, small gifts, and the like.

**FLUCFCS**

The Florida Land Use, Cover and Forms Classification System, published by the FDOT. FLUCCS is also an appropriate shortening in official use. (See Sec. 7-201.C, Habitat Protection for Additional Listed Species)<sup>1186</sup>

**Food or Beverage, Limited Service<sup>1187</sup>**

The provision of food or beverages for members and guests of a private club or recreational center, but not available to the general public.

**Foot-candle<sup>1188</sup>**

Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

**Franchised Service Area<sup>1189</sup>**

For the purposes of Section 5-10, Utilities, the geographic area within which a potable water utility and/or sanitary sewer utility has been authorized to provide service in accordance with a franchise agreement with Lee County.

**Frontage<sup>1190</sup>**

The distance measured along a public road right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way or easement line.

**Frontage Road<sup>1191</sup>**

A type of access road which runs parallel to the adjacent arterial or collector street right-of-way and which separates the abutting properties from the right-of-way.

**Fuel Pump<sup>1192</sup>**

A vehicle fuel dispensing device, other than a portable fuel container or fuel dispensing vehicle, which can be self-service or full-service. A single fuel pump is a fuel pump that can serve only one vehicle at-a-time. Vehicle fuel dispensing devices that can service more than one vehicle at-a-time consists of multiple fuel pumps. The number of pumps is determined by the maximum number of vehicles that can be serviced at the same time. For example, a fuel dispensing device that can fuel

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<sup>1183</sup> This is a new definition.

<sup>1184</sup> This is a new definition.

<sup>1185</sup> This is a new definition.

<sup>1186</sup> FLUCFCS is a more natural abbreviation for FLUCCS also used by the state

<sup>1187</sup> This carries forward the definition of food and beverage, limited service from Sec. 34-2 of the transitional LDC.

<sup>1188</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1189</sup> This is a new definition.

<sup>1190</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1191</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1192</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

two vehicles at once is considered two fuel pumps, and a fuel dispensing device that can fuel three vehicles at once is considered three fuel pumps, and so on.

**Full Cutoff<sup>1193</sup>**

That a light fixture in its installed position does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest light-emitting part of the fixture. Additionally, the fixture in its installed position does not emit more than ten percent of its total light output in the zone between (a) the horizontal plane through the lowest light-emitting part of the fixture; and (b) ten degrees below the horizontal plane (80 degrees above the vertical plane).

**Fully Shielded<sup>1194</sup>**

That a light fixture is constructed so that in its installed position all of the light emitted by the fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

**Functionally Dependent Facility<sup>1195</sup>**

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**Funeral Homes or Mortuaries<sup>1196</sup>**

A building used for human funeral services. A funeral home may contain facilities for embalming and other services used in the preparation of the dead for burial, the display of the deceased, the performance of ceremonies in connection with a funeral, the performance of autopsies and similar surgical procedures, the sale and storage of caskets, funeral urns, and other related funeral supplies, and the storage of funeral vehicles. Some funeral homes include associated crematories, where permitted.

**FWC<sup>1197</sup>**

Florida Fish and Wildlife Conservation Commission or its successor.

**Game Commission<sup>1198</sup>**

An outdated term in some supporting materials originating from Lee County that may be incorporated by reference. References to the Game Commission are interpreted as references to the FWC.

**Garage<sup>1199</sup>**

A building or structure for the parking or storage of motor vehicles, including but not limited to a private garage provided for the parking of motor vehicles owned by the occupants of the principal building and a public garage available to the public, whether or not a fee is collected. Such garages may not involve the repair or servicing of any motor vehicles.

**Garage or Carport, Personal<sup>1200</sup>**

A structure used or designed for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may exist as a detached accessory structure.

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<sup>1193</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1194</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1195</sup> Carries forward This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1196</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1197</sup> This definition is carried forward from Secs. 14-72, 14-112, etc. of the transitional LDC.

<sup>1198</sup> New definition to correctly allow interpretation of outside provisions that may still reference the game commission.

<sup>1199</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1200</sup> This is a new definition.

**Garage Sale<sup>1201</sup>**

An informal sale of used household or personal articles, such as furniture, tools, or clothing, held on the seller's own premises, or conducted by several people on one of the sellers' own premises.

**Gatehouse<sup>1202</sup>**

A structure which is located near the point of access to a development in which an individual controls access to that development for the purpose of security and privacy.

**Geographic Search Area<sup>1203</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, the area in which an antenna is proposed to be located in order to provide the provider's designed service.

**Glare<sup>1204</sup>**

Bright or brilliant light emitting from a point source of light, or reflected or refracted from a point source of light, with an intensity great enough to:

- (1) Reduce an observer's ability to see;
- (2) Cause an observer to experience momentary blindness, or a temporary loss of visual performance or ability; or
- (3) Cause an observer with normal sensory perception annoyance or discomfort to the degree which constitutes a nuisance.

**Grocery Store or Food Market<sup>1205</sup>**

A store primarily engaged in selling food for home preparation and consumption. This group shall not be interpreted to include establishments primarily engaged in selling prepared foods or drinks for consumption on the premises. This use includes: retail bakeries, confectionery stores, dairy products not including ice cream or frozen custard stands, delicatessens, enclosed fruit and vegetable markets, groceries, meat or poultry markets without on-site slaughtering; produce markets, specialty food stores (including but not limited to health foods, spices, herbs, coffee, tea, vitamins, dietetic foods and mineral water), meat products and food from freezer storage, and supermarkets.

**Golf Course<sup>1206</sup>**

An area of land laid out for playing golf. Accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and guests, swimming pools, tennis and other racquet courts, picnic areas, and accessory facilities directly related to golf, may be included.

**Golf Course, Miniature<sup>1207</sup>**

A recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

**Golf Driving Range<sup>1208</sup>**

A recreational facility for driving golf balls onto a range, sometimes accompanied by practice putting greens, but not as a part of an established golf course with one or more holes.

**Government Maintenance Facility<sup>1209</sup>**

A facility owned by the Village or another governmental entity to provide for the adequate operation and maintenance of public facilities and infrastructure.

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<sup>1201</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1202</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1203</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1204</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1205</sup> This consolidates food store uses from Sec. 34-622 of the transitional LDC.

<sup>1206</sup> This is a new definition.

<sup>1207</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1208</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1209</sup> This is a new definition of a use listed but undefined in the transitional LDC.

**Government Agency<sup>1210</sup>**

Any department, commission, independent agency, or instrumentality of the United States, the state, the County, or the Village, district or other governmental unit.

**Greenhouse<sup>1211</sup>**

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

**Green Roof<sup>1212</sup>**

A roof of a structure that is partially or completely covered with vegetated landscape built up from a series of layers. Green roofs are constructed for multiple reasons – as spaces for people to use, as architectural features, to add value to property or to achieve particular environmental benefits (for example, stormwater capture and retention, improved species diversity, insulation of a building against heat gain or loss, and energy conservation). Vegetation on green roofs is planted in a growing substrate (a specially designed soil substitution medium) that may range in depth, depending on the weight capacity of the structure's roof and the aims of the design.

**Groundwater<sup>1213</sup>**

The water that occurs below the land surface where the pore spaces in the subsurface formations are fully saturated and under atmospheric or greater pressure.

**Gymnasiums and Health and Fitness Clubs<sup>1214</sup>**

A non-medical service establishment intended to maintain or improve the physical condition of persons which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

**Habitable floor<sup>1215</sup>**

Any floor area usable for living purposes, including working, sleeping, eating, cooking, or recreation, or any combination thereof. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable floor space.

**Habitat<sup>1216</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, the place or type of site where a species naturally or normally nests, feeds, resides or migrates, including, for example, characteristic topography, soils and vegetative covering.

**Habitat, Critical<sup>1217</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, habitat which, if lost, would result in elimination of listed species individuals from the area in question. Critical habitat typically provides functions for the listed species during restricted portions of that species' life cycle.

**Habitat, Occupied<sup>1218</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, property that provides critical habitat and which is documented to be actively utilized by a listed species.

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<sup>1210</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1211</sup> This is a new definition.

<sup>1212</sup> This is a new definition.

<sup>1213</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1214</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1215</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1216</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1217</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1218</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.



**Habitat, Significantly Altered**<sup>1219</sup>

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, critical or occupied habitat which has been altered due to natural or man-made events.

**Hazardous Substance**<sup>1220</sup>

For the purposes of Sec. 7-202, Wellfield Protection, only, a substance that has one or more of the following characteristics: ignitability, corrosivity, reactivity, EP toxicity, or toxicity.

**Hazard to Navigation**<sup>1221</sup>

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a watercraft or structure erected, under construction, or moored that obstructs the navigation of watercraft proceeding along a navigable channel or obstructs reasonable riparian access to adjacent properties.

**Helipad (as an accessory use)**<sup>1222</sup>

A facility located on the roof of or on the ground beside an office or other building (like a hospital) that accommodates the landing and taking-off of helicopters.

**High Pressure Sodium or HPS**<sup>1223</sup>

A bulb that is filled with high pressure sodium vapor. HPS emits a yellow/orange light but color correct lamps are available.

**Historic Koreshan**<sup>1224</sup>

A sub-style of Florida Vernacular architecture that is characterized by simple shape massing, hip and gable roofs, covered porches, exposed members, decorative roof elements, and clap board siding.

**Hobby and Craft Shop**<sup>1225</sup>

A retail store primarily selling toys, games, crafts, and model supplies.

**Home, Building, and Garden Supplies Store**<sup>1226</sup>

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware, and lawn and garden supplies.

**Home Care Facility**<sup>1227</sup>

A conventional residence in which up to five unrelated persons are cared for, but without provision for routine nursing or medical care.

**Home Occupation**<sup>1228</sup>

An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit for residential purposes.

**Hospital**<sup>1229</sup>

An establishment primarily engaged in providing diagnostic services, extensive medical treatment, including surgical services, and other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. A freestanding emergency room is considered a hospital.

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<sup>1219</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1220</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1221</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1222</sup> This is a new definition.

<sup>1223</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1224</sup> This is a new definition.

<sup>1225</sup> This is a new definition.

<sup>1226</sup> This is a new definition.

<sup>1227</sup> This carries forward the definition of home care facilities from Sec. 34-2 of the transitional LDC.

<sup>1228</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1229</sup> This carries forward the definition for health care facilities group IV hospitals from Sec. 34-622 of the transitional LDC.

**Hotel or Motel<sup>1230</sup>**

A building, or group of buildings on the same premises and under single control, consisting of ten or more sleeping rooms kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient guests or tenants.

**Human Scale and Proportion<sup>1231</sup>**

The adequate positioning of building details and attributes that take into consideration the approximate eye level and average human height, in order to create a sense of its presence, or simply for it to be perceived and appreciated when encountered.

**Hurricane Evacuation Routes<sup>1232</sup>**

The routes designated by the state agency that have been identified with standardized statewide directional signs, or are identified on the regional hurricane evacuation study for the movement of persons to safety in the event of a hurricane. (See Section 7-5, Hurricane Preparedness)

**Hurricane Shelter Space<sup>1233</sup>**

At minimum, an area of 20 square feet per person located within a hurricane shelter. (See Section 7-5, Hurricane Preparedness)

**Hurricane Vulnerability Zone<sup>1234</sup>**

The areas delineated by a regional hurricane evacuation study as requiring evacuation in the event of a land-falling category 3 hurricane event. (See Section 7-5, Hurricane Preparedness).

**Illicit Discharge or Illicit Stormwater Discharge<sup>1235</sup>**

Any discharge not composed entirely of stormwater into the MS4, including, but not limited to, discharge from a construction site or an industrial site that has the potential to impact the MS4. Non-stormwater discharges made in accordance with an approved development order, an independent NPDES permit, as a result of fire fighting activities, or otherwise specifically exempted will not be deemed an illicit discharge. (See Sec. 7-205, Clean Water Provision).

**Illuminance<sup>1236</sup>**

Density of luminous flux incident on a surface. Unit is foot-candle.

**Illuminating Engineering Society of North America or IESNA<sup>1237</sup>**

The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Impervious Coverage<sup>1238</sup>**

The percent or ratio of land in a development covered by an impervious surface.

**Impervious Surface<sup>1239</sup>**

Those surfaces which do not absorb water, and includes all water bodies, structures, driveways, streets, sidewalks, other areas of concrete, asphalt, compacted layers of limerock or shell, and certain parking areas. In the case of storage yards, areas of stored materials constitute impervious surfaces.

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<sup>1230</sup> This carries forward the definition of hotel/motel from Sec. 34-1801 of the transitional LDC, with modification for clarity.

<sup>1231</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC, as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1232</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1233</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1234</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1235</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1236</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1237</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1238</sup> This is a new definition.

<sup>1239</sup> Carried forward from Sec. 10-1 of the transitional LDC.

**Impound Yard<sup>1240</sup>**

Facility used for the temporary storage of vehicles or other personal property legally removed or impounded from public or private property that is not awaiting immediate repair pursuant to an agreement by the vehicle owner or property owner.

**In Public Rights-of-Way<sup>1241</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, in, on over, under or across the public rights-of-way.

**Inactive Nest<sup>1242</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest that was not used during the current or most recent nesting season.

**Increase in Intensity<sup>1243</sup>**

A significant or substantial increase in the intensity of the land use for a particular parcel which could reasonably be determined to adversely impact neighboring or surrounding land uses or is otherwise detrimental to public health, safety or welfare. Shifts of types of uses, or conversion of uses from one type of use to another, within the same planned development, which do not increase overall intensities of the development may be deemed an Increase in Intensity if such shifts or conversions adversely impact surrounding land uses, either within the overall planned development or external thereto, and which adverse impacts were not reviewed as a part of the existing zoning approval. For purposes hereof, an increase in the intensity of a parcel by ten percent or more in size, height, lot coverage, floor area ratio, or traffic generation with respect to a development parcel shall be deemed to be an increase in intensity. Increase in these parameters by a lesser amount may also be deemed to be an increase in intensity if it will adversely impact surrounding land uses.

**Increase Nonconformity<sup>1244</sup>**

Any one of an infinite number of differing combinations of change which, in effect, would make a use of land or structures already not in conformance with this LDC, less in compliance with this LDC after the change than the use or structure was prior to the change.

**Indigenous Native Vegetation<sup>1245</sup>**

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

**Indirect Light<sup>1246</sup>**

Direct light that has been reflected or has scattered off of other surfaces.

**Individual Sewage Disposal System or Facility<sup>1247</sup>**

Sewage systems which include a septic tank, a system of piping, and a soil absorption bed or drainfield, as further defined and regulated by Ch. 381, Fla. Stat., and Ch. 10D-6, F.A.C.

**Industrial<sup>1248</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, the use of a building or structure primarily for the storage, packaging, or distribution of goods; the assembly, fabrication, or

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<sup>1240</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1241</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1242</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1243</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC, as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1244</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1245</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1246</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1247</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1248</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

manufacture of goods, either from raw materials or other goods; and the basic processing of foodstuffs.

**Industrial Activity<sup>1249</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, see: Sec. 7-205.E.1, Industrial Activity Classification.

**Industrial Site<sup>1250</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, see: Sec. 7-205.E.1, Industrial Activity Classification.

**Infill Development<sup>1251</sup>**

Development, redevelopment, or reuse of vacant and underutilized sites surrounded by existing development and where street access is available.

**Intensity of Use<sup>1252</sup>**

The extent to which nonresidential land is used as measured in terms of square footage of buildings, impervious surfaces, traffic generation, water consumption, and sewage created.

**Interior Access Drive/Road<sup>1253</sup>**

Any vehicular road, excluding alleys or driveways, located within the confines of the property.

**Internal Block<sup>1254</sup>**

A block that does not front on an arterial or collector road.

**Intersection<sup>1255</sup>**

The general area where two or more roads, streets, accessways or access points join or cross.

**Invasive Exotic Vegetation<sup>1256</sup>**

For the purposes of Sec. 7-204, Mangrove Protection and and Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, , Australian pine (*Casuarina* spp.), Brazilian pepper (*Schinus terebinthifolius*), paper or punk tree (*Melaleuca quinquenervia*), Earleaf Acacia (*Acacia Auriculiformis*), beach naupaka (*Scaevola frutescens* or *Scaevola taccada*), and primrose willow (*Ludwigia peruviana*). For all other purposes, non-native plants with the potential to establish themselves and cause undesirable effects, including but not limited to outcompeting native vegetation.

**Investor-owned Utility<sup>1259</sup>**

For the purposes of Section 5-10, Utilities, a utility that is owned by investors who may or may not be customers of the utility.

**Iso-Travel Time Contour<sup>1260</sup>**

The locus of points from which groundwater takes an equal amount of time to reach a given destination such as a well or wellfield. (See Sec. 7-202, Wellfield Protection).

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<sup>1249</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1250</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1251</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1252</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1253</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1254</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1255</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1256</sup> This definition combines all species listed in Sec. 14-452 and Sec. 26-41 of the transitional LDC.

<sup>1259</sup> This definition is new.

