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COVID-19 NOTICE:

The January 13, 2021 Village Council Workshop will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be broadcasted 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 page 3 of this agenda for further information and instructions for public participation.

AGENDA

VILLAGE COUNCIL

WORKSHOP

9401 Corkscrew Palms Circle, Estero, Florida

January 13, 2021 9:30 a.m.

Village Council: District 1 – Bill Ribble, Mayor; District 2 – Howard Levitan; District 3 – Jon McLain; District 4 – Katy Errington, Vice Mayor; District 5 – James Boesch; District 6 – Nick Batos; District 7 – Jim Wilson

1. CALL TO ORDER

INVOCATION – Father Tony Gilborges from Our Lady of Light

PLEDGE OF ALLEGIANCE

ROLL CALL

2. WORKSHOP ITEMS:

(a) Land Development Code

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. ADJOURNMENT

To view and/or participate in the Council Meeting on January 13, 2021, which begins at 9:30 a.m., 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 recommended 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 or 239-221-5035.

If you desire to address the Council, 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 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.”

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
JANUARY 13, 2021

Agenda Item:

Land Development Code

Description:

The Land Development Code lays out zoning and other regulations for subdivisions and development of land. Preparing a Code is a very large and complex effort. The Village retained Clarion Associates and Johnson Engineering to assist with development of the Code.

The first portion of the Code (Zoning) was presented at a Council workshop on October 21, 2020. The second portion of the Code, including site development standards (architecture, landscaping), natural resources, signs, Public Facility Funding (concurrency, impact fees), and Nonconformities was presented on November 18th.

The third portion (processes and procedures) was reviewed on December 2nd. The Planning and Zoning Board held a public hearing on December 15th.

A public hearing was held by Council on December 9, 2020. At that time, the Council scheduled an additional workshop for January 13, 2021, and the second public hearing for January 27, 2021.

Public input has been received through letters and E-comments, as well as comments from the Design Review Board and Planning and Zoning Board at various meetings. Letters and E-comments have been included in past Council agenda packets and given to the Village's consultants for review.

After review by the consultants, Village land use attorney, and staff, several revisions are proposed. The revisions are listed by Chapter on the attached "Addendum of Recommended Changes" document.

Financial Impact:

A Land Development Code is required by the State of Florida. The financial impact includes the cost of consultants to prepare the Code, which was budgeted at \$323,000 for consultants and \$45,000 for legal assistance.

Attachments:

1. Addendum of Recommended Changes
2. Public Input Letters and E-Comments

LAND DEVELOPMENT CODE
Addendum of Recommended Changes
January 13, 2021

The attached document “Addendum of Recommended Changes” dated January 5, 2021 includes changes suggested from public input and interested parties (letters and E-comments) as well as suggestions by the Design Review Board, Planning and Zoning Board, and staff.

The changes are listed by Chapter. The changes are highlighted with strike through in red and new language underlined in blue.

Each proposed change contains a “comment” box shown in grey which identifies the source of the comment (staff, public, etc.) The majority of comments received relate to technical details for landscaping standards. These changes were suggested primarily by current and former Design Review Board members. Other changes include:

- Technical road right-of-way details (staff clean-up revisions)
- Road cross-section illustrations (staff clean-up revisions)
- Minor clarifications of architecture
- Parking (staff/consultant)
- Additional mixed use standards (staff/consultant)
- School open space standards (staff/consultant)

Not every change suggest was incorporated, but many revisions are proposed.

Estero Land Development Code

Addendum of Recommended Changes

Note on changes:

- Deletions are shown in ~~red strikethrough~~.
- Additions are shown underlined in blue.

Chapter 1: GENERAL PROVISIONS

1. Comment

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

Change

Sec. 1-805. Development Approvals and Permits Under Prior Land Development Codes

A. All development approvals or permits approved before ____ [insert effective date of this LDC], either by the Village or by Lee County (prior to the incorporation of the Village), remain valid until their expiration date, and may be carried out in accordance with the terms and conditions of their approval, ~~and the development standards in effect at the time of approval~~, as long as they remain valid and have not expired or been revoked or substantially modified. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval) or substantially modified, all subsequent development of the site shall comply with the procedures and standards of this LDC.

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

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

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

Chapter 2: ADMINISTRATION

2. Comment

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

Change

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

3. Comment

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

Change

| |
|---|
| <p>C. Plat Review</p> <p>1. Generally</p> <p>This subsection supplements the procedural requirements of Ch. 177, Fla. Stat. for review and decisions regarding plats and replats. It applies to all subdivision of land, except the following:</p> <p>A. A development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements have been made or that a security for the performance of the improvements has been posted and is current.</p> <p>B. The division of land for the conveyance of land to a federal, state, County or municipal government Village entity, or a public utility.</p> <p>C. The division of land by judicial decree.</p> <p>D. A division of land of two or fewer lots <u>out of a parent parcel</u> approved as a limited development order (Sec. 2-502.B.2, Limited Development Order Procedure)</p> <p>E. A single family residential lot created between January 28, 1983, and December 21, 1984, that has obtained a favorable minimum use determination in accordance with the Lee Plan. _____</p> |
|---|

Chapter 3: ZONING DISTRICTS

4. Comment

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

Change

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

5. Comment

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

Change

| TABLE 3-703.D.1.A: MAXIMUM GROSS NONRESIDENTIAL FLOOR AREA ALLOWED IN RPD [1] | |
|---|---|
| Total Approved Dwelling Units | Gross Nonresidential Floor Area Allowed (maximum square feet) |
| Less Than 150 dwelling units <u>100 dwelling units or less</u> | None <u>5,000</u> |
| 150 <u>101-300</u> dwelling units | 2,500 <u>10,000</u> |
| 301-600 dwelling units | 7,500 <u>15,000</u> |
| 601-1200 dwelling units | 17,500 <u>20,000</u> |
| More than 1200 dwelling units | Additional space may be added at a rate of 5,000 square feet per 300 dwelling units to a maximum of 30,000 square feet. In no case may the commercial area exceed three percent of the gross area of the project. |
| <p>NOTES:</p> <p>[1] The following uses shall not be counted against the maximum gross floor area in the RPD: EMS, fire, or sheriff's station; place of worship; school, elementary, middle, or high; day care; food or beverage, limited service; restaurant, convenience; restaurant, standard; drugstore; grocery store or food market; gas station (with self-service fuel pumps only), and home occupations.</p> | |

6. Comment

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

Change

| C. Intensity and Dimensional standards | |
|--|---|
| Standard | Requirement |
| Lot area (ft ²) | To be established in PD Master Concept Plan and as set forth in Sec. Error! Reference source not found., Error! Reference source not found. The MPD District shall be consistent with the goals, policies, and objectives in the comprehensive plan, and the FLUM. |
| Lot coverage, max (percent of total area) | |
| Lot width, min. (ft.) | |
| Lot depth, min (ft.) | |
| Side setback, min. (ft.) | |
| Rear setback, min. (ft.) | |
| Street setback (arterial street with frontage road) (ft.) | |
| Street setback (arterial street without frontage road) or local street (ft.) | |
| Street setback (private street) (ft.) | |
| Intensity/Density | Consistent with comprehensive plan, and for lands designated Transitional Mixed Use, the bonus density standards (if applicable) |
| Building height, max. (ft.) | 45 |
| Waterbody setback | 25 50 feet from the edge of the waterbody |

7. Comment

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

Change

Sec. 3-707.B.6 Lots and Blocks

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

8. Comment

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

Change

3-707 D.Tiers

1. This subsection provides standards for four levels of development that will contribute to a walkable mixed-use environment in the Village Center Area:
[...]

5. As to any development parcel in the Village Center Area with vested rights to develop under an approved and unexpired Master Concept Plan, nothing in this section shall affect or limit the right of the owner of such parcel to seek an amendment to the Master Concept Plan ~~under the provisions of the LDC in existence prior to June 22, 2016~~, and in accordance with the provisions of Sec. 2-501.D, Planned Development), through a minor planned development application or, if applicable, by an administrative amendment in accordance with Sec. 2-506.C.2, Administrative Deviation, provided, however, that such amendment seeks no increase in density beyond ten percent of vested dwelling units or an increase in intensity.

9. Comment

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

Change

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

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

A. Public Hike/Bike Trails (High Value). Public Hike and Bike Trails, either on or off-site received one of the highest levels of public support in the Village.

[...]

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

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

A. On-Street Parking (Medium-High Value). The public benefit of broad connecting streets with traffic calming and the feeling of relative safety by pedestrians from moving vehicles created by a barrier of on-street parked cars is seen as a very highly desirable public benefit.

[...]

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

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

A. Vertical Mixed-Use (High Value). Development plans with vertical mixed-use where non-residential uses such as office, retail, or dining are at the ground level and residential uses above.
[...]

Chapter 5: SITE DEVELOPMENT STANDARDS

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

10. Comment

| |
|--|
| <p>Table 5-204B-1: Minimum Number of Off-Street Parking Spaces</p> <ul style="list-style-type: none"> • Staff recommended including Multiple-Occupancy Complex • A public comment requested “brew-pub” be revised to between the requirements for a restaurant and for a bar • Other minor adjustments are recommended by staff |
|--|

Change

| TABLE 5-204.B.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES | |
|--|---|
| Use Type | Minimum Number of Vehicular Parking Spaces |
| Agricultural use [...] | No minimum |
| Brewpub or micro-brewery, -winery, or -distillery [...] | 10 14/1,000 sf of seating area |
| Clubhouse (as accessory to golf course use) [...] | 6 per hole, or 14/1,000 sf, <u>whichever is greater</u> |
| <u>Multiple-occupancy complex</u> [...] | <u>4.5 spaces per 1000 sf or 4.0 spaces per 1,000 sf for complexes larger than 500,000 sf</u> |
| Office, <u>general contractor's or general business</u> [...] | 1/300 sf |
| Retail sales (<u>not multiple occupancy</u>) [...] | 1/ 350 400 sf |
| Wireless Telecommunications | 1 |

11. Comment

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

Change

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

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

12. Comment

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

Change

Sec. 5-204.A.5. Drainage

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

13. Comment

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

Change

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

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

Section 5-3: Mobility and Connectivity Standards

14. Comment

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

Change

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

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

15. Comment

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

Change

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

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

SECTION 5-4: LANDSCAPE STANDARDS

16. Comment

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

Change

5-401 Purpose

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

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

17. Comment

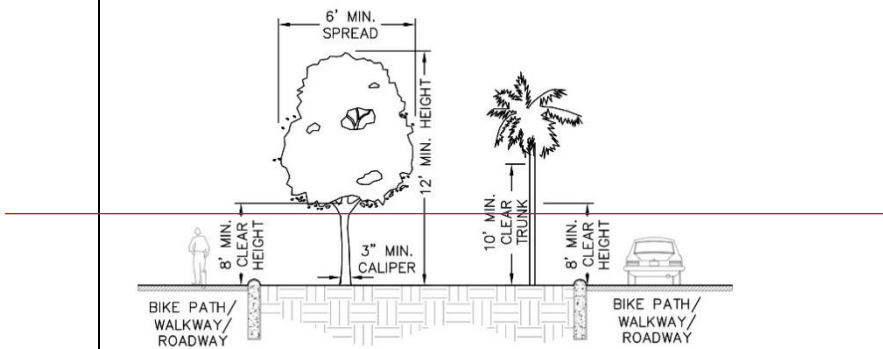
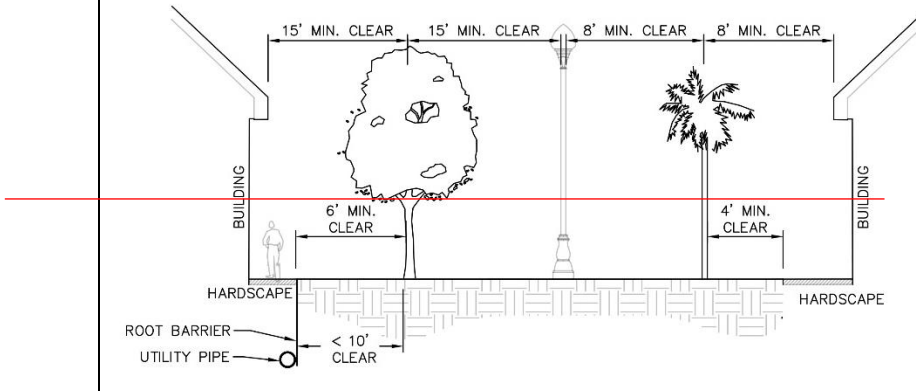
5-403.B.3: DRB suggested that plant separation requirements should not be dictated by simple numeric standards, which limits a design and is arbitrary, allow for building arrangement to dictate plant placement.

Change

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

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

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

| Standard | Trees | Palms |
|---|--|----------------------------|
| Height, spread, caliper at planting | 12 feet in height, 6 5-foot spread, 3 2.5-inch caliper | 10 feet of clear trunk |
| Clear trunk adjacent to walkways, bike paths, and right-of ways | 8 feet of clear trunk | 10 feet clear trunk |
|  | | |
| Clearance from light poles and buildings | 15 feet | 8 feet |
| Clearance from hardscapes | 6 feet | 4 feet |
|  | | |
| Root barrier | Required within 10 feet of hardscape or utility | n/a |

18. Comment

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

Change

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

19. Comment

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

Change

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

20. Comment

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

Change

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

21. Comment

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

Change

Sec. 5-404.F. Restoration Standards

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

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

22. Comment

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

Change

Sec. 5-405.B. General Tree Standards

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

23. Comment

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

Change

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

24. Comment

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

Change

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

25. Comment

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

Change

| TABLE 5-406.B.3.: BUFFER TYPES (PER 100 LINEAR FEET) [1] | | | | | | |
|--|--------------|-----------|-----------------------|-----------|-----------------------|-----------|
| Standard | Buffer Types | | | | | |
| | A | B | C | D | E | F |
| Minimum Width in Feet | Five | 15 | 20 | 20 | 30 | 50 |
| Minimum Number of Trees (per 100 linear feet) | Four | Five | 10 | Five [4] | 10 | 15 |
| Minimum Number of Shrubs (per 100 linear feet) | — | Hedge [3] | 30 | Hedge [3] | 30 | Hedge [3] |
| Wall Required [2] | — | — | Eight feet in height, | — | Eight feet in height, | — |

| TABLE 5-406.B.3.: BUFFER TYPES (PER 100 LINEAR FEET) [1] | | | | | | |
|--|--------------|---|-------------|---|-------------|---|
| Standard | Buffer Types | | | | | |
| | A | B | C | D | E | F |
| | | | solid fence | | solid fence | |

NOTES

[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 roads, at the points of intersection of the roads with the side lot lines (as extended) and the midpoint of the lot frontage. Walls shall be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with SFWMD requirements.

[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.

[5] [Deviations are allowed for a reduced or eliminated roadway buffer where a building is designed within 15' of the right-of-way in an urban context, subject to the same review and approval process identified for alternative landscape betterment plans.](#)

[6] [Deviations are allowed for a reduced or eliminated roadway buffer where a lake is along a right-of-way, to accomplish strategic views with clustering or placement of plantings around the lake. This is subject to the same review and approval process identified for landscape betterment plans.](#)

26. Comment

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

Change

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

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

Sec. 5-407.D. Shopping Centers

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

27. Comment

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

Change

Sec. 5-408.D. Open Space Calculation

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

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

28. Comment

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

Change

| TABLE ERROR! REFERENCE SOURCE NOT FOUND.: OPEN SPACE STANDARDS | | |
|--|--|-------------------|
| Type of Development | Open Space as Percentage of Development Area [1] | |
| | Small Project [2] | Large Project [2] |
| Residential | | |
| Single-family or mobile home dwelling on a single lot where minimum lot size is 6,500 sq. ft. | None | None |
| Two-family dwelling on a single lot where minimum lot size is 7,500 sq. ft. | None | None |
| Two-family attached each on an individual lot where minimum lot size is 3,750 sq. ft. per unit | None | None |
| All other Residential, including ALF, independent living, continuing care, and multifamily | 35 | 40 |
| <u>Lee County School District schools</u> | <u>20</u> | <u>20</u> |
| Other: All other uses including, but not limited to commercial, industrial, places of worship, recreational vehicle parks, community facilities, <u>other schools</u> 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. | | |

29. Comment

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

Change

Sec. 5-408.I.3. Dry Detention Basins
 All dry detention basins shall be planted with wetland type plant species (such as spartina), in minimum one-gallon containers, not more than 36 inches on center, throughout the extent of the basin. ~~For each 400 square feet of dry detention area or drainage swale planted with appropriate native herbaceous vegetation (minimum one-gallon container size planted three feet on center), the general tree requirement may be reduced by one ten-foot tree.~~ Dry detention basins shall be designed to incorporate low-impact design standards

[by integrating general tree and the required herbaceous basin plantings into their design.](#)

30. Comment

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

Change

Sec. 5-408.I.6. Bulkheads, Riprap Revetments, or Other Similar Hardened Shoreline Structures
 Bulkheads, riprap revetments, or other similar hardened shoreline structures may comprise up to ~~20~~³³ percent of an individual lake shoreline. A compensatory littoral zone equal to the linear footage of the shoreline structure shall be provided within the same lake and meet the following standards:

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

Sec. 5-408.I.8.C
 Requirements that ensure littoral vegetation and palms remains in a healthy and vigorous state, in perpetuity. (The use of trimming, mowing, and herbicides to remove littoral plants are prohibited.)

31. Comment

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

Change

| TABLE 5-409.C: LANDSCAPING STANDARDS FOR PARKING AREAS | |
|---|---|
| Landscape Elements | Standards |
| Minimum Landscape Area (Percent) (on the parking area perimeter or within internal islands) | Shall equal or exceed a minimum of 10 percent of the total paved surface area Fountains, seating areas, and similar features within a vehicular use area are allowed, and the space occupied by such feature(s) is allowed to off-set the required landscape area. |

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

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

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

32. Comment

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

Change

Sec. 5-411.D. Installation of Landscape Materials
All landscape materials shall be installed in a horticulturally correct manner. At a minimum, the following installation requirements shall be met:

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

[...]