<sup>1260</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

**Italian Countryside<sup>1261</sup>**

A sub-style of the Mediterranean Revival architectural style that is characterized by two or three stories, rarely one story construction; low-pitched roof, decorative parapet, widely overhanging eaves; large, decorative brackets under an ornamental cornice; tall, narrow windows commonly arched or curved above; an occasional square cupola or tower (campanile); elaborate wrap-around porch (or smaller entry porch) with decorative Italianate double columns.

**Italian Renaissance Revival<sup>1262</sup>**

A sub-style of the Mediterranean Revival architectural style that is characterized by low-pitched, hipped roofs, often with ceramic tiles; rooflines with wide, overhanging eaves with large, decorative brackets under the roofline; doors and windows are often framed with round arches, primarily on the first floor, sometimes in the form of an Italian loggia, or covered patio; the entryway will often be framed with classical columns with occasional pediments, and façade is usually symmetrical.

**Kenel<sup>1263</sup>**

A facility where domesticated animals are temporarily boarded, groomed, and sold for compensation, as a part of uses including animal day care/spa facilities or animal clinics, but not including zoos.

**Lamp<sup>1264</sup>**

The source of electric light; the component of a luminaire that produces the actual light; the bulb and its housing. This is to be distinguished from the whole assembly. (See luminaire).

**Land<sup>1265</sup>**

Has the meaning given it in Ch. 163, Fla. Stat. (“the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land”).

**Land Development Activity<sup>1266</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any change in land use, or any construction of buildings or structures, or any change in the use of any building or structure that attracts or produces vehicular trips.

**Land Use<sup>1267</sup>**

“Land use” has the meaning given it in Ch. 163, Fla. Stat. (“the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate”).

**Land Development Code (LDC)<sup>1268</sup>**

The term “Land Development Code” means this Land Development Code.

**Landowner<sup>1269</sup>**

Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. In addition, the holder of an option or a contract to purchase may be treated as a landowner for the purpose of this LDC.

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<sup>1261</sup> This is a new definition. See <https://architecturestyles.org/italianate/>, Tom Paradis.

<sup>1262</sup> This is a new definition. See <https://architecturestyles.org/italian-renaissance/>, Tom Paradis.

<sup>1263</sup> This definition is new.

<sup>1264</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1265</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC, adding additional context for the link to Florida Statutes.

<sup>1266</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

<sup>1267</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC, adding additional context for the link to Florida Statutes.

<sup>1268</sup> This is a new definition.

<sup>1269</sup> This is a new definition.



**Landscape Architect<sup>1270</sup>**

A professional landscape architect duly registered and licensed by the state.

**Laundry, Self-Service<sup>1273</sup>**

A business that provides coin-operated washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Lawfully<sup>1274</sup>**

A building or use which was permitted by right, special exception, or other action approving the use or placement of a structure (such as by variance), at the time it was built or occupied, and such building or use was located in compliance with the regulations for the district in which it is located, or in accordance with the terms of the variance.

**Level of Service<sup>1275</sup>**

For purposes of Sec. 8-102, Road Impact Fees, and Sec. 8-203, Certificate of Concurrency, only, a qualitative measure that represents the collective factors of speed, travel time, traffic interruption, freedom to maneuver, driving comfort and convenience provided by a highway facility under a particular volume condition. Levels of service vary from A to F. (Level of service D, for example, represents high-density, but stable, flow. Speed and freedom to maneuver are severely restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow or disruptions will generally cause substantial increases in delay and decreases in travel speed, the influence of congestion becomes more noticeable, longer delays result at traffic signals and stop signs, and crossing movements face a high probability of conflict.)

**Licensed Contractor<sup>1276</sup>**

A person holding a valid state- or local-issued contractor's license class A or B. A contractor must also have a current Certificate of Insurance for liability and workers' compensation and/or a current workers' compensation exemption status with the State of Florida.

**Light, Beacon<sup>1277</sup>**

Any light with one or more beams, capable of being directed in any direction, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically; or, a fixed or flashing high-intensity light.

**Light Loss Factor<sup>1278</sup>**

A percentage applied to the actual anticipated foot-candle levels of a fixture, that reduces the calculated light level output on the photometric plan to account for lower light level output from a fixture due to the age of the bulb, and dirt that occurs over time.

**Light Pollution<sup>1279</sup>**

Any adverse effect of artificial light emitted into the atmosphere, either directly or indirectly by reflection, including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, night blindness, or any manmade light that diminishes the ability to view the night sky or interferes with the natural functioning of nocturnal native wildlife.

**Light Trespass<sup>1280</sup>**

Light emitting from a point source of light that falls outside the boundaries of the property on which the point source of light is located and which constitutes a nuisance to a reasonable person of normal sensory perception.

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<sup>1270</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1273</sup> This is a new definition.

<sup>1274</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1275</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

<sup>1276</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1277</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1278</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1279</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1280</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Lighting**<sup>1281</sup>

Any or all parts of a luminaire that function to produce light.

**Linear Shoreline**<sup>1282</sup>

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the mean high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition does not apply to shorelines artificially created after October 24, 1989 through dredge and fill activities (such as boat basins or canals). Shorelines artificially created before October 24, 1989 must have been permitted in accordance with the regulations in effect at that time. Shoreline along man-made ditches (such as mosquito control, flood control ditches, etc.) will not qualify as linear shoreline, regardless of the date of construction unless verifiable documentation of regular navigational use prior to July 1, 2004 exists. For purposes of the Manatee Protection Plan, linear shoreline will be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline for purposes of Chapter 7: Natural Resources is based upon shoreline owned or legally controlled by the property owner.

**Liner Building/Structures**<sup>1283</sup>

Additional buildings located along a big box type structure to mask blank and unadorned walls. Liner buildings may also be used to provide transitional massing to the big box. Liner buildings may either be attached to the big box or be within 15 feet of the big box. Liner buildings may either be an enclosed, partially enclosed, or a covered structure, including covered walkways.

**Liquid Waste**<sup>1284</sup>

For the purposes of Sec. 7-202, Wellfield Protection, only, sludge, septic or other liquid waste from wastewater treatment plants, septic tanks, grease traps or sediment traps.

**Liquor**<sup>1285</sup>

A beverage as defined in Ch. 565, Fla. Stat.

**Liquor License**<sup>1286</sup>

A license issued by the state for the retail sale, service, and consumption of liquor.

**Listed Species**<sup>1287</sup>

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, any plant or animal (vertebrate) species found in the Village that are endangered, threatened, or of special concern and are manageable in the context of private land development. A list of such species is contained in Appendix H: Protected Species List, but excludes the bald eagle (*Haliaeetus leucocephalus*) so long as Sec. 7-201.C, Habitat Protection for Additional Listed Species, is in effect.

**Littoral zone**<sup>1288</sup>

The shallow-water region of a waterbody where sunlight penetrates to the bottom. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards).

**Live-aboard**<sup>1289</sup>

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, use of a boat as a living unit for temporary or permanent human habitation; or any boat or vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. To be a legal live-aboard for purposes of that section, a boat shall contain sleeping

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<sup>1281</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1282</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1283</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1284</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1285</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1286</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1287</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1288</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1289</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

facilities, kitchen facilities and an approved discharge device. A commercial fishing boat is expressly excluded from the term “live-aboard” in accordance with Ch. 327, Fla. Stat.

**Living Unit<sup>1290</sup>**

Any temporary or permanent unit used for human habitation.

**Loading Area<sup>1291</sup>**

A portion of the vehicular use area of a site that is used for loading or unloading of materials by trucks or other large vehicles, including accessways for ingress and egress.

**Local Planning Agency (LPA)<sup>1292</sup>**

The Planning Zoning and Design Board performing the functions set forth in Sec. 163.3174, Fla. Stat.

**Lost Nest<sup>1293</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a nest where the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or the tree itself was lost), and is not rebuilt in the same tree within three nesting seasons.

**Low-Pressure Sodium<sup>1294</sup>**

A bulb that is filled with low pressure sodium vapor, that has a nearly monochromatic spectrum. Low-pressure sodium bulbs emit light that is deep orange in color.

**Luminaire<sup>1295</sup>**

The complete lighting assembly including the lamp, the fixture and other parts, less the support assembly.

**Lumen<sup>1296</sup>**

A unit of light emission. For example, incandescent light bulbs with outputs of 60, 75, and 100 watts emit approximately 840, 1170, and 1690 lumens, respectively.

**Mall<sup>1298</sup>**

A structure with multiple tenants with an internal public circulation spine (roofed or not roofed) with more than 450,000 square feet of retail space.

**Maintain<sup>1299</sup>**

For the purposes of Chapter 6: Signage, only, to preserve from decline, keep in an existing state, or retain in possession or control. For all other purposes, maintenance of property, development, facilities, or improvements.

**Management<sup>1300</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a series of techniques applied to maintain the viability of species in a location. These techniques include but are not limited to controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

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<sup>1290</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1291</sup> This is a new definition.

<sup>1292</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1293</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1294</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1295</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1296</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1298</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1299</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1300</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

**Management Plan<sup>1301</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, a plan prepared to address conservation and management of listed species and their habitat, which is approved by the Director.

**Manatee Protection Plan<sup>1302</sup>**

The Lee County Manatee Protection Plan, dated June 17, 2004, approved by the Lee County Board of County Commissioners on June 29, 2004, as amended.

**Mangrove<sup>1303</sup>**

Any specimen of the species black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), red mangrove (*Rhizophora mangle*), or any tree that otherwise satisfies a definition for mangrove in the F.A.C. For purposes of Sec. 7-204, Mangrove Protection, only, mangrove shall the same meaning as provided by the F.A.C.

**Mangrove Alteration<sup>1304</sup>**

As defined by the F.A.C. (See Sec. 7-204, Mangrove Protection)

**Mangrove Stand<sup>1305</sup>**

For the purposes of Section 7-3, Flood Hazard Reduction Standards, only, an assemblage of mangrove trees, which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground, which contains one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularis racemosa*) and buttonwood (*Conocarpus erecta*).

**Manufactured Home<sup>1306</sup>**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used when connected to the required utilities. This definition includes mobile homes, as defined in Sec. 320.01(2), Fla. Stat., but does not include a recreational vehicle, as defined in Ch. 320, Fla. Stat. However, a manufactured home is not a manufactured building as defined in Ch. 553, pt. IV., Fla. Stat.

**Manufacturing, Assembly, or Fabrication, Light<sup>1307</sup>**

Facilities primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components.

**Marginal Dock<sup>1308</sup>**

A dock that runs parallel and adjacent to the shoreline. This term includes docks with a maximum access walkway length of 25 feet, to a dock running parallel to the shoreline and adjacent to wetland vegetation. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards).

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<sup>1301</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1302</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1303</sup> Combines definitions from Secs. 14-452 & 26-41 of the transitional LDC.

<sup>1304</sup> This definition is carried forward from Sec. 14-452 of the transitional LDC.

<sup>1305</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1306</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1307</sup> This is a new definition.

<sup>1308</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

**Marquee<sup>1309</sup>**

A board or other permanent roof-like structure which projects from a wall of a building, usually above an entrance. See Awning and Canopy.

**Maximum Extent Practicable<sup>1310</sup>**

A situation where no feasible or practical alternative exists, as determined by the Director, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

**Mean High Water<sup>1311</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the average height of the high waters over a 19-year period. For shorter periods of observation, “mean high water” means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

**Mean High-Water Line<sup>1312</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the intersection of the tidal plane of mean high water with the shore.

**Mean Low Water<sup>1313</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the average height of the low waters over a 19-year period. For shorter periods of observation, “mean low water” means the average height of the low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

**Mean Low-Water Line<sup>1314</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the intersection of the tidal plane of mean low water with the shore.

**Medical or Dental Lab<sup>1315</sup>**

Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician, or in making dentures and artificial teeth for the dental profession.

**Medical Marijuana Dispensary<sup>1316</sup>**

A location that satisfies “dispensing facility” as provided at Rule 64-4.001, F.A.C., and includes any area approved by the Florida Department of Health for the dispensation of medical marijuana.

**Mediterranean Revival<sup>1317</sup>**

A primary architectural style of the Village that is highly articulated with varied massing and architectural features; towers, balconies, loggias, porticos, chimneys, trellises, and exterior staircases are assembled to form picturesque buildings with multiple building volumes and setbacks, and varied building heights; arcades and loggias are also commonly used to reinforce the base, middle, and/or top of the building; building massing tends to be irregular with a variety of shapes and heights.

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<sup>1309</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1310</sup> This is a new definition.

<sup>1311</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1312</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1313</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1314</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1315</sup> This consolidates the definitions for Social services group III & IV from Sec. 34-622 of the transitional LDC.

<sup>1316</sup> This is a new definition. No permissions are attached but it allows the Village to readily adjust to swiftly changing state rules and implementation.

<sup>1317</sup> This is a new definition. See Delray Beach Architectural Design Guidelines, Adopted 12-08-2015.



**Micro Wireless Facility<sup>1318</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a small wireless facility having dimensions not larger than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

**Mission Revival<sup>1319</sup>**

A sub-style of the Mediterranean Revival architectural style that is characterized by mission-shaped dormers and/or roof parapet; wide, overhanging eaves with exposed rafter beams, red-tiled roof, stucco walls, and arched windows or doors on the ground level.

**Mitigation Park<sup>1320</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, an area acquired with the express purpose of mitigating impacts of land development on listed species.

**Mixed-use Development<sup>1321</sup>**

A development of a tract of land, building, or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, retail, public, or entertainment, in a compact urban form. A combination of two similar uses (for example two residential uses or two commercial uses) shall not be deemed a “mixed-use” development.

**Mobile Home Move-On Permit<sup>1322</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an official document or certification authorizing any purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. It also includes a permit authorizing the tiedown of a park trailer in a mobile home zoning district.

**Mobile Home Space<sup>1323</sup>**

Plot of ground within a mobile home park designed for the accommodation of one mobile home. Related accessory buildings, patios, and cabanas may also be accommodated.

**Model<sup>1324</sup>**

For the purposes of Chapter 6: Signage, only, a residential dwelling unit which is not for sale or immediate sale but represents a particular unit design of similar units that are for sale in the same residential complex. See also Model Home/Unit.

**Model Home/Unit<sup>1325</sup>**

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development, but not including the actual sales transaction itself. See also Model.

**Monitor Well<sup>1327</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a well used primarily to monitor hydrologic parameters such as water levels or water quality, also known as an observation well. (See Rule 40E-3.021(19), F.A.C.<sup>1328</sup>)

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<sup>1318</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1319</sup> This is a new definition. See <https://architecturestyles.org/mission-revival/>, Tom Paradis.

<sup>1320</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1321</sup> This is a new definition.

<sup>1322</sup> This definition is carried forward from Sec. 2-344 of the transitional LDC but modified to remove references to the Lee Plan.

<sup>1323</sup> This is a new definition.

<sup>1324</sup> This definition is new and is derived from the existing definition provided in-text in Sec. 30-151(6)(c) of the transitional LDC.

<sup>1325</sup> This is a new definition.

<sup>1327</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1328</sup> This carried forward “See\_\_\_” cross reference is to an incorporation by reference of multiple manuals

**Moor<sup>1329</sup>**

To secure a vessel with lines.

**Mooring Area<sup>1330</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the portion of a docking facility used for the mooring of watercraft.

**Moving and Storage Facility<sup>1331</sup>**

A facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

**MS4<sup>1332</sup>**

Village of Estero Municipal Separate Storm Sewer System (See Sec. 7-205, Clean Water Provision)

**Multi-Slip Docking Facility<sup>1333</sup>**

Two or more docks that provide vessel mooring slips to unrelated individuals, either for rent or for sale. A multi-slip docking facility is distinguished from a marina in that it has no commercial activity associated with it, including boat rentals. The term “multi-slip docking facility” does not include boat ramps. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards.)

**Multi-Occupancy Complex<sup>1334</sup>**

For the purposes of Chapter 6: Signage, only, a parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing more than one occupant conducting a business operation of any kind.

**Nameplate, Professional<sup>1336</sup>**

For the purposes of Chapter 6: Signage, only, an identification sign bearing only the name, address, and the occupation of the occupant.

**Nameplate, Residential<sup>1337</sup>**

For the purposes of Chapter 6: Signage, only, an identification sign bearing only property numbers, street addresses, mailbox numbers, estate names, or names of the occupants of the premises.

**Nature Center<sup>1338</sup>**

An area intended to remain in a predominantly natural or undeveloped state and buildings or facilities that educate or assist visitors in interpreting and appreciating the natural environment.

**Navigable Channel<sup>1339</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, the area within a natural waterbody that has a minimum of three feet of water depth at mean low water.

**Nesting Season<sup>1340</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only the period from October 1 to May 15, unless the young fledge is born after May 15.

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<sup>1329</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1330</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1331</sup> This is a new definition.

<sup>1332</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1333</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1334</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1336</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1337</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1338</sup> This is a new definition of a use listed as a part of parks group II in Sec. 34-622 of the transitional LDC

<sup>1339</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1340</sup> This definition is carried forward from Sec. 14-72 & Sec. 14-112 of the transitional LDC.

**Nestling<sup>1341</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a young eagle (eaglet) that is incapable of flight and is dependent of its parents. Once an eaglet fledges (i.e., leaves the nest), it becomes a fledgling.

**Newspaper/Periodical Publishing Establishment<sup>1342</sup>**

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers and magazines, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

**Noise<sup>1343</sup>**

Sound or vibrations which are defined as either noise or noise disturbance in the County Noise Ordinance, Ordinance No. 82-32, as amended by Ordinance No. 83-22, and as subsequently amended.

**Nonconforming Building or Structure, Lot or Use<sup>1346</sup>**

An existing building or structure, lot or use, lawful when established, which fails to comply with any provisions of this LDC, or which fails to comply as the result of subsequent amendments. See Chapter 9: Nonconformities.

**Non-Essential Lighting<sup>1347</sup>**

Lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting, and parking lot lighting, may be considered essential during business or activity hours, but is considered non-essential once the activity or business day has concluded.

**Nonresidential Land Use or Activity<sup>1349</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, any applicable land use or activity which occurs in any building, structure or open area which is not used primarily as a private residence or dwelling. In addition, any land use or activity which produces, stores, uses, or handles more than 110 gallons or 1,100 pounds of a regulated substance is presumed to be a nonresidential land use or activity.

**Nursing Home<sup>1350</sup>**

Establishments primarily engaged in providing nursing and health-related personal care, with at least one shift with a licensed or registered nurse to provide routine health care and observation or an organized medical staff, including physician and continuous nursing services. This includes nursing care and hospice facilities, but not hospitals.

**Obstruction<sup>1351</sup>**

An item placed on or permanently in a bikeway or pedestrian facility such as light poles, parking meters, newspaper stands, trash cans, mailboxes, and street furniture that reduce the minimum width of the facility for some distance.

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<sup>1341</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1342</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1343</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1346</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1347</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1349</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1350</sup> This consolidates the definitions for health care facilities group I nursing and personal care facilities & group II skilled nursing care facilities, hospices, from Sec. 34-622 of the transitional LDC.

<sup>1351</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

**Occupied Habitat Buffer Area<sup>1352</sup>**

For the purposes of Sec. 7-201.C, Habitat Protection for Additional Listed Species, only, occupied habitat, the dimensions of which coincide with the recommended buffers in Sec. 7-201.C.

**Office, Contractor's**

See Contractor's Office.

**Office, General Business<sup>1353</sup>**

Offices used for conducting the affairs of various businesses, general businesses, or nonprofit organizations; including administration, record keeping, clerical work, and similar business functions, as well as conducting of the affairs of professionals, such as architects, doctors, dentists, engineers, attorneys, accountants, planners and the like.

**On-Road Facility, Bikeway, or Bike Lane<sup>1354</sup>**

A paved shoulder, bike lane or undesignated bike lane that is contiguous with the automobile travel lanes. This area may be used as a bike facility, but such use is not deemed exclusive.

**Open Space<sup>1355</sup>**

For the purpose of bonus density calculations only, land owned by the Village for the use and enjoyment of the public and maintained with minimal buildings or improvements.

**Open Space Square<sup>1356</sup>**

An outdoor common space. Open space squares shall have a minimum average dimension of 30 feet and a maximum average dimension of 65 feet. Open space squares may be interconnected to form a larger square or a series of squares and shall be integrated into the pedestrian circulation pattern for the project. Open space squares shall also be located in the front or middle of the development parcel.

**Operating Permit<sup>1357</sup>**

A permit required in accordance with Sec. 7-202, Wellfield Protection.

**Ordinance<sup>1358</sup>**

A legislative enactment of the Village or adopted by another lawful government.

**Outdoor Display of Merchandise (as accessory to a retail sales use)<sup>1359</sup>**

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

**Outdoor Storage (as an accessory use)<sup>1360</sup>**

Outdoor storage as an accessory use is the keeping, in an area not enclosed by a building on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours. Delivery vehicles shall not be used to avoid outdoor storage standards. If a trailer or truck or delivery vehicle is not unloaded and remains on a site for more than 24 hours, it is deemed to be outdoor storage and shall be regulated as such. This use does not include a junkyard or salvage yard which is not allowed in the Village, or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

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<sup>1352</sup> This definition is carried forward from Sec. 10-472 of the transitional LDC.

<sup>1353</sup> This is a new definition.

<sup>1354</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1355</sup> This definition is carried forward from Ordinance 2017-03.

<sup>1356</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1357</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1358</sup> This is a new definition.

<sup>1359</sup> This is a new definition.

<sup>1360</sup> This is a new definition.

**Outpatient Care Facilities<sup>1361</sup>**

Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis or treatment, or both, for patients who are ambulatory and do not require inpatient care.

**Overall Height<sup>1362</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, the height of a wireless communications facility but without any adjustment for minimum required flood elevation. Overall height includes all antennas and other ancillary appurtenances.

**Owner<sup>1363</sup>**

As applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

**Package Sales<sup>1364</sup>**

Alcoholic beverages that are sold only in containers sealed by the manufacturer and which are sold for consumption off the licensed premises of the business establishment.

**Parapet<sup>1365</sup>**

A low protective wall at the edge of a terrace, balcony or roof.

**Parcel**

See "lot," in Sec. 10-303, Lots and Yards.

**Park<sup>1366</sup>**

For purposes of Section 4-4, Alcoholic Beverages, only, a park facility which is owned, leased, or operated by a governmental agency. It does not include beach access strips.

**Park, Community<sup>1367</sup>**

For purposes of 8-103, Park Impact Fees, only, a tract of land used by the public primarily for active recreation but also used for educational and social purposes and passive recreation. Community parks also include bikeways along the road network that are designed and used primarily for active recreation. A community park generally serves a specific community composed of at least several neighborhoods. It specifically includes school sites and municipally owned parks where they are used as community parks.

**Park, Private (as accessory use)<sup>1368</sup>**

A tract of land designated and operated by a private entity for the private enjoyment of a development's residents, including: fishing piers; nature or wildlife preserves; neighborhood parks; and passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

**Park, Regional<sup>1369</sup>**

For purposes of 8-103, Park Impact Fees, only, a tract of land designated and used by the public for active and passive recreation used by the public that provides especially attractive natural resources, amenities, and specialized activities. A regional park draws users from a larger area than a

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<sup>1361</sup> This carries forward the definition for health care facilities group III outpatient facilities from Sec. 34-622 of the transitional LDC.

<sup>1362</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1363</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1364</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1365</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1366</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1367</sup> This definition is carried forward from Sec. 2-344 of the transitional LDC but modified to remove reference to the Lee Plan.

<sup>1368</sup> This is a new definition for private parks.

<sup>1369</sup> This definition is carried forward from Sec. 2-304 of the transitional LDC but modified to remove reference to the Lee Plan.



community park, frequently from the entire county and beyond, by providing access to especially attractive natural resources, amenities and specialized activities.

**Park, Village, County, or State<sup>1370</sup>**

A tract of land (including customarily associated buildings and structures), owned by a government entity, designated and used for recreational purposes by the public, including: fishing piers; nature or wildlife preserves; neighborhood parks; passive and active recreational and educational activities including but not limited to hiking, nature trails, and similar activities which require few or no on-site facilities or capital investment and which utilize the natural environment with little or no alteration of the natural landscape.

**Parking Lot Access<sup>1372</sup>**

Accessway which provides vehicle access from a street to a parking lot containing five or more parking spaces, but from which vehicles are restricted to entering or leaving the street in a forward motion only.

**Parking Lot Aisle<sup>1373</sup>**

The portions (lanes) of a parking lot which provide direct access to individual parking spaces.

**Parking Pods<sup>1374</sup>**

A discrete vehicular use area (parking area) with no more than four ingress/egress points, limited to a maximum of 120 parking spaces, and surrounded by a Type “D” landscape buffer.

**Parking Space, Tandem<sup>1375</sup>**

A parking space within a group of two or more parking space arranged one behind the other.

**Parking Structure<sup>1376</sup>**

A building constructed and used for the storage of motor vehicles. It may accommodate bicycle parking as well. The building may include retail or other uses on the ground floor or may be lined or wrapped with separate buildings that include residential or commercial uses.

**Pass-Through Provider<sup>1378</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, any person (other than a communications services provider) who places or maintains a communications facility in the road or rights-of-way of a municipality or county that levies a tax pursuant to Ch. 202, Fla. Stat., and who does not remit taxes imposed by that municipality or county pursuant to Ch. 202, Fla. Stat., as per Sec. 337.401, Fla. Stat. A pass-through provider does not provide communications services to retail customers in the Village. Provisions in this article that apply only to pass-through providers shall not apply to communications services providers that provide the services identical or similar to those provided by pass-through providers.

**Passive and Active Recreational and Educational Activities<sup>1379</sup>**

Activities including but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities.

**Pattern Book<sup>1380</sup>**

A pattern book describes the anticipated visual character and layout for a development project and can also illustrate proposed signage, Landscaping, and other features. The pattern book then guides

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<sup>1370</sup> This carries forward a definition from Sec. 34-622 of the transitional LDC.

<sup>1372</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1373</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1374</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1375</sup> This is a new definition.

<sup>1376</sup> This is a new definition.

<sup>1378</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1379</sup> This carries forward a definition from Sec. 34-622 of the transitional LDC.

<sup>1380</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

the design and construction of buildings and site improvements. Pattern books have become an Estero tradition, beginning in 2004 with the Coconut Point design review guidelines. An effective pattern book illustrates the design and character of a development project and provides details about design solutions to conditions that are specific to the site or to the target market. Pattern books assist village officials and the community during the rezoning process in visualizing how a development project would fit into the community, how its character would be unified internally, and to what extent it would implement policies in the Estero Comprehensive Plan and the standards and guidelines in the LDC.

The level of detail in a pattern book will vary based on the scale, scope, and timing of a development project and on the standards that apply. For larger developments equal to or in excess of ten acres, and developments that will be phased over time, the pattern book identifies the placement of development features on a site, particularly those along the perimeter; defines the layout of proposed development in relationship to neighboring uses, adjacent streets, and public spaces; and depicts generalized architectural themes for buildings. For smaller developments, less than ten acres, single-phased developments, and higher density and intensity projects such as those subject to pattern book requirements under the EPD District, the pattern book incorporates more information such as general façade detailing, cross-sections of streets, and details on signage, landscaping, lighting, open space, and other features.

**Paved Shoulder<sup>1381</sup>**

A portion of the roadway contiguous to the roadway travel lanes that provides lateral support of base and surfaces courses. This area may be used for motor vehicle emergencies or by pedestrian and bicyclists.

**Pedestrian Passageway<sup>1382</sup>**

A pedestrian connection between buildings that allows safe access to other public spaces.

**Pedestrian Way<sup>1383</sup>**

Path specifically designed for preferential or exclusive use by pedestrians.

**Pennant<sup>1384</sup>**

A flag-like piece of cloth, plastic or paper attached to any staff, cord, building, or other structure at only one or two edges, with the remainder hanging loosely.

**Permanent Control Point (PCP)<sup>1385</sup>**

A marker as defined in Ch. 177, Fla Stat.

**Permanent Traffic<sup>1386</sup>**

The traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. It does not include temporary construction traffic.

**Permit, Interior Completion<sup>1387</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, any permit issued by the Building Official that will permit completion of a shell building, or unit within a shell building, by authorizing work to finish interior units, so that the building may receive a certificate of occupancy.

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<sup>1381</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1382</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1383</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1384</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1385</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1386</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1387</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

**Perch Tree<sup>1388</sup>**

For the purposes of Sec. 7-201.A, Southern Bald Eagle, only, a tree used by bald eagles for resting, sleeping, foraging, hunting, feeding, lookout, display or thermal benefit.

**Permitted Pumping Capacity<sup>1389</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, the amount of water authorized by the SFWMD to be pumped from a well, measured in gallons per day.

**Person<sup>1390</sup>**

The term “person” shall extend and be applied to any individual, child, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, unincorporated association, and all other groups and legal entities or combinations thereof. The term shall include the Village to the extent the Village acts as a communications services provider.

**Personal Services Group I<sup>1392</sup>**

Establishments primarily engaged in providing services generally involving the care of the person or the person’s apparel, such as barbershops or beauty shops, clothing alterations and repair (including dressmakers, seamstresses and tailors), laundry agents wherein the establishment may do its own pressing and finish work but the laundering or dry cleaning is performed elsewhere, shoe repair services, and similar services not included in other Personal Service Uses (including Personal Services Group II).

**Personal Services Group II<sup>1393</sup>**

Beauty spas, massage establishments, reducing or slenderizing salons, and similar establishments.

**Personal Wireless Service<sup>1394</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a commercial mobile services (which include cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Pet Services<sup>1395</sup>**

Establishments primarily engaged in providing grooming, obedience training, and other services for pets not requiring the services of a veterinarian.

**Pharmaceutical Manufacturing<sup>1396</sup>**

Facilities primarily engaged in the manufacture of medicinal drugs.

**Pickleball Facilities<sup>1397</sup>**

A facility designed with courts specifically for the recreational use of pickleball.

**Place or Maintain<sup>1398</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate, or relocate under, over, or along any public rights-of-way of the county. A person that owns or exercises physical control over communications facilities in public rights-of-way, such as the physical control to maintain and repair, is “placing or maintaining” the facilities. A person providing service only through resale or only through use of a

<sup>1388</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1389</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1390</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC and incorporates the definition from Sec. 6-602 of the Lee County LDC (Ord. 17-22, adopted December 2017).

<sup>1392</sup> This carries forward the definition of personal services group I from Sec. 34-622 of the transitional LDC.

<sup>1393</sup> This carries forward the definition of personal services group II from Sec. 34-622 of the transitional LDC.

<sup>1394</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1395</sup> This carries forward the definition of pet services from Sec. 34-2 of the transitional LDC, with minor modification for comprehensiveness.

<sup>1396</sup> This new definition clarifies “chemicals and allied products manufacturing group I” from Sec. 34-622 of the transitional LDC.

<sup>1397</sup> This is a new definition.

<sup>1398</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

third party's unbundled network elements is not "placing or maintaining" facilities in the public rights-of-way.

**Places of Worship<sup>1399</sup>**

A structure designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction; church, mosque synagogue, or temple ministries involving classes for 100 or less children during the week; and other church, mosque, synagogue, or temple sponsored functions which do not exceed the occupancy limits of the building.

**Plane<sup>1400</sup>**

For the purposes of Chapter 6: Signage, only, a surface capable of carrying items of information, such as a rectangle, square, triangle, circle, or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle, or circle, which includes freestanding letters, numbers, or symbols.

**Planned Development<sup>1401</sup>**

A development that is designed and developed as a cohesive, integrated unit under unified control that permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities, and utilities, and protection of environmental and natural resources.

**Plat<sup>1402</sup>**

As defined by Ch. 177, Fla. Stat.

**Point Source of Light<sup>1403</sup>**

A manmade source emanating light, including, but not limited to incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high-pressure sodium and low-pressure sodium light sources, as well as torches, camp and bonfires.

**Pollutant<sup>1404</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or levels that are or may be potentially harmful or injurious to animal or plant life, human health or welfare, or property, including outdoor recreation. (See Rule 62-520.200(13), F.A.C.)

**Pollutant Travel Time<sup>1405</sup>**

The theoretical time required by pollutants to travel from one point to another. (See Sec. 7-202, Wellfield Protection)

**Pollution<sup>1406</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, presence of any substance (organic, inorganic, radiological or biological) or condition (temperature, pH, turbidity) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

**Polyester Film Window Graphics<sup>1407</sup>**

For the purposes of Chapter 6: Signage, only, graphic presentations applied to windows and created by applying combinations of dyed, metalized, translucent, and near-opaque polyester films in overlapping layers, resulting in a reflective poster-like display in daylight and a back-lit display at

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<sup>1399</sup> This carries forward the definition of places of worship from Sec. 34-2 of the transitional LDC, with the example list expanded from "church or synagogue," with other common similar institutions listed alphabetically.

<sup>1400</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1401</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1402</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1403</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1404</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1405</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1406</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1407</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

night, when normal interior room lighting is on. Polyester film window graphics may include lettering, logos, picture images, decorative borders, and back-up films.

**Post Office<sup>1408</sup>**

A facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**Potable Water Concurrency<sup>1409</sup>**

The potable water facilities needed to serve new development shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

**Potable Water Sources<sup>1410</sup>**

Sources of water that meet county, state, or federal drinking water standards and are intended for drinking, culinary and domestic purposes. (See Sec. 7-202, Wellfield Protection).

**Potable Water System<sup>1411</sup>**

A system of pipes, pumps, water treatments plants or water sources, and all other appurtenances or equipment needed to treat, transport, and distribute potable water.

**Prairie<sup>1412</sup>**

An alternative architectural style that is characterized by low-pitched hipped or flat roof; broad overhanging eaves; strong horizontal lines; clerestory windows arranged in horizontal bands; wide use of natural materials, especially stone and wood with strong horizontal lines; and restrained ornamentation such as friezes around windows and doors, or bands under the eaves.

**Premises<sup>1413</sup>**

Any lot, area, or tract of land.