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

[...]

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

33. Comment

Suggest change as shown:
5-413. IRRIGATION STANDARDS
C. Design Standards
10. All Irrigation Systems will be designed to separate low and high watering demand areas into separate zones.

Change

Sec. 5-413.C. Design Standards

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

[...]

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

SECTION 5-5: FENCE AND WALL STANDARDS

34. Comment

Suggest changes as shown:

5-510. RESIDENTIAL PROJECT WALLS

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

Change

Sec. 5-510. Residential Project Walls

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

1. Hedges shall be planted and maintained to form a 36-inch-high continuous visual screen within one year after time of planting.
2. Trees adjacent to a right-of-way shall be appropriately sized in mature form so that conflicts with overhead utilities, lighting, and signs are avoided. (The clustering of trees and use of palms adjacent to the right-of-way will add design flexibility and reduce conflicts.)
3. Where decorative aluminum railing type fencing is applied, 50 percent of the required landscaping can be placed on the inside of the fence for aesthetic purposes.

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

35. Comment

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

Change

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

| | |
|---|---|
| Exterior | Walls are stucco and colored with richness, variety, and multiple methods of application. Window and door surrounds are minimal and are made of stucco or stone. |
| Brackets, balconies, porches, shutters, and other elements | Usually wood, wood-look alternative or iron. |
| Openings, windows shape/structure | Arched, vertical, and/or square proportions. Occasional round, oval, or ornamental window used as a façade accent. Windows have divided lights and are commonly double-hung, single-hung, or casement. |
| Door position | Recessed, casting deep shadows revealing the thickness and solidity of the structure. |
| External spaces | The attached porch, balconies, and courtyards are a common element. Loggias, a porch not attached but located within the volume of the building, are very common and may even serve as outside circulation between rooms. |
| Ornamentation | Columns, posts, wooden and masonry balustrades, brackets, arched openings, arcades, and towers are all very common elements. |

Sec. 5-703.A.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 or [wood-look alternative](#) siding. Stucco and fiber cement siding are also used.
- B. Florida Vernacular features porches as integral to the style and prominent on the front façades. Porches extend along a large percentage of the ground floor elevations, often wrapping the corners to continue at some length alongside façades.
- C. Florida Vernacular Style architecture includes the key characteristics identified in Table 5-703.A.2.C: Florida

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

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

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

Sec 5-703.B.1 Alternative Styles
 Prairie: The Prairie style includes low-pitched hipped or flat roof; broad overhanging eaves; strong horizontal lines; clerestory windows arranged in horizontal bands; wide use of natural materials, especially stone and wood [or wood-look alternative](#) with strong horizontal lines; and restrained

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

36. Comment

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

Change

Sec. 5-703.A.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.
- 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.
- C. The Mediterranean Revival building is typified as ~~ornate~~, asymmetrical, and eclectic. Columns, posts, wooden and masonry balustrades, and brackets are contributing elements of the style. It is common to have multiple building volumes and varied interior and exterior spaces. Building massing tends to be irregular with a variety of shapes and heights; however, the appearance of solidary and permanence is critical.

37. Comment

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

Change

5-705.C. Mixed-Use Design Standards

1. Placemaking

[...]

2. Additional Mixed-Use Development Standards

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

A. General Criteria

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

1. Accessibility

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

2. Streets

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

3. Street Design

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

4. *Lots and Blocks*

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

5. *The Visual Edge*

The sidewalks, setbacks, building façades, and other characteristics of the visual edge of a street that is publicly accessible to the mixed-use development is also important in establishing the character of the mixed-use development. The height of the buildings, setbacks, and projections along the street define the enclosure of the street. The maximum width and height of buildings define a building's mass, while the architectural features of the building, especially the interrelationship of the design and the public space will ultimately determine the vitality of the street. So too are the characteristics of built form and landscape design which are deemed to be mutually dependent. All these factors should be considered in the design of the buildings and their relationship to the visual edge of a street.

6. *Architecture*

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

7. *Quality of Buildings*

Buildings within a mixed-use development are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and high technical quality to allow for their continuing renovation and adaptive reuse well beyond the expiration of their initial planned use or cost recovery. Building design and construction are encouraged to be cognizant of

southwest Florida's unique climate, and ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

B. Pattern Books Specific to Mixed-Use Development

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

1. *Illustrative Site Plan*

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

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

2. *Façade Detailing*

Typical façade detailing for all sides of all buildings.

3. *Pad Sites or Outparcels Developed Separately*

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

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

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

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

~~[...]~~

~~3.4. Climate Responsiveness~~

~~[...]~~

~~4. Tier Applicability~~

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

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

38. Comment

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

Change

Sec. 5-706.C Building Entries and Façades

1. The main entrance of the structure shall be oriented toward the public right-of-way on which the structure fronts. On a corner lot or site, the main entrance may be oriented to either the road or the corner.
2. For compliance with building design standards, exterior façades of out-parcel buildings shall be treated as primary façades and employ architectural, site, and landscaping design elements that are common to the theme used in the main development on site, including colors and materials associated with the main building. The purpose of this requirement is to assure a unified architectural theme and site planning between out-parcels and the main buildings on site, enhance visual impact of the buildings and to provide for safe and convenient vehicular and pedestrian access and movement on site.
3. For compliance with building design standards, all sides of a building are subject to architectural design elements.
4. Overhead doors facing a public right-of-way are prohibited, with the exception that overhead doors may face an alley or overhead doors which utilize framed transparent glass panels covering a minimum of 75 percent of the door area shall be allowed on primary façades.
5. Blank wall areas shall be interrupted with an opening or relief work including one or more of the following:

39. Comment

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

Change

- Sec. 5-706.J. Lighting
1. Building entryways shall be lighted at the pedestrian level, with features such as lighted bollards or doorway lighting.
 2. Light fixtures shall complement the overall development.
 3. ~~Decorative light poles and fixtures shall be used throughout all parking areas.~~ Light poles and fixtures should complement the architecture of the development Except for pedestrian light fixtures, all outdoor light fixtures shall be fully shielded.
 4. Lighting plans shall be coordinated with landscape plans to identify and eliminate potential conflicts with required landscaping.
 5. No light poles shall be located in parking area islands that contain required landscaping.
 6. The following lighting designs are prohibited with the exception that temporary seasonal lighting during the months of November and December is excluded from these prohibitions:
 - A. Buildings, awnings, roofs, windows, doors and other elements may not be outlined with light.
 - B. Exposed neon or LED tubing.
 - C. Backlit awnings.

40. Comment

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

Change

- Sec. 5-707.D.6. Canopies
- A. Flat roof canopies are prohibited. Roofs shall have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet.
 - B. Canopies shall be consistent with the architectural design and features of the principal structure.
 - C. Canopy lighting shall comply with Sec. 5-605.E, Canopy.

41. Comment

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

Change

- Sec. 5-3102. Applicability
- A. General
- Except as provided in subsection B below, standards of this section apply to all development ~~applications~~ orders and planned development rezonings that relate to the establishment, expansion, or intensification of a commercial use on land that:

SECTION 5-9: PLAT STANDARDS

42. Comment

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

Change

5-902. Applicability

A. The standards of this section apply to all development in the Village, unless exempted in accordance with subsection B below. All development subject to the requirements of this section shall receive approval of a plat prior to the sale, conveyance, or transfer of land.

B. The following are exempt from the standards of this section.

1. A ~~division of land that was accomplished in accordance with a~~ development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements are made, or that a security for the performance of the improvements has been posted and is current.
2. The division of land for the conveyance of land to a federal, state, county, or Village entity, or ~~to~~ a public utility.
3. The division of land by judicial decree.
4. A division of land of two or fewer lots out of a parent parcel approved in accordance with Sec. 2-502.B, Limited Development Order ~~provided the division does not result in the creation of three or more lots out of a parent parcel that existed on January 28, 1983.~~

Chapter 6: SIGNAGE

43. Comment

Public comment requests change as follows:

6-104 Prohibited signs

B. Specific Prohibitions

30. Tri-fold, revolving, or multiple display changing signs or billboards

Change

Sec. 6-104.B. Specific Prohibitions

Specific types of signs that are prohibited within the Village include, without limitation, the following:

1. Any sign that is not designed, located, constructed, or maintained in accordance with the provisions of this chapter, is not compatible with the objectives of this LDC, or does not meet the requirements of applicable Village, state, and federal codes.
2. Lights and signs that resemble any traffic control device, official traffic control signs, or emergency vehicle markings.

[...]

30. Tri-fold, revolving, or multiple display changing signs or billboards

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

44. Comment

Staff recommended adding a definition of “multiple-occupancy complex” to accompany the parking standard

Change

Multiple-Occupancy Complex

~~For the purposes of Chapter 6: Signage, only, a~~ 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~~ at least five occupants conducting a business operation of any kind. For purposes of Chapter 6, Signage, only, a multiple-occupancy complex shall have more than one occupant.

45. Comment

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

Change

Open Space

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

Appendix C: GENERAL ROAD SPECIFICATIONS

46. Comment

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

Change

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

47. Comment

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

Change

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

| TABLE C-(A)2: SPECIFICATIONS FOR PRIVATELY-MAINTAINED ROADS | | |
|---|---------------------|---------------------|
| Specification | Local Road | Access Road |
| Two-way | | |
| Closed drainage or inverted crown | 40 60 | 40 60 |
| Open drainage | 45 60 | 40 60 |
| Minimum Grade of Roads (Profile) | | |
| Closed drainage | 0.20 .3% | 0.20 .3% |
| Inverted Crown | 0.41 .0% | 0.41 .0% |
| Open drainage | 0.0% | 0.0% |
| Additional Minimum (feet) | | |
| Minimum centerline radius for horizontal curves | 50 | 50 |

48. Comment

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

Change

7. *Cul-de-Sacs*

A. A road intended to be a permanent dead-end road shall be closed at one end by a circular turnaround for vehicles constructed to the following standards:

1. The diameter of pavement to inside edge of curb or edge of pavement shall be a minimum of 90 feet outside diameter, and a maximum of 45 feet inside diameter;
2. The diameter of right-of-way for the curb-and-gutter section shall be ~~44~~ 130 feet; and
3. The diameter of right-of-way for ditch and swale drainage shall be a minimum of 130 feet.

49. Comment

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

Change

14. *Road and Bridge Development Categories*

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

A. *Category A*

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

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

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

2. *Pavement width, two-way traffic*

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

* * *

B. *Category B*

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

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

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

2. *Pavement width, two-way traffic*

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

* * *

C. *Category C*

Category C includes all residential roads

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

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

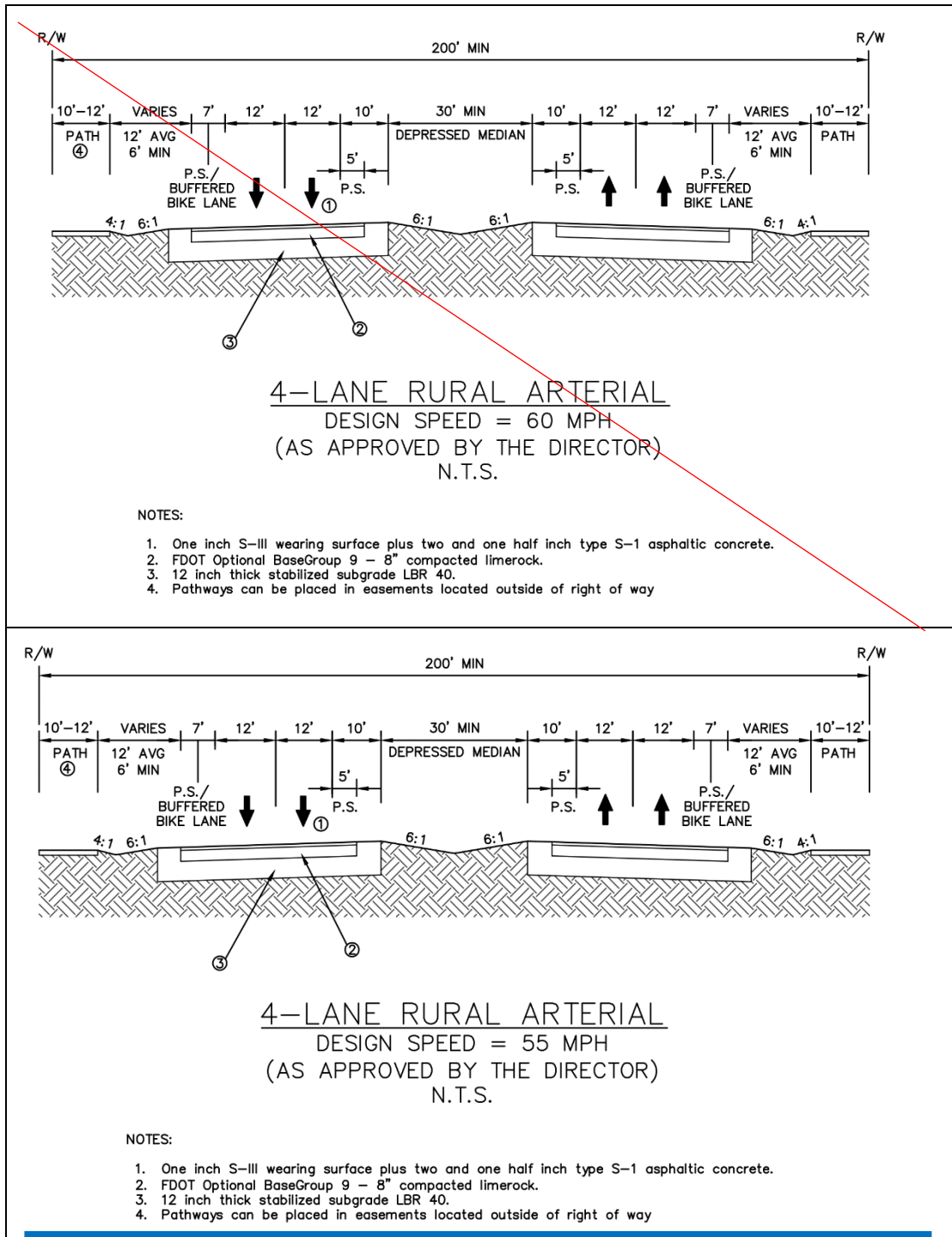
2. *Pavement width, two-way traffic*

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

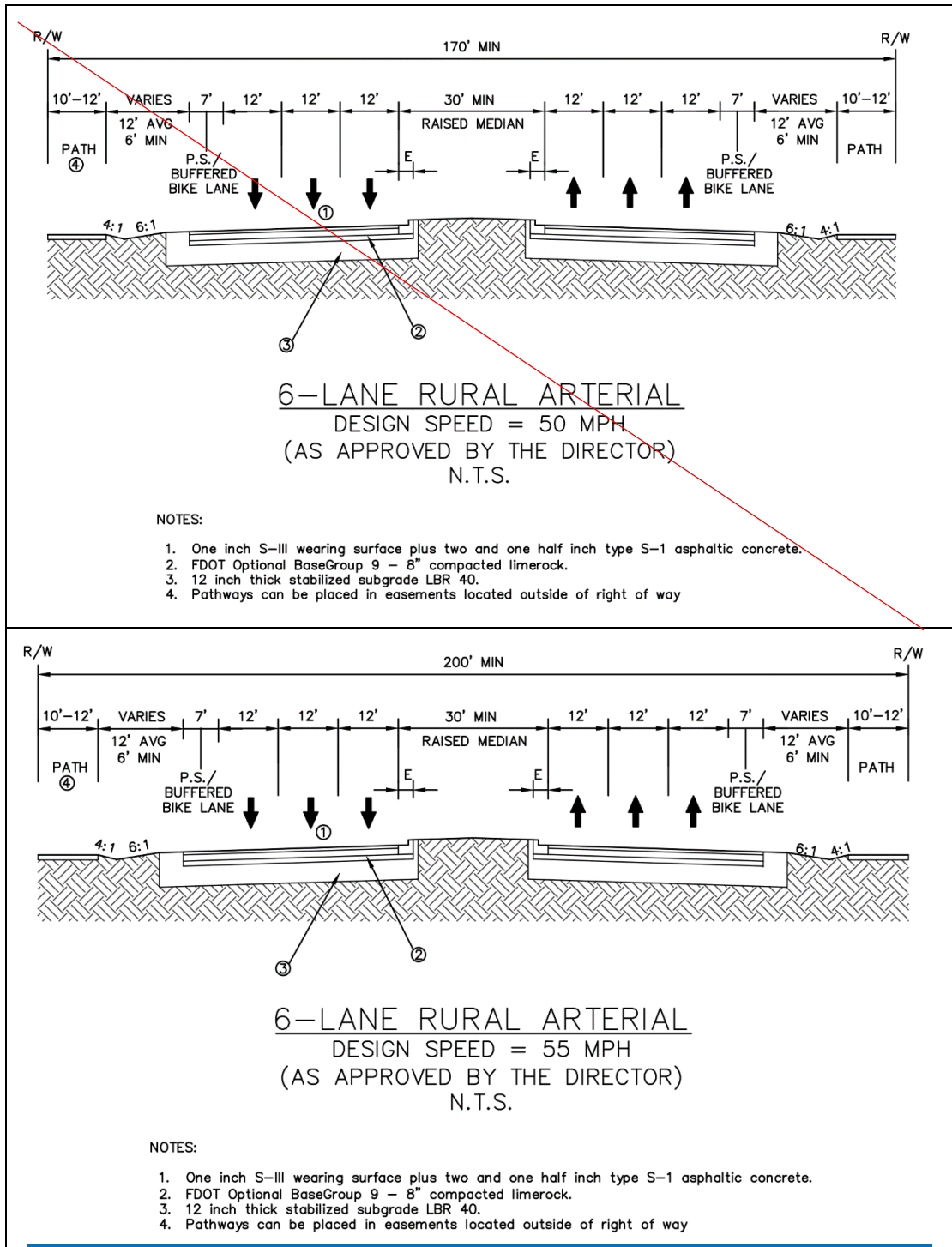
Appendix D: ILLUSTRATIONS AND CROSS SECTIONS