**Premises, On the Same**

Being on the same lot or building parcel or on an abutting lot or adjacent building in the same ownership.<sup>1414</sup>

For the purposes of Chapter 6: Signage, only, a property owned, leased, or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it; or owned, leased, or controlled by a person for living accommodations.<sup>1415</sup>

**Primary Public Hurricane Shelter<sup>1416</sup>**

A structure designated by Section 7-5, Hurricane Preparedness, as a place for shelter during a hurricane event. Only those structures located outside of the coastal high hazard area that have been designated by the Village, the county, or the American Red Cross as primary shelters meet this definition.

**Primary Road<sup>1417</sup>**

Arterial roads and all roads within and adjacent to land designated in the Village Center and Transitional Mixed Use future land use categories on the FLUM of the comprehensive plan, and other corridors determined appropriate for urban development patterns.

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<sup>1408</sup> This is a new definition for a use listed but undefined in the transitional LDC.

<sup>1409</sup> This definition is new.

<sup>1410</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1411</sup> This is a new definition.

<sup>1412</sup> This is a new definition. See <https://www.antiquehomestyle.com/style/prairie-school.htm> Prairie School Style - 1905 to 1920.

<sup>1413</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1414</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1415</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1416</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1417</sup> This is a new definition



**Private Water System<sup>1418</sup>**

A water system that is supplied by a well, spring or other similar source of water, that is used for human consumption by four dwelling units or less and is regulated by Ch. 381, Fla Stat. and Ch. 10D-4, F.A.C.

**PRM (Permanent Reference Monument)<sup>1419</sup>**

Monument as defined in Ch. 177, Fla. Stat.

**Property<sup>1420</sup>**

Includes real and personal property.

**Proposed Public Water Supply Well<sup>1421</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a well not yet constructed but either identified in a water use permit application submitted to the SFWMD or identified in an existing water use permit granted by the SFWMD.

**Protection Zone Maps<sup>1422</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, maps showing the location on the ground of the outer limits of protection zones for present public utility potable water supply wells and wellfields that are permitted to pump a minimum of 1,000,000 gallons of water per day.

**Protection Zones<sup>1423</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, zones delineated by iso-travel time contours around wellfields, within which hazardous or toxic substances shall be regulated to protect the quality of the groundwater resource. These zones are calculated based on the rate of movement of groundwater in the vicinity of wells, with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

**Provider<sup>1424</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a business, corporation, partnership, or other entity licensed by the FCC to provide wireless services in Lee County, Florida.

**Public Body<sup>1425</sup>**

For the purposes of Chapter 6: Signage, only, a government or governmental agency of the United States, the state, Lee County, or the Village.

**Public Health, Safety, and Welfare<sup>1426</sup>**

Includes, but is not limited to, comfort, good order, appearance, convenience, law enforcement and fire protection, prevention of overcrowding of land, avoidance of undue concentration of population, facilitation of the adequate and efficient provision of transportation, water, sewage, schools, parks, recreation facilities, housing and other requirements and services; and conservation development, utilization, and protection of natural resources.

**Public Potable Water Supply Wellfield<sup>1427</sup>**

A tract of land containing a well (or group of wells) that is the subject of a consumptive use permit issued by SFWMD; is in use and providing water for public consumption; and, is the subject of an agreement between the Village and the public utility operating the well (or group of wells) whereby

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<sup>1418</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1419</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1420</sup> This definition is carried forward from Sec. 1-2(c) of the transitional LDC.

<sup>1421</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1422</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1423</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1424</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1425</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1426</sup> This definition is carried forward from Sec. 1-2(c) of the transitional LDC.

<sup>1427</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

the utility contributes its pro rata share of the administration and enforcement costs of Sec. 7-202, Wellfield Protection. For brevity, the term “wellfield” refers to a public potable water supply wellfield.

**Public Sewage System<sup>1428</sup>**

Sewage system that contains a wastewater treatment plant, is not an individual sewage disposal system, and is not regulated by Ch. 10D-6, F.A.C.

**Public Rights-of-Way<sup>1429</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a public right-of-way, highway, street, bridge, tunnel or alley for which the Village is the authority that has jurisdiction and control and may lawfully grant access to pursuant to applicable law, and includes the surface, the air space over the surface, and the area below the surface. “Public rights-of-way” shall not include private property or easements over private property. “Public rights-of-way” shall not include any real or personal Village-owned property except as described above and shall not include Village buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the public right-of-way.

**Public Road or Street Right-Of-Way<sup>1430</sup>**

Road or street that is open or available to use by the public. The road is deemed a public roadway as the result of a dedication to the public, title grant by deed to the public, or easement grant to the Village for right-of-way purposes, compliance with the Viewer's Road provisions, compliance with Sec. 95.361, Fla. Stat., or some other means allowed by law. The public right-of-way generally includes related facilities necessary to support the road, such as drainage areas, turn lanes, sidewalks, etc. A public road may be publicly or privately maintained. Public maintenance requires formal Village Council action to accept the responsibility.

**Public Transit Facilities<sup>1431</sup>**

For the purposes of Section 8-2, Concurrency Management, only, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this definition, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

**Public Utility<sup>1432</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a privately owned, municipally owned or county-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves an average of at least 25 individuals daily.

**Public Water System<sup>1433</sup>**

Water system that is not a private water system, and includes those water systems regulated under Ch. 381, Fla. Stat., and defined as public water systems, community water systems, and noncommunity water systems in Ch. 17-22, F.A.C; and those water systems defined as public water systems not covered or included in the Florida Safe Drinking Water Act in Ch. 10D-4, F.A.C.

**Recessed Lamp<sup>1435</sup>**

A lamp built into a horizontal fixture or portion of a fixture, or into an outdoor ceiling or canopy so that the lamp is fully cut-off and no part of the lamp extends or protrudes beyond the underside of a fixture or portion of a fixture or structure.

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<sup>1428</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1429</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1430</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1431</sup> This definition is new and tracks the language in Sec. 163.3180(h)(1)(b).

<sup>1432</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1433</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1435</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Recreation Courts, Indoor<sup>1436</sup>**

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

**Recreation Facility, Indoor<sup>1437</sup>**

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amusement arcades, amusement centers, aquatic centers, bingo halls, bowling alleys, gymnasiums, health clubs, recreation courts, skating facilities, cinemas or theaters, and similar uses.

**Recreation Facility, Outdoor<sup>1438</sup>**

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Uses include: athletic fields; golf courses, miniature; golf driving ranges; passive and active recreational and educational activities including but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities; swimming pools, tennis courts and other similar outdoor activities not grouped elsewhere; and water slides, aquatic centers; and similar uses.

**Recreational Vehicle<sup>1439</sup>**

A recreational vehicle type unit as defined in Sec. 320.01(1)(b), Fla. Stat. It is primarily designed as temporary living unit for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle.

**Recreational Vehicle Development Order<sup>1440</sup>**

For purposes of Chapter 8, Public Facility Funding and Coordination, only, a final development order permitting the placement of recreational vehicles on any area of land.

**Recycling Drop-Off Center<sup>1441</sup>**

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods.

**Registered Professional Architect<sup>1442</sup>**

An architect registered or licensed by the state to practice architecture in Florida, or who is authorized by the state to practice architecture in the state under a reciprocal registration or licensing agreement with another state.

**Registered Professional Engineer<sup>1443</sup>**

An engineer registered or licensed by the state to practice engineering in Florida, or who is authorized by the state to practice engineering in the state under a reciprocal registration or licensing agreement with another state.

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<sup>1436</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1437</sup> This is a new definition reorganizing the various “recreational facilities” definitions from the transitional LDC and including recreational commercial facilities group I.

<sup>1438</sup> This is a new definition reorganizing the various “recreational facilities” definitions from the transitional LDC. including recreational commercial facilities group III

<sup>1439</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1440</sup> This definition is carried forward from Secs. 2-264 and 2-344 of the transitional LDC but removes the reference to other municipalities.

<sup>1441</sup> This is a new definition.

<sup>1442</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1443</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

**Registered Professional Land Surveyor<sup>1444</sup>**

A land surveyor registered or licensed by the state to practice land surveying in Florida, or who is authorized by the state to practice surveying in the state under a reciprocal registration or licensing agreement with another state.

**Registrant<sup>1445</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, any person that has registered with the Village in accordance with the provisions of Sec. 4-143.K.2, Registration for Placing or Maintaining Small Wireless Facilities in Public Rights-of-Way, and holds an effective registration

**Regulated Substances<sup>1446</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, any hazardous or toxic substance regulated under that section as described in Sec. 7-202.E, Regulated Hazardous or Toxic Substances and Sanitary Hazards.

**Regulatory Standards<sup>1447</sup>**

The minimum acceptable level of service for a public facility subject to this section as set forth in the comprehensive plan.

**Religious Facilities<sup>1448</sup>**

Religious-related facilities and activities, which may include but are not limited to places of worship, bus storage facilities or areas, convents, monasteries, retreats, church, mosque, synagogue, or temple ministries involving classes for more than 100 children during the week, and homes for the aged.

**Repair Shop, Household<sup>1450</sup>**

Establishments primarily engaged in performing miscellaneous repair work of small household appliances and equipment including bicycles, clocks, electric razors, fountain pens, hand tools, home computers, jewelry, key duplicating, luggage, leather goods, microwave ovens, mirrors, musical instruments (including piano or organ tuning), picture framing, pocketbooks, radios, sewing machines, sharpening and repair (knives, saws or tools), stereos, televisions, typewriters, umbrellas, venetian blinds, video equipment, watches, and the like; or household appliances, furniture; laboratory, office and other precision instruments and equipment. This use does not include vehicle repair and maintenance.

**Repeater<sup>1451</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a small receiver or relay transmitter of low power output relative to a base station output, designed to provide service to areas that are not able to receive adequate coverage directly from a base station.

**Replacing<sup>1452</sup>**

Rebuilding, enlarging, or any change in size or structure other than repainting and repair to electrical apparatus or repairing parts thereof for maintenance purposes.

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<sup>1444</sup> This definition is carried forward from Sec. 6-405 of the transitional LDC.

<sup>1445</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1446</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1447</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1448</sup> This carries forward the definition of religious facilities from Sec. 34-2 of the transitional LDC, expanding the list from “church or synagogue” to include other common examples, listed alphabetically.

<sup>1450</sup> This carries forward the definition of personal household goods establishment group I from Sec. 34-622 of the transitional LDC.

<sup>1451</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1452</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Research and Development Laboratories<sup>1453</sup>**

Facilities primarily engaged in laboratory or field research, and development in the natural, physical, or social sciences; as well as engineering and development as an extension of that research.

**Residential Community<sup>1454</sup>**

For the purposes of Sec. 6-301.B, Permanent Signs in Residential Development, only, a residential subdivision, mobile home and recreational vehicle development, condominium, and multi-family building containing five or more dwelling units.

**Resource Recovery<sup>1455</sup>**

Various techniques of recovering reusable or recyclable materials or energy from garbage and trash.

**Restaurant, Convenience<sup>1456</sup>**

Establishments primarily located in business or recreational areas for the convenience of walk-in customers including automats (eating), bakeries; beaneries, cafes, cafeterias, commissaries, diners, food stands, grills, ice cream shops, lunch bars, lunch counters, luncheonettes, lunchrooms, oyster bars, pizzerias, sandwich bars or shops, soda fountains, tearooms, and yogurt shops.

**Restaurant, Fast Casual<sup>1457</sup>**

A sit down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared, and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants.

**Restaurant, Fast Food<sup>1458</sup>**

An establishment whose principal business is the sale of food or beverages in a ready-to-consume state primarily for off-site consumption, and that may contain drive-through facilities.

**Restaurant, Standard<sup>1459</sup>**

An establishment whose principal business is the sale of food or beverages to customers in a ready-to-consume state, and whose principal method of operation includes customers served their foods and beverages by a restaurant employee at the same table or counter where food and beverages are consumed, or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

**Retail Sales Group I<sup>1460</sup>**

Establishments that sell consumer goods at retail, like art galleries; bicycle sales, rental services, or repair services; boat parts stores; building materials, sales; catering establishments; department stores; florist and gift shops; hobby and craft shops;; monument or headstone sales establishments; and similar uses (e.g., floor covering stores, window treatment stores, camera stores, optical goods stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops).

**Retail Sales Group II**

Any establishment that sells bulk retailing; home building and garden supplies stores; or an establishment that sells consumer goods at retail listed as Retail Sales Group I with a gross area over 50,000 square feet.

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<sup>1453</sup> This carries forward the general definition from Sec. 34-622 of the transitional LDC. The more specialized group II medical and dental laboratories has been moved to the Health Care uses category.

<sup>1454</sup> This is a new definition which defines the term “residential community” regarding permanent signs in residential areas. This is in lieu of the practice in the transitional LDC, Sec. 30-152(1), to redefine subdivision — a defined term with a particular meaning — only for purposes of the signage regulations.

<sup>1455</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1456</sup> This carries forward the definition of restaurants group II from Sec. 34-622 of the transitional LDC.

<sup>1457</sup> This carries forward the definition restaurant, fast food, from Ordinance 2018-09.

<sup>1458</sup> This carries forward the definition restaurant, fast food, from Sec. 34-2 of the transitional LDC.

<sup>1459</sup> This carries forward the definition of restaurant, standard from Sec. 34-2 of the transitional LDC.

<sup>1460</sup> This is a new definition. It is meant to be inclusive of all specialty retail shop groups



**Retaining Wall<sup>1461</sup>**

Vertical bulkhead located above mean high water and landward of any existing wetland vegetation or littoral zone characterized by the presence of intertidal fauna.

**Reverse Frontage Road<sup>1462</sup>**

A local road or accessway that functions as an access road but which is not located adjacent to the arterial or collector road right-of-way.

**Right-Of-Way<sup>1463</sup>**

A portion of land acquired by express or implied dedication or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line and other similar public uses.

**Right-of-Way Line<sup>1464</sup>**

See Road right-of-way line.

**Road<sup>1465</sup>**

A thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. The term "road" is synonymous with the terms "avenue," "boulevard," "drive," "lane," "place," "street," and "way," or similar terms.

**Road, Arterial<sup>1466</sup>**

Roads primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.

**Road, Local<sup>1467</sup>**

A road with the primary function being to serve adjacent properties. As such, a local road provides the linkage from adjacent uses to the collector street system. Through volume service is not a function of local streets.

**Road, Major Collector<sup>1468</sup>**

A road having the primary purpose of collecting traffic from intersecting local and minor collector roads and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function.

**Road, Minor Collector<sup>1469</sup>**

A road having the primary purpose of collecting traffic from intersecting local roads and distributing this volume to the nearest major collector or arterial. As such, a minor collector road provides the linkage from neighborhoods (i.e., local roads) to the arterial system, and provides intra-neighborhood access. Access to abutting land uses is a secondary function.

**Road (or Street) Right-Of-Way<sup>1470</sup>**

The general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

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<sup>1461</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1462</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1463</sup> This is a new definition.

<sup>1464</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1465</sup> This is a new definition.

<sup>1466</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1467</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1468</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1469</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1470</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

**Road Right-Of-Way or Road Easement Line<sup>1471</sup>**

Imaginary line delineating the boundary of an existing or proposed street right-of-way or street easement.

**Road Right-of-Way, Existing<sup>1472</sup>**

A general term denoting land, property, or interest in, usually in a strip, acquired for or devoted to transportation purposes, which is dedicated to the public and accepted by the Village or County. Road right-of-way or road easement line means an imaginary line delineating the boundary of an existing or proposed street right-of-way or street easement.

**Road Right-Of-Way, Proposed<sup>1473</sup>**

General term denoting land or property, usually in a strip, identified on a government plan, as land to be used in the future for transportation purposes.

**Road, Substandard<sup>1474</sup>**

A road lacking either a geometric or structural capacity for the designation assigned.

**Roofline<sup>1475</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, the uppermost line of the roof or parapet, whichever is lower.

**Sale of<sup>1476</sup>**

For purposes of Section 4-4, Alcoholic Beverages, only, includes the term “or service.”

**Sanitary Hazard<sup>1477</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a physical condition that involves or affects any part of a drinking water system or the raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. (See Rule 62-550.200(75), F.A.C.).

**Sanitary Sewer Concurrency<sup>1478</sup>**

The sanitary sewer facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

**Satellite Earth Station<sup>1479</sup>**

Any device or antenna, including associated mounting devices or antenna-supporting structures, used to transmit or receive signals from an orbiting satellites, including television broadcast signals, direct broadcast satellite services, multichannel multipoint distribution services, fixed wireless communications signals, and any designated operations indicated in the FCC Table of Allocations for satellite services.

**Schools, Elementary, Middle, or High<sup>1480</sup>**

An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten, pre-k, pre-k – 8, or nursery school) instruction meeting state requirements for a school. These schools include public, charter, and private schools. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care,

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<sup>1471</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1472</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1473</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1474</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1475</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1476</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC. The portion of the definition regarding “beach access strips” has not been carried forward.

<sup>1477</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1478</sup> This definition is new.

<sup>1479</sup> This definition is carried forward from Sec. 34-1175.