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

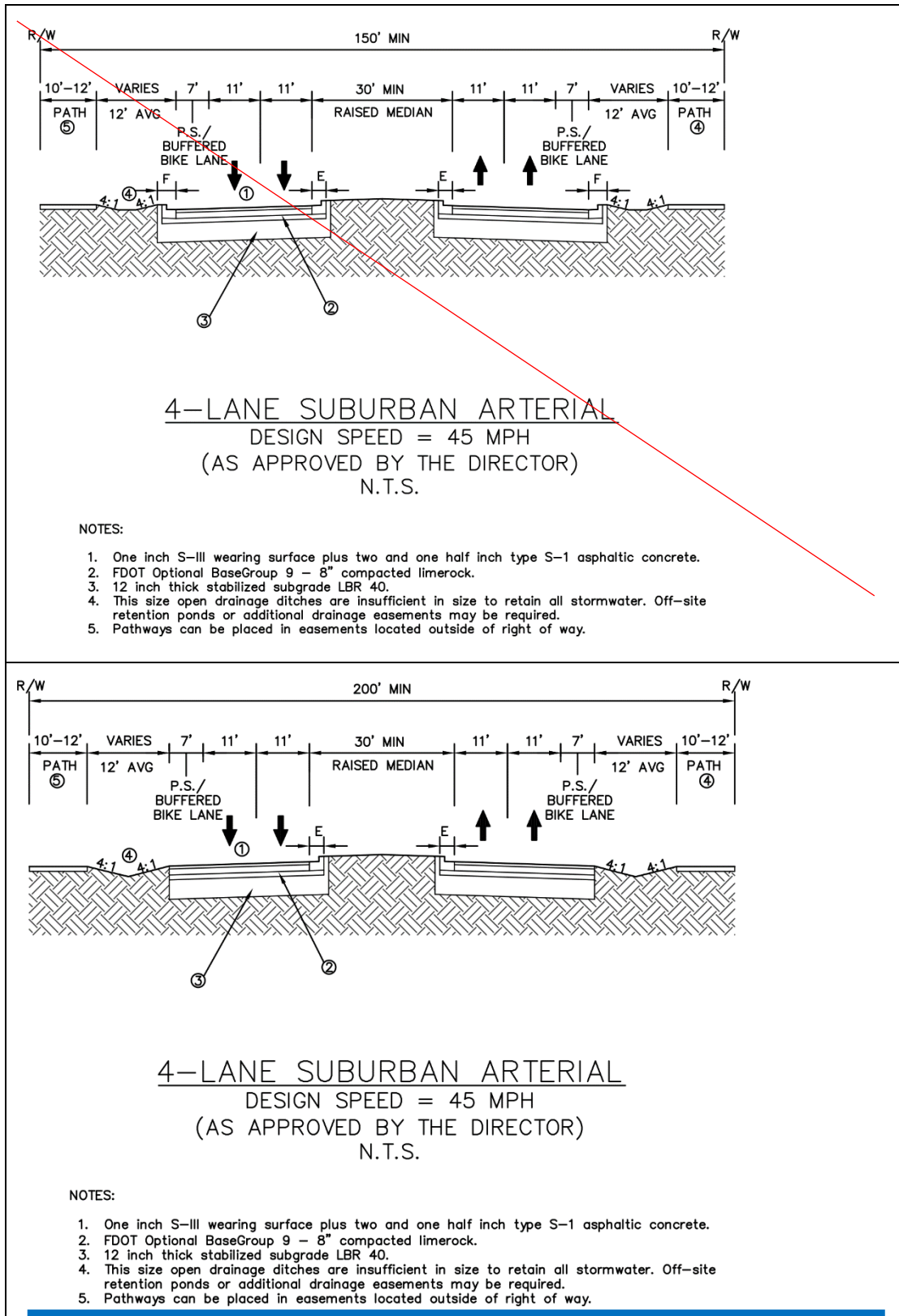
50. A.1 Four and Six-Lane Arterial Roads



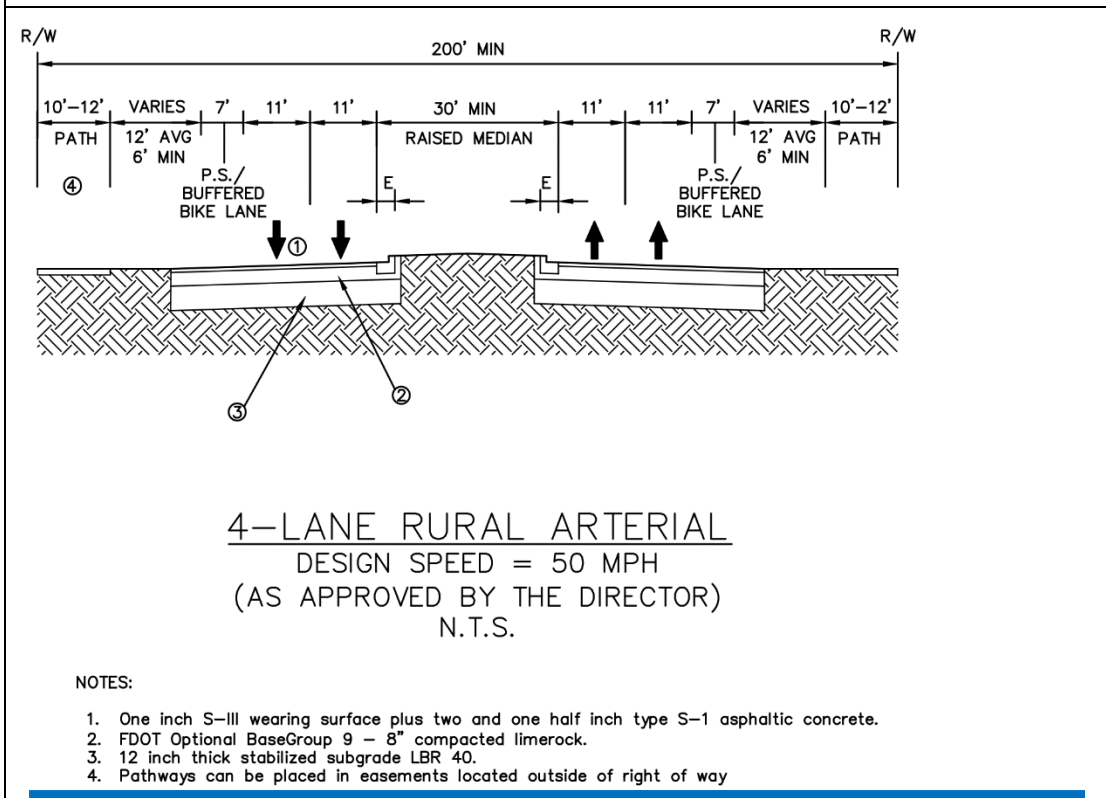
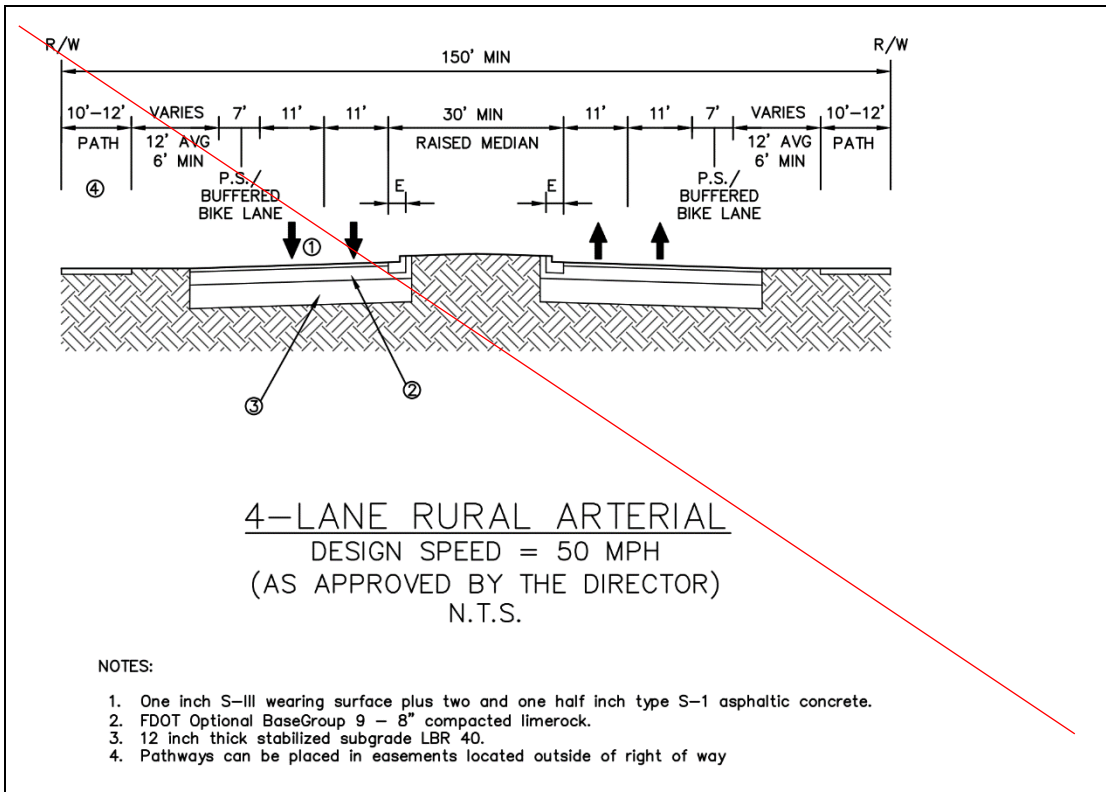
51. A.2 Four and Six-Lane Arterial Roads



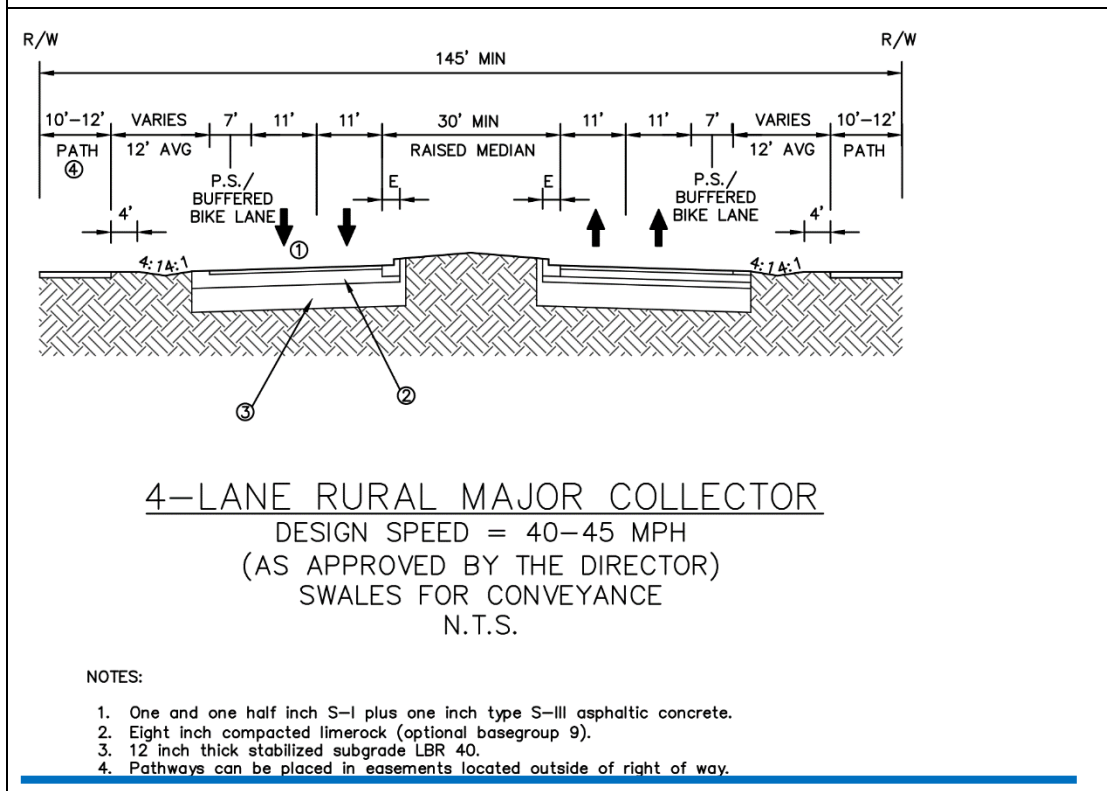
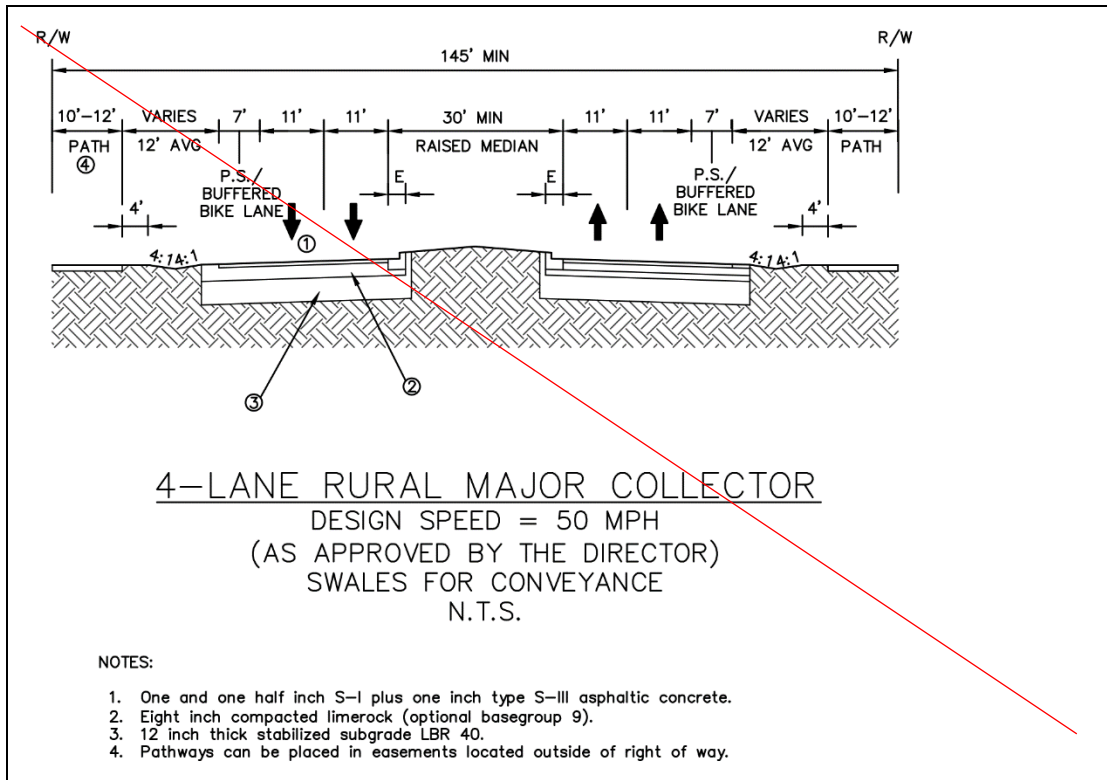
52. A.3 Four and Six-Lane Arterial Roads



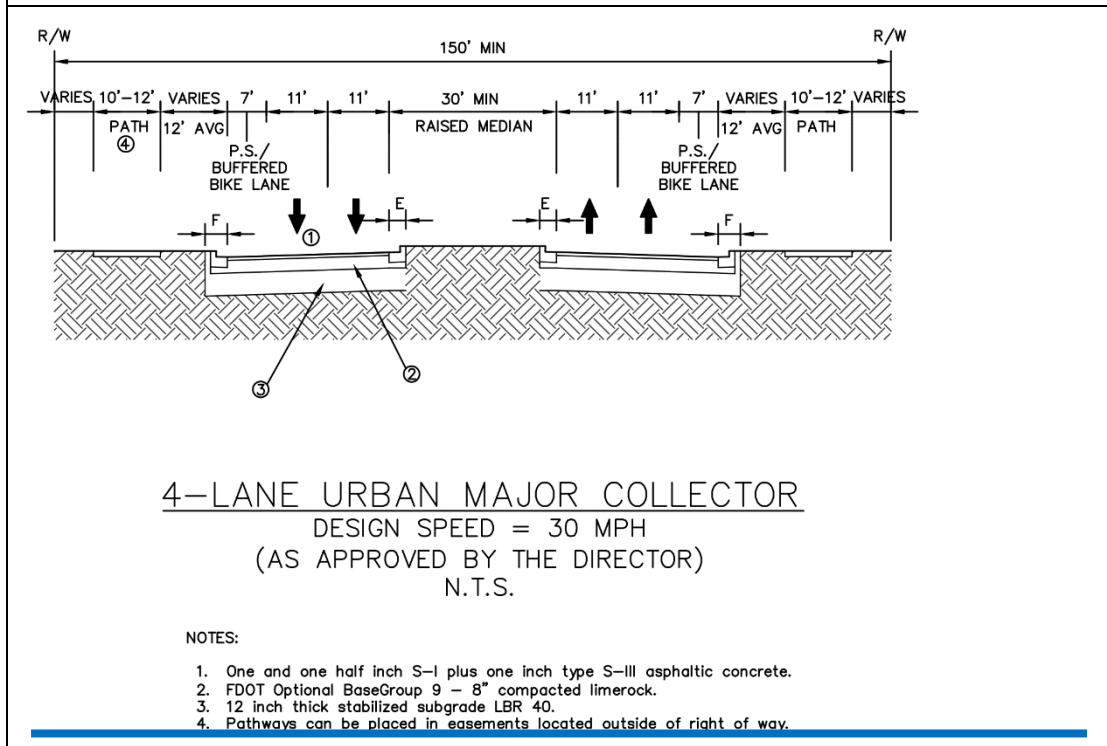
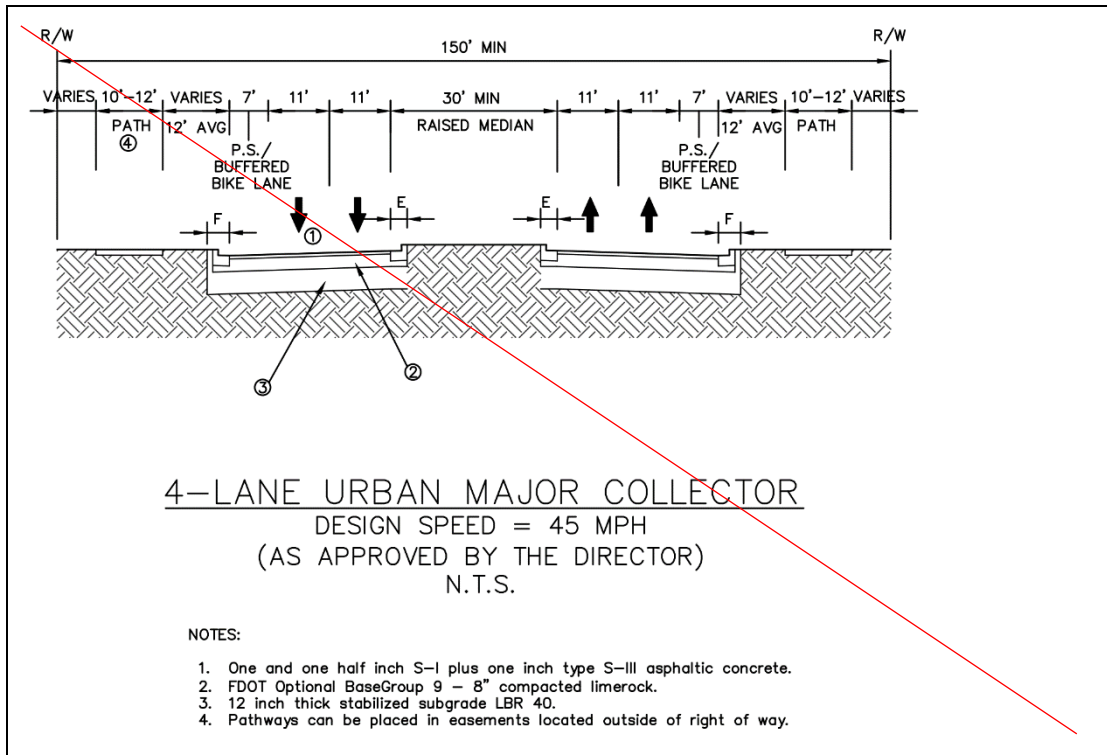
53. A.5 Four and Six-Lane Arterial Roads



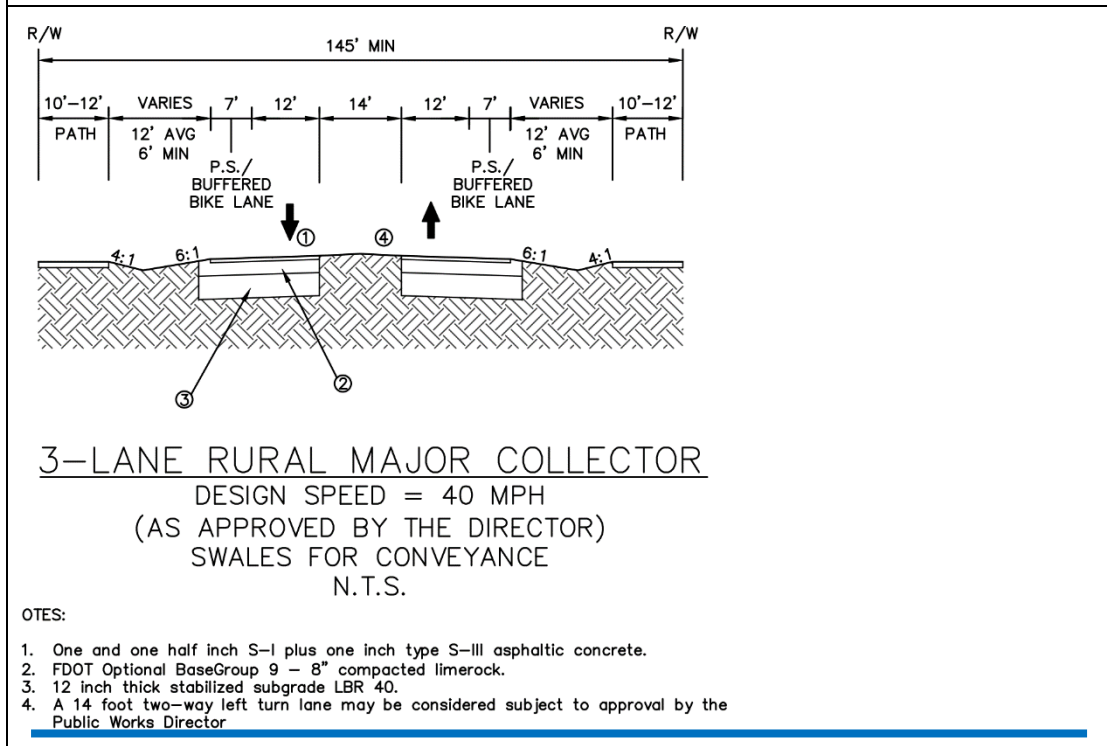
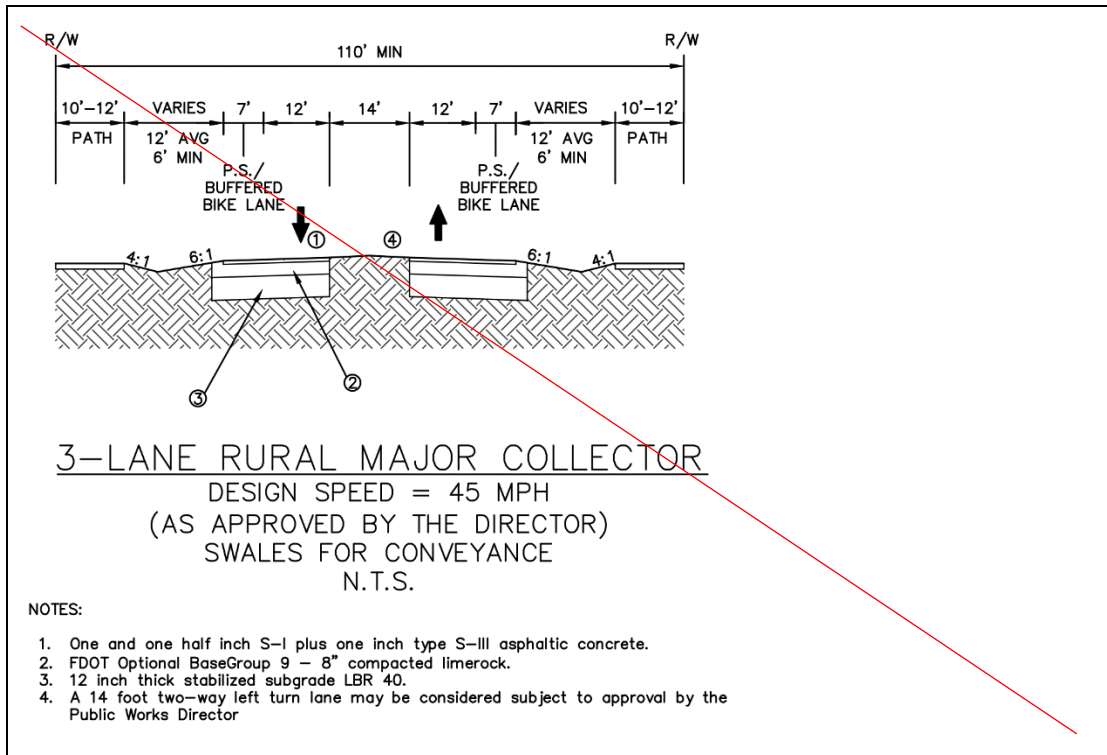
54. B.1 Collector Roads



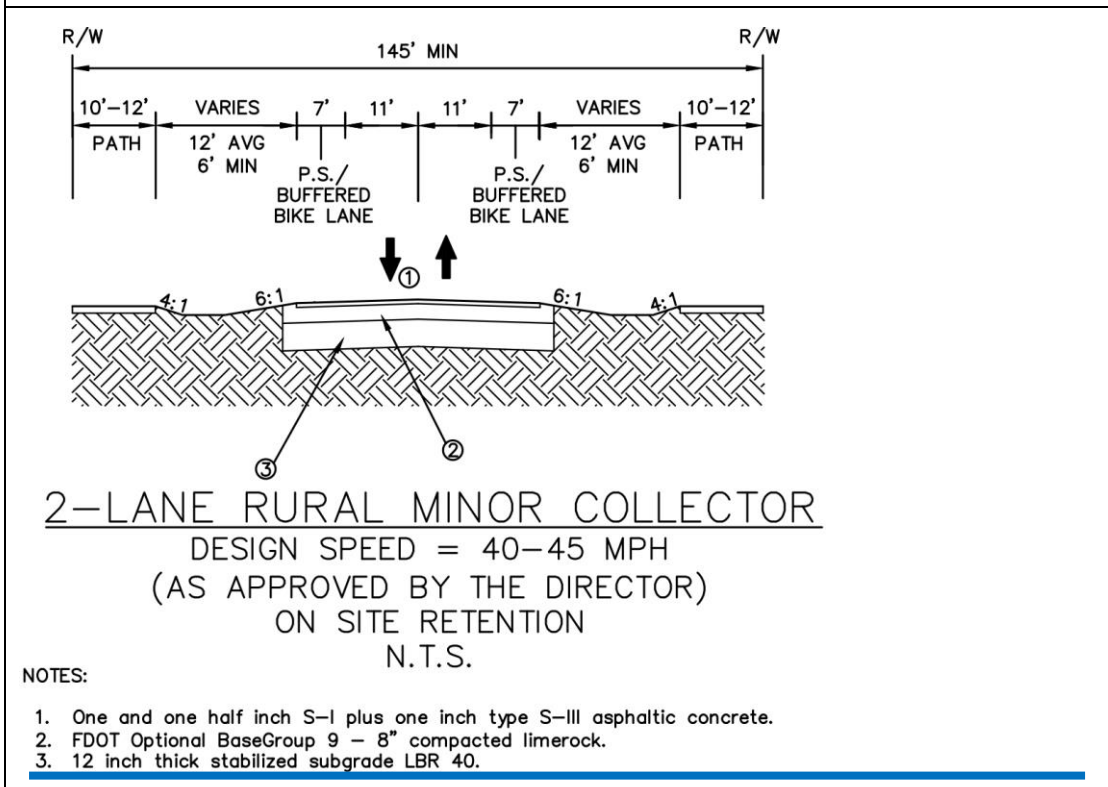
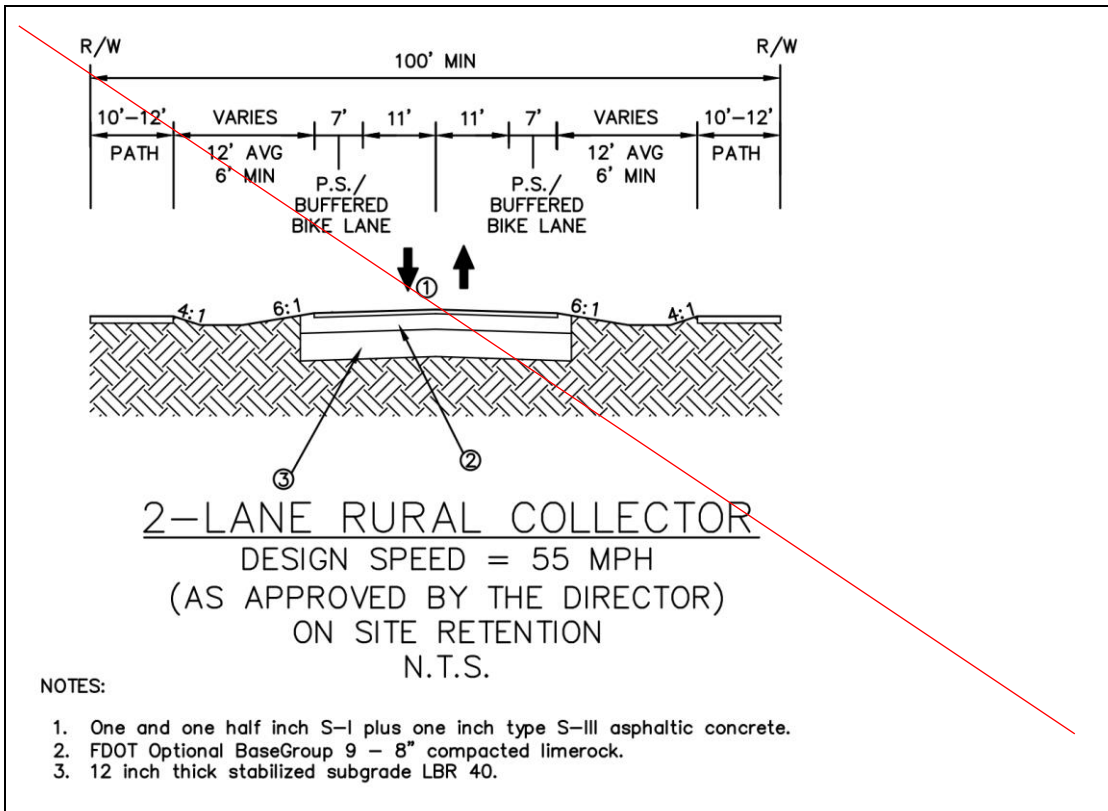
55. B.3 Collector Roads



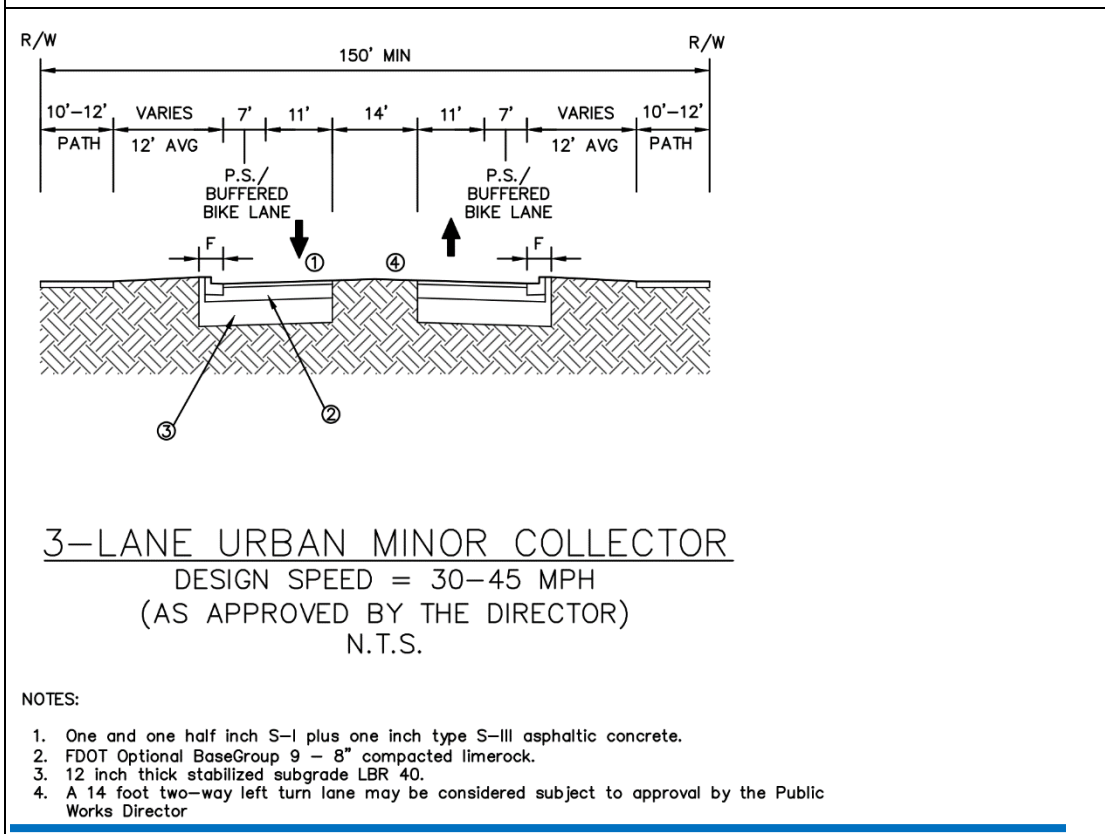
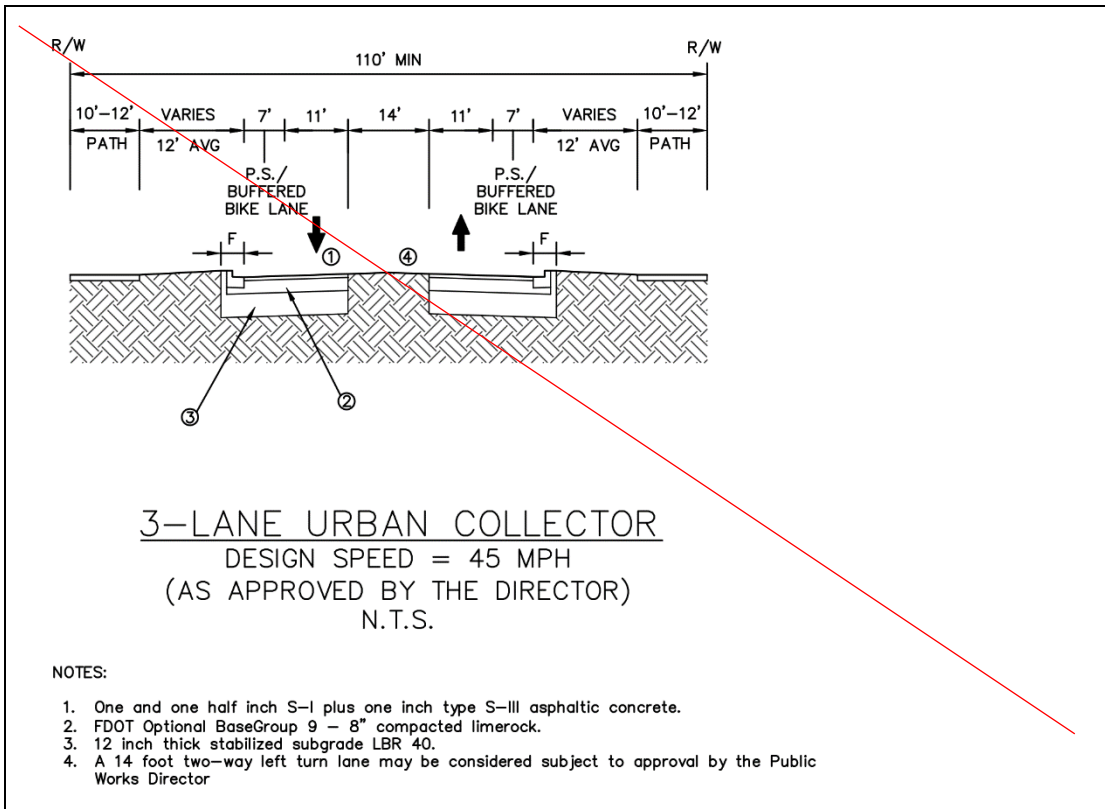
56. B.4 Collector Roads