<sup>1480</sup> This is a new definition.

athletic facilities, dormitories, and other facilities that further the educational mission of the institution. This definition is inclusive of “educational facilities” as defined in Ch. 1013, Fla. Stat.

**School Concurrency<sup>1481</sup>**

The public school facilities needed to serve new development that shall be in place or under actual construction within three years after the local government approves a development permit, or its functional equivalent, that results in generation of students.

**School Concurrency Service Areas<sup>1482</sup>**

One of three possible zones established by the Lee County School Board for the purpose of assigning students to schools in a geographically approximate location to where those students reside. School concurrency service areas are co-terminus with the three school choice zones for elementary, middle, and high schools. (East Zone, West Zone, or South Zone)

**Seasonal Sales<sup>1483</sup>**

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, and flowers and plants.

**Self Storage<sup>1484</sup>**

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use (see Vehicle and Boat Rental and Sales).

**Semipublic Body<sup>1485</sup>**

Churches and civic and other organizations operating in the county as nonprofit organizations serving a public purpose or service.

**Service Area<sup>1486</sup>**

For the purposes of Section 5-10, Utilities, only, the geographic region consisting of the lots being served or proposed to be served by a public facility, including but not limited to public potable water or sewage systems.

**Sewage System<sup>1487</sup>**

A system of pipes, pumps, tanks, or wastewater treatment plants and all other appurtenances or equipment needed to treat, transport, and dispose of sewage.

**Sexually Oriented Businesses**

Sexually Oriented Businesses, as defined Ch.22, Art. XIII, the Lee County Code of Ordinances, also known as the “Lee County Sexually Oriented Businesses Regulation Ordinance.”

**SFWMD<sup>1488</sup>**

South Florida Water Management District.

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<sup>1481</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1482</sup> This carries forward the definition in Sec. 2-45 of the transitional LDC, with minor refinements to conform it to the Village concurrency system.

<sup>1483</sup> This is a new definition.

<sup>1484</sup> This is a new definition that replaces four varieties of warehouse in Sec. 34-2 of the transitional LDC.

<sup>1485</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1486</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1487</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1488</sup> This definition is carried forward from Sec. 14-292 of the transitional LDC.

**Shared Use Path<sup>1489</sup>**

A facility eight to 12 feet in width, physically separated from motorized vehicular traffic that serves bicycles, pedestrians, hikers, skaters, wheel chair uses, joggers, and other non-motorized uses

**Shared Use Plan<sup>1490</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a plan that includes the following:

- (1) A signed statement from the antenna-supporting structure owner agreeing to allow multiple providers to collocate on the structure, where reasonable and structurally feasible; and
- (2) A written evaluation of the feasibility of accommodating future collocations. Such evaluation shall address the following, as appropriate:
  - a. Structural capacity of the proposed antenna-supporting structure;
  - b. Radio frequency limitations impacting the ability to accommodate collocations;
  - c. Geographical search area requirements;
  - d. Mechanical or electrical compatibility;
  - e. Any restrictions imposed upon the facility by the FCC that would preclude future collocations; and
  - f. Additional relevant information as required by the Village.

**Shield<sup>1491</sup>**

To establish a visual and sound barrier by the use of a berm, wall, screening, or other methods that will not permit the sound or sight of the facility in question to be apparent from adjoining property.

**Shopping Center**

See Multiple-Occupancy Complex.

For purposes of Chapter 8, Public Facility Funding and Coordination, only, an integrated group of commercial establishments planned, developed, owned or managed as a unit. A shopping center consists primarily of retail establishments, but may also contain some other uses, such as restaurants, medical, or general offices. Shopping center outparcels are treated as separate uses.<sup>1492</sup>

**Showroom, Wholesale<sup>1493</sup>**

An establishment that combines office and showroom uses with warehouse uses for the primary purpose of wholesale trade, display, and distribution of products.

**Sidewalk<sup>1494</sup>**

A portion of a roadway designed and constructed for preferential use by pedestrians that is at least five feet wide. A sidewalk may be used by a cyclist consistent with Sec. 316.2065, Fla. Stat.

**Sight Lines<sup>1495</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a graphic representation consisting of:

- (1) Using the U.S.G.S. Quadrangle map, at a scale of 1:25,000 as a base map, a minimum of eight view lines, shown beginning at True North and continuing clockwise at 45-degree intervals in a two-mile radius from the site; and
- (2) A plan map of a circle of two miles radius of the communication facility site on which any areas from which the proposed communication facility will be visible shall be indicated.

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<sup>1489</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1490</sup> Wireless Communications portion of this definition is carried forward from Sec. 34-1442 of the transitional LDC. The general case is carried forward from Sec. 10-1 of the transitional LDC

<sup>1491</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1492</sup> This definition is carried forward from Sec. 2-264 of the transitional LDC.

<sup>1493</sup> This is a new definition.

<sup>1494</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1495</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

**Sign**

An object, device, display, or structure, or part thereof, consisting of letters (foreign or domestic), numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations, including all trim and borders, designed to advertise, inform, or identify, or to attract the attention of persons not on the premises on which the device or display is located, and visible from any public way.

**Sign Area<sup>1496</sup>**

The size of the portion of a sign as calculated using the methodology in Sec. 6-201, Measurement of Sign Area.

**Sign Structure<sup>1497</sup>**

A structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

**Sign, Abandoned<sup>1498</sup>**

A sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises indicated on the sign.

**Sign, Animated<sup>1499</sup>**

A sign composed of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement, or otherwise change the appearance of the sign. Animated signs do not include electronic changing message centers or revolving signs as defined in this section.

**Sign, Announcement<sup>1500</sup>**

A temporary sign announcing a project to be under construction or an intended use of the premises.

**Sign, Awning<sup>1501</sup>**

A sign placed or installed on the hanging border or other area of an awning. See Sec. 6-105.A.1, Awning Signs.

**Sign, Bench<sup>1502</sup>**

A sign attached to a bench placed on or along public rights-of-way and is an off-site advertising sign.

**Sign, Bus Shelter<sup>1503</sup>**

A sign that is attached or placed within approved bus shelters located on or along public rights-of-way. Bus shelter signs are off-site advertising signs.

**Sign, Business Affiliation<sup>1504</sup>**

A sign displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant.

**Sign, Business Information<sup>1505</sup>**

A sign providing information to customers such as the business hours and telephone number, and "open" or "closed," "shirts and shoes required," "no soliciting," or "no loitering" signs.

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<sup>1496</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC and modified.

<sup>1497</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1498</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1499</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1500</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1501</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1502</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1503</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1504</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1505</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.



**Sign, Canopy<sup>1506</sup>**

A sign attached to or constructed in or on a canopy.

**Sign, Changeable Copy (manual)<sup>1507</sup>**

A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

**Sign, Changing (automatic)<sup>1508</sup>**

See Electronic Changing Message Center.

**Sign, Commercial Advertising<sup>1509</sup>**

Any structure, poster board, bulletin board, neon sign, screen, surface, or wall with characters, letters, or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried on therein or thereat, or for advertising any service or product actually and actively being offered for sale therein or thereon.

**Sign, Construction<sup>1510</sup>**

A sign erected at a building site that displays the name of the project and identifies the owner, architect, engineer, general contractor, financial institutions, and other firms involved with the design or construction of the project.

**Sign, Development<sup>1511</sup>**

A sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development.

**Sign, Directional<sup>1512</sup>**

A sign which serves solely to designate the location of or direction to any place or area.

**Sign, Double-Faced<sup>1513</sup>**

A single plane with items of information identical on both sides and mounted as a single structure.

**Sign, Emitting<sup>1514</sup>**

Any sign designed to emit visible smoke, vapor, particles, or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

**Sign, Figure-Structured<sup>1515</sup>**

A sign sculptured, inflated, or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, which is used to attract or draw attention to a business or commercial establishment.

**Sign, Flashing<sup>1516</sup>**

A sign or any part thereof that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs, such as a public service time, temperature and date signs, or electronically controlled message centers are classified as changing signs, not flashing signs.

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<sup>1506</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1507</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1508</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1509</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1510</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1511</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1512</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1513</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1514</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1515</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1516</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Sign, Government<sup>1517</sup>**

Any sign erected and maintained in accordance with and in discharge of any governmental function, or required by law, ordinance, or other governmental regulation.

**Sign, Ground or Ground-Mounted<sup>1518</sup>**

Any sign or other street graphic which is mounted on or supported by uprights or braces in or upon the ground, with such uprights or braces being in close proximity and directly attached in or upon the ground and independent of support of any building, fence, or a wall of an accessory building or structure.

**Sign, Height<sup>1519</sup>**

The height of a sign as calculated using the methodology in Sec. 6-202, Measurement of Sign Height.

**Sign, Identification<sup>1520</sup>**

A sign where the matter displayed is used only to indicate the name, address, number of building, or character of the primary land use.

**Sign, Illuminated<sup>1521</sup>**

A sign which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective, or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

**Sign, Individual Letter<sup>1522</sup>**

A sign made of self-contained letters that are mounted on the face of a building.

**Sign, Instructional<sup>1523</sup>**

A sign located entirely on the property to which it pertains and which is intended to provide direction to pedestrians or vehicular traffic or to control parking on private property. Examples include “entrance” signs, “exit” signs, “one-way” signs, “pedestrian walk” signs, “disabled parking” signs, etc.

**Sign, Interstate Highway Interchange Area<sup>1524</sup>**

A sign visible from interstate highways providing travelers with identification of the following services: fuel, food, lodging, camping, and repair.

**Sign, Marquee<sup>1525</sup>**

A sign mounted, painted, or attached to a marquee.

**Sign, Monument or Monument-Style<sup>1526</sup>**

A ground sign, the structural base of which is on the ground. The height of the base shall be at least 24 but no more than 36 inches above the adjacent ground elevation. The average width of the sign structure shall exceed the total height of the sign structure. The width of the top of the sign structure shall not exceed 120 percent of the width of the base. The sign copy area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes.

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<sup>1517</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1518</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1519</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC and modified.

<sup>1520</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1521</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1522</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1523</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1524</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1525</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1526</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

**Sign, Motion Picture<sup>1527</sup>**

A sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign, or advertising statuary visible from any public street or sidewalk.

**Sign, Neon<sup>1528</sup>**

A sign formed by luminous or gaseous tubes in any configuration.

**Sign, Off-Site<sup>1529</sup>**

A sign relating in its subject matter to commodities, products, accommodations, services, or activities on premises other than the premises on which the sign is located.

**Sign, On-Site<sup>1530</sup>**

A sign relating in its subject matter to the commodities, products, accommodations, services, or activities on the premises on which it is located.

**Sign, Pole<sup>1531</sup>**

A freestanding sign composed of a single, double, or multiple pole or support structure, that is not a solid monument-style.

**Sign, Portable<sup>1532</sup>**

A mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. This definition includes trailer signs, A-frame signs, sandwich signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising.

**Sign, Posted Property<sup>1533</sup>**

A sign used to indicate “no trespassing,” “beware of dog,” “no dumping,” and other similar warnings.

**Sign, Projecting<sup>1534</sup>**

A sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

**Sign, Promotional<sup>1535</sup>**

A sign posted by civic clubs or other nonprofit organizations to advertise a special event such as a bazaar, dance, art show, craft show, etc.

**Sign, Real Estate<sup>1536</sup>**

A sign advertising that the premises on which it is located is for sale, lease, or rent.

**Sign, Revolving<sup>1537</sup>**

A sign so erected or constructed as to periodically display different copy changes through the revolving of face panels, provided that the changes shall occur not more than four times in any 60-second period of time.

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<sup>1527</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1528</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1529</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1530</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1531</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1532</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1533</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1534</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1535</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1536</sup> This definition is new and provides greater clarity about the meaning of this term. The definition in Sec. 30-2(b) of the transitional LDC is as follows: “A structure, device, display board, screen, surface, or wall, with characters, letters or illustrations placed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed shall be used solely for the purpose of offering for sale or lease, or for rent, the exact property upon which the sign is placed.”

<sup>1537</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Sign, Roof<sup>1538</sup>**

A sign or other street graphic erected or constructed and maintained on the roof covering above the eaves of a building. A sign placed flat against the steep slope portion of a mansard roof will not be considered a roof sign.

**Sign, Sandwich<sup>1539</sup>**

A sandwich sign, “A” sign, or other types of portable sign, single- or double-faced, which is portable and readily movable from place to place.

**Sign, Snipe<sup>1540</sup>**

A sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles, or other objects where such sign may or may not apply to the premises. This definition includes cardboard signs on sticks.

**Sign, Under-Canopy or Under-Marquee<sup>1541</sup>**

A sign suspended below the ceiling of a canopy or marquee.

**Sign, Wall-Mounted<sup>1542</sup>**

A sign mounted on and approximately parallel to the face of the building wall and projecting not more than 12 inches from the plane of the wall. Signs on the outside of a window are considered wall-mounted signs.

**Sign, Window<sup>1543</sup>**

A sign mounted inside of a window for display to the public passersby outside the window.

**Sign Area<sup>1544</sup>**

The size of the portion of a sign as calculated using the methodology in Sec. 6-201, Measurement of Sign Area.

**Site-Related Improvements<sup>1545</sup>**

Capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include but are not limited to the following:

- (1) Site driveways, roads, and bicycle and pedestrian facilities.
- (2) Median cuts made necessary by those driveways or roads;
- (3) Right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
- (4) Traffic control measures for those driveways or roads;
- (5) Access or frontage roads that are not shown as planned Village-built or publicly owned roads on the county's access road location map, as amended; and
- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to or within the development.

**Sign Structure<sup>1547</sup>**

A structure which supports, has supported, or is capable of supporting a sign, including a decorative cover.

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<sup>1538</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1539</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1540</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1541</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1542</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1543</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1544</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC and modified.

<sup>1547</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1547</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

**Sign, Window<sup>1548</sup>**

A sign mounted inside of a window for display to the public passersby outside the window.

**Single-Family Dock<sup>1549</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a fixed or floating structure, including moorings, used for berthing buoyant vessels, that is an accessory use to an existing or proposed single-family residence, with no more than two boat slips per residence when located in a natural waterbody. Notwithstanding, a shared single-family dock approved in accordance with this LDC may contain up to four boat slips.

**Site<sup>1550</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, the physical real property, with or without structures, where development or other types of activity involving the real property may result in stormwater runoff.

**Skating Facilities, Indoor<sup>1551</sup>**

An indoor facility, the use of which is primarily devoted to roller or ice skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

**Skyglow<sup>1552</sup>**

Illumination of the sky from artificial sources.

**Slip or Watercraft-Slip<sup>1553</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a space designed for the mooring or storage of a single watercraft, regardless of size, which includes wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall or the number of parking spaces for boat ramps. Piers authorized only for fishing or observation are not considered wet slips.

**Small Wireless Facility<sup>1554</sup>**

A wireless facility that meets both the following qualifications:

- (1) Each antenna associated with the facility is located inside an enclosure of no more than six cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six cubic feet in volume; and
- (2) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

**Social Service Home<sup>1555</sup>**

Establishments primarily engaged in providing long-term living facilities for persons in which health care is incidental, or temporary living facilities for individuals with personal or social problems. Social service homes include child or wife abuse centers; homes for the aged; homes for the physically disabled; orphanages; rehabilitation centers; rest homes; juvenile correctional homes; settlement houses; and social service centers (e.g. Salvation Army).

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<sup>1548</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1549</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1550</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1551</sup> This is a new definition of a use listed but not defined in the transitional LDC.

<sup>1552</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1553</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1554</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1555</sup> This consolidates the definitions for social services group III & IV from Sec. 34-622 of the transitional LDC.



**Soil Classification<sup>1556</sup>**

Those categories and types of soils identified by the United States Department of Agriculture soil survey of Lee County.

**Solar Energy Collection Facility, Small-Scale<sup>1557</sup>**

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

**Solid Waste<sup>1558</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, garbage, rubbish, refuse or other discharged solid or semisolid material resulting from domestic, commercial, industrial, agricultural, or governmental land uses or activities.

**Solid Waste Disposal Concurrency<sup>1559</sup>**

The solid waste disposal facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

**Solid Waste Transfer Station<sup>1560</sup>**

A facility designed to store or hold solid waste for transport to a processing or disposal facility. Facility operations may include separation of incidental amounts of recyclable materials or unauthorized waste.

**Southern Bald Eagle (*Haliaeetus Leucocephalus*)<sup>1561</sup>**

A mature eagle with white plumage on its head and tail feathers, or an immature eagle with dark plumage, which resides throughout the state around estuarine areas and along the lakes and river drainage basins within the interior of the state and Lee County. (See Sec. 7-201.A, Southern Bald Eagle)

**Spanish Colonial<sup>1562</sup>**

A sub-style of the Mediterranean Revival architectural style characterized by defined entrances; simple detailing with ornate work used for major locations; use of repetitive elements; covered walkways and high-profile roof tile.

**Spanish Revival<sup>1563</sup>**

A sub-style of the Mediterranean Revival architectural style characterized by red clay barrel tile or Spanish tile; wrought iron work, including balconies; stucco exterior finishes; paneled doors; decorative vents and rondels; arcades; and low-pitched, usually gable roofs with little or no eave overhang. Detailing includes plaster and terra cotta highlighting of arches, columns, window surrounds, cornices, and parapets, and wrought iron grilles with façades that are generally asymmetrical.