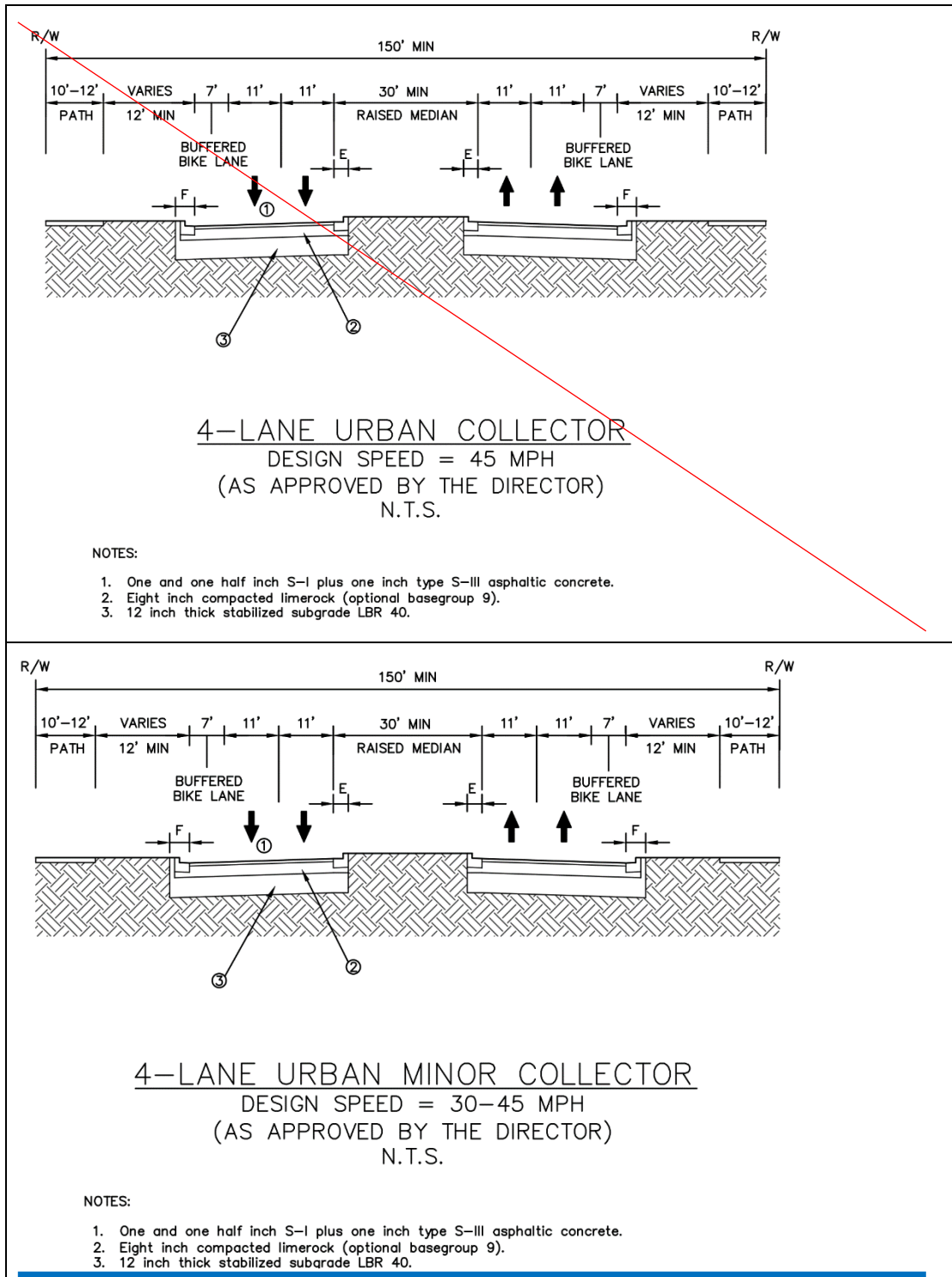
57. B.5 Collector Roads



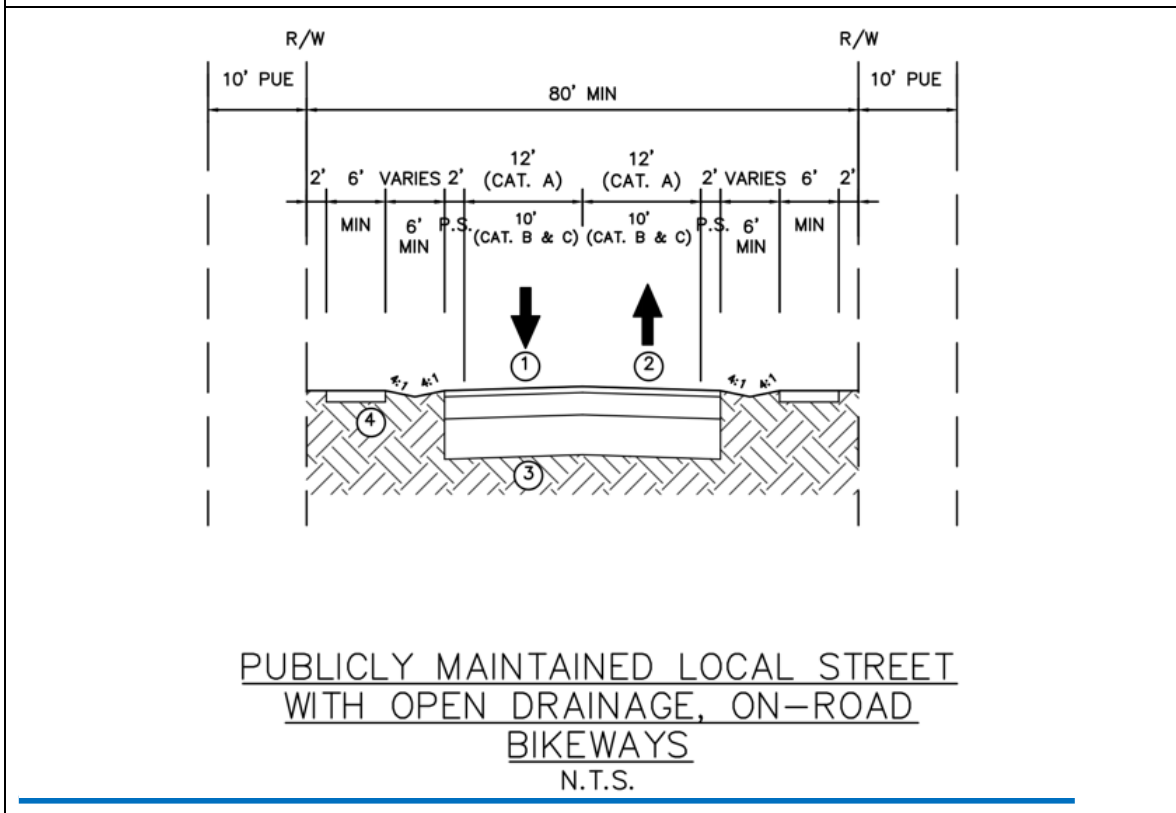
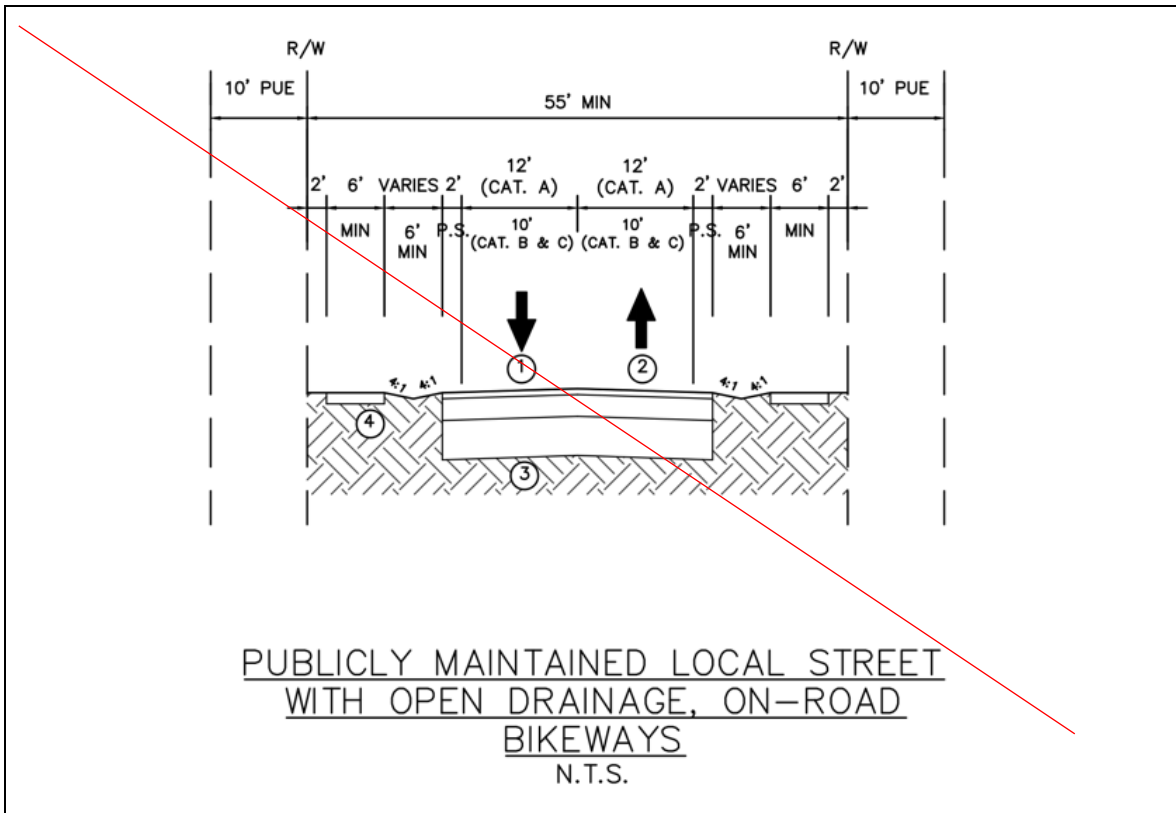
58. B.6 Collector Roads



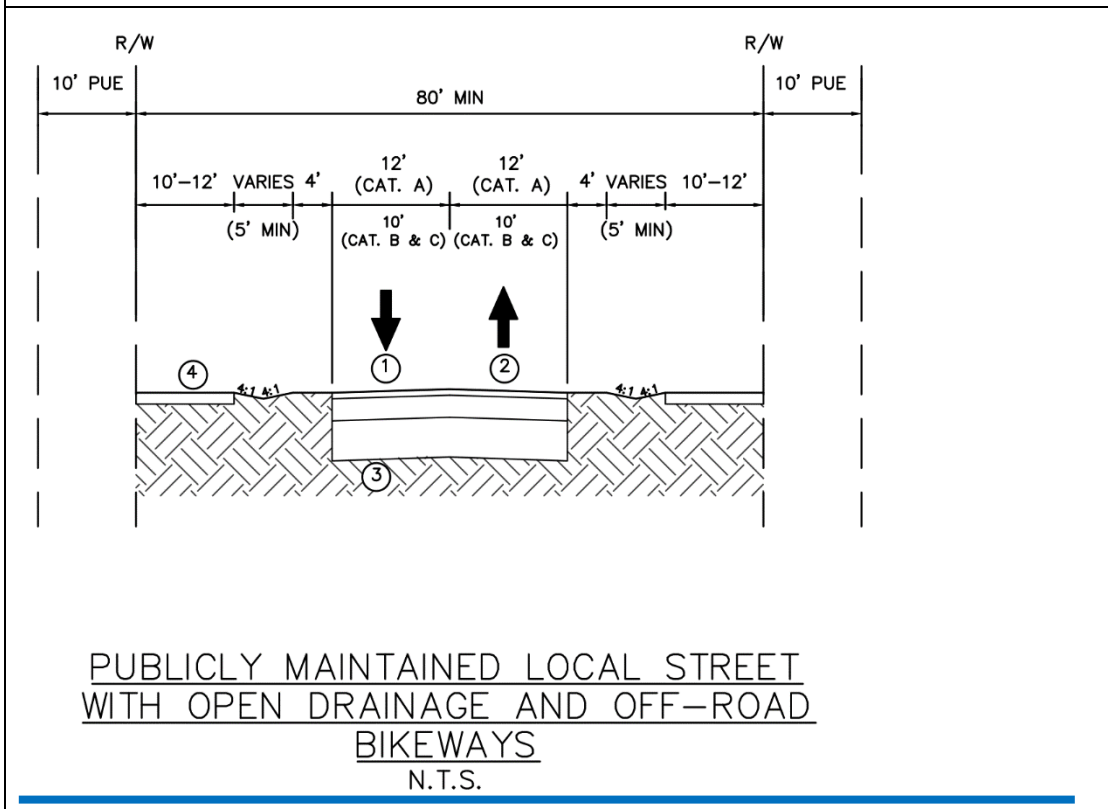
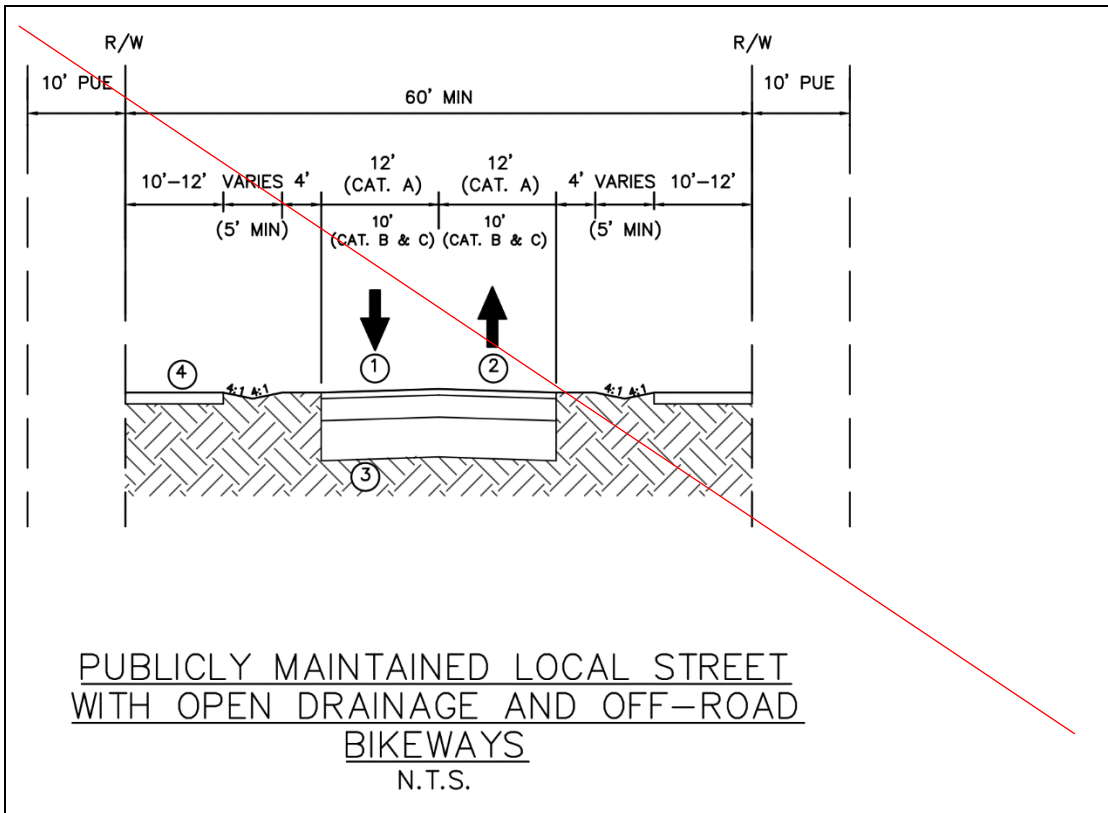
59. B.8 Collector Roads



60. C.4. Public Local Roads



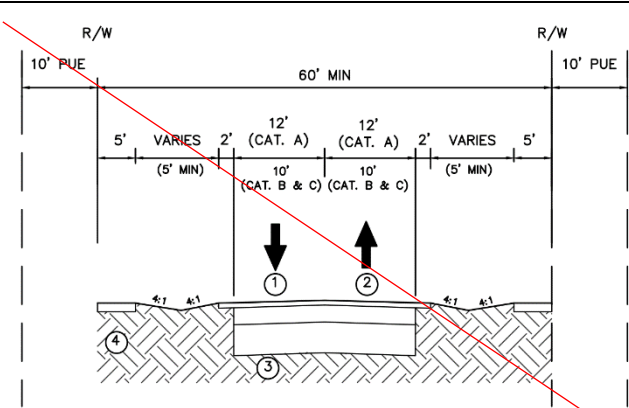
61. C.6 Public Local Roads



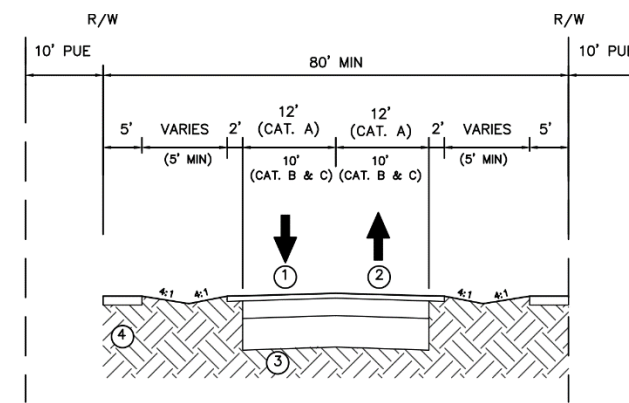
62. D.1 Private Local Roads

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

63. D.2 Private Local Roads



PRIVATELY MAINTAINED LOCAL STREET
WITH OPEN DRAINAGE
N.T.S.