**Speculative Home<sup>1564</sup>**

A dwelling unit erected or placed on a lot for sales promotion and open to the public for inspection, which is available for sale and occupancy on the lot upon which it is located.

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<sup>1556</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1557</sup> This is a new definition.

<sup>1558</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1559</sup> This definition is new.

<sup>1560</sup> This is a new definition.

<sup>1561</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1562</sup> This is a new definition.

<sup>1563</sup> This is a new definition. See St. Augustine Architectural Guidelines for Historic Preservation, Fourth Edition, October 2011.

<sup>1564</sup> This definition is carried forward from Sec. 34-1952 of the transitional LDC.

**Stacking Space<sup>1565</sup>**

A portion of the vehicular use area on a site that is dedicated to the temporary storage of vehicle that are queueing for purpose of access, such as a drive-through use or automobile service facility.

**Standard Industrial Code (SIC)<sup>1566</sup>**

A class of industrial activity as specified in the Standard Industrial Classification Manual, 1987 edition. (See use in Sec. 7-205, Clean Water Provision)

**State**

The State of Florida.

**Storage, Indoor<sup>1567</sup>**

The safekeeping of goods, wares, products, or other commodities in an indoor area for more than 48 hours for later use or disposal. The term “storage” includes the keeping of boats, cars, recreational vehicles, etc., for others, whether or not compensation is given to the property owner. The term does not include animals, nor does it apply to the outdoor display of products for sale.

**Storage, Outdoor<sup>1568</sup>**

Any storage as defined in “storage, indoor,” but occurring outdoors.

**Storefront<sup>1569</sup>**

The wood or metal armature of a window or door system, located within a ground-floor opening in the façade of a building.

**Stormwater Management Concurrency<sup>1570</sup>**

The stormwater management facilities needed to serve new development that shall be in place no later than a certificate of occupancy or its functional equivalent, as set forth in the comprehensive plan.

**Story (Floor)<sup>1571</sup>**

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

**Street<sup>1572</sup>**

See Road.

**Street Furniture<sup>1573</sup>**

Objects that are constructed or placed above ground such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, and fountains, which have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to, and used by, the public.

**Street Stub<sup>1574</sup>**

A street having one end open for vehicular traffic and the other terminated without a turnaround for vehicles and intended for future extension.

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<sup>1565</sup> This is a new definition.

<sup>1566</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1567</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1568</sup> This is a new definition.

<sup>1569</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1570</sup> This definition is new.

<sup>1571</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1572</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1573</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1574</sup> This definition is modified from the original in Sec. 10-1 of the transitional LDC.

**Street Tree<sup>1575</sup>**

A tree planted or existing within or along either side of a road right-of-way

**Street Wash Water<sup>1576</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, any runoff from the washing of roads, streets, culverts, or other MS4 facilities operated and maintained by the Village.

**Stormwater Discharge<sup>1577</sup>**

The discharge from any conveyance used for collecting and conveying stormwater. (See Sec. 7-205, Clean Water Provision)

**Stormwater Pollution Prevention Plan (SWP3)<sup>1578</sup>**

A document defined in 40 CFR 122.26 prepared by a professional engineer registered in the state (construction site SWP3s shall also be prepared in accordance with DEP Document No. 62-621) outlining the means and methods of managing stormwater onsite using BMPs. (See Sec. 7-205, Clean Water Provision)

**Structure<sup>1579</sup>**

That which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

**Subdivider<sup>1580</sup>**

Person who creates a subdivision.

**Subdivision<sup>1581</sup>**

- (1) A subdivision is a type of development. The term "subdivision" means the following:
  - a. The division of a lot into two or more parcels; or
  - b. The division of a lot that results from the extension of an existing street or the establishment of a new street; or
  - c. Creation of a condominium as defined in Chs. 718 and 721, Fla. Stat., except that condominium developments are exempt from the provisions of this LDC that require platting under Ch. 177, Fla. Stat.
- (2) A division of land into tracts ten acres or larger, if the tracts are used for bona fide agricultural purposes, as that term is defined in this code, is not a subdivision of land.
- (3) The combination or recombination of up to three lots of record is not a subdivision provided that all resulting lots comply with the comprehensive plan and all other applicable provisions of this LDC.
- (4) Subdivision includes re-subdivision or redivision and, when appropriate to the context, also means the process of subdivision or the land subdivided.

**Submerged Aquatic Vegetation (SAV)<sup>1582</sup>**

Fresh, saline (seagrass), or brackish submerged vegetation that may be used by manatees for food. (See Section 7-4, Marine Facilities, Structures, and Equipment Standards)

**Super Convenience Store<sup>1583</sup>**

A land use that includes automotive service station with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts,

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<sup>1575</sup> This is a new definition.

<sup>1576</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1577</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1578</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1579</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1580</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1581</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1582</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1583</sup> This definition is carried forward from Ordinance 2018-09 (Impact Fees).

bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruit, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also have automated teller machines and public restrooms. The sites included in this land use category have at least ten vehicle fueling positions

**Surplus Material<sup>1584</sup>**

Material that absolutely must be excavated in order to comply with permit requirements and which cannot reasonably be expected to be used on the same premises for any purpose.

**Surveyor or Professional Surveyor<sup>1585</sup>**

Professional surveyor and mapper (PSM) duly registered and licensed by the state of Florida.

**Swimming Pool<sup>1586</sup>**

A man-made pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit or charges users a fee.

**Swimming Pools, Tennis Courts, and Similar Recreation Facilities.**

A use consisting of recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts (but not pickleball facilities), swings, slides and other playground equipment and an open, roofed picnic pavilion. These uses must be an accessory use on the same premises and in the same zoning district as the principal permitted use, with the exception of the picnic pavilion and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.

**Tattoo or Body Piercing Establishment<sup>1587</sup>**

An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

**Temporary Use<sup>1588</sup>**

A use established for a temporary period of time with the intent to discontinue such use on the expiration of the time period.

**Terminal platform<sup>1589</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, part of a docking facility connected to and generally wider than the access walkway that is used both for securing and loading a vessel.

**Timeshare Unit<sup>1590</sup>**

Any dwelling unit for which a timesharing plan, as defined in Ch. 721, Fla. Stat., has been established and documented.

**Tobacco Shop<sup>1591</sup>**

An establishment primarily engaged in selling tobacco and tobacco-related products. Sale of vape materials or paraphernalia, and hookah lounges are not included in this use.

**Toxic Substance Material<sup>1592</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, hazardous waste as defined in 40 CFR 261.3; hazardous substances as defined in 40 CFR 302; a pollutant; a substance that is or is suspected to be carcinogenic, mutagenic, teratogenic or toxic to human beings, or to be acutely toxic

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<sup>1584</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1585</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1586</sup> This is a new definition.

<sup>1587</sup> This is a new definition.

<sup>1588</sup> This is a new definition.

<sup>1589</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1590</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1591</sup> This is a new definition.

<sup>1592</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

as defined in Rule 62-302.200(1), F.A.C.; or a substance that poses a serious danger to the public health, safety or welfare.

**Traffic Impact Study (TIS)<sup>1593</sup>**

A study used to evaluate the potential impacts of traffic generated by a proposed development or redevelopment on surrounding roadways and neighborhoods.

**Trafficway<sup>1594</sup>**

An existing or planned public right-of-way, the primary, though not necessarily the sole, purpose or use of which is to facilitate through movement of direct access to abutting properties. A trafficway may represent a freeway, expressway, arterial, or collector road.

**Travel Time Zones<sup>1595</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, the area bounded by iso-travel time contours.

**Turn Lane<sup>1596</sup>**

A width of pavement on a street required to protect the health, safety, and welfare of the public and reduce adverse traffic impacts from turning movements generated by a development on to and off of a street. Turn lanes may include and enhance turning, acceleration, deceleration or storage movements.

**Twinkle<sup>1597</sup>**

An entry or exit mode in an electronic changing message center with a frame that has stationary text, and where lamps or pixels appear to twinkle on and off randomly.

**Undesignated Bike Lane<sup>1598</sup>**

The configuration of a paved shoulder in typical sections that includes right turn lanes as depicted in Ch. 9, Bicycle Facilities, Figure 9-8 of the Florida Greenbook. The paved shoulder is continued to the left of the right turn lane, adjacent to the outer most travel lane. The minimum width is four feet and the lanes do not have signing or marking.

**Unified Control<sup>1599</sup>**

A single property owner or entity has been authorized by all owners of the property to represent them and to encumber the parcel with covenants and restrictions applicable to development of the property.

**Uplighting<sup>1600</sup>**

Lighting that directly or indirectly projects light in such a manner as to shine light rays above the horizontal plane passing through the lowest point of a luminaire.

**Usable Open Space<sup>1601</sup>**

A passive or active area set aside for the visitor enjoyment while adding to the diversity of the activities at a center.

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<sup>1593</sup> This is a new definition.

<sup>1594</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1595</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1596</sup> This definition is modified from the current definition in Sec. 10-1 of the transitional LDC.

<sup>1597</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.

<sup>1598</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1599</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1600</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1601</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.



**Use<sup>1602</sup>**

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**Use, Accessory**

See Accessory Use.

**Use, Mixed**

See Mixed-use Development.

**Use Permitted by Right<sup>1603</sup>**

A use or uses which, by their very nature, are allowed within the specific zoning district provided all applicable regulations of this LDC, and other applicable Village regulations are met. A permitted use includes the principal use of the land or structure as well as accessory uses, unless specifically stated to the contrary.

**Use, Principal<sup>1604</sup>**

The primary purpose for which land or a structure or building is used.

**Use, Public<sup>1605</sup>**

The use of any land, water or building by a public entity for a public service or purpose.

**Use, Temporary<sup>1606</sup>**

See Temporary Use.

**USFWS<sup>1607</sup>**

United States Fish and Wildlife Service.

**Utility, Major<sup>1608</sup>**

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility services include electricity, communications, telephone, cable television, gas, water, and sewage package plants. This use does not include telecommunications facilities or towers.

**Utility, Minor<sup>1609</sup>**

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services that needs to be in or near the neighborhood or uses where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, storm water pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, electric transfer substations, gas transmission pipes and valves, CATV lines, and bus and transit shelters.

**Utility Pole<sup>1610</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a vertical structure used primarily by publicly regulated utilities or for street lighting and located within a road right-of-way, road easement, or public utility easement. The term includes the vertical support structure for traffic lights but does

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<sup>1602</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1603</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1604</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1605</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1606</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1607</sup> This definition is carried forward from Sec. 14-112 of the transitional LDC.

<sup>1608</sup> This carries forward the definition of essential service facilities from Sec. 34-622 of the transitional LDC, with modification for clarity, and excluding sanitary landfills.

<sup>1609</sup> This carries forward the definition of essential service facilities from Sec. 34-622 of the transitional LDC, with modification for clarity.

<sup>1610</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC and incorporates the definition in the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless the Village grants a waiver for such pole.

**Utility Pole, Replacement<sup>1611</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, a vertical structure used primarily by publicly regulated utilities or for street lighting and located within a road right-of-way, road easement, or public utility easement limited to 40 feet in height to accommodate wireless communication facilities.

**Vehicle and Boat Rental and Sales<sup>1613</sup>**

Establishments that provide for the sale or rental of new or used automobiles, small trucks or vans, trailers, motorcycles, motor homes, recreational vehicles, or boats (not including small recreation short-term rentals such as kayak rental on a waterway). Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

**Vehicle and Boat Repair and Maintenance<sup>1614</sup>**

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles. This use includes stand-alone car washes.

**Vehicular Use Area<sup>1615</sup>**

The portion of a site or development dedicated to vehicular uses, including ingress, egress, parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

**Vertical Evacuation<sup>1616</sup>**

The preplanned use of predetermined structures located in the hurricane vulnerability zone as hurricane shelters, and the on-site or in-place sheltering of residents in single or multi-family structures that are elevated above the predicted flood levels anticipated within the hurricane vulnerability zone. (See Section 7-5, Hurricane Preparedness)

**Vernacular<sup>1617</sup>**

Building structure whose design is determined by an informal local tradition. A vernacular building is one that possesses attributes common to other buildings in the region in terms of appearance, use of materials, dimensions, exterior decoration, and approximate age. While there may be differences in attributes, it should "belong" and not seem out of place.

**Vessel<sup>1618</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, a motor-propelled or artificially propelled vehicle and every other description of boat, watercraft, barge, and airboat (other than a seaplane) used or capable of use as a means of transportation on the water, including jet skis. See Boat or Watercraft.

**Village Center Area<sup>1619</sup>**

The area designated Village Center on the Future Land Use Map (FLUM) of the comprehensive plan.

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<sup>1611</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1613</sup> This is a new definition.

<sup>1614</sup> This is a new definition.

<sup>1615</sup> This definition is new.

<sup>1616</sup> This definition is carried forward from Sec. 2-483 of the transitional LDC.

<sup>1617</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

<sup>1618</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1619</sup> This definition is carried forward from Sec. 33-56, Definitions, of the transitional LDC as updated by Ordinance 2016-07 for the creation of the Estero PD district.

**Village Recreational Lands<sup>1620</sup>**

Lands owned by the Village and open to public use for recreational purposes.

**Vocational or Trade School<sup>1622</sup>**

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills—to students, and that operates in buildings or structures or on premises on land leased or owned by the educational institution, and that meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

**Wall Pack Light<sup>1623</sup>**

A type of outdoor lighting typically mounted on the exterior wall of a building.

**Warehouse<sup>1624</sup>**

A facility primarily engaged in the storage of manufactured products, supplies, and equipment; or in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution; and excludes bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

**Warm Water Refuge<sup>1625</sup>**

For the purposes of Chapter 7: Natural Resources, only, known areas of warm water discharge, deep water, or natural springs where manatees aggregate in the wintertime for thermoregulation. Known or recognized warm water refuges are listed in the Manatee Protection Plan.

**Water, Body of<sup>1626</sup>**

- (1) Artificial body of water means a depression or concavity in the surface of the earth, other than a swimming pool, created by human artifice, or that portion of a natural body of water extended or expanded by human artifice, and in which water stands or flows for more than three months of the year.
- (2) Natural body of water means a depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NAVD) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year.

**Water-Dependent Use<sup>1627</sup>**

Uses for which water access is essential and which could not exist without water access.

**Water Quality Criteria<sup>1628</sup>**

For the purposes of Sec. 7-205, Clean Water Provision, only, minimum water quality standards as defined in the Surface Water Quality Standards of Ch. 62-302, F.A.C.

**Water-Related Use<sup>1629</sup>**

Uses that might be enhanced by proximity to the water but for which water access is not essential.

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<sup>1620</sup> This definition is carried forward from Ordinance 2017-03.

<sup>1622</sup> This is a new definition.

<sup>1623</sup> This is a new definition.

<sup>1624</sup> This is a new definition.

<sup>1625</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1626</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1627</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1628</sup> This definition is carried forward from Sec. 14-475 of the transitional LDC.

<sup>1629</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

**Water System<sup>1630</sup>**

System of pipes, pumps, water treatment plants or water sources, and all other appurtenances or equipment needed to treat, transport, and distribute water.

**Water Table Aquifer<sup>1631</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, an aquifer with a phreatic surface, that is, a free surface where the fluid pressure equals atmospheric pressure or zero gauge pressure, also known as a phreatic or unconfined aquifer. It is the uppermost aquifer and can receive direct recharge from the ground surface.

**Waterbody<sup>1632</sup>**

For the purposes of Chapter 7: Natural Resources, only, all artificial and natural bodies of water, and all adjacent wetlands.

**Watercraft<sup>1633</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, any vehicle designed for transporting persons or property on, in or through water. See Boat or Vessel.

**Waterway<sup>1634</sup>**

Any bay, river, lake, canal, or artificial or natural body of water connected to navigable waters of the United States.

**Well<sup>1635</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow, when groundwater from the excavation is used or intended for use in a public water supply system (see Rule 62-550.200(104), F.A.C.).

**Wellfield<sup>1636</sup>**

For the purposes of Sec. 7-202, Wellfield Protection, only, a public potable water supply wellfield.

**Wetlands<sup>1637</sup>**

Areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries shall be determined using the methodology in Sec. 373.4211, Fla. Stat.

**Wine<sup>1638</sup>**

A beverage as defined in Ch. 564, Fla. Stat.

**Wireless Communications<sup>1639</sup>**

Any personal wireless service, radio and television broadcast services, and any other radio frequency signals, including amateur radio.

**Wireless Communications Facility<sup>1640</sup>**

For the purposes of Sec. 4-143, Wireless telecommunications, any facility used for the transmission and reception of wireless communications, usually consisting of an antenna or group of antennas,

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<sup>1630</sup> This definition is carried forward from Sec. 10-1 of the transitional LDC.

<sup>1631</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1632</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1633</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1634</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1635</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1636</sup> This definition is carried forward from Sec. 14-203 of the transitional LDC.