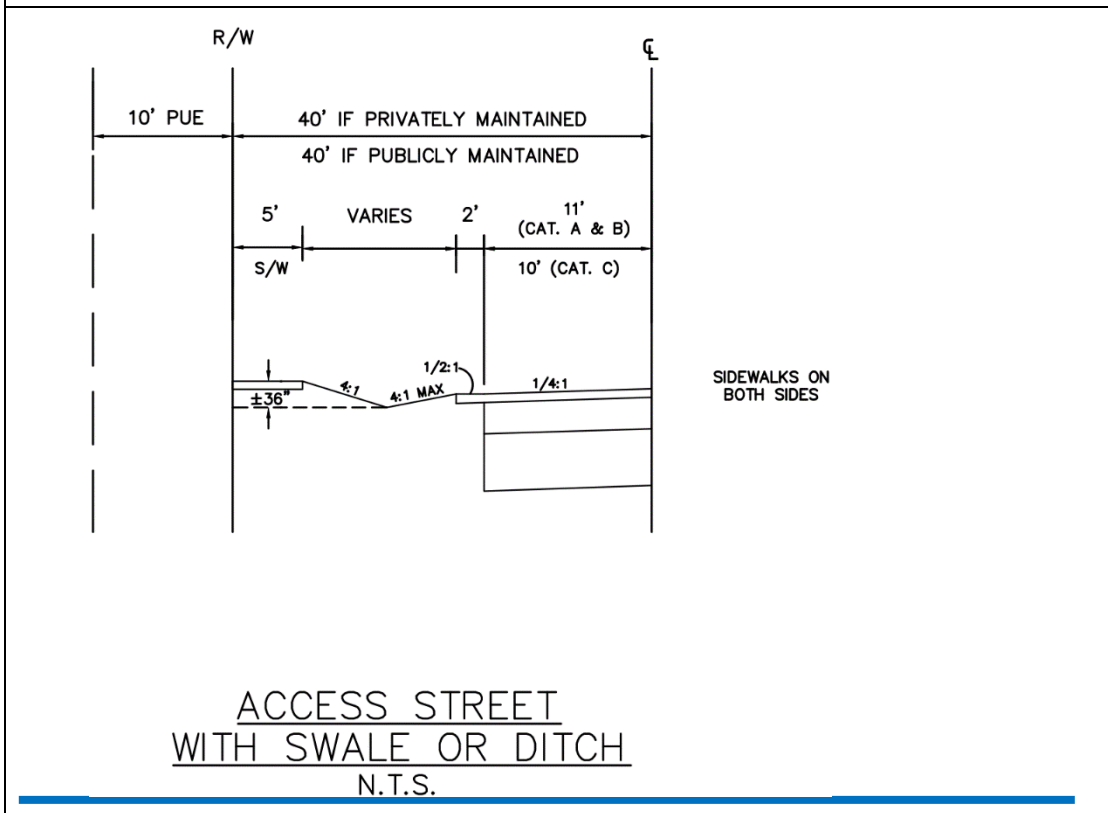
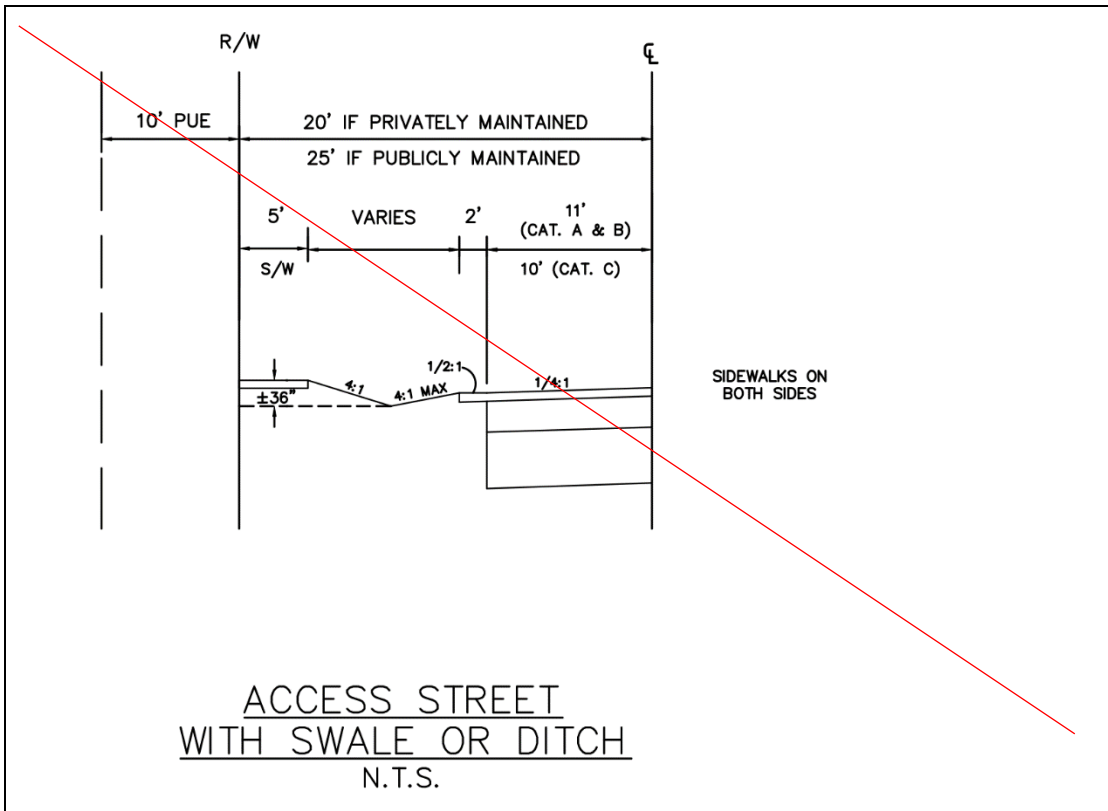
PRIVATELY MAINTAINED LOCAL STREET
WITH OPEN DRAINAGE
N.T.S.

| Note | Category B & C | Category A |
|------|---|---------------------------------|
| 1 | 1" Type S-III asphalt concrete [2] | 1½" Type S-III asphalt concrete |
| 2 | 6" Base | 8" Base |
| 3 | 6" Stabilized subgrade | 12" Stabilized subgrade |
| 4 | Sidewalk — required on one side | Sidewalk — required on one side |

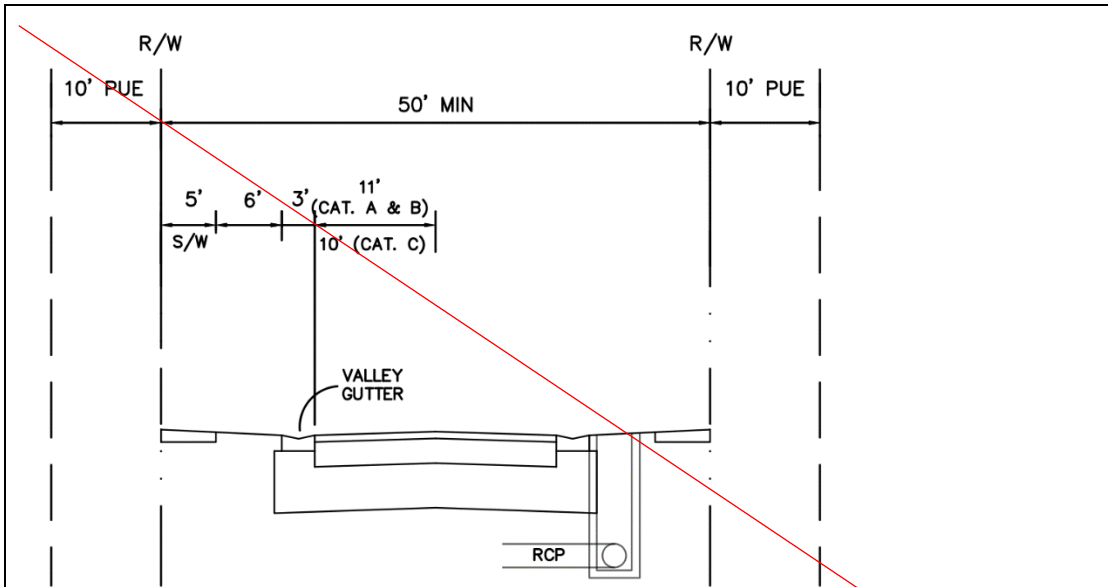
NOTES:

[1] A ten-foot-wide public utility easement shall be provided abutting each side of the right-of-way.

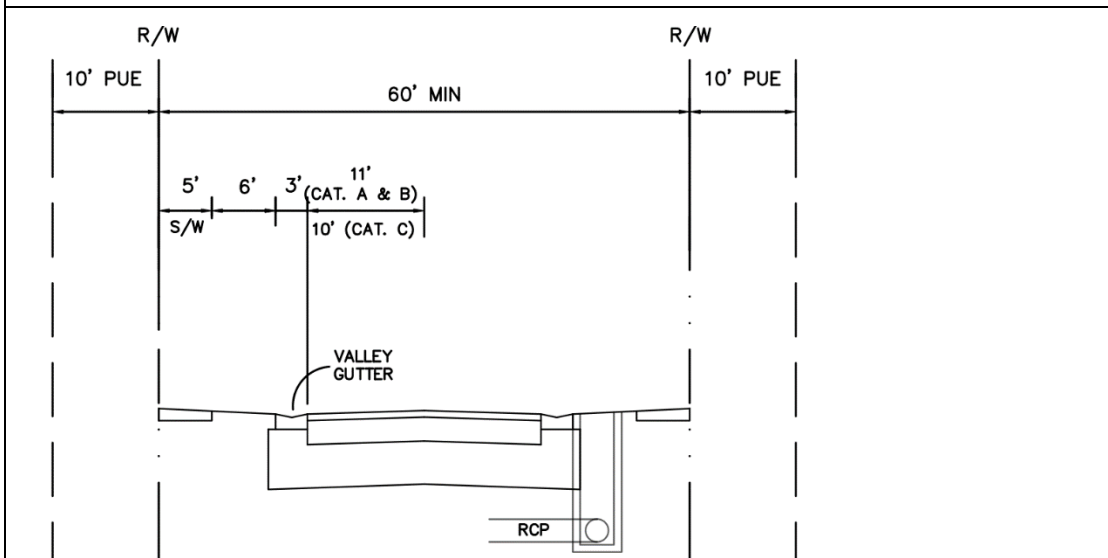
64. E.1 Access Roads



65. E.2 Access Roads

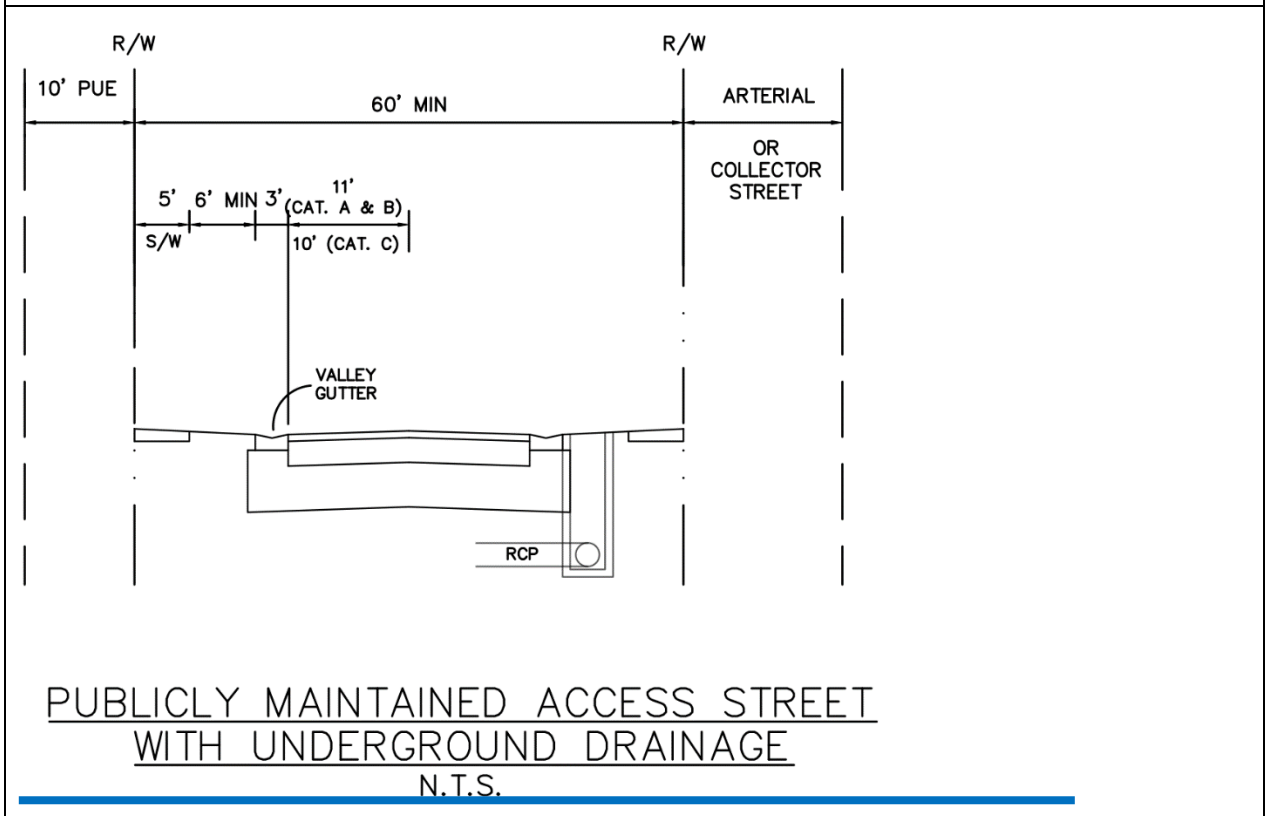
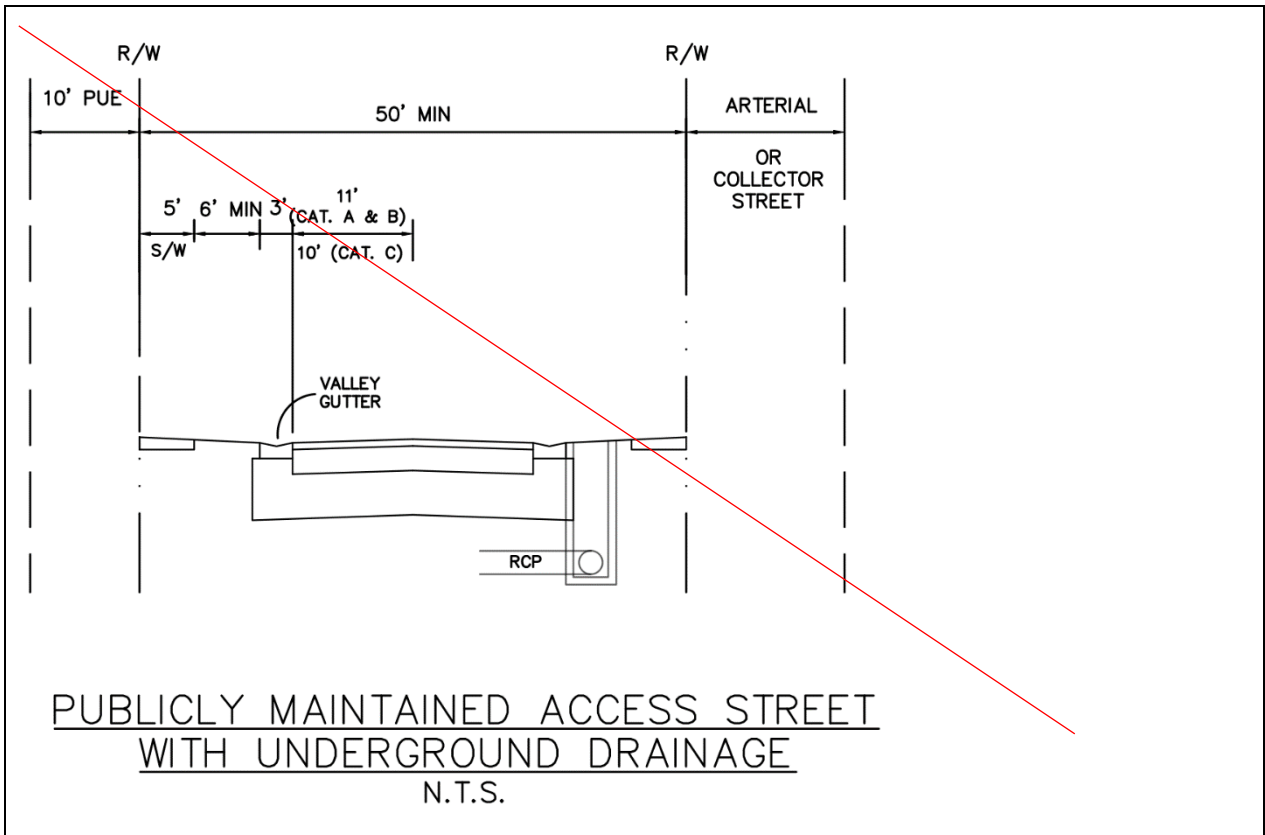


PRIVATELY MAINTAINED ACCESS STREET
WITH UNDERGROUND DRAINAGE
N.T.S.