<sup>1637</sup> This definition is adapted from the comprehensive plan.

<sup>1638</sup> This definition is carried forward from Sec. 34-1261 of the transitional LDC.

<sup>1639</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

<sup>1640</sup> This definition is carried forward from Sec. 34-1442 of the transitional LDC.

base station, transmission lines, ancillary appurtenances, equipment enclosures, or repeaters, and may include an antenna-supporting structure. Any of the following shall be considered a wireless communications facility: Antennas, antenna-supporting structures (including replacement and broadcast), base stations, equipment enclosure, roof-mounted antennas, surface-mounted antennas, repeaters, and amateur radio facilities; or a property, or any part thereof, owned or leased by one or more providers and upon which one or more wireless communications facility(s) and required landscaping are located.

**Wireless Facility<sup>1641</sup>**

For the purposes of Sec. 4-143.K, Wireless Facilities in Public Rights-of-Way, equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- (1) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (2) Wireline backhaul facilities; or
- (3) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**Wireless Support Structure<sup>1642</sup>**

A freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

**Work<sup>1643</sup>**

For the purposes of Section 7-4, Marine Facilities, Structures, and Equipment Standards, only, all dredging or disposal of dredge material, excavation, filling, construction, erection or installation, or any addition to or modification of a structure on a waterway.

**Zero Lot Line<sup>1644</sup>**

A dwelling unit with at least one wall of a building on a side or rear line of the lot on which it stands.

**Zoning District<sup>1645</sup>**

An area delineated on the Official Zoning Map within which a prescribed set of use and development standards are applied to various types of development.

**Zoning District, Conventional<sup>1646</sup>**

A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

**Zoning District, Overlay<sup>1647</sup>**

A zoning district superimposed over one or more underlying conventional zoning districts that imposes standards and requirements in addition to those required by the underlying conventional zoning districts.

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<sup>1641</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1642</sup> This is a new definition taken from the Lee County Code, Sec. 6-602 (Ord. No. 17-22, adopted December 2017).

<sup>1643</sup> This definition is carried forward from Sec. 26-41 of the transitional LDC.

<sup>1644</sup> This definition is carried forward from Sec. 34-2 of the transitional LDC.

<sup>1645</sup> This is a new definition.

<sup>1646</sup> This is a new definition.

<sup>1647</sup> This is a new definition.



**Zoning Map**<sup>1648</sup>

The Official Zoning Map of the Village of Estero, Florida, on which the boundaries of various zoning districts are drawn and which is an integral part of this LDC.

**Zoom**<sup>1649</sup>

An entry or exit mode in an electronic changing message center with a frame that starts by bringing the text on from the center in an explosion type mode.

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<sup>1648</sup> This is a new definition.

<sup>1649</sup> This definition is carried forward from Sec. 30-2(b) of the transitional LDC.



# Land Development Code Workshop



November 2020



# Overview

- Review of LDC Chapters
- Next Steps
- Questions and Comments



## MODULE 2A & 2B IN BOLD

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

MODULE 2A & 2B IN BOLD	
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The LDC modules discussed in this presentation and previous workshops are available to the public at:  
<https://estero-fl.gov/land-development-code/>

# Chapter 5: Site Development Standards

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

## **Chapter 5:**

### **Section 5-1**

### **Section 5-2**

### **Section 5-3**

### **Section 5-4**

### **Section 5-5**

### **Section 5-6**

### **Section 5-7**

### **Section 5-8**

### **Section 5-9**

### **Section 5-10**

### **Section 5-11**

### **Section 5-12**

### **Section 5-13**

### **Section 5-14**

## **Site Development Standards**

General Site Development Standards

Off-Street Parking, Bicycle Parking, and Loading Standards

Mobility and Connectivity Standards

Landscape Standards

Fence and Wall Standards

Exterior Lighting Standards

Architectural, Form, and Design Standards

Green Building Standards

Plat Standards

Utilities

Fire Safety

Refuse and Solid Waste Disposal Facilities

Residential Impact Standards

Clearing, Grading, and Filling of Land

# Section 5-2: Off Street Parking, Bicycle Parking, and Loading Standards

- **Minor updates to minimum parking standards**
  - All uses now have parking requirements
  - Small reduction for retail uses, restaurants, and hospitals
  - Most standards carried forward
- **Updated and simplified parking lot location and design standards**
- **New electric vehicle (EV) charging station standards**
- **New basic bicycle parking standards:**
  - 5% of the number of vehicle parking spaces
  - Adapts industry standards for design

Chapter 5: Site Development Standards  
Section 5-2: Off-Street Parking, Bicycle Parking, and Loading Standards

TABLE 5-205.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES <sup>249</sup>			
Use Type	Minimum Number of Vehicular Parking Spaces		Proposed <sup>241</sup>
	Current <sup>240</sup>		
	Single Use Development	Multiple Use Development	
Repair shop, household	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Research and development laboratories	n/a (existing use, no parking requirements listed)		1/600 sf
Resource recovery to energy facility	n/a (existing use, no parking requirements listed)		1 per employee at largest shift
Restaurant, convenience	n/a (existing use, no parking requirements listed)		1 per 4 seats
Restaurant, fast casual or fast food	13/1,000 sf of total floor area including outdoor eating area [N9]		13/1,000 sf of total floor area including outdoor eating space
Restaurant, standard	14/1,000 sf total floor area including outdoor eating area [N8] [N9] [N10]	12.5/1,000 sf total floor area including outdoor eating area	12.5/1,000 sf total floor area including outdoor eating area
Retail sales	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/400 sf
Satellite earth stations and amateur radio antennas	(Only an accessory use in existing code)		1 when used as a primary use
Schools, elementary, middle and high	Public: As required by state law Private HS: 1 per employee plus 1 per 10 students Private elementary school: 1 per employee plus 1 per 40 students		Public: As required by state law Private HS: 1 per employee plus 1 per 10 students Private elementary school: 1 per employee plus 1 per 40 students
Self storage	1/25 storage units (Minimum 5 spaces)		1 per 25 storage units (minimum 5)
Showroom, wholesale	n/a (new use)		2/1,000 sf
Tattoo or body piercing establishment	1/300 sf	1/350 sf	1/300 sf
Tobacco shop	1/250 sf (minimum 5); dead storage calculated at same rate	1/350 sf; dead storage calculated at same rate	1/250 sf (minimum 5)
Training and rehabilitation	n/a (existing use, no parking requirements listed) <sup>249</sup>		1/350 sf
Utility, major	1 per employee at largest shift		1 per employee at largest shift
Utility, minor	n/a (new use)		Determined by Director
Vehicle and boat rental and sales <sup>250</sup>	1/700 sf (minimum 5); dead storage: 1/1,500 sf	1/700 sf; 0 for dead storage	1/700 sf (minimum 5); dead storage: 1/1,500 sf

<sup>249</sup> This is a renaming of existing social services groups II in the transitional LDC. Table 34-2020(b) in the transitional LDC includes minimum parking requirements for social services groups I, III and IV, but not group II.

<sup>250</sup> This is a new use; the analogous use in Table 34-2020(b) of the transitional LDC used for comparison is "Retail or business establishments: Very large products or commodities."



## Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

### Landscape standards include:

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

- Material Standards

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

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

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

#### 5-406. Perimeter Buffers

#### 5-407. Building Perimeter Plantings

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

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

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

#### 5-410. Screening of Service Areas

#### 5-411. Installation and Maintenance Standards

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

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

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



# Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

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

- Comprehensive list in Appendix
- Recommended plantings based on Estero look and feel & survivability, success in Estero climate
  - Shade Trees (38)
  - Ornamental Trees (12)
  - Palms (24)
  - Shrubs (57)
  - Groundcovers (17)
  - Vines (3)
  - Grasses (7)

TABLE E-1: RECOMMENDED SHADE TREES

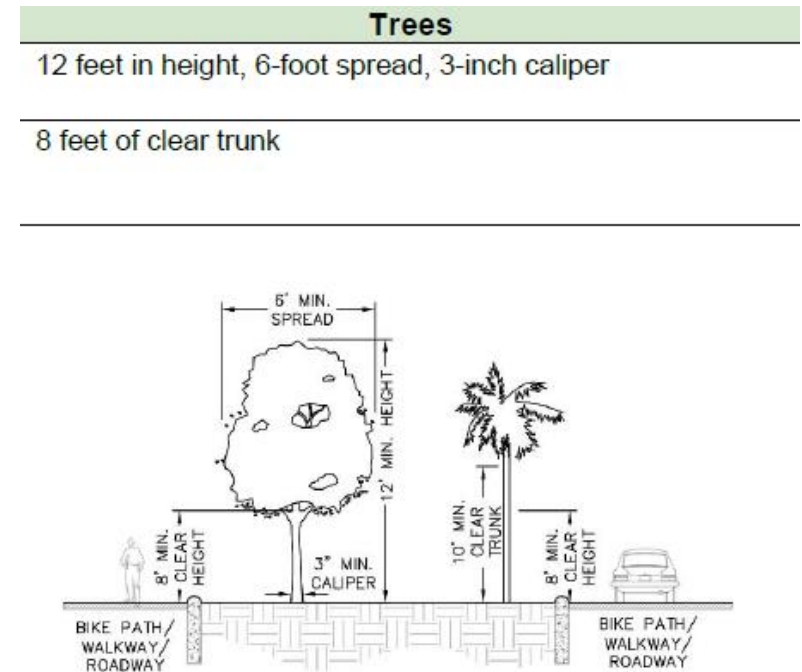
(\*) in Common Name field and Green Shading = Native

Common Name	Botanical Name	Photo
Red Mulberry*	Morus rubra	
Pond Apple*	Annona glabra	
Iron Wood*	Carpinus caroliniana	
White Mangrove*	Laguncularia racemosa	
West Indian Mahogany*	Swietenia mahagoni	
Red Mangrove*	Rhizophora mangle	
Coastal-Plain Willow*	Salix caroliniana	
Paradis Tree*	Simarouba glauca	
Loblolly Bay*	Gordonia lasianthus	

## Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

### 5-403 Plant Material Standards – carried forward

- Inconsistencies resolved and standards maintained
- Quality: Florida No. 1 or better
- 75% of required trees must be native



# Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

## 5-404. Tree Preservation (EXPANDED)

### A. Purpose

A “tree worthy of preservation” includes:

any tree listed in the **Florida Champion Tree** Records compiled by the state  
any **heritage tree** (live oak, South Florida slash pine, or longleaf pine 20-inch caliper dbh or greater)

any **native tree which is four-inch caliper dbh or greater**, of the species listed in Appendix G: Protected Tree List, including 39 families of trees and including **healthy sabal palms that are a minimum eight-foot clear trunk**.

- *Transitional Code defined Tree Preservation as any tree listed in the Florida Champion Tree Records only. Estero LDC expands trees worthy of preservation to additionally include heritage trees and any native tree 4-inches caliper dbh listed as protected*

## Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

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

#### B. Applicability

Prohibits cutting down, destroying, removing, relocating, defoliating through the use of chemicals or other methods, or otherwise damaging any “tree worthy of preservation” without a tree removal permit

Protection and requirement for removal/replacement now applies to **Florida Champion Trees** and:

any **heritage tree** (live oak, South Florida slash pine, or longleaf pine 20-inch caliper dbh or greater)

any **native tree which is four-inch caliper dbh or greater**, of the species listed in Appendix G: Protected Tree List, including 39 families of trees and including **healthy sabal palms that are a minimum eight-foot clear trunk**



# Chapter 5: Site Development Standards - Sec. 5-4 Landscape Standards

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

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

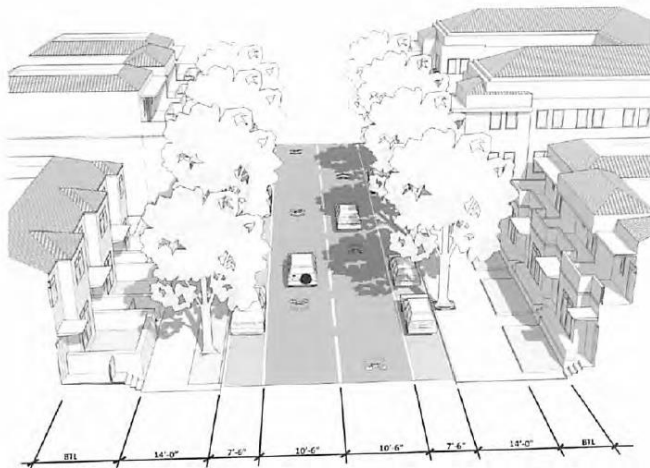


TABLE 5-405.B: GENERAL TREE STANDARDS [1]<sup>364</sup>

Types of Development	Minimum Required General Trees
Single-family dwelling development constructed on individual (single) lots.	Provide one tree for each 3,000 square feet of development area. The preferred location for installation is on common property (around a clubhouse, lakes, dry detention area or other similar areas).
Single-family dwelling development on a conventional zoning district lot with minimum lot sizes of 6,500 square feet or greater	Two trees for each lot
Other residential development (including recreational vehicle development).	Provide one tree for each 3,000 square feet of development area. The preferred location for installation is on common property (around a clubhouse, lakes, dry detention or other similar areas).
All other developments.	Provide one tree for each 3,500 square feet of development area.

# Chapter 5: Site Development Standards - Sec. 5-4

## Landscape Standards

### 5-406. Perimeter Buffers

#### *Carried Forward*

Purpose: provide screening between parcels on which there are incompatible land uses and along road rights-of-way.

- Commercial projects that are part of **mixed-use developments** are not required to provide buffers between uses within the project. They are required to provide buffers adjacent to development and adjacent lands on the perimeter of the project.

**TABLE 5-406.B.3: BUFFER TYPES (PER 100 LINEAR FEET) [1]**

Standard	Buffer Types					
	A	B	C	D	E	F
Minimum Width in Feet	Five	15	20	20	30	50
Minimum Number of Trees (per 100 linear feet)	Four	Five	10	Five [4]	10	15
Minimum Number of Shrubs (per 100 linear feet)	—	Hedge [3]	30	Hedge [3]	30	Hedge [3]
Wall Required [2]	—	—	Eight feet in height, solid fence	—	Eight feet in height, solid fence	—

**NOTES**<sup>369</sup>

- [1] All landscape buffer designs should complement adjacent project buffers to help in establishing a continuous landscape theme within the Village.
- [2] A solid masonry or concrete wall, berm, or wall and berm combination shall be at least eight feet in height. All trees and shrubs required in the buffer shall be placed on the residential side of the wall (if applicable). The height of the wall shall be measured from the average elevation of the road or roads abutting the property, as measured along the centerline of the streets, at the points of intersection of the roads with the side lot lines (as extended) and the midpoint of the lot frontage. Walls shall be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
- [3] Hedges shall be planted in double staggered rows and be maintained to form a 36-inch high (F type buffers shall be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting. In situations where the elevation of the ROW is higher than the elevation of the adjacent property, the effective plant screen shall have an elevation of 36 inches as measured from the highest elevation within the buffer area resulting from the combination of the berm and/or plants. Clustering of shrubs that would not create a continuous visual screen, but would add interest to the landscape design, is allowed, subject to review by the Director.
- [4] Trees within the ROW buffer shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

# Chapter 5: Site Development Standards - Sec. 5-4

## Landscape Standards

### Open Space and Stormwater Management Areas consolidated and simplified

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

### E. Open Space Designation Priorities (NEW)

The priority for the designation of open space on a specific development site is encouraged to be as follows, in order of priority:

- **Preservation of native and indigenous vegetation onsite.**
- **Open space of public interest** where no such vegetation is onsite for preservation. See subsection G below for design elements.

# Chapter 5: Site Development Standards - Sec. 5-4

## Landscape Standards

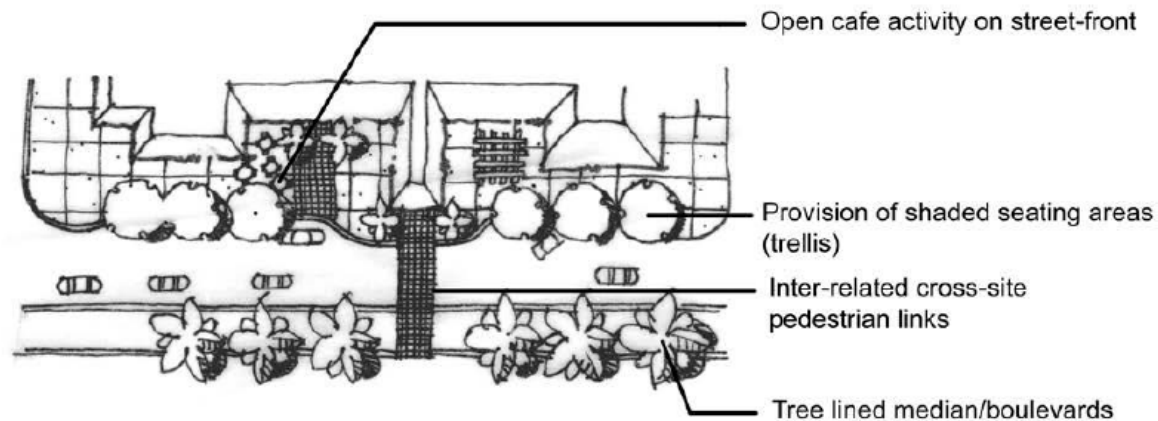
- **Open Space designation priorities (NEW)**

Sec. 5-408.