PRIVATELY MAINTAINED ACCESS STREET
WITH UNDERGROUND DRAINAGE
N.T.S.

66. E.3 Access Roads



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

Appendix F: RECOMMENDED PLANT LISTS

67. Comment

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

Changes

Sec. 5-403.A Plant Suitability

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

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

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

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

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

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

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

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

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

Sec. 10-4 Definitions:

Indigenous Native Vegetation

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

~~Appendix F: Recommended Plant Lists~~

~~[...]~~

PUBLIC COMMENT CARD : Entry # 14270

Choose The Meeting You Are Commenting On

Land Development Code

Name

Sharon Rafter

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[Map It](#)

Community

Wild/Vista Blue

Email

sharonrafter@gmail.com

Phone

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Representing

Myself

Date

10/17/2020

Agenda Item No. or Topic

Hazardous waste site

Comments

There are residents very concerned hearing about the proposed waste transfer and hazardous waste site on Alice, near Wild/Vista Blue. Shouldn't hazardous waste be removed from residential population? Residents also concerned about the increased truck traffic.

Notes



Admin Notification (ID: 5e70ca9c71a8d)

added October 17, 2020 at 4:42 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 14271**Choose The Meeting You Are Commenting On**

Land Development Code

Name

Mark Novitski

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Estero 33928
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[Map It](#)

Community

ECCL

Emailmarker21101@gmail.com**Phone**

(239) 250-9536

Representing

ECCL

Date

10/21/2020

Agenda Item No. or Topic

Land Development Code

Comments

In Chapter 3: Zoning Districts Section 3-1: General Provisions the zoning districts are identified (could have used page #'s). In Chapter 10: Definitions and Rules for Construction, Interpretation, and Measurement Section 10-4: Definitions (Uses Only) the document identifies Solar Energy Collection Facility, Small-Scale¹⁰⁴⁴ 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. I interpret this to include solar trees. Please confirm.

In SECTION 3-3. RESIDENTIAL DISTRICTS, SECTION 3-4. COMMERCIAL DISTRICTS, SECTION 3-6. LEGACY DISTRICTS, and SECTION 3-7. PLANNED DEVELOPMENT DISTRICTS solar energy collection is identified. In SECTION 3-5. SPECIAL PURPOSE DISTRICTS, Environmentally Critical (EC) District (EC), solar energy collection is NOT identified. This seems like a great place for solar trees!

Notes

PUBLIC COMMENT CARD : Entry # 14384**Choose The Meeting You Are Commenting On**

Land Development Code

Name

Tim Byal

Address

8583 El Mirasol Ct.
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[Map It](#)

Community

Bella Lago

Emailtbyal@comcast.net**Phone**

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Representing

Bella Lago/Miromar Development

Date

10/21/2020

Agenda Item No. or Topic

Land Development Code

Comments

Requiring a strict adherence to a "Mediterranean-themed architecture is inconsistent with the current design trends that have a more modern influence. The effect will create a dated look for the Village compared with Naples and Ft. Myers. Good design does not need to follow a specific architectural style and the diversity will add value over the long term. I recommend that the design parameters be made less specific to architectural style and focus on size, scale and compatibility.

Notes**Admin Notification (ID: 5e70ca9c71a8d)**

added October 21, 2020 at 9:58 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 14484**Choose The Meeting You Are Commenting On**

Land Development Code

Name

Mark Novitski

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Community

ECCL

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ecclsecretary@gmail.com

Phone

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Representing

ECCL

Date

10/27/2020

Agenda Item No. or Topic

5(b)(1) Land Development Code

Comments

The ECCL is concerned with the definition of small wireless facilities. Is there a max height? Max footprint? Landscape screenage requirement?

"Updated to reflect the changes to State law in 2017 that allow for small wireless facilities in the public right-of-way"

Does the Village have the ability to deny a small wireless facilities in the "Village owned" public right-of-way?

This appears to be a "Home Rule" issued gone amuck!

Notes

PUBLIC COMMENT CARD : Entry # 14540**Choose The Meeting You Are Commenting On**

Planning and Zoning Board Meeting

Name

Bob Dion

Address

20850 Gleneagles Links Drive
Estero 33928
United States
[Map It](#)

Community

Pelican Sound Golf and River Club

Emailbdion@valuehome.com**Phone**

(603) 966-6366

Representing

Self

Date

10/27/2020

Agenda Item No. or Topic

5B Land Development Code

Comments

I know that the chapter 7 Natural Resources of the Code will be discussed at your November 9th meeting, but it's never too early to address our great Estero River in the context of land development. As you know, the Estero River is considered a "special water" - a designation that should result in a clean and properly flowing river. And yet, it is impaired by bacteria! That is a disgrace! We know that some of the bacteria is from human waste - the chemicals in the bacteria prove this. Also, the river is restricted by sediment which hampers storm water flow, which results in flooding. So, when reviewing a land development project, the Estero River should always be an important part of the review. Ground water containment, storm water flow and sewage concerns need to be reviewed for each project.

Beyond this, medium to large projects should be assessed a fee to be used by the village specifically to clean up the bacteria in the river, and to remove sediment as needed to keep the river flowing effectively.

Thank you for your efforts in this area. Bob Dion

Notes

PUBLIC COMMENT CARD : Entry # 15138

Choose The Meeting You Are Commenting On

Planning and Zoning Board Meeting

Name

Mary Shively

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ESTERO 33928

United States

[Map It](#)

Community

THE CASCADES AT ESTERO

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maryjshively@gmail.com

Phone

(239) 992-8853

Representing

ourselves

Date

11/13/2020

Agenda Item No. or Topic

Land use

Comments

PUBLIC COMMENT CARD : Entry # 15138

We need more natural land for preserves for the animals, clean water and air, etc.

We fear that Estero has already become OVER-BUILT and OVER-COMMERCIALIZED.

Please stop all the multi-family building and unneeded commercial buildings.

Let's utilize the vacant properties even if they require remodeling. Would like our comments

shared with all (4) meetings, village council, design review, planning & zoning and the land

development meetings. Realize that stopping restricts the flow of MONEY which is

fundamental to all those involved. Please, please calm things down for the sake of future

generations. There are other communities wherein to build. Thank you Village of Estero.

Notes**Admin Notification (ID: 5e70ca9c71a8d)**

added November 13, 2020 at 12:27 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 15251

Choose The Meeting You Are Commenting On

Village Council Meeting

Name

Bill Prysi

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1015 Shaddelee Lane East
Fort Myers 33919
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[Map It](#)

Community

Lee County

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BillPrysi@HMeng.com

Phone

(238) 985-1225

Representing

LA Profession

Date

11/18/2020

Agenda Item No. or Topic

Land Development Code

Comments

PUBLIC COMMENT CARD : Entry # 15251

I wish I could be in person today to address Council, however I cannot due to the need to be quarantined for 5 more days.

With respect to the LDC Draft recently made available, there has not been much time for anyone to really assess the document as a whole. I am a bit dismayed that there hasn't been a prior workshop on the matter to give the relevant industries a chance to weigh in either. Therefore, I have concentrated on the Architecture and Landscape standards drafted in Section 5.

I am pleased to see the progression of Architectural standards that are consistent with the historic application of the standards sought and applied over the past 20 years. The Architectural standards do a good job in describing what features constitute each style without prescribing those standards into a checklist. That would be wrong and should be avoided. There needs to be a clear purpose defined in what elements constitute the language of each architectural style without limiting them to their individual parts. Supporting the styles with graphics is good, using a checklist is not the way to go. Glad to see this isn't in the works.. The Design Review Board populated with licensed professionals will be able to use these referential guidelines to determine whether an application meets the intent of a given style. The only problem with style definitions in this draft is that they are not complete nor consistent between style. I'd recommend that you employ a professional that knows the differences to the degree that these can all be wrote completely and holistically. This is a great start, but is not complete.

With respect to the landscape section I wish I could provide the same positive feedback. In summary, the landscape section in this draft is merely a regurgitation of the Lee County LDC with pieces of the Estero Community plan -Chapter 33 sprinkled in that in places actually regress to the County's code. It's that bad! There is nothing in this draft that takes the 20 years of progress Estero has made in bringing forth sensible landscape design in the development arena. Again, this draft actually sets it backward by not progressing either the appropriate intent or defining the correct standards. There is no definition of purpose that translates the need to integrate landscape design in conjunction with the architectural or site design standards. This code treats landscaping as a mask instead of a working integral part of development. It also does not apply any direction in which the Design Review Board can refer to with respect to place defining, architectural integration, the buffering between incompatible uses. It reads like someone who has never applied a landscape code before, certainly not one with a professional review board as a supplement. The are conflicts in the standards that actually thwart design opportunities. These are written in ways that truly do not understand their application. You can't apply setback standards upon elements that vary as widely as plant material. You cannot treat plant materials like concrete block. They vary and can be used in a variety of application that render some of the standard noted in the landscape code as both unnecessary and harmful top their purpose. Please hire someone that actually knows how to apply the standards that are being written. This landscape code sets Estero back to pre-2001 where it should be advancing the Village into the future.

With respect to the pedestrian and vehicular connectivity standards, there is much failure here as well. The standards and requirements are not defined in a manner that forwards the needs to integrate pedestrian activity into every project in the Village. The vehicular standards conflict in their application. Graphics in this section are scant and poorly conceived.

Being that the appendices just came out yesterday, I'm not sure how anyone would have a had a chance to digest these against the code in which they're referenced. I hope Village Council will have the wisdom to look at this code in greater detail and not to rush it through due to poor planning against time constraints!

Notes**Admin Notification (ID: 5e70ca9c71a8d)**

added November 18, 2020 at 9:17 am

WordPress successfully passed the notification email to the sending server.

Land Development Code Public Comment : Entry # 14211

Name

Mike Hughes

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(239) 877-7592

Representing

self

Date

10/15/2020

Comments

I believe we need slower growth with less density to avoid even worse traffic issues.

Notes



Admin Notification (ID: 5e70ca9c71a8d)

added October 15, 2020 at 12:57 pm

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Admin Notification (ID: 5e70ca9c71a8d)

added October 17, 2020 at 6:34 pm

WordPress successfully passed the notification email to the sending server.

**Land Development Code Public Comment : Entry #
15156**

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Date

11/18/2020

Comments

Land Development Code Public Comment : Entry # 15156

Land Development Code comments:

General Standards for Off-Street Parking and Loading Areas

Surfacing227

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.

There is no mention of Turfblock. This is a great alternative to hard services and serves the purpose for parking or emergency ingress/egress

Minimum Number of Off-Street Parking Spaces

There is no mention of Government Offices in this section

SITE GRADING AND SURFACE WATER MANAGEMENT STANDARDS FOR SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS

SW Lee County, including Estero, have a "Sheet flow" issue. The Lee county planners seem to only be concerned with the immediate parcel or property. We can do better in Estero and look at the "big picture" and how "sheet flow" affects surrounding properties.

SURFACE WATER MANAGEMENT

SW Lee County, including Estero, have a "Sheet flow" issue. The Lee county planners seem to only be concerned with the immediate parcel or property. We can do better in Estero and look at the "big picture" and how "sheet flow" affects surrounding properties.

Notes



Admin Notification (ID: 5e70ca9c71a8d)

added November 15, 2020 at 6:19 pm

WordPress successfully passed the notification email to the sending server.

Tamara Duran

From: Mary Gibbs
Sent: Monday, November 16, 2020 7:53 AM
To: Tamara Duran
Subject: FW: Estero Land Development Code Review - Comments

Are you keeping a file of comments?

From: Jim Wallace [mailto:jimwallace.genova@outlook.com]
Sent: Friday, November 13, 2020 6:41 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Cc: Barry Jones <jones@estero-fl.gov>; Barry Freedman <bfreedman9@gmail.com>; William Glass <glass@estero-fl.gov>; Michael Sheeley <Sheeley@estero-fl.gov>; Jim Wallace <jimwallace.genova@outlook.com>
Subject: Estero Land Development Code Review - Comments

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

MARY;

As requested following are my comments on the Review Draft of the Estero Land development Code:

CHAPTER THREE

General:

Requests for deviations should always be allowed. Approval of all deviations should be based on a combination of criteria (1) the degree of necessity for the deviation in executing the concept of the development and (2) the resulting direct public benefit, if any, of the deviation and (3) the public benefit of on-site and off-site incentives offered to VOE as an inducement to approve the deviation.

Commentary Chapter 3: Zoning Districts – needs to be consistent with 3-304 recognizing multi-family (RM-2) as separate from 3-303 single-family (RSF).

Section 3-3 – should read “...establishes 4 conventional residential districts: a residential single-family district, a residential multi-family district, a mobile...”

Section 3-303 A. Purpose states “...accommodate primarily single-family detached dwellings...”.

What about duplexes (currently included only in RM-2 but previously included with single-family)?

What about zero-lot-line (which don't meet setback criteria)?

Section 3-304 A. Purpose states "...the RM-2 district not be applied to any additional lands in the Village."

This seems to prohibit new RM-2 developments (like Rapallo, Genova, etc.)...is that what was intended?

Section 3-305 A. Purpose states "the MH district not to be applied to any additional lands in the Village."

This seems to prohibit new MH developments (like Corkscrew Woodlands, etc.)...is that what was intended?

General comment – If 3-304 and 3-305 prohibit further development of multi-family RM-2 and mobile home MH, it creates a clear priority for single-family (RSF) at a maximum density of 5.8 units/acre...inconsistent with Estero's vision/goal of replacing the oversupply of commercial zoning with high density residential.

Section 3-4 Commercial Districts Note (1): current "30 ft. setback when adjacent to residential" does not consider the shadow impact of taller buildings (up to 75 ft). It should be changed to read "30 ft. or 120% of the height of the building, whichever is greater".

Section 3-703 A. Purpose states

Section 3-703 A. Purpose 7th line: How can VOE possibly measure "adverse social impact" (impractical and arbitrary).

Section 3-703 A. Purpose 10th line: Currently states "...permanent, year-round residential units". Seems to restrict the sale or use of dwellings to only year-round residents. Is that what we intended? Is it legal? Think the answer to both is "No!"

Table 3-703.D.1.A Maximum Gross Nonresidential Floor Area Allowed in RPD – This severely restricts developer's creativity integrating neighborhood mixed-use...one of VOE comprehensive plan goals. Should be increased to up to 5,000 sq ft in 100 units, up to 10,000 sq ft in 101-300 units, up to 15,000 sq ft in 301-600 units and up to 20,000 sq ft in 601-1200 units.

Section 3-706 A. Purpose 3rd paragraph states "...expectation that development quality will surpass what is otherwise achievable." What is the established standard of development quality by which VOW will evaluate this? It should not be arbitrary.

Table 3-706.D.13: transitional mixed use Density. Why is horizontal mixed-use density 10-14 units/acre but vertical mixed-use is 16-20 unit/acre. This makes no sense and only restricts the planner's and developers creativity. Both should be 10-20 units/acre.

Section 3-707-B-5. Street Design 5th line should read "...landscaped medians, two-way streets and undulating streets help to achieve...". Even minor undulation calms traffic and increased visual interest for pedestrians and drivers.

Section 3-707-B-6. Lots and Blocks. Due to the substantial benefits reaped from "alley-loaded" design in achieving VOE's Village Center goals I highly recommend "alley-loaded" design be much more prominently recognized as a highly-desirable land planning feature and valuable incentive to VOE.

Table 3-707.F: Maximum Building Height – Increasing Tier 2 maximum base building height (without incentives) is unnecessary and counter-productive. Recommend Tier 2 be 45 ft. base and 55 ft. with incentives and Tiers 3 and 4 should be 55 ft. base and 75 ft with incentives.

Section 3-707.H (2)(c): Sites Smaller Than 10 Acres: As currently stated "Connecting streets shall be constructed during the initial development phase" is well-intentioned but it does not consider the "real world" implications of building on infill parcels or the damage by construction vehicles to finished streets, particularly paver-stone streets, adding undue cost without benefit. This issue is better left to Fire Rescue and their requirements.

Section 3-707-H (2): Block perimeters limited to 1600 sq. ft. may makes sense in grid-design compact neighborhoods but is generally too restrictive...example – Genova would not meet this criteria.

Section 3-707.L (3)(a): A maximum setback of "not greater than 120 ft. is nor very urban". Recommend it be limited to 100% of the building height...or by deviation.

Section 3-707.N (1)(a)(2): The Tier 2 restriction of 2.5% of the total land area is over restrictive and limits the planner's and developer's creativity...contradicting the VOE goal of encouraging mixed-use, interconnectivity and walkable communities...this restriction does the opposite...highly recommend a workable limit of 6%.

Section 3-707-R-5 D, E and G: Based on the survey conducted by VOE of Estero residents and their high priority for landscaping and public greenspace, these incentives should be weighted "High Value".

Section 3-707-R-6: For clarity of interpretation it should read "All of the Tier 1 incentives plus:"

Section 3-707-R-7: For clarity of interpretation it should read “All of the Tier 1 and Tier 2 incentives plus:”

Section 3-707-R-8: For clarity of interpretation it should read “all of the Tier 1, Tier 2 and Tier 3 incentives plus:”

Figure 3-707.T1 Connecting Streets and T2 Connectivity Street Patterns: What is shown resembles Tier 4 grid-pattern compact design...not anticipated to be often used...if we believe in the desirability of undulating streets as a calming device we should show it in our illustrations.

Figure 3-707.T3 Cross section of Connecting streets: Drawing is incorrect...totally misrepresents streetscape which can be built in Estero....canopy trees cannot be planted within the utility easements...misleads planners and developers...if we want street-side canopy trees show them correctly in large tree pots.

Figure 3-803.D Road Corners: Drawing totally misrepresents what can be built in Estero...design does not provide for sidewalks or utility easements...of special note - canopy trees cannot be planted roadside with the utility easement. This gives planners the exact opposite impression of what is permitted...drawing needs to be replaced.

Table 3-803.E: Do we really want “zero” setbacks on an arterial road/hurricane evacuation route?

CHAPTER FOUR

Section 4-117-C: Too restrictive...a live/work retail premises may be open 10 hours a day/7 days a week, often employing staff on part-time “shifts”. I recommend changing to one non-resident employee per 160 sq. ft. of non-residential space. Example – a 2,000 sq. ft. live/work with 800 sq. ft. of non-residential space could have 5 part-time employees, each working 25-30 hours/week...very practical.

Section 4-303-D-3: Extremely restrictive...makes no sense. This would be a significant deterrent for attracting good developers. Developers typically need one model per floor plan offered for sale...example – Rapallo had 14 furnished models...since these models are within the community there should be no restrictions on the number of models.

Section 4-303-D-6: Not realistic. First, since gross square footage includes garages, lanais and pool decks the calculation should be based on air-conditioned sq. ft. Second, since most visitors to a development typically tour several models, it should not be a pro-rata square

footage calculation. A realistic number would be one parking space per 500 air-conditioned sq. ft. of the first model, plus an additional one parking space per 1,000 sq ft of additional models...example – a development with 10 models averaging 1800 A/c sq. ft. would require 21 parking spaces plus handicap...more than enough.

That's it...I've left the rest to my licensed professional colleagues on the board.
Hope this is helpful.

JIM

Mary Gibbs

From: Bill Pysi <BillPysi@hmeng.com>
Sent: Wednesday, November 18, 2020 5:01 PM
To: Mary Gibbs
Cc: nobel@estero-fl.gov; sarcozy@estero-fl.gov; Nick Batos; Joe McHarris; Albert O'Donnell; William Ribble
Subject: Current LDC

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Mary Gibbs, FAICP
Community Development Director
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Office: 239.221.5036
Email: gibbs@estero-fl.gov

RE: Land Development Code Review

Dear Mary

Below are some collective comments from a few LAs I've entrusted along with Al O'Donnell and Joe McHarris whom you know well and have had a lot of experience with the LDC and Estero Community Plan. I would like to be present at tonight's DRB to speak to the matter, but I'm in a situation where I cannot. I'm in quarantine for a few more days...

General (Based solely on the information thus far made pertinent):

- There is a basic lack of both functioning the DRB into the code compliance process for Applicant to be made aware and the language is prescriptive in places that defeats their purpose.
- The use of phrases like "strongly encouraged" and "maximum extent possible" are meaningless words in a codified document. They're wasted text and space unless formulated in their purpose.
- The document lacks representative graphics and design samplings to describe intent or to illustrate required standards. A more in-depth effort needs to be made on creating representative diagrams. Typical Planner cut & paste should be avoided.
- In many cases where specificity of materials is noted, they are either obsolete or not appropriate to the conditions of SW Florida.
- There are some great passages that define purpose and intent and there are other cases where it is absent altogether.
- The steps taken to broaden the definition and required standards for Architecture are great, they just lack continuity and contain statements that are not factual. Matrices should be provided for all styles noted to give both the Applicant and DRB the necessary formation to have the appropriate dialogue to assure objectivity.

Landscape Section

- The absence of defining how landscape design is necessary to address the adopted architectural and site standards is conspicuously missing as are the standards to make that work!
- The Code reads like a regurgitation of the Lee County LDC and former Chapter 33 - Estero Community Plan. There are even instances where the Community Plan standards revert to the County's!
- The standards presented do not take the Village vision and move it forward in the direction Estero has been taking over the course of the past 20 years, some standards predates this document to 2001.
- Buffer Standards are written to provide a mask over roadways against commercial development defeating the purpose of architectural and setback standards. "Buffers" should be applied when incompatible uses are presented and a differentiation between those uses is necessary. "Performance or Design" standards should prevail when developmental elements are applied in a variety of situations to integrate those elements with each other and the community. Roadways needs to be defined as roadways, not 'public' roadway with relationship to buffers.
- How does Appendix F apply against the standards referenced?
- Exotic Species treatments and standards described are archaic. There are many other problematic exotics and the resurgence of exotics throughout the community remains a problem that code is not addressing!
- Plant separation requirements against buildings, lighting, walks and hardscape conflict with each, will create aesthetic nightmares in application, and do not consider thee variation in plant materials that would render the standards meaningless. Poorly conceived.
- Tree removal standards are scant with details and are attempting to bring back a notion of control that denounced by the community in the past. The requirements are addressing the materials, not the problems associated with their mismanagement. Very poorly written.
- Street Tree Standards are noted in title, but nothing is written to address the matter. There are inherent issues with streettrees, utilities, easements, and homes throughout the Village and this document is silent in addressing them. The issue resides in site development standards and the requirements associated with utility applications in proximity to streettree applications. This really needs to be addressed in the site utility standards. A win-win is there!
- The "Alternate Landscape Betterment Plan" should NOT under any circumstances, require a more stringent native requirements than code minimum. Requiring 100% is self-defeating. This is already underway to be changed in Lee County.
- The "Building Perimeter" standards regurgitate Lee County and will be problematic if the noted separation standards are applied. These have not been thought out. Plants are not concrete blocks, they do very in application, impact, and effect.
- Stormwater Management standards regurgitate Lee County, do not introduce requirements for low impact applications and regrade to Lee County in terms of treating detention basin. This area has not been properly addressed.
- Section 5-407.E is meaningless. There are several passages like this in the draft. They're meaningless without the corresponding intent or relationships to purpose. If you do this, you will give the DRB more objectivity and basis in which to drive applicants to better approved projects. Otherwise, they're just words on paper with no meaning.
- Open space standards are polluted with meaningless terms like "encouraged." Lee County standards are being refenced conflicting with those of the Village.
- Bulkhead standards do not relate to urban situations where mixed use development would be designed. They are silent to urban applications.
- Vehicular Use Area requirements revert to pre-Community Plan Lee County standards. Poorly addressed. The proposed parking lot exhibit (Figure 5-409.C) poorly represents the intent

behind pedestrian needs and civic spaces. Who came up with that??? Exhibits should reflect requirements, at the very least!

At this point, I've decided not to continue my assessment of the landscape standards or to even get fully into the Site, Lighting, and Architectural standards for the list goes on. The Architectural standards are really good, but incomplete. Same for the Site Development standards, good but incomplete. I haven't looked at signs, but I'm sure that issue alone will keep you busy enough. My only hope there is that we address monument sign design and how they relate to buffers and setbacks. The rest is all yours! I would like to be more proactive in this with you and your staff, but only if desired to be. From a professional standpoint, I will be vocal to combat the failed policies of Lee County in this document. I really hope this document will be better conceived to foster the Village's long term vision to be better than the norm.

Sincerely

Bill Pysi, PLA, ASLA

ESTERO LAND DEVELOPMENT CODE Comments by Jim Wallace

#5 – 202.B.1 – Replace word “additional” with “sufficient...”

#5 – 202.B.2 – Replace word “additional” with “sufficient...”

#5 – 204.A.2 - Replace word “smooth” with “continuous” (brick and pavers are not smooth).

#5- 204.A.3.A.1 (A) III - Change “35 feet” to 30 feet” (35 ft is too wide)

#5- 204.A.3.A.1 (C) - Change word “Director” to “Village of Estero DRB”

#5 – 204.A.3.A.3 – Should read “...also serving as garage drive-ways of single-family homes, two-family dwellings or low-rise multi-family dwellings of 10 units or less...”

#5 - 204.A.3.A.4 – Should read “...serving as garage drive-ways of single-family homes, two-family dwellings or low-rise multi-family dwellings of 10 units or less...”

#5 – 204.A.3.B. – Should read “...also serving as garage drive-ways of single-family homes, two-family dwellings or low-rise multi-family dwellings of 10 units or less...”

#5 – 204.A.4.A – Last line replace word “pavement’ with “street surface”.

#5 – 204.A.5 – Replace “asphalt paving” with “street surface”.

#5-204.B.1.B – Under “Assisted Living Facility” should be 0.80/unit (40% of multi-family resident).

#5-204.B.1.B – Under “Brew Pub” change to “....16/1000 sf seating” (75% of Bar)

#5- 204.B.3. – Last line should read “...for all individual uses in proportion to each use.”

#5 – 204.B.5.B – Unrealistic ...this over taxes small development. Minimum should be 60 parking spaces (i.e. a small strip mall).

...CONTINUED FROM PAGE 1

#5 – 204.C.1 - Column D - “Aisle width” parking angle for 45° should read “16 ft” and 30° should read “14 ft”.

#5 – 205.A.2 – Insufficient – Replace word/quantity “four” with “ten”.

#5 - 205.F.1.A - Should read “...deliveries are only received...”

#5 - 205.F.3 – Too restrictive – should read “...minimum depth of 24 feet”

#5 -301. Purpose – Second Line is over-reaching – Delete “...the maximum extent possible”

#5 - 304.A.1.A.1 – Second line should read “two-family or low-rise multi-family residential of 10 units or less...”

#5 - 304.A.1.A.3 – Should read “two-family or low-rise multi-family residential of 10 units or less...”

#5 - 304.A.1.D – Fifth Line should read “(for example “a high-density, multi-family...”

#5 – 304.A.4.C - Should read “residential development of more than ten acres...”

#5 – 304.B.1.C – First line - Delete “for development”

Figure 5 – 304.B.3: Cross-Access Between...under adjoining – a stub appears to be missing in top left corner.

#5- 305.A.1 – Should read “...development of one single-family dwelling or one-two-family building or one low-rise multi-family building.”

#5 - 305.A.2.E.3 – Too Vague ...define “street trees” and “behind the sidewalk”

#5 - 305.B.1.B – Should read “...a cross-access agreement with the landowners of the adjoining lot...”

#5 - 306.A.2.A – Delete “multi-family” – it’s not practical to mandate this

CONTINUED FROM PAGE 2

#5 - 306.A.2.B – Ridiculous to mandate this ...encourage use as an incentive to VOE but should not be mandatory.

#5 - 306.A.2.D – Unrealistic ... delete completely

#5 – 306.B.2 – Should read “...cross-access agreement with the landowners of the adjoining parcels....”

#5 – 307.A.2.B. – Unrealistic ... delete completely

Figure #5 – 408.G – Open space – drawing not representative...canopy trees cannot be planted next to roads due to roadside utility easements.

#5 – 408.H.1 – Delete (replaced by 3. And 4.)

Figure #5 – 411.C.2 – Hard to understand – redraw or improve call-out notations.

December 14, 2020

Mary Gibbs
Director of Community Development
Village of Estero

Ms. Gibbs:

I am writing on behalf of staff at Waldrop Engineering to comment on the draft of the new Land Development Code for the Village of Estero. We have been monitoring your progress and would like to say congratulations on a difficult scope of work.

Our landscape and planning teams have been highly interested in the new code. We appreciate the simplicity and further codification of the Village's vision and Comprehensive Plan. We intend to continue to work in Estero for a long time and have been invested through public and private efforts for more than 10 years. While the code is a great improvement, we think it could be even better. Outlined herein are some concerns with the landscaping section and sign code and suggestions that we hope can be considered for improvements.

1. We are not objecting to larger tree requirements but ask Council and Staff to look practically at availability for the vegetation required. Vegetation that meets the new code requirements will be very limited in supply which will be particularly difficult for larger development that will need hundreds of such plants and trees. The result will be requests for deviations and unnecessary expenses for the developer or the outright lack of available vegetation that meets code. After speaking with prominent local landscape contractors, we suggest realistic specs for the code minimum tree to be 12' overall height, 4' spread, and 2.5" caliper, which is the typical 45-gallon container nursery stock specification. Next size up would be 65-gallon container, 14' overall height, 6' spread, 3" caliper.
2. Light poles and trees/palms with 15 feet of minimum separation is a difficult requirement. Lee and Collier Counties currently require 12.5' minimum separation, which is often very challenging to achieve. Another 2.5' does not seem significant but depending on the photometric requirements of a specific site, combined with the VUA trees and buffer trees, this may be very difficult to achieve.
3. Some of these trees/plants do not grow in and are not found in South Florida and should not be considered for planting in Estero.
4. Some of the recommended shade trees are marginal to be considered for shade as their size is not conducive for providing shade of any significant measurable quantity. Perhaps the term 'shade tree' needs to be defined by applicable use (i.e, is the shade intended for a large parking lot, or for a small public sitting area?) The ambiguity of the application, relative to such a broadly general list of recommended shade trees, has always been problematic for designers and reviewers to agree / collaborate on. Additionally, many of the species on this list are there because of the maximum size specs found in publications, articles, periodicals, etc., but in reality, most designers and arborist would not consider them to be *shade trees*, either because of their size, their form or habit, or their growth rate, etc., or because of *practicality* for providing shade (flowering or fruiting, weak wooded, preferred habitat, etc.)
5. Why aren't there photos of all the trees and plants? If you are going to incorporate imagery, we suggest being consistent. Many of the photos are of poor quality, and/or are not representative of major characteristics of the species.

6. There are only 12 species listed on the 'recommended ornamental tree list'. Some of them should not be recommended, and there are others not included that certainly should be. We would be happy to provide specific feedback.
7. The palms section is adequate, but it could use some cleaning up. For example, *Traveler's Palm* is not a palm, it is a monocotyledonous flowering plant, similar to a banana tree.
8. With the many hundreds of different species of shrub and groundcover plants available and appropriate for planting in Estero, why is this list limited to the selections included? There are only 56 shrubs listed, 17 groundcovers, and only 3 vines. The section leaves us to ask, '**Why are the plants on this list 'recommended' for Estero?**' The list does not specifically recommend code buffer planting species. It is not broken down by size (small, medium, large, etc.). It does, however, include shrubs and groundcovers of all different shapes, sizes, appearances, maintenance needs, natives and non-natives, some North Florida only species, etc....just no clear reasoning to this list. Many of the plants listed should be considered as accents and others want to become trees, but we prune them as shrubs year after year, which eventually creates maintenance and / or health issues. Again, the question, '**why are the plants on this list 'recommended' for Estero?**'
9. The 'recommended grasses' list includes water lily, arrowhead, and arrowroot are all littorals or purely water-loving plants. It might be appropriate to be on a separate list.

Overall, we see an opportunity for the Village of Estero to stand apart from other municipalities that incorporate a 'recommended' list of trees and plants that is regurgitated from other LDCs, and with little specific consideration for hardiness zones, selection appropriateness, or what the Village of Estero should actually look like. The Village's citizens, government, developers, and design consultants deserve a more specific and detailed tool to utilize for this very important aspect of the Village's vision and future growth. Why start out with something that has so many questions and concerns, when we have an opportunity to set the standard for this type of land development instrument, and to lead the way for other communities?

Finally, we ask Council to consider lessening the sign setback requirement of 15 feet and height limitation of 6 feet. The sign setback is consistently requested for variances or deviations because of conflict with visibility due to the embedding of the sign within the extensive buffer requirements. For a typical Type "D" 20-foot right-of-way buffer the sign is engulfed within the buffer and the significant planting requirements make it difficult to provide visibility and way finding for monument signs. Perhaps consider allowing administrative deviations or a 5-foot or 10-foot setback and eliminate unnecessary variances.

We ask that this letter be read into the public comment portion of the upcoming Planning & Zoning Board and Council hearings and be considered by staff. Thank you for your time, attention, and efforts.

Sincerely,

WALDROP ENGINEERING, P.A.



Fred Drovdic, AICP
Principle Planner / Senior Project Manager

**Land Development Code Public Comment : Entry #
15828****Name**

Scott Stryker

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Community

Bella Terra

Emailscottpstryker@gmail.com**Phone**

(908) 872-4841

Representing

Self

Date

12/10/2020

Comments

The more bike paths the better. Please make Estero the best bikable and walkable community in the USA where residents and safely travel to and from all of the different communities, businesses, parks and shops via a separated multiuse path. Thank you.

Notes**Admin Notification (ID: 5e70ca9c71a8d)**

added December 10, 2020 at 2:13 pm

WordPress successfully passed the notification email to the sending server.