**G. Open Space of Public Interest<sup>384</sup>**

1. Places of public interest/open space are intended to provide for areas of public interest within commercial developments and shall be provided where possible. These areas shall be equipped with amenities such as seating areas, structures that provide shade, drinking fountains, and other amenities. For example, see Figure 5-408.G: Open Space of Public Interest.
2. Open-air restaurants and cafes are encouraged.
3. Landscaping elements such as plantings, fencing, and changes of paving material are encouraged to demarcate change in function of a public area and adjacent road. Where necessary, traffic calming devices shall be applied to slow down traffic.

Figure 5-408.G: Open Space of Public Interest



# Chapter 5: Site Development Standards - Sec. 5-4

## Landscape Standards

### • **Cultivated Tree Removal / Renovation (NEW)**

5-411. Installation and Maintenance Standards

- Subject to health or safety condition per Sec. 2-505.D.3, Tree Removal Standards.
- Replacement Trees shall be from Estero Plant Palette and qualify as a Larger Tree (16' height) per Sec. 5-405.C.2.
- Max. 10% of the required trees within an existing approved Landscape Plan may be replaced within a one year period.
- Replaced or removed trees shall not be located within one contiguous area and shall be evenly dispersed throughout the project.

*Applicable to sites with Development Orders, NOT single family homes*



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# Chapter 5: Site Development Standards - Sec. 5-4

## Landscape Standards

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

- Standards added to address water supply protection and water conservation measures
  - Water shall be conserved by allowing differential operation schedules based on hydrozone.
  - Soil, slope, and other site characteristics shall be considered in order to minimize water waste (overspray or overflow to impervious surfaces)
  - Low trajectory spray heads and/or low volume water distributing or application devices
  - Reuse water where available
  - Drought-tolerant, site-specific, and shade producing plants are encouraged to diminish irrigation demands
  - All required underground sleeves shall be shown on the development order site drainage plan.



## Chapter 5: Site Development Standards - Section 5-7 Architectural, Form and Design Standards

### Standards include:

#### **5-703. Architectural Styles and Characteristics (UPDATED)**

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

#### **5-704. Historic Preservation**

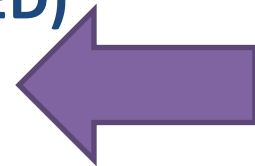
#### **5-705. Site Contextual Standards**

- Mixed Use Development Standards (NEW)

#### **5-706. Building Design Standards**

- Exterior Color (UPDATED)

#### **5-707. Supplemental Standards for Specific Uses**



# Section 5-7 Architectural, Form and Design Standards

## 5-703. Architectural Styles and Characteristics (UPDATED)

### A. Primary Architectural Styles

Mediterranean Revival (5 substyles) and Florida Vernacular (3 substyles) are designated as the Village's primary architectural styles.

Figure 5-703.A.1.D: Mediterranean Revival Defining Elements



5-703.A.2.C: Florida Vernacular Defining Elements



# Section 5-7 Architectural, Form and Design Standards

## 5-703. Architectural Styles and Characteristics (UPDATED)

### B. Alternative Styles

- Alternative Styles subject to criteria and approval through review process
- Prairie



- Iconic: Buildings that are used for civic purposes and that are adjacent to public gathering places



# Section 5-7 Architectural, Form and Design Standards

## 5-706. Building Design Standards

- **Exterior Color (UPDATED)**

### D. Exterior Building Color

1. Exterior building colors shall be neutral, warm earth tones or subdued pastels. White or gray are prohibited as a predominant color.

Where applicable, brightly colored trims, cornices, or columns may be used to create a special effect or setting. However, these contrasts shall create a harmonious impact, complementing the principal structure as well as existing surrounding building structures.





# Section 5-7 Architectural, Form and Design Standards

## Mixed Use Development Standards (NEW)

### 5-705. Site Contextual Standards

1. Placemaking
2. Crime Prevention Through Environmental Design (CPTED)
3. Climate Responsiveness
4. Tier Applicability – Tier standards of Section 3-707.D of the LDC concerning walkability of mixed-use projects

*Applies to any mixed use project*



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# Section 5-7 Architectural, Form and Design Standards

## Mixed Use Development Standards (NEW)

5-705. Site Contextual Standards

*Applies to any mixed use project*

Placemaking Amenity	Standard
Mix of Use Ratio	No single use over 80% of gross floor area
Housing Choices	At least 2 distinct housing types, no more than 80% of a single housing type
Gathering Place	10% of site shall be designed for use of occupants of the site and the public
Multi modal & integrated mobility	Multiple travel modes served (vehicle, transit, bike and pedestrian)
Connectivity	Sidewalks, street trees, internal & external cross access

# Section 5-7 Architectural, Form and Design Standards

## Mixed Use Development Standards (NEW)

5-705. Site Contextual Standards

*Applies to any mixed use project*

Placemaking Amenity	Standard
Roads	Alleys, traffic calming where appropriate
Parking	At least half of parking to sides or behind buildings
Transit	Design for LeeTran stop or shelter
Community Identity	Gateway monument at primary entrance
Community heritage	Preserve historic landmarks, specimen trees (can be waived where not feasible)
Arts, culture and creativity	Include public art
Environmental feature	Include one: green infrastructure, nature trail, educational signage (can be waived where not feasible)

# Section 5-7 Architectural, Form and Design Standards

## Mixed Use Development Standards (NEW)

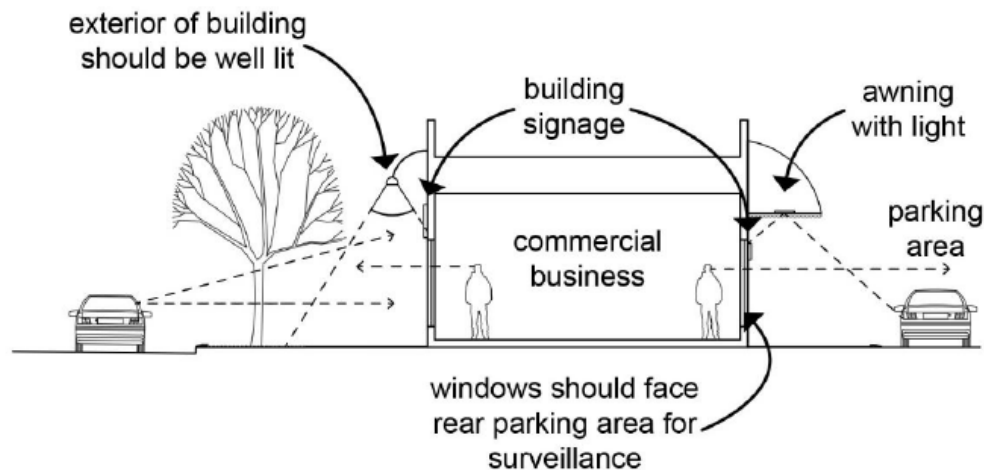
### 5-705. Site Contextual Standards

*Applies to any mixed use project*

Crime Prevention Through Environmental Design (CPTED) standards address:

- Natural Surveillance
- Natural Access Control
- Territorial Reinforcement

Figure 5-705.C.1.B-1: CPTED Natural Surveillance Design Elements



# Section 5-8: Green Building Standards

- **Requires development to include sustainable features**
  - Residential:** 6 to 29 units: 3 points req.  
30+ units: 4 points req.
  - Nonresidential:** 8,000 to 25,000 sf: 3 points req.  
Over 25,000 sf: 4 points req.
- **Provides a menu of green building options that provide developers flexibility**
- **Categories:**
  - Development Location • Vegetation
  - Energy Conservation • Urban Agriculture
  - Alternative Energy • Building Materials
  - LEED Certification or Equivalent • Universal Design
  - Passive solar • Transportation
  - Water Conservation and Water Quality
- **LEED Gold or equivalent on alternative rating system exempt from point requirement**

Chapter 5: Site Development Standards  
Section 5-8: Green Building Standards

TABLE 5-804.B: GREEN BUILDING POINT SYSTEM	
Development Feature	Points Earned
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	0.50
Pre-wire a minimum of 25 percent of residential dwelling units in the development for solar panels	0.25
Install solar panels on a minimum of 50 percent of dwelling units contained in single-family, two family, townhouse, or multi-family dwellings	1.50
Install solar panels on a minimum of 75 percent of dwelling units contained in single-family, two-family, townhouse, or multi-family dwellings	2.00
Install solar panels on primary structure, and at least 50 percent of buildings in a nonresidential development	1.50
Install solar panels on primary structure, and at least 75 percent of buildings in a nonresidential development	2.00
Install solar panels on 100 percent of buildings in a nonresidential development	2.50
<b>LEED Certification or Equivalent</b>	
Construct the principal building(s) to meet or exceed LEED® Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	1.50
Construct the principal building(s) to meet or exceed LEED® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code	2.50
<b>Passive Solar</b>	
Orient a minimum of 75 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	2.00
Orient a minimum of 50 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	1.50
Orient a minimum of 25 percent of the single-family detached or two-family dwellings or lots in the development within 20 percent of east-west for maximum passive solar exposure	0.75
Orient at least 50 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.50
Orient at least 25 percent of the nonresidential buildings in a development with an axis oriented within 20 percent of east-west for maximum passive solar exposure	1.00
<b>Water Conservation and Water Quality</b>	
Design all areas required to be landscaped as an integrated system to meet on-site stormwater quality requirements for the development through incorporation of low impact development design principles and use of best management practices for on-site storm-water management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped conveyances must discharge to pervious areas.	2.50
Use low-impact development techniques, including but not limited to grass buffers and swales or bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems) to meet half of stormwater management requirements	1.00
Install a green/vegetated roof on the primary structure, or on at least 50 percent of primary buildings in a multi-building complex; green/vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by Section 5-4, Landscape Standards	1.50
All showerheads and handheld showers achieve 2.0 GPM or less	0.50





# Sec. 5-6 Exterior Lighting Standards

**5-604 E. Lighting standards have been updated for new LED Technology, regulating Color Temperature and BUG** (Backlight, Uplight, Glare)

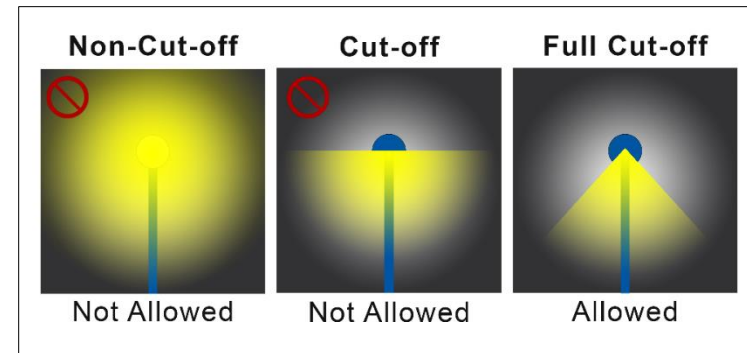
**5-604 D. Full Cut-off and Fully Shielded Fixtures Required (Retained)**

**5-605 Standards for Specific Uses and Site Features**

- Combination of modified and new standards to achieve safe lighting that does not intrude off the site for special cases: Off-street parking areas, sports and performance venues, pedestrian areas, wall-pack lights on the side of buildings, canopies, and decorative landscape lighting

**5-604 A. Hours of Illumination**

- Adds a 10:00 PM cut-off time for lighting adjacent to residential developments
- Applies to nonresidential and mixed use, except agriculture



# Sec. 5-13 Residential Impact Standards

**New Standards for development of commercial uses on land that contains residential uses, is within 300 feet of land containing or zoned for residential**

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



## Chapter 5: Site Development Standards – Additional Sections

- **5-3 Mobility and Connectivity Standards**
  - Carries forward existing technical requirements
  - County bus stop requirements will be enforced by Village
  - Sidewalks required on one side of the road within residential subdivisions and on both sides in commercial development
- **5-10 Utilities**
  - Carries forward requirement for connecting to water and sewer (within ¼ mile, if available, depending on density, square footage or gallons per day flow).



# Chapter 6: Signage

- Carries forward most of the existing sign regulations from the transitional LDC
- Billboards prohibited per comprehensive plan
- New tables that illustrate sign requirements at-a-glance
- Clarified prohibition on pole signs

## Chapter 6: Signage

**Section 6-1** General

**Section 6-2** Measurement, Construction, and Maintenance Standards

**Section 6-3** Restrictions Based on Location

**Section 6-4** Nonconforming Signs

TABLE 6-1: PERMANENT SIGNS IN RESIDENTIAL DEVELOPMENT			
General Requirements			
Maintenance	A homeowners' association or similar entity shall be responsible for maintenance of each sign		
Location	Set back 15 ft from edge of public right-of-way		
	Set back 15 feet from an entrance road, except that if the sign is in the median strip of the entrance boulevard, the minimum required setback is five feet		
Illumination	May be illuminated with a steady light shielded so as not to interfere with vehicular traffic, subject to Section 5.5, Exterior Lighting Standards.		
Design	May incorporate or be incorporated into accessory entrance structural features such as a project wall or landscaping		
Residential Development Signs			
Specific Signs	Number	Maximum Height & Sign Area	Other Requirements
	Boulevard entrance: 1 in median,		Shall only include

# Chapter 7: Natural Resources

- **Consolidates Natural Resource Standards in one chapter**
- **Carries forward existing protections from the transitional LDC**
- **Removes material from the transitional code specific to other parts of Lee County**
- **Section 7-1** includes the purpose of the chapter to protect natural, historic, and scenic resources, including air, water, and ecological integrity

## Chapter 7: Natural Resources

**Section 7-1** Natural Resources General Standards

**Section 7-2** Environmental and Natural Resource Standards

**Section 7-3** Flood Hazard Reduction Standards

**Section 7-4** Marine Facilities, Structures, and Equipment Standards

**Section 7-5** Hurricane Preparedness





## Section 7-2: Environmental and Natural Resource Standards

### Environmental protections grouped by subject

- **Sec.7-201 Wildlife and Habitat Protection**
  - Protects **bald eagles** including, including incentives available for plans that allow a buffer around protected nests such as reclaiming “lost” density elsewhere on the site
  - Carries forward the Lee County **Manatee** Protection Plan
  - Habitats of species listed for protection by the state or federal government also protected (**30 animals** and **15 plants** in Appendix H)
- **Sec. 7-202 Wellfield Protection**
  - Protects potable groundwater by carrying forward transitional LDC
  - Clarifies technical language on identifying well protection zones

## Section 7-2: Environmental and Natural Resource Standards

### Environmental protections grouped by subject

- **Sec. 7-203 Wetlands Protection**
  - Carries forward wetlands protections
- **Sec. 7-204 Mangrove Protection**
  - Carries forward protection and restoration of mangroves including requirements for restoration plans
- **Sec. 7-205 Clean Water Protection**
  - Carries forward standards for discharging water into sewers or receiving waters
- **Sec. 7-206 Surface Water Management**
  - Carries forward standards on water runoff and retention
  - Excavation bank slopes for new projects must be 6:1
  - First Floor at one foot over Flood Insurance Rate Map Base Flood Elevation or one foot over the 100 year, three day design elevation, *whichever is greater.*

# Chapter 7: Natural Resources

- **Section 7-3 Flood Hazard Reduction Standards**
  - Carried forward from transitional code
  - FEMA Standards
  - Includes its own administrative provisions and definitions for easy approval of the standards by State and Federal agencies.
- **Section 7-4 Marine Facilities, Structures, and Equipment Standards**
  - Carries forward standards for slips, docks and dock boxes, boat ramps, seawalls, etc.
- **Section 7-5 Hurricane Preparedness**
  - Carries forward hurricane-related standards, including formulas for determining hurricane shelter availability and evacuation impacts



# Chapter 8: Public Facility Funding and Coordination

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

## Chapter 8: Public Facility Funding and Coordination

### Section 8-1 Impact Fees

### Section 8-2 Concurrency Management

TABLE 8-102.B: ROAD IMPACT FEE SCHEDULE

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

# Chapter 9: Nonconformities

- **Establishes development rules** for uses, structures, lots, or landscaping that was conforming at time developed or installed, but no longer complies (ex: mobile home parks)
- Generally allows to continue in place, but establishes rules governing what happens when discontinued or destroyed.
- Current rules generally carried forward.
- Bring older properties into compliance as is feasible
- **9-304 Structures Damaged by Fire or Other Natural Forces** carries forward an allowance to rebuild to accommodate legally documented actual uses after disaster damages 50% of value, and allows lawfully existing single-family dwellings and mobile homes to be rebuilt without expansion

## Chapter 9: Nonconformities

**Section 9-1** Purpose

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

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

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

**Section 9-5** Nonconforming Lots

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

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

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



# Next Steps

- November workshops and meetings
- Feedback from Council and Boards
- Production of “Public Hearing Draft,” and adoption-ready document
- Public Hearings in December/January

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



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# Questions and Discussion

